

Dear Governor Hochul, Senator Hoylman-Sigal, and Attorney General James,

First, thank you very much for your support of New York's Child Victims Act (CVA), and specifically now for your attention to my situation as a plaintiff filing suit under the CVA.

In October 2019, I filed a lawsuit under the CVA to address the sexual abuse I faced as a young paperboy. Abuse at the hands of a Gannett/Democrat & Chronicle management employee when I worked for the newspaper and for Gannett, its owner and publisher, in the early 1980s in Rochester, NY.

(The index number for my case in the [NYS system](#) is #E2019009790.)

Since that time, eight other men have filed similar suits. Each recounted their own devastating experiences with that same management employee, a known child abuser when Gannett hired him to oversee young paperboys.

I write today – now some 1,234 days later from the date I filed – as Gannett continues its practice of delaying justice for each of our lawsuits.

Gannett's latest legal gambit is an attempt to have the New York Workers Compensation Board handle our complaints, rather than through the Child Victims Act, its rightful path, which you worked so hard to enact as legislation.

Each of our cases are now "stayed" in Judge Chimes' court (Western NY) under direction written by Gannett and agreed upon by the judge. This direction requires that somehow the NYS Workers Compensation Board must now consider each case. However, neither the judge nor anyone else has provided a process or a timeline for this review to happen. Nor is there any existing or relevant intake process for such review by the Workers Compensation Board. Therefore, I, and each plaintiff, have no path forward.

Further, Gannett is claiming that each plaintiff and I should have filed a Workers comp claim, each time their employee sexually abused us. Each instance. Every instance. [Gannett's lawyers even describe the process of making a workers comp claim as a "simple online process"](#) in their submissions to the judge.

Stepping back for a moment, in 1982 and 1983 – when I was abused by that Gannett management employee Jack Lazeroff (now deceased) – I was 11 and 12 years old and would have no way of filing a claim due to, well, being a child. Nor was I ever made aware as a paperboy that I had the opportunity to file a Workers comp claim. Moreover, of course, there were no simple online claim processes then, as the internet did not exist.

Additionally, Gannett management employee Lazeroff sexually abused me in my house, and in his company car, about 100 times over the course of my work as a paperboy. This means I would have had to file about 100 claims, another impossibility at my age then.

It seems – upon a layman's read of the Child Victims Act – that such a review, as currently requested by Gannett attorneys, is not even permitted. Particularly of note, CPLR 214-g unambiguously provides that:

*Every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age... which is barred as of the effective date of this section because the applicable period of limitation has expired... is hereby revived...* (emphasis added).

The legislative intent of CPLR 214-g is clear in that it did not carve out an exception for the Workers Compensation Law; if this was the intent then the Legislature would have clearly and unambiguously inserted that exception. It did not.

Gannett should not be provided an infinite clock as they have had thus far to have this case considered. Enabling and encouraging delay is fatal to the vindication of the law.

Already Gannett took nearly three years to depose me; after significant delay and spread out over almost a year, provided over 30,000 pages of irrelevant and useless documentation for my attorneys to dig through for review; and has yet to provide the relevant information requested. They even took eight months to indicate their proper corporate name when I first filed my case.

As you know, and as NY Courts have upheld, the CVA was enacted to reduce barriers faced by survivors of sexual abuse to come forward with their claims.

Moreover, as NY Courts have acknowledged, and you likely know, due to mental and emotional injuries child sexual abuse survivors often cannot disclose their abuse until later in life when the statute of limitations on their claim has already run.

CVA enactment in New York was to remedy such injustice and the legislation includes language that the remedy should be timely. None of which is being followed in our cases.

Therefore, I write to seek your help and guidance here so that a judge and jury can consider each of our cases, what is Gannett's role and responsibility, and provide the justice we seek. If necessary, I also seek your guidance and help in proposing remedial legislation that would remove this manufactured roadblock for each of us, and for any similar CVA or other cases in the future.

As I sit here today, I feel the CVA very likely saved my life. Further, I believe the CVA forever changed the lives of my young family, as their Dad is still there for them. I had been so very close to suicide [after I first went to Gannett with my claims – prior to CVA passage – and they brushed them under the rug.](#)

Since its passage, my life has changed for the better. I have found some peace and some healing for the little boy inside me in the ability to speak my truth and to hold Gannett accountable for letting that monster into my house and my world.

Through this process, I have tried anything I can think of to most fully find that peace. I have spoken to reporters, filed a police report intimately describing the abuse and Lazeroff, and spent years now fighting this legal battle. I have even tried to advocate for other victims, exchanging messages with elected officials in other states regarding the critical nature of the passage of CVA-like legislation, and including by [publishing this opinion piece in the Buffalo News](#), urging other victims to consider coming forward.

All the while Gannett has thrown up legal gambit after legal gambit, delay after delay, roadblock after roadblock, and years have gone by. Ongoing delays which are counter to the expedient intent of the CVA; have created more and more expense for NY taxpayers; and which continue to have a dramatic negative impact on plaintiffs' emotional and physical well-being.

At the same time, Gannett regularly publishes investigative news articles lamenting other institutional enablers of abuse, such as the Catholic Church, the Boy Scouts, USA Gymnastics, etc, and the delays each of those defendants has pursued in trying to run out clocks and lives. Shamefully, and causing even more pain, Gannett seemingly profits from each of these articles while knowingly turning a blind eye – and committing significant resources – to deny justice for each of our claims.

Where is the accountability – which the CVA clearly demands – for Gannett?

After more than three years, where is the justice for each plaintiff, for the little 11-year-old boy inside me, here? It is long past time that a judge and jury fully hear evidence in our cases for a rendering and determination of the merits of each case.

I beg of you to provide insight into how to move these cases forward toward a conclusion – from the purgatory they are currently in, most recently extended because of Gannett's Worker's comp ploy. I beg of you to help us receive the justice called for in your Child Victims Act.

Thank you each for your attention and consideration here. It is very meaningful.

Sincerely,

Rick