



DIOCESE OF SAGINAW

A COMPLETE ACCOUNTING

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ATTORNEY GENERAL
JUNE 25, 2026**

This report is for informational purposes only. It is a compilation of excerpts from the information obtained from the tipline, victim interviews, police investigations, open-source media, paper documents seized from the Diocese of Saginaw, and the electronic documents found on the diocesan computers, as well as reports of allegations disclosed by the Diocese.

This report contains detailed descriptions of allegations of sexual abuse or assault and other sexual misconduct (including grooming and misuse of authority), by priests or deacons who are current or former clergy for the Diocese of Saginaw, as well as priests or deacons from other religious orders who were working temporarily within the Diocese of Saginaw, that occurred in the Diocese. The Diocese of Saginaw was established on February 26, 1938. Should you need assistance, please call VOICES4.

A criminal charge is merely an allegation, and a defendant is presumed innocent unless and until proven guilty.

TABLE OF CONTENTS

TABLE OF CONTENTS.....	iii
SUMMARY.....	1
(1) FR. REMBERT BADARZYNSKI, O.F.M.	8
(2) FR. STANISLAUS ALBERT BUR (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	10
(3) FR. ARTHUR COONEY, O.F.M. CAP (ON THE DIOCESE OF SAGINAW AND ARCHDIOCESE OF DETROIT CREDIBLY-ACCUSED CLERGY LISTS, THE CAPUCHIN FRANCISCAN PROVINCE OF ST. JOSEPH LIST OF FRIARS WITH SUBSTANTIATED ACCUSATIONS.)	33
(4) FR. ROBERT J. DELAND, JR. (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	37
(5) FR. RONALD J. DOMBROWSKI (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	64
(6) MSGR. EUGENE ANTHONY FORBES	74
(7) FR. MAX VERNON JOSEPH FREGO (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	78
(8) FR. CAMILLUS FRIGO, O.PRAEM (NORBERTINE) (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST AND ST. NORBERT ABBEY CREDIBLE ACCUSATION OF SEXUAL ABUSE OF A MINOR LIST.).....	80
(9) FR. JAMES FRANCIS GAVIT.....	85
(10) FR. JOHN (“JACK”) F. GENTNER	91
(11) FR. JOHN (“JACK”) EDWARD HAMMER (ON DIOCESE OF SAGINAW, DIOCESE OF YOUNGSTOWN AND ARCHDIOCESE OF BALTIMORE CREDIBLY-ACCUSED CLERGY LISTS.).....	95
(12) FR. SIGMUND JOHN HAREMSKI	104
(13) FR. DENIS MATTHEW HEAMES.....	108
(14) DEACON RICHARD L. HOWARD, SR. (ON DIOCESE OF SAGINAW NAMES OF CLERGY ACCUSED OF SEXUAL ABUSE OF A MINOR LIST.).....	117

(15) FR. MARTIN IGNATIUS KALAHAR (ON DIOCESE OF SAGINAW LIST OF NAMES OF CLERGY ACCUSED OF SEXUAL ABUSE OF A MINOR.)	122
(16) FR. DALE OVID LABRIE.....	124
(17) FR. JOHN (“JACK”) J. LEIPERT (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST AND DIOCESE OF SUPERIOR ABUSIVE CLERGY LIST.)	125
(18) FR. JAMES ANDREW MARRON, C.S.SP (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	168
(19) FR. RAMON T. MATUSZEWSKI	170
(20) FR. FRANCIS MCHUGH, O. PRAEM (ON THE DIOCESE OF SAGINAW, ARCHDIOCESE OF CHICAGO AND ST. NORBET’S ABBEY’S CREDIBLY-ACCUSED CLERGY LISTS.)	171
(21) FR. JAMES ALOYSIUS MULVEY (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	175
(22) FR. NEIL FRANCIS O’CONNOR (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	177
(23) FR. JANUARY PADLO, O.F.M. (ON ARCHDIOCESE OF MILWAUKEE AND OUR LADY OF GUADALUPE PROVINCE FRANCISCANS LISTS.)	178
(24) FR. RAYMOND JOHN PILARSKI (ON DIOCESE OF SAGINAW AND DIOCESE OF GAYLORD CREDIBLY-ACCUSED CLERGY LISTS.).....	180
(25) FR. RICHARD C. RATAJCZAK	183
(26) FR. TERRENCE ANDREW RAYMOND (ON DIOCESE OF SAGINAW AND DIOCESE OF GAYLORD CREDIBLY-ACCUSED CLERGY LISTS.)	185
(27) FR. JOSEPH W. ROACH.....	187
(28) FR. FREDERICK WILLIAM RYAN.....	189
(29) FR. JOSEPH DALE RYAN	191
(30) FR. THOMAS WILLIAM RYAN (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	195

(31) FR. VERNON J. SIERMINSKI	197
(32) FR. ROBERT GORDON SMITH (ON DIOCESE OF SAGINAW AND DIOCESE OF GAYLORD CREDIBLY-ACCUSED CLERGY LISTS.).....	199
(33) FR. STEPHEN SRAMEK, O.S.B.	207
(34) FR. KENNETH CHARLES STEWART, O.F.M., CAP (ON DIOCESE OF SAGINAW, ARCHDIOCESE OF CHICAGO, CAPUCHIN FRIARS ST. JOSEPH PROVINCE CREDIBLY-ACCUSED CLERGY LISTS.)	209
(35) FR. RICHARD THOMAS SZAFRANSKI (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	212
(36) FR. JOSEPH SZAREK A/K/A FR. JOSEPH SHAR (ON DIOCESE OF SAGINAW AND DIOCESE OF ALBANY CREDIBLY-ACCUSED CLERGY LISTS.)	220
(37) FR. WILLIAM R. TAYLOR.....	229
(38) FR. LEONARD FRANCIS WILKUSKI (ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)	231
A LETTER FROM BISHOP KENNETH UNTENER	250
CONCLUSION.....	252

SUMMARY

On September 21, 2018, the Michigan Department of Attorney General (AG), in partnership with the Michigan State Police (MSP), launched an investigation into clergy sexual abuse throughout the State of Michigan, focusing on the seven dioceses of Michigan's Catholic Church. The archdiocese is located in Detroit. The remaining dioceses are located in Gaylord, Grand Rapids, Kalamazoo, Lansing, Marquette, and Saginaw. One purpose of the investigation was to investigate whether criminal charges could be filed against those who allegedly engaged in potentially criminal conduct or those who failed to comply with a statutory obligation to report conduct involving minors. Another purpose of the investigation was to determine if the archdiocese and the dioceses were complying with their statutory obligation to report sexual abuse of minors, consistent with MCL 722.623 (professionals including teachers and "members of the clergy"). It was intended that the investigation and its results would be documented in written reports to be made available to the public.

This is the sixth of what will eventually be seven separate reports, one regarding each of the seven dioceses. On October 27, 2022, the AG released its report regarding the Diocese of Marquette. On January 8, 2024, the AG released its report regarding the Diocese of Gaylord. On May 22, 2024, the third report was released by the AG, regarding the Diocese of Kalamazoo. On December 16, 2024, the AG released its report regarding the Diocese of Lansing. On December 15, 2025, the AG released its report regarding the Diocese of Grand Rapids. It is our intent to share what was learned during the investigation to ensure that any past failure to report sexual abuse will never happen again.

On October 3, 2018, a search warrant was simultaneously executed on the archdiocese and all six dioceses in order to seize any information and records each diocese had regarding reports of sexual abuse. A search warrant is an order signed by a judge that allows the search and seizure of specified items when probable cause exists to establish that a crime has occurred and that the place sought to be searched is likely to yield the information. The search warrant was executed in tandem with multiple police agencies, which included 42 Michigan State Police detectives and troopers, two Midland police officers, two Saginaw Township police officers, one Grand Blanc police officer, and 15 Special Agents. It lasted eight hours, and more than 220 boxes of documents were seized. In total, an estimated 1.5 million paper documents were seized. At the beginning of the investigation, a tipline was created and staffed from 8:00 am–5:00 pm, Monday through Friday, to collect information on sexual abuse within the church from the community at large. To date, this tipline has generated a total of 1,276 tips throughout the State of Michigan related to alleged abuse. That number is 844-324-3374. We encourage anyone with information related to sexual abuse by a member of the clergy to contact the Department.

In 2019, the Michigan Legislature appropriated \$635,000 to partially fund this investigation. It allotted \$400,000 to electronic document management and \$235,000 for victim advocacy. Electronic document management has cost approximately \$498,717.35 to date.

In June 2002, the United States Catholic Conference of Bishops adopted the “Charter for the Protection of Children and Young People.” In this Charter, the dioceses and eparchies in the United States pledged to protect children from sexual abuse. As one of the principles in Article 5 of the Charter, “Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor – whenever it occurred – which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state.” (Charter, p 11.) Related to this point, “[i]f the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.” (*Id.*) Also, in Article 4, “Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of Penance.” (Charter, p 10.)

Consistent with this Charter, the Diocese of Saginaw has instituted a “safe environment program” to protect children from sexual abuse:

The Diocese of Saginaw is committed to complying with the Charter for the Protection of Children and Young People established by the United States Conference of Catholic Bishops in 2002. The Charter contains a comprehensive set of procedures for addressing allegations of sexual abuse of minors by Catholic clergy. Also included are guidelines for reconciliation, healing, and accountability.¹

At the outset of the investigation, the AG’s office organized a “core group” of Attorney General staff and MSP investigators who would work to ensure that a fair and thorough investigation was conducted into the materials that were seized as a result of a search warrant. The team includes attorneys from the Criminal Justice Bureau, including trial prosecutors and appellate specialists as well as attorneys from Licensing and Regulatory Affairs (LARA), because offenders sometimes would also possess a professional license such as counseling. It was determined that, if appropriate, action would be taken to remove professional licenses in an effort to keep the community safe.

To ensure communication with the dioceses, and at the suggestion of the diocesan lawyers, the core team staff met quarterly with diocesan lawyers to discuss

¹ <https://saginaw.org/office-child-and-youth-protection> (last accessed June 1, 2026).

processes and procedures to streamline the investigation. All seven dioceses have cooperated with the AG's investigation.

In an effort to cooperate with the AG's investigation, in addition to the required reports that they were already providing to local law enforcement, the seven dioceses agreed to provide the AG with reports of possible sexual abuse that they received during the course of the investigation. The Diocese of Saginaw has fully cooperated with the Department in this investigation. As part of that cooperation, the Diocese has forwarded all allegations it has received to the Department since October 3, 2018. Additionally, Department and diocesan representatives met multiple times to discuss the investigation, and the Diocese has provided additional information when requested.

All seven dioceses agreed to allow the AG's office first to conduct a criminal investigation into any reported allegation and wait to conduct any internal investigation until the AG concluded its investigation and determined that it would not file charges. Experience indicates that victims of sexual abuse wait many years before they disclose the abuse to others. In this investigation, victims continue to report sexual abuse to the dioceses and archdiocese. The AG does not wish to interfere in the victims' spiritual relationship with the victims' church or the diocese and encourages victims to cooperate in any subsequent canonical investigation. Finally, if a victim is interested in counseling services, both the Diocese Victim Assistance coordinator (reports to the diocese) and the AG victim advocate (reports to the Department) work to obtain services for the survivor.

To date, the AG has received 221 referrals from the dioceses, including the Diocese of Saginaw. For those reports that involve a priest in active ministry, an investigation is initiated immediately. As noted, the dioceses agreed to give the AG's office appropriate time before they initiated an internal investigation. This time provides the investigators an ability to make contact with the victim, and in some cases the suspect priest. As requested, the Diocese of Saginaw refrained from commencing its investigation until cleared by AG staff.

Law enforcement is required to file criminal charges within a certain amount of time after a crime has been committed, commonly referred to as the statute of limitations (SOL). If the SOL has expired, Michigan law does not permit the AG or local prosecutors to pursue criminal charges. Prior to 2001, the SOL for criminal sexual conduct in the first degree (CSC 1) was six years from the date of offense, or the victim's 18th birthday day. In 2001, the Legislature eliminated the SOL for first-degree criminal sexual conduct (CSC 1), making it possible to bring criminal charges at any time. The crime of CSC 1 can be charged under a number of different theories. The most common theories are when sexual penetration occurred and the victim was under 13 years old, or the victim was forced/coerced into the sexual activity and the victim suffered from personal injury including mental anguish. For cases where the allegations are outside the SOL, the AG team

members interviewed those who were reporting sexual abuse and were willing to discuss their victimization using a trauma-informed interview style. The AG/MSP conducted an investigation if the SOL had not expired, or if the alleged perpetrator appeared to have been outside of Michigan before the SOL expired, which would “stop the clock” for that period of time. Where appropriate, criminal charges were brought. For the vast majority of cases, in all six dioceses and the archdiocese, a criminal prosecution was simply not possible either because the priest who engaged in the sexual abuse of minors was dead, the SOL had expired before a report was made, the conduct did not violate Michigan law, or the person who was allegedly sexually abused by the priest did not wish to pursue criminal charges.

For Saginaw, the investigation yielded 180 tips to the AG tipline. 115 of those were provided directly from the Diocese of Saginaw. Of the 220 boxes of paper documents that were seized from the archdiocese and the six dioceses, 55 boxes containing approximately 137,500 documents were reviewed related to the Diocese of Saginaw. Of the 3.5 million electronic documents seized, 482,953 documents were reviewed related to the Diocese of Saginaw.

Some information contained in this report comes from the website <https://www.bishop-accountability.org/>. It defines itself as follows, and explains the basis for the inclusion of the clergy on its site:

BishopAccountability.org is the largest public library of information on the Catholic clergy abuse crisis. We are a digital collection of documents, survivor witness, investigative reports, and media coverage. We also do basic research on abuser histories and church management, and we maintain definitive databases of persons accused in the United States, Argentina, Chile, and Ireland, with other databases in development.

We are not an advocacy organization, and we take no position on possible remedies for the crisis. We are a library open to everyone looking to understand the problem of clergy abuse of children.

The materials we have collected also provide insight into child protection generally and Catholic history beyond the abuse crisis, and they comprise a unique case study of institutional response to misconduct and demands for change.²

* * *

Our Database of Publicly Accused does not state or imply that individuals facing allegations are guilty of a crime or liable for civil

² <https://www.bishop-accountability.org/> (last accessed June 1, 2026).

claims. The reports contained in the database are merely allegations. The U.S. legal system presumes that a person accused of or charged with a crime is innocent until proven guilty. Similarly, individuals who may be defendants in civil actions are presumed not to be liable for such claims unless a plaintiff proves otherwise. Admissions of guilt or liability are not typically a part of civil or private settlements.³

The list of priests for which there were allegations of sexual misconduct against either children or adults since January 1, 1950, for the Diocese of Saginaw that was established in 1938, is derived from information gleaned from a search warrant that was executed against the Diocese of Saginaw on October 3, 2018, and from the tipline operated by the Department of Attorney General since 2018. There are 38 entries on this list, and of these 37 priests and one deacon, 30 were ordained or incardinated by the Diocese of Saginaw.

The allegations are summarized here, and their inclusion does not reflect a determination by the Department of Attorney General that the allegations are credible or otherwise substantiated or indicative of a crime. The priests and deacon listed here are presumed innocent unless and until they are proven guilty beyond a reasonable doubt.

The majority of reported allegations of sexual abuse or assault or other sexual misconduct (including grooming conduct) were against either boys or girls under the age of 16 and also under the age of 18, but there were also allegations against four priests only related to adults (18 years or older).⁴ The John Jay College research team defined grooming as a premeditated behavior intended to manipulate the potential victim into complying with possible subsequent sexual abuse. This conduct is not by itself illegal under Michigan law and does not alone indicate an individual's likelihood to commit sexual assault. Some of the claims allege actions by priests against adults in which there is a claim that the priests relied on their authority to engage in sexual misconduct or attempt to do so. Not all the files that were retrieved by search warrant are complete, but that does not indicate that the files were altered. Rather, this report reflects the documents that were obtained, in some instances many years after the original documents would have been generated. The information here is a reporting of the allegations either found in the seized, non-privileged documents or gleaned from the tips received. The report does not suggest that the Diocese has additional information that has not been provided.

³ <https://www.bishop-accountability.org/accused/> (last accessed June 1, 2026).

⁴ The canon law of the Catholic Church defines a minor as a child under the age of 18 years old; however, under Michigan law the age of consent is generally 16 years of age under the Criminal Code for criminal sexual conduct.

For the 37 priests and one deacon of whom 30 were incardinated in the Diocese of Saginaw, the Diocese has identified seven diocesan priests and one deacon on its list of “Clergy Accused of Sexual Abuse of a Minor” for which the allegation is “credible” who were permanently removed from ministry: (1) Fr. Stanislaus Bur; (2) Fr. Robert DeLand; (3) Fr. Ronald Dombrowski; (4) Fr. John Hammer; (5) Dcn. Richard Howard (former deacon); (6) Fr. Jack Leipert; (7) Fr. Richard Szafranski; and (8) Fr. Leonard F. Wilkuski. The Diocese has identified another five priests for whom there was a “credible allegation presented after death”: (9) Fr. Max Vernon Joseph Frego; (10) Fr. Martin Ignatius Kalahar; (11) Fr. James Aloysius Mulvey; (12) Fr. Neil Francis O’Connor; and (13) Fr. Thomas William Ryan. Further, the Diocese identified another nine priests from religious communities or other dioceses on their list of priests for whom there was a “credible allegation” of sexual abuse of a minor: (14) Fr. Camillus Frigo, O.Praem (Norbertine); (15) Fr. James Marron, C.S.Sp. (Holy Spirit Fathers); (16) Fr. Francis McHugh, O.Praem (Norbertine); (17) Fr. Raymond John Pilarski; (18) Fr. John Steven Rabideau, OMV (Oblates of the Virgin Mary); (19) Fr. Terrence Andrew Raymond; (20) Fr. Robert Gordon Smith; (21) Fr. Ken Stewart, OFM Cap (Order of Friars Minor Capuchin); and (22) Fr. Joseph Szarek. Fr. Rabideau does not appear in this report, because the Department of Attorney General has no information regarding allegations of sexual misconduct against him. The Department’s report includes allegations against the other 21 priests. The Diocese of Saginaw also lists (23) Fr. Arthur Cooney, OFM Cap as a priest for whom there are “one or more credible allegations arising from outside the Diocese,” and his entry also appears in this report.⁵ Moreover, the Diocese issued a public statement regarding allegations against a priest in relation to two adult women, (24) Fr. Denis Heames, in which the Diocese suspended his priestly faculties for “boundary violations.”⁶

The Bishop Accountability list of accused priests – which includes allegations for conduct against children and adults – identifies 15 priests and one deacon of the Diocese of Saginaw, 14 of whom were the same priests and deacon above, but also identifies two additional priests, including: (25) Fr. Elmer Stoffel, OFM Cap.⁷ The

⁵ See <https://saginaw.org/names-clergy-accused-sexual-abuse-minor> (last accessed June 1, 2026).

⁶ <https://saginaw.org/news/diocesan-priest-placed-administrative-leave-absence> (last accessed June 1, 2026).

⁷ The Bishop Accountability website is run by a third-party organization and is not affiliated with any prosecutor or law enforcement agency. The website lists names of priests and links material based on public information that the organization believes may be related to clergy sexual abuse. The website does not independently investigate these allegations, as it “makes no claim regarding the accuracy of any document [it] post[s],” https://www.bishop-accountability.org/Who_We_Are/ (last accessed June 1, 2026), and a priest’s inclusion on the website is not evidence that he has engaged in any wrongdoing.

Diocese also lists Fr. Stoffel as a priest for whom there are “one or more credible allegations arising from outside the Diocese.”⁸ The Department’s list does not include Fr. Stoffel, as the allegations regarding him did not relate to the Diocese of Saginaw. The Bishop Accountability list also includes another priest who appears in this report, (26) Fr. January Padlo, OFM. The Department includes an additional 14 entries not already identified.⁹

For the 37 priests and one deacon, 30 are known or presumed to be dead. For the eight priests who are living or presumed to be living, none is in active ministry.

The Attorney General has not filed criminal charges against any of the priests of the Diocese of Saginaw as a result of this investigation.

For the 37 priests and one deacon, other than a couple of entries, the conduct as alleged that may have violated Michigan criminal law all occurred before 2002, the year of the U.S. Bishops’ Charter. There is no indication that the Diocese has violated Michigan’s reporting obligations to report the sexual abuse of minors under MCL 722.623, for which the duty of “members of clergy” to report was added effective March 1, 2003. See Public Act 693 of 2002.

⁸ See n 5 above.

⁹ The report uses “John Doe” and “Jane Doe” for those who reported allegations regarding conduct to which they were subject, and it uses “Witness” for those who provided information about the allegations.

(1) FR. REMBERT BADARZYNSKI, O.F.M.

Born: April 8, 1918

Ordained: June 11, 1949

Died: January 3, 1997

Fr. Rembert Badarzynski was born on April 8, 1918, and was ordained to the priesthood on June 11, 1949, for the Order of Friars Minor Capuchin “O.F.M.”. (App’x RB#1, Obituary of Fr. Rembert Badarzynski, FindaGrave.com.)¹⁰ Fr. Badarzynski died on January 3, 1997. (*Id.*)

On September 8, 2020, legal counsel for the Saginaw Diocese emailed a report, written by the diocesan Victim Assistance Coordinator (VAC), to the Department in which she reported that John Doe #1 alleged that he was sexually abused by Fr. Badarzynski when John Doe #1 was 11 or 12 years old in the late 1950s at St. Thomas Aquinas Parish. (App’x RB#2, Letter from diocesan legal counsel to the Department of Attorney General, dated September 8, 2020.) In his cover letter, the diocesan attorney advised that Fr. Badarzynski “was a member of the Franciscan religious community[,] and he is deceased.” (*Id.*) He further wrote that Fr. Badarzynski “served at St. Thomas Aquinas Parish in 1959–1960 and possibly 1960–1961.” (*Id.*) “The Diocese is not aware of any other misconduct allegations against him.” (*Id.*) In her report, dated August 5, 2020, the VAC wrote (in both the first-person and second-person narrative) the following regarding John Doe #1’s allegations against Fr. Badarzynski:

I basically lived at the church during that time in my life. I wanted to become a priest. I served as an altar boy and did many other functions. I served almost daily. They fed me and even at times paid me a small amount of money for work I did around the church/school.

[John Doe #1] informed [the VAC] that he has never told anyone about the things that happened to him until a short time ago when he confided in his brother. At his brother’s suggestion[,] he is calling [the Diocese] to share his story. [John Doe #1] said it started with the priest asking him questions about if he ever gets an erection, did he play with himself when that happens, had he ever touched another boy’s penis, [and] would he touch the priest’s. [John Doe #1] said these types of questions were asked several times before the touching started. He said the priest progressed these behaviors very slowly.

The priest started touching [John Doe #1], starting with back rubs[,] then going under his clothes. He then would touch [John Doe #1] in

¹⁰ <https://www.findagrave.com/memorial/151109722/rembert-badarzynski> (last accessed June 1, 2026).

the privates and then asked [John Doe #1] to touch his penis when he was erect[,] saying “I am only human.” [John Doe #1] said by this time he was very confused a[nd] felt it wasn’t right[,] but “Priests were God’s people and I thought he was a Saint.”

He was very ashamed[,] telling me this information and had to stop several times, saying he was sorry, he had never said these things aloud before[.] [H]e said he was embarrassed and ashamed and remembers also being scared. At times while telling me[,] he would cry. He said that he thinks the nun was aware[,] as she would give him special privileges, help him with his homework, bake cookies for him etc.

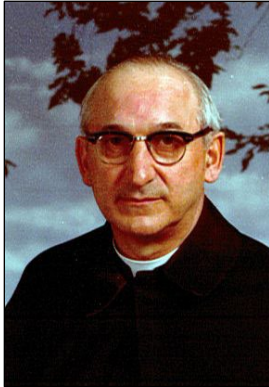
He started having nightmares several months ago with all of this re-surfacing and finally told his brother. Says prior to the nightmares[,] he had been too ashamed and scared to tell[,] as [he] thought it was his fault, something that he must have done to get the priest to do something like that to him. [John Doe #1,] from a small boy[,] had wanted to become a priest until this happened to him. Says he couldn’t tell anyone in his family[,] as they were very religious and thought priests were God like. He left home at the age of 16 and has been on his own ever since. He served in the Vietnam conflict as a squad leader and 5 of his 8 man group were killed. [H]e had PTSD from that and some injuries and is 100% veteran disabled. He said he has had therapy off and on for years outpatient and then through the VA.

[App’x RB#3, Diocese of Saginaw Allegation Intake Form, dated August 5, 2020, p 3 (paragraph breaks added).]

During the same August 5, 2020 interview with the VAC, John Doe #1 stated that he “just needed for someone within the Church to know and hope this priest is dead so there can be no more victims.” (*Id.* at 4.) He also asked that the Church apologize for what allegedly happened to him. (*Id.*) John Doe #1 declined additional therapy services. (*Id.*) John Doe #1 said: “I just want to forget it.” (*Id.*)

On September 17, 2020, the Diocese of Saginaw notified the Wisconsin-based Franciscan Friars that Fr. Rembert Badarzynski had been accused of sexual abuse of a child. (App’x RB#4, Email exchange between Wisconsin-based Franciscan Friars to Diocese of Saginaw re allegations of abuse concerning Fr. Badarzynski, dated September 17, 2020.) The Franciscan Friars confirmed Fr. Badarzynski was a member of the Assumption BVM Province and had notified the Province’s lawyers. (*Id.*)

**(2) FR. STANISLAUS ALBERT BUR
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: September 7, 1920

Ordained: June 3, 1950

Incardinated into Diocese of Saginaw: July 20, 1971

Retired from ministry: July 12, 1983

Suspended from ministry: October 1992

Permanently removed from ministry: November 2005

Died: February 1, 2009

Fr. Stanislaus Albert Bur was born in Cheboygan, Michigan, on September 7, 1920, and was ordained to the priesthood on June 3, 1950, at the Cathedral of St. Andrew in Grand Rapids for the Diocese of Grand Rapids. (App'x SAB#1, Biographical Record, Priest of the Diocese of Saginaw, p 1.) Fr. Bur was incardinated into the Diocese of Saginaw on July 20, 1971. (*Id.*) On July 12, 1983, Fr. Bur retired to senior priest status without faculties. (*Id.* at 2.) Fr. Bur was suspended from ministry in October 1992 and permanently removed from ministry in November 2005. (App'x SAB#2, Diocese of Saginaw, Stanislaus Albert Bur, p 2.) Fr. Bur died on February 1, 2009. (*Id.*)

A summary regarding alleged sexual abuse by Fr. Bur during his time ministering in the Diocese of Grand Rapids appears in the Attorney General's Report regarding the Diocese of Grand Rapids, published on December 15, 2025. See Grand Rapids Report, entry no. 8.

On April 21, 2009, shortly before Diocese of Saginaw Bishop Robert Carlson was named Archbishop of Saint Louis by Pope Benedict XVI, Bishop Carlson wrote to the Congregation for the Doctrine of the Faith (CDF) and requested "the original acts of the case" of Fr. Bur that were previously submitted to the CDF by the Saginaw Diocese in late 2004, before Bishop Carlson was installed; however, the CDF did not send the requested copy of the original acts of the case until October 2012, when Joseph Cistone was the bishop of the Saginaw Diocese. (App'x SAB#3, Letter from Archbishop Luis Ladaria, S.J., to Bishop Joseph Cistone, dated October 9, 2012; App'x SAB#4, Diocese of Saginaw, Archbishop Robert Carlson, p 1.)

In these documents submitted to the CDF in 2004, the original acts of the case concerned four accusations made against Fr. Bur, including one from Fr. Bur's ministry in the Diocese of Grand Rapids in 1958 regarding John Doe #5 (App'x SAB#5, Diocese of Saginaw summary of "accusations against the cleric," time-stamped received November 20, 2004, p 2), which were discussed in more detail in the AG's previously-released report regarding that diocese. John Doe #5's allegation was first reported to the Diocese of Grand Rapids in August 1992. (Diocese of Grand Rapids Report, entry no. 8, p 87.) The Diocese of Grand Rapids promptly notified the Diocese of Saginaw of the allegation. (App'x SAB#7, Letter from Fr. Stewart to Bishop Untener.) In response, the Diocese of Saginaw suspended Fr. Bur from ministry in October 1992. (App'x SAB#21, File Memorandum Re: Fr. Stan Bur, dated October 21, 1992, p 50.) Fr. Bur never regained his faculties. (*Id.*) The remaining allegations will be discussed in this report, as those incidents allegedly occurred while Fr. Bur was ministering in the Diocese of Saginaw in 1972 and 1983. (*Id.*)

In 2002, consistent with the Charter for the Protection of Children and Young People, "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minor by Priests or Deacons," adopted by the United States Conference of Catholic Bishops (USCCB) on November 14, 2002, the Diocese of Saginaw conducted "a thorough review of accusations of sexual abuse of minors by the clergy" of the Diocese and "set the goal of determining whether, in the cases on file, a penal process ought to be initiated to impose canonical penalties on clergy in cases of more serious delicts that are specially reserved to the Congregation for the Doctrine of the Faith." (App'x SAB#6, "Assessment" "in the case of Reverend Stanislaus A. Bur," by Fr. Robert DeLand, J.C.L. (see entry for John Doe #6, below), and Fr. Richard Filary, J.C.L, dated October 27, 2004, p 1.) Fr. Bur's case was one reviewed by the Diocese of Saginaw, causing it to submit the original acts of his case to the CDF for its review and determination. (*Id.*) "The Facts" in the Assessment of Fr. Bur's canonical case were stated as follows:

In December of 1972, the Diocese of Saginaw received a letter from [John Doe #6], a 14 year old boy from Beal City, Michigan[,] where Rev. Bur was pastor, who indicated that he worked for Rev. Bur around his cabin in Northern Michigan. During the nights he stayed at the cabin, the boy indicates that Rev. Bur "crawled in bed" with him. He was naked. He touched the boy. The boy also alleged that Rev. Bur attempted to get him to tell him about the "horny things" he had ever done.

At the same time, another allegation was presented to the Diocese of Saginaw by thirteen-year-old [John Doe #7] also of Beal City, Michigan. He was also at the cabin with Rev. Bur. He also alleges that Rev. Bur came into the bed naked. He stated that Rev. Bur told him to take his underpants down. He touched the boy inappropriately.

He also states that Rev. Bur did the same to another boy. He also alleges that while at the cabin, boys would be given alcoholic beverages by Rev. Bur.

At the time, the parish council of St. Joseph the Worker Church, Beal City, presented the accusation of this sexual misconduct by Rev. Bur to Bishop Francis Reh, then Bishop of Saginaw. Rev. Bur indicated that he realized he was “imprudent” and “perhaps overly curious in a couple of cases.” The pastoral council requested that Rev. Bur be transferred; however, Bishop Reh was reluctant to do this because it would appear that they were confirming the rumors. However, the pastoral council indicated in February 1973 to Bishop Reh that the parish could not continue the proper respect for Rev. Bur as pastor. They also indicated that this behavior was widely recognized by young people in the Beal City community. There was also a threat made that this behavior would be taken to the local sheriff. The decision was made to re-assign Rev. Bur with the strong recommendation by Bishop Reh that Rev. Bur seek professional treatment.

In 1983, at the age of 62, Rev. Bur was asked to get a psychological assessment. While there are no formal allegations in the file for 1983, in the psychological report Rev. Bur stated that there were “rumors” that he was involved in inappropriate activity with boys at St. Valentine Church, Beaver, Michigan. He denied this activity. The results of that assessment are included in this investigation.

In July, 1983, as a result of the psychological evaluation of Rev. Bur, Bishop Kenneth Untener retired Rev. Bur from the active priesthood.

Another allegation lodged against Rev. Bur came to the attention of the Diocese of Saginaw April 16, 2002. It should be noted that Rev. Bur was ordained for the Diocese of Grand Rapids. When several of the dioceses of Michigan were re-aligned in 1971, Rev. Bur became part of the Diocese of Saginaw. In 1958, when Rev. Bur was serving the Diocese of Grand Rapids, [John Doe #5] alleged [in 1992] that when he was 12 years [old], he woke up in his own home to find that Rev. Bur was fondling his genitals. This was a single incident and [John Doe #5] states that he told Rev. Bur, “[g]et out of here you God-damned queer.” Rev. Bur rushed from the home. [John Doe #5] stated that he told his mother; however, she paid no attention to it. According to [John Doe #5], this experience came to him in 1992 while he was in therapy. He also recalled that Rev. Bur would hang around the showers and offer rides to boys who lived a distance from church. [John Doe #5] alleges that Rev. Bur would breathe heavily when the sin of masturbation was confessed; [John Doe #5] alleges that Rev. Bur

was “apparently” masturbating as he listened. [John Doe #5] states that the incident ruined his relationship with God and the Church. [John Doe #5] requested funds for therapy and for compensation because he was then unemployed. This Diocese has no other records of this case and whether the Diocese of Grand Rapids actually compensated [John Doe #5] for his sufferings.

October 21, 1992, Bishop Untener set forth restrictions on Rev. Bur’s faculties. He was permitted no exercise of priesthood except for the private celebration of Mass. He was not to dress in clerical garb and not to engage in any activities as a priest. This was as a result of the allegations made by [John Doe #5] as elucidated above, in light of the psychological evaluation of 1983, and in light of other allegations outlined above.

[*Id.* at 7–8; App’x SAB#7, Letter from Fr. Terrence Stewart, Vicar General of Diocese of Grand Rapids, to Bishop Kenneth Untener, dated September 3, 1992, p 1.]

In the letter John Doe #6 wrote to the Diocese in December 1972, referenced in the above quote, John Doe #6 handwrote the following:

My name is [John Doe #6]. I am a 9th grade student at Beal City High School. Around the middle of last Aug[,] I and [John Doe #7] were asked by Father Bur to spend a couple of days with him at his cabin. During the days[,] we helped Father mow grass and other chores around the cabin. All three nights that we were in bed[,] Father Burr [sic.] crawled in bed with us. He never stayed over 2 hours a night. When ever [sic.] he came in at night[,] he was wearing shorts[,] [b]ut took them off as soon as he got in bed. He always put his arms around me and wanted to play with us. He always tryed [sic.] to jack me off, and every night he tryed [sic.] to go a little further. One night he asked [John Doe #7] to leave the room. He tryed [sic.] to get me to tell all the horny things out of me that I’ve ever done. Then he said well [illegible] I’m going to give you confession.

[App’x SAB#8, Letter from [John Doe #6], undated and unaddressed, pp 26–27.]

Farther down on the second page of John Doe #6’s handwritten, undated letter (that the Diocese acknowledged receiving in December of 1972, App’x SAB#6, p 7), John Doe #6’s parents handwrote the following:

I am sure that this kind of thing cannot keep happening. My son is one of the lucky ones because he learned a good lesson[,] but we worry about the next boy who is going to be asked to spend a[n] i[n]nocent

few days with Father Bur. We hope this will be kept in complet[e] trust between us.

[*Id.* at 27.]

In a December 29, 1972 letter handwritten by John Doe #7, signed by John Doe #7 and his parents, and acknowledged to have been received by the Saginaw Diocese in December 1972, App'x SAB#6, p 7, John Doe #7 wrote the following concerning his alleged experiences with Fr. Bur:

My name is [John Doe #7]. I am 13 years old.

The first time I went with Father Bur to his cabin[,] [John Doe #8] was along. In the day time [sic][,] we went to [a relative's] farm and worked. That night[,] after [John Doe #8] and I were in bed[,] Fr. Bur came in and laid on the bed that we were sleeping in. Me and [John Doe #8] didn't know what to do. Then Fr. Bur got under [the] covers with us, then he took his underpants down. Then he started to feel us over. Then he told us to take our underpants down. We didn't want to but then he kinda started to pull them so we took them down. Then he got in between us. Then he wrapped his legs around mine and started to feel me over. After a little while[,] he would do it to [John Doe #8]. Then after he was done with [John Doe #8], he showed us his. Then I kinda asked him to go to his own bedroom. Then he stayed for 5 or 10 minutes and went back to his room. Sometimes when he would be in your room[,] he would ask you questions like if you ever heard any wild stories or if you ever got carried away with some girl. Then he would tell that you shouldn't go to[o] far with a girl or don't get carried away. One night he ask[ed] me if I wanted to go to confession. I said okay[,] because I didn't go in quiet [sic.] awhile[,] and Fr. couldn't do any thing [sic.] to me while I was in confession. So[,] I went in his room along with him. He told me to get in bed. I did [and] then he got close to me and I went to confession. Fr. never slept with us all night though he probably would of if we wanted him to, but we didn't. That's about what he would do at night. I forgot before to write this but he would give you beer up there. He wouldn't give you alot [sic.] I mean enough to get drunk but he would give you some.

Then he asked if I wanted to go up again with [John Doe #6]. I didn't really want to[,] but [John Doe #6] is a good friend of mine. Fr. Bur told me that we might go to Mackinaw [sic.] Island, and I was never there before[,] and I thought it would be alot [sic.] of fun to go there. And I thought if I said no[,] mom would ask why[:]; I couldn't tell her why, and Fr. Bur always told us never to tell anybody what he did up there. So[,] me and [John Doe #6] went up with him. At night the

same thing happened as it did the first time. He asked me again just a couple a days ago and I told him no. Then he asked if I knew anyone who wanted to go up and I said no. I don't know if he got anybody to go with him or not.

[App'x SAB#9, Letter from John Doe #7, dated December 29, 1972, pp 23–25.]

The following month, by letter dated January 5, 1973, Fr. Joseph Adamec, chancellor of the Diocese of Saginaw, notified Bishop Reh of the following:

A committee (parish council) from St. Joseph the Worker Parish in Beal City phoned asking for an appointment. Four gentlemen came and met with me on December 28, 1972.

The committee wished to inform the Bishop's Office that their pastor, the Reverend Stanislaus Bur, was taking altar boys up to his country place regularly. During the day, they worked outdoors. In the evenings, there was beer (cigarettes?) and sexual molesting. There have been rumors of this, and talk among the kids. But, only in recent weeks, after some outward signs such as the boys refusing to go with Father Bur, were some of the boys questioned by their parents.

The Sister principal has supposedly talked to Father Thome, as dean. No one knows the result or of any consequences.

There are several sets of parents, according to the committee, who are willing to testify.

The committee feels it imperative for the good of the parish (before more people find out) as well as of the man that he be reassigned.

I asked them for some written affidavit from the parents and/or the boys. This they promised me and hand delivered on January 2, 1973, along with two new members of the committee.

All persons concerned are willing to testify if necessary. However, because of their close association with Father Bur, they would like to be notified i[f] their names are going to be used and/or when Father Bur is approached about this problem.

Two letters from two boys concerning their experiences with Father Bur are enclosed.

[App'x SAB#10, Letter from Fr. Joseph Adamec to Bishop Reh, dated January 5, 1973.]

In an undated memorandum concerning a meeting that took place on January 15, 1973, and a telephone conference that occurred on January 19, 1973, Fr. Joseph Adamec, chancellor of the Saginaw Diocese, wrote the following:

The following transpired at a meeting of Bishop Reh, Father John Thome and myself concerning the problem with Father Stanislaus Bur, on Jan. 15, 1973.

Last Monday: Two parish council members of St. Joseph Parish in Beal City came to see Father Thome in Mt. Pleasant.

Fathers Frigo of Rosebush and Kawka of Coleman have heard of the situation.

Father Thome has talked to Father Bur about the problem.

Everyone is amazed at Bur's reaction: ". . .doesn't think he did anything wrong."

A meeting with the parents and the boys is being set up.

Father Thome reported to me over the telephone on January 19, 1973:

He scheduled a meeting of the parents, the boys, and Bur for last Wednesday. The parents and boys arrived and, after some discussion, decided that it would not serve any good for them to face Father Bur. They then left. Father Bur did arrive. He still was not able to see the seriousness of the problem.

According to Thome, the people want him out of the parish. They do not want to go to Mass there or to communion, etc. The talk has reached Grand Rapids.

Even though Bur feels that he can live it down, Thome recommends Bur be transferred by going away for a period of time and then be assigned to another place. The talk in the parish and among the kids is not good for the priesthood or the Church, according to Father Thome.

One of the parents is supposed to have said that even though he does not want to do so, he will get a lawyer if something is not done soon.

An appointment has been set up with the Bishop, Father Bur, Father Thome and myself for Thursday, Jan. 25, 1973, at 12:00 noon in the Chancery. I called Father Thome. He is to notify Father Bur.

[App'x SAB#12, Memorandum of Chancellor Joseph Adamec, undated.]

In a follow-up letter to Bishop Reh, dated January 16, 1973, Bishop Joseph Breitenbeck (then bishop of Grand Rapids) wrote, in relevant part, the following:

As I promised in my letter of January 10, 1973, I checked further with my Chancery staff, especially Father Battersby who had to catalog for matters in the secret archives, as well as in the other general files of the Diocese, when I came to this See. I have been again informed that there is nothing in these files on Fathers Bur and Frego. When the Diocese was split on June 30, 1972, we sent to the Saginaw Chancery the personnel files of both Father Bur and Father Frego. . . .

As regards Father Bur, we have only the knowledge of an oral telephone conversation between the prosecutor's office of one of the northern counties and one of the priests on our staff. In this telephone conversation the departure of Fr. Bur from the area was requested in order to avoid future embarrassment. No further details were given. At that time Fr. Bur's appointment to Beal City was already processed and a date for transfer assigned. In making the change to Beal City, we had no knowledge of any conduct which would necessitate a later call from the prosecutor's office. He, therefore, readily gave assurance to this gentleman that a change was forthcoming as Fr. Bur's tenure as Pastor at Maple City had expired. No specific charges were ever mentioned over the phone. Hence the matter was not pursued further because all parties involved were in agreement not to continue further investigation into the allegations.

[App'x SAB#13, Letter from Bishop Joseph Breitenbeck to Bishop Reh, dated January 16, 1973, p 33.]

On the second page of Bishop Breitenbeck's January 16, 1973 letter, he added the following postscript:

P.S. After I had typed out the above letter to you, the enclosed letter came in from [Witness #1] of Maple City. Although Father Fellows has signed the reply, it was I who typed it. Let me assure you that we have gone through every bit of filing which could possibly give us a clue to whatever problem you are facing and nothing has shown up. The only information I can offer you is what a staff member recalls about a conversation with the prosecutor's office. It is possible that Bishop Babcock placed the letter in his own confidential files, which he kept at his residence, and ordered to be burned on the occasion of his death.

[*Id.* at 34.]

As referenced in Bishop Breitenbeck's above-quoted post script, Witness #1 wrote a letter to "Dear Bishop" on January 8, 1973, as follows:

Three or four years ago[,] I wrote you a complaint about Fr. Burr [sic.], who was our Parish priest at that time. You referred our complaint to another priest, because of the importance of it and also told us these things had to be kept on file if they were valid and signed.

The point is, I've heard the same complaint again about Fr. Burr [sic.] – coming way from Beale [sic.] City: It surprises and also frightens [me] that you would let [him] go to still another place [to] preach instead of getting some psychiatric help which he desperately needs. I hate to think of more small boys being involved with him.

I would appreciate it if you'd check back, find my letter, read it and give this your attention.

This lady that complained about Fr. Burr [sic.] also used the word a "Queer."

This doesn't do any good for the Cath. Church.

Thank you.

[App'x SAB#14, Letter from Witness #1 to Bishop, dated January 8, 1973, pp 30–31.]

On January 25, 1973, Bishop Reh wrote the following:

On this 25th day of January, 1973, the Reverend Chancellor, Joseph V. Adamec, appeared before me in accordance with the prescription of Canon 2144 of the Code of Canon Law and took an oath to maintain secrecy regarding everything which he may learn as Chancellor and Notary, and especially about any secret documents or papers in connection with discussions and voting which may be held, relating to the process regarding the Reverend Stanislaus A. Bur, pastor of St. Joseph the Worker Parish in Beal City, Michigan.

[App'x SAB#15, Memorialization of oath taken by Chancellor Joseph Adamec by Bishop Francis Reh, dated January 25, 1973, p 36.]

In an undated letter concerning a January 25, 1973 meeting, Fr. Adamec wrote the following:

Bishop Reh met with the Reverend Stanislaus A. Bur, Pastor of St. Joseph the Worker Parish in Beal City, in my presence and in the

presence of the Reverend John Thome, Dean of the Mt. Pleasant Deanery, on January 25, 1973, at 12:00 noon, in his office.

The Bishop presented Father Bur with the accusation on the part of the St. Joseph Parish Council and other parishioners that he sexually molested boys of the parish while taking them with him on various trips out of town.

Father Bur answered that he did not realize the matter was so serious. He certainly had not [the] intention to molest. However, he did accuse himself of being imprudent and, perhaps, overly curious in a couple of cases.

Father Thome conveyed [sic.] the strong sentiment on the part of the parish council that Father Bur be reassigned to another parish because of the talk and the emotional inability of "many" to attend Father Bur's Masses and to go to him for communion. Father Bur does not have the desire to leave the parish. The Bishop brought up the point that leaving would confirm the rumor among those who heard it only as such. Father Bur thought he could live the situation down and promised that he would be very careful not to get involved in such situations again. The Bishop stated that a part of it would definitely have to be not taking boys with him again. Father Bur answered that he would find this difficult because of the driving distance, since he enjoys the company.

It was decided that the parish (parish council and certain parents) should be approached and the suggestion made that Father Bur not be transferred so as not to give credence [sic.] to the rumors. It was further decided that Father Bur would attend the meeting if it should seem advisable [sic.]. Such a meeting was consequently set up for Saturday, January 27, 1973, at 10:30 a.m. in Sacred Heart Rectory in Mt. Pleasant. Father Thome would notify Father Bur and the parents. I would notify the parish council. This was done.

[App'x SAB#16, Memorandum of Fr. Joseph Adamec, undated, p 37.]

In a handwritten note to the "Chancery Office," dated January 26, 1973, and signed by "Group of Parishioners," the group requested that Fr. Bur, pastor of St. Joseph Parish in Beal City, be removed "at once for some very awful reasons, various ones." (App'x SAB#17, Handwritten note from "Group of Parishioners" to the Chancery office, dated January 26, 1973, p 35.)

On February 6, 1973, Fr. Adamec wrote the following in a memorandum, summarizing the substance of the January 27, 1973 meeting among Bishop Reh, Fr.

Thome, the St. Joseph the Worker Parish Council members, and two parents from that parish:

The Bishop explained that Fr. Bur (the Reverend Stanislaus A. Bur, Pastor of St. Joseph the Worker Parish in Beal City) had no intention of sexually molesting, even though he did act imprudently. The Bishop further suggested that many people having heard the rumor might consider the matter much more serious if Fr. Bur was removed, as it would seem to confirm the accusation and be harmful to the non-Catholics as well as to Father's reputation, which would follow him to another assignment. Would it not suffice, the Bishop continued, to assure them that Father Bur would be more prudent in the future? Fr. Bur was in the rectory at that time, even though not at the meeting, and would be willing to so promise.

The group from St. Joseph's argued unanimously that the parish at large could not continue the proper respect for Fr. Bur as pastor. This matter, they stated, was something widely talked about among the young people.

In addition to this, there was reason for the Bishop, as well as Fr. Thome, to have a real concern that the two parents involved would lodge a complaint with the local sheriff. Both the Bishop and Fr. Thome agreed that nothing could be gained by Fr. Bur seeing the group since a few of them said he had already talked with them and that it would not change anything.

Following the meeting, Bishop Reh explained the results to Fr. Bur in the presence of Fr. Thome with the conclusion that there was no course of action but for Fr. Bur to leave his assignment. He was asked not to exercise any priestly ministry in the parish beginning that evening. A plan was worked out with Fr. Thome by which Fr. Bur would be able to supply a parish outside of the diocese for at least a month. Another appointment for Fr. Bur would be considered with the Diocesan Personnel Board.

The Bishop strongly urged Fr. Bur to seek professional counseling when he might be settled in his next assignment.

Fr. Thome as dean was asked to keep in contact with Fr. Bur in this matter, particularly because of the coming absence of the Bishop from the diocese.

[App'x SAB#18, Memorandum of Fr. Joseph Adamec, dated February 6, 1973, pp 38-39.]

In 1983, Fr. Bur was asked to undergo a psychological evaluation, and, as a result of same, in July 1983 “Bishop Kenneth Untener retired Rev. Bur from the active priesthood.” (App’x SAB#6, “Assessment” in the case of Reverend Stanislaus A. Bur, by Fr. Robert DeLand, J.C.L., and Fr. Richard M. Filary, J.C.L, dated October 27, 2004, p 8.) Among the documents the Diocese of Saginaw submitted to the CDF in late 2004 regarding Fr. Bur’s case, an undated memorandum to the CDF stated that “some specific allegations were presented to Bishop Untener that prompted the . . . [p]sychological [e]valuation. It is the recollection of Chancery Officials that rumors of delicts by Rev. Bur were occurring during his then assignment at St. Valentine Church, Beaver, Michigan.” (App’x SAB#19, Memorandum to the Congregation for the Doctrine of the Faith, undated, p 40.) The diocesan author of the undated memorandum submitted to the CDF in 2004 also explained to the CDF that “no written documentation [of the allegations] could be located” in “our search of the Diocesan Archives,” and, because Bishop Untener died earlier in March 2004, the Diocese stated that it could not “verify the veracity of such allegations.” (*Id.*) However, back on July 5, 1983, Bishop Untener wrote the following to Fr. Bur, memorializing the latter’s early retirement:

The purpose of this letter is to set in writing the results of our recent personal meetings.

In accord with the original terms of your appointment, your pastorate at Beaver terminates this summer. All things considered, we have decided that you will not be assigned to another parish here in the Diocese of Saginaw. You are close to the age when retirement is an option, and you will be given the status of senior priest now. I will arrange for you to receive the normal benefits that would have come to you from the Clergy Benefit Society at the age of 65.

I would like to add a personal word to this brief letter. Your spirit of cooperation in this has been admirable, and it has meant a great deal to me. I want to thank you for it.

May the Lord bless you and keep you.

[App’x SAB#20, Letter from Bishop Kenneth Untener to Fr. Stan Bur (unsigned), dated July 5, 1983, p 48.]

In a file memorandum dated October 21, 1992, Bishop Untener wrote the following about Fr. Bur:

Today I met with Stan Bur and presented the attached letter to him.

Before doing so, I explained that a [John Doe #5] had recently approached the Grand Rapids Diocese alleging certain problems that had happened back when Stan was an associate at SS Peter and Paul

Parish, Ionia. The Grand Rapids Diocese had transferred their files on Stan here when he became a priest of the Diocese of Saginaw, and now asked if there were any materials in the files that would be pertinent. I said that he would be hearing from the Diocese of Grand Rapids about these allegations. Stan said he did not remember a [John Doe #5].

I explained that in going through the files, although I found nothing on the [John Doe #5] case, I came upon some other materials that predated my coming to Saginaw, and I reviewed some of these with him. He simply listened.

I then recalled to his mind the 1983 psychological evaluation, which gave no hope for change through therapy, and which led to his early retirement, a recommendation of the psychologist.

Finally, I pointed out the fact that we have learned much about this problem in the last 10 years, particularly through the efforts of the Archdiocese of Chicago. There have been many, many lawsuits, and much media attention. Because of the latter, cases from the past are surfacing. Dioceses have a serious responsibility, and also face tremendous liability.

For all these reasons, I explained that I was restricting his faculties according to the terms of the attached letter.

Stan took it stoically, saying that he understood why I was doing this, but wondered why it had to be so restrictive. I explained that a priest has the automatic trust of most people and if, by the authorization of the Diocese of Saginaw, he were able to function publicly as a priest and present himself as a priest, and took advantage of this to engage in some illicit activity, we would be held liable. I also noted that the restrictions could have been more severe – suspension of all powers of orders, or even laicization. I chose not to do either of those.

Stan asked about commitments he had already made, and mentioned some of them to me. I asked him to draw up a list of all future commitments and send them to me. I would review them and see if specific permission could be given for some, as provided for in my letter.

Stan asked about baptisms or weddings or funerals for his family. I said that these could also be dealt with under the provisions of my letter.

[App'x SAB#21, File Memorandum Re: Fr. Stan Bur, dated October 21, 1992, p 50.]

In the attached letter to Fr. Bur – referenced in the bishop’s above-quoted file memorandum – also dated October 21, 1992, Bishop Untener wrote the following:

The purpose of this letter is to set forth the restrictions that I am placing on your faculties.

Effective immediately, the only exercise of the power of orders that will be permitted is the private celebration of Mass. You are no longer to say Mass publicly (except in a specific instance for which permission is requested from and given by me or my successor), or celebrate any of the sacraments, or dress in clerical garb, or engage publicly in activities as a priest, for example, visiting the sick as a priest, teaching, and so forth.

This action is taken in virtue of Canon 1044, and in the light of your history of difficulties, and the psychological evaluation done in 1983.

You will continue to receive the regular financial support for a Senior Priest, and the Clergy Benefit Society will pay your health insurance.

[App’x SAB#22, Letter from Bishop Kenneth Untener to Fr. Stan Bur (unsigned), dated October 21, 1992, p 51.]

On April 26, 2002, Fr. Thomas E. Sutton, at Bishop Untener’s request, directed “that the preliminary investigation of a penal process be undertaken to examine the allegations made against Reverend Stanislaus A. Bur of committing an offense against the sixth commandment of the Decalogue with several young people in the course of years, in contravention of c. 2359 §2 of the 1917 Code of Canon Law.” (App’x SAB#23, Decree Closing the Preliminary Investigation Case re: Reverend Stanislaus Bur, dated October 27, 2004, p 57.)

On October 27, 2004, the preliminary investigation was closed, having found that the allegations had “at least the semblance of truth.” (*Id.*) Consequently, it was determined that the case “with all its pertinent *acts*, be transmitted to the Congregation for the Doctrine of the Faith.” (*Id.*) In his *votum* submitted to the CDF in “The Case of Rev. Stanislaus A. Bur,” dated October 27, 2004, Fr. Thomas Sutton, then-acting Diocesan Administrator,¹¹ wrote the following opinion and recommendation regarding the case of Fr. Bur:

Because the facts of the case are clear, i.e., the numerous allegations of a similar nature and the provisions of the *Essential Norms* quoted

¹¹ The Diocese of Saginaw was, at that time, without a bishop, as Bishop Untener died on March 27, 2004, and his successor, Bishop Robert Carlson, was not installed until February of 2005.

above are so clear, I am convinced that Rev. Bur has committed these crimes against the sixth commandment of the decalogue. However, it is also clear that given Rev. Bur's age and his being incapable of cooperating in his own defense, a penal trial would be of no service to the Church. It is my recommendation that the present sanctions imposed upon Rev. Bur be continued. In addition, the age and mental state of Rev. Bur are such that he is rarely capable of even leaving his home any longer.

[App'x SAB#24, *Votum* of Fr. Thomas Sutton, J.C.L., Diocesan Administrator, "The Case of Rev. Stanislaus Bur," dated October 27, 2004, p 60.]

In the Assessment dated October 27, 2004, the evaluation prepared by Fr. DeLand and Fr. Filary, included a section identified as "repair of scandal, restoration of justice," and a conclusion in explaining the basis for the punishment imposed in the October 21, 2004 letter:

1. Repair of Scandal

* * *

From the evidence gathered in this case, it is clear that the issues raised in the case of Reverend Bur are not solely linked with the sexual abuse of minors but also involve the larger question of his suitability for sacred ministry in the Church. The sensitivity of the faithful and of the larger society of the United States of America has little patience or acceptance of this abusive treatment especially of men ordained as priests of the Church. Therefore, it is clear that nothing short of the application of a penalty will repair the scandal justly experienced by the faithful and humanity in general.

2. Restoration of Justice

* * *

Justice in these case[s] must address the needs of the individuals affected as well as the community in which these crimes occur. Based on the insights from studies by psychologists, there is reason to believe that the damage to victims of sexual abuse in childhood or adolescence can endure for the rest of their lives. There is no way of adequately restoring justice to these victims, much less the community in which they live.

3. The accused cannot sufficiently be reformed by fraternal correction, rebuke and other ways of pastoral care.

* * *

The Diocese of Saginaw has acceded well to the call of the experts with regard to the dealing of Rev. Bur. Rev. Bur, however, has been very hesitant in cooperating with any treatment offered by the Diocese of Saginaw. It is therefore imperative that the Diocese deal deliberately and with canonical precision in this case.

The ultimate penalty of removal from the clerical state is not meant to be the sole response of the Church in every case of a proven offense against the sixth commandment of the Decalogue with a minor by a cleric. That penalty is contemplated rather only when the case warrants it. We recognize that in this present time, Rev. Bur lacks the capacity to respond. However, over the years, as these delicts have been discussed with Rev. Bur, he has been reticent to confront them.

Conclusion

* * *

With respect to the accusations made against Rev. Bur, . . . , we believe they have been amply verified by the evidence in this preliminary investigation. Rev. Bur's advocate has also reviewed all of the materials that we are presenting to the Congregation for the Doctrine of the Faith . . . to determine whether a judicial process must be used or whether it is possible to proceed by decree without a trial.

It is our recommendation to Very Rev. Thomas E. Sutton, Diocesan Administrator, that in referring this case to the Congregation for the Doctrine of the Faith, a request be made that the Congregation dispense from the obligation mentioned in Art. 5 of the SST [Sacramentorum Sanctitatis Tutela] and, in view of the seriousness of the case, and the clarity of its truth, from the norms of SST Art. 176 which obliges these more grave delicts reserved to the Congregation be tried only in a judicial process, and to return this case to the Diocese of Saginaw for the application of a penalty on Rev. Stanislaus A. Bur by means of a summary extrajudicial process.

* * *

In addition, this conclusion is recommended in light of the Rev. Bur's advanced age and his increasing dementia that a penal trial would serve no useful purpose. The recommendation of a permanent ban on the exercise of priesthood would be most appropriate for Rev. Bur.

[App'x SAB#6, Assessment, dated October 27, 2004, pp 8–10.]

In November 2005, the CDF confirmed “the restrictions placed on Fr. Bur by the Bishop of Saginaw.” (App’x SAB#25, Unsigned memorandum, dated July 14, 2006.) Thereafter, “[i]n 2006, Bishop Carlson sent a letter to Fr. Bur again indicating that Fr. Bur was not to present himself as a priest.” (*Id.*)

In early July 2006, the Victim Assistance Coordinator (VAC) for the Diocese of Grand Rapids, called the Diocese of Saginaw and advised that a relative of Fr. Bur reported that he was “abused by Fr. Bur many years ago[.]” (*Id.*) The Diocese of Grand Rapids VAC called the Saginaw Diocese to ascertain the then-current status of Fr. Bur and was advised by a diocesan official that Fr. Bur had retired in 1983 “to a family home” and “could celebrate a private Mass only.” (*Id.*) Diocese of Grand Rapids VAC was also advised that the Saginaw Diocese appointed a person to monitor Fr. Bur. (*Id.*)

In a letter dated August 12, 2008, marked “DRAFT,” John Doe #9 wrote the following to Fr. Bur:

You were the pastor of St. Valentine Parish in Beaver when I was an altar boy there. When I was 8 and 9 years old, you sexually abused me. You would have me stay in your rectory after others had left, supposedly to “help you.” When you were alone with me, you would touch me and touch my penis and then make me touch your penis. You told me not to tell anyone because they would not believe me. You said that no one would believe me because you had status in the community and you were nice to everybody. Well, Fr. Bur, you were not nice to me. This happened in 1978–1979.

You also told me that[,] because I touched you, it was my fault[,] and I was just as bad as you.

I was a good boy. I was an altar boy. My parents were good Catholics. You sexually molested me. Now I know that it was not “my fault.” Rather, it is you that is the sexual offender and molester.

I cannot understand how you could do this to me. You took away my innocence. What you did to me has taken a toll on my health. I suffer from depression, and I can hardly sleep because of anxiety. There were times that I wanted to end my life. You really messed me up. I want you to pay for what you did to me.

I did not tell anyone what you did to me for a long time. Last year, before my mother died, I told her. I have also told my step-dad and my sister. I made a call to the Diocese of Saginaw[,] and I have told them about what you did to me and how it has hurt me. I am also reporting what you did to me to law enforcement. I am writing this letter to you

so that you know that I am letting you know and other people know what you did to me.

The day when we were alone when you had me lay down and then you got on top of me[,] and I think you unzipped your zipper – I was so scared! I just screamed very loud[,] and you got up[,] and I ran out of the rectory and never went back again. I told my mother and father that I did not want to go to Church again. Even now, if I go to a church[,] I get so sick[,] and I want to throw up.

I want to heal. I want to move on. And again, I want you to pay for what you did to me.

[App'x SAB#26, Draft letter from John Doe #9 to Fr. Stan Bur, dated August 12, 2008.]

In a three-page, typewritten letter, also marked “DRAFT,” without an addressee, salutation, or signature, but dated October 7, 2008, and believed to have also been written by John Doe #9, the following was written:

When I was 8 and 9 years old, I was sexually abused by my pastor, Fr. Stan Bur at St. Valentine Church in Beaver, Michigan. Fr. Bur abused me around 1978 to 1979 to 1980. I was an altar boy in the parish.

Fr. Bur touched me on my penis the first time before church. Fr. Bur would get me alone in the rectory. He would wait until everyone else was gone. He got me in a corner of the room[,] and he exposed himself to me. I was scared. I didn't say anything. Then he asked me what I was thinking. I told him I was scared. He told me it was ok to be scared. Then he made me touch his penis. He told me it was ok and not to tell anyone because they wouldn't believe me anyway! Then, he unbuttoned my pants and played with my penis and scrotum. I couldn't move. He still had me in the corner. I was touched for a while[,] and then I remember him letting me go. He told me I was a good boy. Then I walked out of the church[,] and I cried all the way home. I was on my bicycle riding home. I stopped on the bridge and whipped [sic.] my tears away and went home. I didn't tell anyone. I was ashamed of myself.

Fr. Bur would get me alone in the rectory[,] and then he would touch me, he would touch my penis. Then he would make me touch his penis[,] and then he said it was my fault too. At times, he would also rub up against me. I was little[,] and I was very scared. When he did this, I couldn't move, I couldn't move right or left – just couldn't move. Fr. Bur told me not to tell anyone and also told me that no one would

believe me because he had status in the community[,] and he was nice to everybody. He made me feel like I was the bad one.

One time[,] when everyone else had left the rectory and we were alone, Fr. Bur had me lay down[,] and he got on top of me. He was very heavy[,] and I was small. My clothes were on. I think he unzipped his pants[,] and I was so scared. He was very heavy[,] and I was scared. That time, he jammed something up into me[,] and it really hurt bad[ly]. He was very forceful. I screamed, I really screamed. He got up[,] and I ran out of the rectory. There was blood in my pants[,] and I took the underwear in the farmer's field and buried it behind the chicken coop. I did not want my mother to see the underwear. It hurt to go to the bathroom for a long time. I never went back to Fr. Bur's office.

What happened to me altered my life in many ways. It hurt so bad for so long at times I didn't want to live! Or go on anymore. I feel to this day, dirty inside and out. He took away my innocence. I will do whatever it takes so it never happened again to some other little boy! I want him to pay for what he has done and made me do so long ago.

I have been a parent for ten years now. I can't understand how someone can do such things to a child. It makes me sick to even think about it!

I want to make this report to public authorities, law enforcement so that it will be on record what Fr. Bur did to me.

I want Fr. Bur to know what he did to me[,] and I want him to pay for what he did to me.

I want to have closure, I want to move on, and I want to heal.

[App'x SAB#27, Three-page draft letter appearing to be written by John Doe #9, dated October 7, 2008.]

It is not clear why the Diocese of Saginaw had "drafts" of John Doe #9's letters, as no other documents regarding John Doe #9 were found among the records seized from the Saginaw Diocese.

On July 1, 2018, John Doe #10 approached his parish priest, Fr. J. Marcel Portelli, at St. Athanasius-Harrison Church prior to Mass and alleged that, in 1971, Fr. Bur had sexually molested John Doe #10 three times in Saginaw, during a period of time when John Doe #10 and his fiancée "were receiving marriage preparation by Bur." (App'x SAB#28, Email chain among Fr. J. Marcel Portelli, Bishop Joseph Cistone, Fr. Bill Rutkowski, and the VAC, dated July 1, 2018, through July 8, 2018, p 1.)

John Doe #10 told Fr. Portelli that, at the time of the alleged sexual abuse, John Doe #10 was a high school senior, whom Fr. Portelli believed was then 18 years old. (*Id.*) “Bur drove in from out of town to conduct the marriage prep meetings because he was not serving in Saginaw proper at the time.” (*Id.*) John Doe #10 told Fr. Portelli that two of the alleged incidents occurred in John Doe #10’s car at the Garber Yacht Club parking lot, where Fr. Bur allegedly “groped” John Doe #10, and the third alleged incident took place at John Doe #10’s apartment when “Bur climbed into his [John Doe #10’s] bed, ‘forced himself’ on him, and performed ‘oral sex’ on him.” (*Id.*) John Doe #10 further alleged that Fr. Bur “explained this as a ‘spiritual cleansing ritual.’” (*Id.*) Fr. Portelli reported John Doe #10’s allegations to Bishop Joseph Cistone, Fr. Bill Rutkowski, and the VAC, later that day. (*Id.*) Because the Diocese of Saginaw VAC was out of town, Fr. Rutkowski made the initial contact with John Doe #10 to advise that the VAC would be in touch with John Doe #10 upon her return the following week and could assist John Doe #10 with “counseling ideas in dealing with this sensitive issue.” (*Id.* at 4.)

After John Doe #10 met with Fr. Portelli on July 1, 2018, to report his sexual-abuse allegations against Fr. Bur, John Doe #10 wrote Fr. Portelli a letter about the alleged sexual abuse later that same day, which was received on July 6, 2018. (App’x SAB#29, Unsigned letter from John Doe #10 to Fr. Portelli, dated July 1, 2018.) In John Doe #10’s letter, he provided more details about the alleged incidents of sexual abuse, as follows:

[A high school teacher] introduce[d] me to Rev. Stanislaus Bur. I wanted to [be] married [to] [my girlfriend] when I graduated high school. [My girlfriend] was Catholic. I was never baptized, nor belong[ed] to any church at that time.

[My girlfriend] and I met Rev. Bur at the Texan Restaurant on State Street in Saginaw Township. We had dinner[,] and we talked. He “Rev. Bur” said he would have to meet with me alone. Rev. Bur will call me when when [sic.] we could get together. He lived out of town at that time. He had to drive in from a mission or from Beal.

The second time I met Rev. Bur was at the Garbor Boat Yacht [sic.] in Saginaw on Fordney Ave. along the Saginaw River. This is when he hud [sic.] me and grabed [sic.] my crotch “genitals.”

The second [sic.] time we met, Rev. Bur and me [sic.] met at my apartment [address redacted] [in] Saginaw. I stayed with my brother
.....

Father Bur stayed the night with me in my bed. At first [,] he had me remove all my clothes – “to be naked” and to lay face up on [the] bed so he can do a purification using oils to prepaire [sic.] me for Baptism. He

then had oral sex that brought me to orgasm. Then he “Rev. Bur” would lay-lie on top of me, till he also had a[n] orgasm, thus consummating my union with Christ. I was now ready to become a Catholic.

The fourth and last time I met with the Rev. Bur was at the end of the storm, discharge drain at the end of Webber St. and Forney Ave. We removed our clothes and enter[ed] the Saginaw River where he masterbated [sic.] the both of us, then he dunk[ed] me, now I am a Follower of Christ Jesus. I will never forget those false, fake words that were wrong “Follower of Christ”! That was the last time I saw him.

I have felt used, and taken advantage of. So humiliated.

[*Id.* at 3–5.] [Emphasis in original.]

On July 11, 2018, after meeting with the VAC on July 9, 2018, John Doe #10 faxed her five pages of notes that he wrote on July 9 and 10, 2018. (App’x SAB#30, Fax coversheet, dated July 11, 2018, and five pages of handwritten notes from John Doe #10 to the VAC, dated July 9–10, 2018.) In John Doe #10’s notes, he alleged that he was also anally penetrated by Fr. Bur when John Doe #10 was 16–17 years old:

I cried [sic.] alot [sic.]. Talked about the penetration[,] and I can still fill [sic.] his sperm; his demon seed. I talk about how I was frozen could not yell out. The intensity, the force, the excruciating pain on my body when Father Bur penetrated me. Somebody – anybody – help – The anal pain! Cry-cry-cry! Rev. Father Bur was an [sic.] smooth talker. I could not tell any body [sic.]. I could not bring upon my mother and father. Rev. Father Bur tried to talk me in[to] going to mission aka ‘Farm.’

Father Bur was a smooth talker.

I was scared! I must be resistant to his charm. To go to his Farm. At the last baptism ... not to go with him. But must follow through for my [girlfriend]! Cry-sobbing-cry. I can feel the anal pain. I felt stupid that I let this happen [b]ecause I was an [sic] 16–17 year old – felt stupid that I let this happen to me if I was not a loner.

Rev. Father Bur on Top of me – I can – crying more.

I hurt, I hurt, I hurt – Help me Lord. I sit here in my chair crying – Trying too [sic.] write what we talk about.

Not my fault – Hello it’s me Lord. I am shaking. I feel so used – so used.

[*Id.* at 1–2.]

On July 17, 2018, the VAC reported John Doe #10’s allegations against Fr. Bur to Saginaw Police Chief Robert Ruth. (App’x SAB#32, Email chain between the VAC and Police Chief Robert Ruth, dated July 17, 2018.) Later that evening, Chief Ruth replied to the VAC’s email and wrote: “I appreciate the information. Not much can be done from a criminal standpoint when the offender is deceased.” (*Id.*)

On May 13, 2024, legal counsel for the Diocese of Saginaw emailed the Department a spreadsheet that the Diocese received from a New York law firm with “preliminary claim information for 6 claimants who were [allegedly] abused within the Diocese of Saginaw.” (App’x SAB#33, Email from diocesan counsel to the Department of Attorney General, dated May 13, 2024, p 1, and attached spreadsheet.) The third “claimant” on the spreadsheet was John Doe #10, discussed above. (*Id.* at 3.) John Doe #10 alleged that, in 1968–1969, Fr. Bur sexually abused him as follows:

Father Bur was [John Doe #10’s] physics teacher and was helping him convert to Catholicism. Father Bur took [John Doe #10] out to dinner and spent a lot [of] time with him outside of school. The abuse took place 3 times at 3 different locations. Father Bur fondled [John Doe #10’s] genitals under the clothes, performed oral sex on [John Doe #10], and then raped him. The 3rd and final instance of the abuse was at the river when [John Doe #10] was being baptized. Before he was “baptized[,]” Father Bur raped him again. After the abuse, Father Bur baptized [John Doe #10] in the river[,] and [John Doe #10] never saw him again.

[*Id.* at 5, 7.]

The fifth “claimant” on the spreadsheet was John Doe #11, who alleged that he was groomed by Fr. Ronald Dombrowski, see entry no. 5, and sexually molested twice by Fr. Bur in 1973, as follows:

[John Doe #11] wanted to be an altar boy. Father Bur helped [John Doe #11] with his training. Father Bur was very handsy with [John Doe #11]; he fondled [John Doe #11’s] genitals over the clothes while helping [John Doe #11] put his altar boy robe on.

[*Id.* at 2, 4, 6.]

The Diocese requested permission from the Department to conduct an internal investigation regarding the claims made by John Doe #10 and John Doe #11.

Authorization to proceed with an investigation was granted by the Department. The Diocese indicated that it attempted to obtain permission from the legal counsel for John Doe #10 and John Doe #11 to conduct interviews; however, no response was received from their counsel. The Diocese of Saginaw Review Board subsequently determined there was insufficient information to determine whether the allegations by John Doe #10 and John Doe #11 were credible. The Review Board indicated it would reassess the allegations should more information become available.

The Department could not bring criminal charges against Fr. Bur during this investigation because he died in 2009.

**(3) FR. ARTHUR COONEY, O.F.M. CAP
(ON THE DIOCESE OF SAGINAW AND ARCHDIOCESE OF DETROIT
CREDIBLY-ACCUSED CLERGY LISTS, THE CAPUCHIN FRANCISCAN
PROVINCE OF ST. JOSEPH LIST OF FRIARS WITH SUBSTANTIATED
ACCUSATIONS.)**



Born: Unknown

Ordained: 1976

Removed from ministry: 2009

Retired: 2024

Fr. Arthur Cooney was ordained to the priesthood in 1976 as a member of the Order of Friars Minor Capuchin. According to the “Capuchin Franciscan Province of St. Joseph List of Friars with Substantiated Accusations” (the “Capuchin List”), Fr. Cooney was “[r]emoved from public ministry” in “2009 to present,” and retired in 2024, after an assignment at St. Joseph Center Development Office in Detroit. (App’x AC#1, “Capuchin Franciscans Province of St. Joseph List of Friars with Substantiated Accusations,” last updated on April 2, 2024, pp 1–2.)

Fr. Cooney’s assignment history published on the Capuchin List states that he served in the Diocese of Saginaw in the 1980s, 1990s, and 2000s, as follows:

Member of Retreat Team, Queen of Angels Retreat Center, Saginaw, MI 1980–1981.

Itinerant Preacher/Diocesan Ministry, Saginaw, MI 1985–1986.

Pastoral Ministry, St. Anthony Parish/Saginaw MI 1986–1990.

Itinerant Preaching Ministry/St. Joseph Parish/Saginaw MI 1997–2002

Sabbatical/Saginaw MI 1998–1999

Itinerant Preaching/St. Anthony Parish/Saginaw MI 2002–2005

[App’x AC#2, Diocese of Saginaw, Assignment List for “Names of Clergy Accused of Sexual Abuse of a Minor,” p 2.]

The Capuchin List also shows that Fr. Cooney, between two Saginaw assignments, was placed on administrative leave in 1986 to go to Jemez Springs, New Mexico. (App'x AC#1, "Capuchin Franciscans Province of St. Joseph List of Friars with Substantiated Accusations," last updated on April 2, 2024, p 2.) After Fr. Cooney was removed from ministry in 2009, he served at St. Joseph Center Development Office in Detroit from 2009 through his retirement in 2024. (*Id.*) The Capuchin List does not identify what positions he held there.

According to the Diocese of Saginaw, Fr. Cooney served in the Saginaw Diocese at the following places and times:

Queen of Angels Retreat Summer 1980–1981

St. Anthony Parish 7/1/86–7/1/90

St. Joseph Parish 9/97–2002

Sabbatical in Saginaw 9/1/98–9/1/99

[App'x AC#2, Diocese of Saginaw, Art Cooney, O.F.M., Cap, p 1.]

In a letter dated January 21, 1986, Fr. James Gavit, see entry no. 9 below, wrote the following to Bishop Kenneth Untener:

Dear Ken:

This mor[n]ing[,] a [Witness #5] from Montrose, Michigan called looking for you. I talked to her. She had some dist[ur]bing information about Father Art Cooney. She has been on the committee for RENEWAL in our Diocese[,] and she has helped set up the various week-end[s] that they sponsor around the Diocese. She said that last [w]eek-end Father Art Cooney was conducting a [w]eek-end Renewal in Parisville. There were two young men who went with him and spent the week-end with him to help give witness. These men were a [c]ollege student who is 19 years old – name of [John Doe #13] and another young man who is 21 or 22 by the name of [John Doe #14]. These young men came to her with the problem that developed with Art Cooney. They both said that he made sexual advances with them both on Saturday evening and also on Sunday morning.

[Witness #5] said they were especially disturbed because he went right on Sunday as if nothing had happened[,] and they were very uneasy about the whole situation. [Witness #5] will be writing to you giving you all the details. She is also concerned about several other week-end[s] that they have planned in our Diocese. I told her to leave these men off those week-ends[,] and she thinks that Art is just coming in on

Sunday for Mass with the students. I thought it would be good for you to have her testimony in writing. I do have her telephone number which is [redacted]. I believe one of those numbers is to her home and is especially for their charismatic group's business.

She said that she talked to her [p]riest confessor[,] and he told her to contact you. I took the liberty of telling her to write down what happened and mail it to you. She will do that today.

[App'x AC#3, Letter appearing to be from Fr. James Gavit to Bishop Ken Untener, dated January 21, 1986.]

Also on January 21, 1986, Witness #5 and her husband, Witness #6, wrote a letter to the bishop regarding Fr. Cooney's alleged sexual advances to the two young men, which read as follows:

It is with pain and sorrow that we are writing this letter. In our Youth ministry outreach, Fr. James Prentice, OSFS, of St. Rita[']s, Clarklake, has worked with us for the past two years and has advised us to contact you concerning the following matter.

Last August[,] we began working with Fr. Art Cooney in Youth Ministry retreats, Confirmation programs, and etc., and have come to love him.

Fr. Art called us and asked permission to take two of our young men to help at a retreat in Parisville, Jan 17, 1986, by giving their witness and leading groups. We saw no problem and gave permission for [John Doe #13] and [John Doe #14] to go, whom he requested.

On Saturday evening, Fr. Art took [John Doe #13] and [John Doe #14] to Marlette to spend the night at a parish rectory as he had two liturgies the following day[,] January 19. That evening, he made slight advances to [John Doe #14] and stronger advances to [John Doe #13]. [John Doe #13] and [John Doe #14] removed themselves from the situation. Sunday morning[,] Fr. Art came to the bedroom where [John Doe #13] and [John Doe #14] were and approached [John Doe #13] again. Sunday, January 20, [John Doe #13] came to inform us of what had happened. We asked the two young men to remain silent, prayed with them, and said that we would contact Fr. Prentice in the morning to find out how to proceed.

Bishop, we have two Confirmation Retreats and a Youth Retreat scheduled in your diocese with Fr. Art and are at a loss as to what to do, as there was no indication of sorrow from Fr. Art over the

wrongness of his actions expressed to [John Doe #13] or [John Doe #14].

We are heartsick and praying.

[App'x AC#4, Letter from Witness #5 and Witness #6 to Bishop Kenneth Untener, dated January 21, 1986.]

On the backside of the January 21, 1986 Witness #5 letter, undated and unsigned notes were handwritten by someone who was a psychologist and who made telephone calls to John Doe #13 and to Fr. Jim Prentice. (*Id.* at backside of letter.) The notes appear to be written regarding those two telephone conversations. (*Id.*) The author of the notes wrote that the author offered to meet with John Doe #13, but “[John Doe #13] felt [because] Fr. Art [wa]s responding, [and] willing to get help, [there was] no need to meet. Let it rest.” (*Id.*) John Doe #13 also confirmed that “he was not hurt in any way & was able to protect himself.” (*Id.*) The psychologist informed John Doe #13 that the bishop was aware of the telephone call. (*Id.*) During the telephone call with Fr. Prentice, Fr. Prentice advised that both John Doe #13 and John Doe #14 felt that “Fr. Art responded well & is getting help – no need to meet[.]” (*Id.*) The psychologist wrote that he or she told Fr. Prentice that the “diocese would like to give [John Doe #13] & [John Doe #14] the opportunity to say anything they would like, even if nothing.” (*Id.*) Fr. Prentice thought that the young men “would like to let it rest.” (*Id.*) No other documents were found regarding the allegations of John Doe #13 or John Doe #14.

On January 23, 1986, Bishop Untener sent a letter to Fr. Cooney suspending, effective immediately, his appointment as Director of the Charismatic Renewal Center in DOD and suspended those acts of the power of order that would be done in public. (App'x AC #5, Letter from Bishop Kenneth Untener to Fr. Cooney dated January 23, 1986.)

An unsigned letter dated July 28, 1986, Bishop Untener advised Fr. Cooney that he was permitted to resume ministry based on “the recommendation of the Jemez Springs Treatment Center, as well as the recommendation of your own religious superior, and thus permit the resumption of your duties as Director of the Charismatic Renewal Center. The faculties of the Diocese are also granted to you.” (App'x AC#6, Unsigned Letter from Bishop Untener to Fr. Art Cooney, dated July 28, 1986.)

**(4) FR. ROBERT J. DELAND, JR.
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: February 23, 1947

Ordained: June 17, 1973

Suspended from ministry: February 26, 2018

Permanently removed from ministry: April 25, 2019

Convicted: 2019

Sentenced: April 25, 2019

Laicized: September 7, 2022

Discharged from Parole: April 28, 2023

Fr. Robert J. DeLand, Jr., was born in Chicago, Illinois, on February 23, 1947, and was ordained to the priesthood on June 17, 1973, at St. Stephen Church in Saginaw for the Diocese of Saginaw. (App'x RJD#1, Biographical Record for Priest, p 1.) Fr. DeLand was suspended from ministry on February 26, 2018, and was permanently removed from ministry on April 25, 2019. (App'x RJD#2, Diocese of Saginaw, Robert DeLand, p 2.) Fr. DeLand was laicized on September 7, 2022. (*Id.*)

In a letter dated September 25, 1992, that appears to have been written to Bishop Ken Untener from Fr. DeLand when he was a graduate student pursuing canon law at American College in Leuven, Belgium, the following was written:

Dear Ken,

Yes, I arrived safe and sound here in Leuven. Unbelievably, the weather is beautiful and warm: very unlike Belgium. I have a buddy who is now serving on the staff here . . . from the Diocese of Rockville Centre. That is a very nice development for me personally.

* * *

Thanks too for letting me know about your conversation with [Fr.] Charlie Ganley. I feel quite uneasy about even the hint of such an occurrence, but know in my heart that I am guilty of no wrong. I

become quite angry with Charlie for continuing to repeat what is obviously “third-hand” and not even based on what the child said. It is a sign of the times: a child comes home from some event with a priest, parents notice some kind of ‘attitude['] change[,] and the adult surmises that the priest must have done something. One thing I do ask of you: remind Charlie when you have the opportunity that any continuing of this story is a slandering of my name. If that occurred, then I would be very disturbed. I honestly appreciated Charlie’s coming to me a year and a half ago about this. At that time, I told him I would go to you and seek your counsel. I guess I am curious as to why he waited so long to take this up with you. But at this point, in view of the fact that there is no ‘accusation’ in this whole matter but only hearsay, I really would like to end it. I have every reason to believe that Charlie has respected the confidentiality of this situation[,] and I would ask you to when you are able, to continue to ask him to do that.

Enough of that: believe me, it really caused me some anxiety a couple of years ago. The year here looks very good: the attitude is so much more positive with new leadership in the house. If you every [sic.] get to Europe, there are many who would love to meet you: one professor from Canada makes incessant references to you . . . and our American College secretary tells me you are a sort of ‘hero’ to her even though she has never met you. Feel welcome anytime.

Again, many thanks for the additional help. Prayers for you and for the whole diocese!

/s/
Bob

P.S. Could you ask [him] to pay the enclosed bill? I’ll save 29¢ if you give this to him! Thanks!

[App’x RJD#3, Letter from Fr. DeLand to Bishop Untener, dated September 25, 1992.]

In an unsigned letter dated October 9, 1992, the bishop replied to Fr. DeLand’s above-quoted September 25, 1992 letter as follows:

Dear Bob,

. . . I will follow up on your suggestion that I talk to [Fr.] Charlie Ganley. I’ll have to be in touch with him about our plans for his assignment anyway. So, I’m sure I can work it out.

Peace,

P.S. The supplement to your income starts this month.

[App'x RJD#4, Letter (unsigned) from Bishop Untener to Fr. DeLand, dated October 9, 1992.]

On August 18, 2005, Witness #7 called St. James School in Bay City, Michigan, and alleged that Fr. DeLand had sexually molested Witness #7's brother "when he was an altar boy many years ago[, and] the woman's [Witness #7's] elderly Aunt had been sworn to secrecy." (App'x RJD#5, Sequence of Events: Witness #7, dated August 18, 2005, through October 5, 2005.) Witness #7 also stated that her brother committed suicide in the 1970s. (*Id.*) Witness #7 thought "the abuse occurred right after Fr. Bob [DeLand] was ordained." (*Id.*) Witness #7 had "known this for about a year[,] and when she heard Fr. Bob was at St. James, felt that she just needed to let the principal know not to let him be alone with children." (*Id.*)

On August 23, 2005, the Victim Assistance Coordinator (VAC) called Witness #7, to follow up on Witness #7's report to St. James School. (App'x RJD#6, Notes of VAC, dated August 23, 2005, p 1.) Witness #7 told the VAC that, during a Christmas visit to Witness #7's paternal aunt the preceding year, Witness #7's aunt said she wanted to tell Witness #7 why Witness #7's brother, John Doe #15, had committed suicide. (*Id.*) Witness #7's aunt stated that at some point during the past, she went to Mass at St. Stanislaus Church with Witness #7's parents, and Witness #7's dad (since deceased) said that, if the priest shook Witness #7's dad's hand, Witness #7's dad would "punch him in the face." (*Id.*) Witness #7's aunt could not recall the name of the priest, but Witness #7 believed that Fr. DeLand was the priest at St. Stan's at that time.¹² (*Id.*) Witness #7's aunt also told Witness #7 that Witness #7's dad told the aunt that "he went down in the basement[,] and the priest was in the basement with [Witness #7's] brother[,] and her brother did not have a shirt on[.]" (*Id.*)

During the same August 23, 2005 telephone conversation with the VAC, Witness #7 said that she remembered "her brother [John Doe #15] went from neat handwriting to shaking." (*Id.*) She also recalled him being depressed and drinking a lot. (*Id.*) Witness #7 said John Doe #15 reportedly fell asleep in school, "did drugs," and smoked "three packs of cigarettes a day." (*Id.*) Witness #7 said that Fr. DeLand

¹² According to Fr. DeLand's assignment record, he served as an assistant pastor at St. Stanislaus Kostka in Bay City from July 5, 1973, to July 1, 1975, and, contemporaneously, as a chaplain at All Saints Central High School. (App'x RJD#1, Biographical Record for Priest of Diocese of Saginaw, p 2.) These assignments went into effect immediately after Fr. DeLand's June 17, 1973 ordination. (*Id.* at 1.) Thereafter, the priest served as an assistant pastor at St. Vincent de Paul, also located in Bay City, from July 1, 1975, to July 16, 1980. (*Id.* at 2.)

“came into the picture with their family when her sister[,] . . . died and her brother [John Doe #15] was 10 or 11 years old.” (*Id.*) Witness #7 also told the VAC that Fr. DeLand “helped her family” and “took kids to hockey games.” (*Id.*) At the time of her sister’s death, Witness #7 was in college. (*Id.*) Witness #7, looking back, sensed “something [did]n’t seem right” – all boys hanging around the rectory. (*Id.* at 2.) Witness #7 also stated that John Doe #15 “would go [i]n the basement” and “[Witness #7] found some writing” regarding “something about what another man does to another person.” (*Id.*) Witness #7 thought her dad was the “only correlation” because he “said it was Fr. Bob.” (*Id.*) “Witness #7 said that she would not want to accuse a person, like a priest.” (*Id.*) She also stated that she recalled another priest at St. Stan’s with “black hair and a black mustache.” (*Id.*) The VAC then asked Witness #7 if she remembered a Fr. Jack Leipert, see entry no. 17 below, because “he was assigned to St. Stan’s at one time and did work there with youth.” (*Id.* at 2 and 3.) In reply, “[Witness #7] said – did he have a Youth Group – a picnic – a little too much to drink[?]” (*Id.* at 2.) “[Witness #7] then went back to her conversation with her Aunt over Christmas and said that her Aunt could not come up with the priest’s name and that [Witness #7] said the name of Fr. Bob.” (*Id.*) Witness #7 advised that she would talk to her aunt again about the priest. (*Id.*)

On September 2, 2005, the VAC notified Fr. DeLand of Witness #7’s allegation, and he denied the allegation. (App’x RJD#5, Sequence of Events: Witness #7, dated August 18, 2005, through October 5, 2005.) On that same day, the VAC presented the matter to the Review Board at its next-scheduled meeting. (*Id.*) At that meeting, held on October 5, 2005, the Review Board determined that the matter was “a case of ‘mistaken identity’ if the ‘allegation’ [were] true, however, for the sake of everyone, the RB [Review Board] want[ed] an investigator to look into this ‘allegation.’” (*Id.*)

On October 27, 2005, the VAC retained the services of a diocesan investigator, to investigate Witness #7’s allegation against Fr. DeLand. (App’x RJD#7, Report from diocesan investigator to diocesan counsel, dated March 7, 2006, p 1.) In his March 7, 2006 narrative report, the diocesan investigator wrote the following, after he conducted his investigation:

November 3, 2005

Diocesan investigator received a [return] call from [Witness #7]. After a brief introduction, [Witness #7] agreed to speak with this investigator. Diocesan investigator offered to meet in person with [Witness #7], but she said that she believed it could be handled just as effectively by telephone.

[Witness #7] said that her family belonged to St. Stanislaus Parish in Bay City, Michigan. She said she believed Father Bob was assigned to St. Stan’s right after he was ordained. Father Bob was active with the

youth in the parish, particularly with the boys. Father Bob would take selected boys to hockey games and other activities. [Witness #7's] brother, [John Doe #15] (the alleged victim), was quite young at the time and was an altar boy.

Father Bob was a frequent visitor to the [John Doe #15's] home.

[Witness #7] said [John Doe #15's] personality changed in the few years following his siblings' death. He went from a happy-go-luck[y] kid to a troubled preteen. [John Doe #15] began to drink and use drugs. According to [Witness #7], he never did "straighten out."

[John Doe #15] committed suicide Father Deland [sic.], no longer at St. Stan's, was contacted by the [John Doe #15's] family and asked to officiate at [John Doe #15's] funeral. [Witness #7] said the family struggled with [John Doe #15's] suicide and looked for answers as to why it happened.

According to [Witness #7], the answers came in December of 2004. [Witness #7] and her sister [Witness #8] (in from [another state] for the holidays) were visiting their 87 year old aunt [Witness #9] at her home in Bay City. Their aunt was in the early stages of dementia. During the visit, the conversation shifted to [John Doe #15's] suicide[,] and the aunt volunteered, "I know why [John Doe #15] killed himself." The aunt then recounted that[,] years earlier, she and [Witness #7's] father were at church. The aunt said that [Witness #7's] father said, "[i]f that priest shakes my hand, I'll punch him in the nose." He then explained that he had come home from work one day to find the priest and [John Doe #15] in the basement[,] and [John Doe #15] did not have his shirt on. The father said that he never told his wife about the incident, and had not told anyone until he told [Witness #7's aunt]. He swore the aunt to secrecy. [Witness #7] asked her aunt what priest[,] and the aunt said, "[y]ou know, the one at St. Stan's." Witness #7] admitted that she was the one to identify the priest as Father Bob. [Witness #7's] aunt did not confirm Father Bob but repeated, "[t]he one at St. Stan's."

[Witness #7] said that she had always thought highly of Father Bob and did not want to believe it. However, it did seem to provide a reason for [John Doe #15's] suicide.

[Witness #7] said she and her sister [Witness #8] discussed the "news[,] and [Witness #8] could not believe that Father Bob was capable. [Witness #7], on the other hand, felt it explained her brother's death. After months of discussion, [Witness #8] emailed Father Bob

and told him of her aunt's revelation. There were several emails back and forth between [Witness #8] and Father Bob[,] and [Witness #8] came away satisfied that Father Bob was not involved. [Witness #7] was still not convinced.

[Witness #7] said that when she read in the newspaper that Father Bob had been transferred to St. James, a parish with a school, she felt it her obligation to give the school a "head's up."

[Witness #7] advised this Investigator that her parents had passed away. [Witness #7] was asked if the aunt could be interviewed. She said that, although still alive, her aunt's dementia has worsened; she now lives in an assisted living setting. [Witness #7] doubted that an interview would be productive as her aunt "slips in and out, but usually out."

[Witness #7] was asked if her aunt said when her father made the disclosure. [Witness #7] said her aunt did not say, but [Witness #7] assumed it was after [John Doe #15's] death[.]

[Witness #7] was asked if her father told her aunt when he 'caught' the priest and his son in the basement. [Witness #7] said her aunt did not say but she assumed it was when [John Doe #15] was still a little boy.

[Witness #7] was asked if she knew which church her aunt and her father were at the time of the disclosure. [Witness #7] said that she had no idea. She explained that in Bay City, there is a Catholic Church every mile. [Witness #7] said her father did attend [M]ass at other parishes besides St. Stan's. In fact, [Witness #7] said her aunt used to live in a neighboring parish. Therefore, it is possible that the disclosure did not take place at St. Stan's.

[Witness #7] was asked to contact her sister [Witness #8] and ask if she would be willing to speak to this Investigator.

January 24, 2006

Diocesan investigator met with Father Bob DeLand at St. James Parish in Bay City. Father Bob was aware of [Witness #7's] call to St. James and this investigation.

Father Bob said he was assigned to St. Stan's in 1973 right after he was ordained. He said, like all new priests, he wanted to make a difference and be more approachable than the priests of his childhood. Father Bob said that he did have a lot of contact with the youth at St. Stan's and did take some boys to hockey games, etc. However, Father

Bob does not remember [John Doe #15] as being one of these boys. Father Bob said that [John Doe #15] was only eight or nine at the time[,] and he typically took older children on activities. However, Father Bob said that he was close to the [John Doe #15] family so it was possible that [John Doe #15] came along.

Father Bob said [h]e became close with the [John Doe #15's] family when their youngest child, [Witness #10], died unexpectedly[.] The whole family took the death hard, as was to be expected, but [a relation of John Doe #15] really struggled with it. Father Bob explained that [a relation of John Doe #15] worked shift work and was often alone during the day. Father Bob said that he would often visit [a relation of John Doe #15] during the day, have coffee, and try to help him find some peace with [a family member's] death. This went on until Father Bob transferred from St. Stan's later that year (1975). Father Bob said that, after his transfer, he continued to keep in touch with the [John Doe #15 family], but less frequently.

Father Bob denied that he ever had sexual contact with [John Doe #15] – or anyone, for that matter. Father Bob was asked about his replacement at St. Stan's, Jack Liepert [sic.] [see entry no. 17 below]. Liepert [sic.] is a known pedophile and is currently in the process of being laicized for such acts. Father Bob said that he wished he could accuse Liepert [sic.] to deflect attention from him, but in all fairness[,] he doubted Liepert [sic.] was responsible because Liepert's [sic.] victims were all high school age, not as young as [John Doe #15] would have been.

Father Bob was asked about his cottage in Tawas, Michigan. In one of the conversations this Investigator had with [Witness #7], [Witness #7] indicated that the newspaper article reporting Father Bob's transfer to St. James mentioned that one of Father Bob's likes was to walk his dog "Bo" at his cottage in Tawas. [Witness #7] thought that maybe Father Bob had taken her brother or other boys to his cottage for sexual reasons.

Father Bob said that he bought the cottage in Tawas three and a half years ago with money he inherited from his father's estate.

This Investigator contacted [Witness #7] after the interview with Father Bob. [Witness #7] asked this Investigator for his opinion regarded [sic.] Father Bob's guilt or innocence. This Investigator explained the difficulty of this case due to the fact that[,] if it happened, it happened 30 years ago, the victim and the witness are

both deceased, and the “hearsay” witness is suffering from dementia and cannot be interviewed.

This Investigator went on to say [sic.] that Father Bob’s reaction to the allegation seemed appropriate. He was hurt that he was not contacted directly by the family[,] but understood, given the church’s recent history in such matters, that a report was a good thing. Father Bob was very direct in his denial and was unwilling to use the obvious scapegoat, Jack Liepert [sic.], to his advantage. Father Bob also expressed concern for the family and offered to meet with one or all of them to answer any questions that they may have.

This Investigator told [Witness #7] that he considered the source and timeliness of the accusation, the fact that Father Bob has never been accused of similar behavior even though most of his 32 years as a priest have been spent at parishes with schools, and Father Bob’s demeanor during the interview and concluded that there is no reason to believe that Father Bob is responsible for the alleged conduct.

[Witness #7] said her sisters [Witness #12] and [Witness #8] doubt it as well.

[Witness #7] went on to say that she had contacted a friend of [John Doe #15’s], who also used to hang around with Father Bob. Witness #7 said that she informed [John Doe #15’s friend] of her aunt’s revelation and asked if he ever saw anything suspicious. [John Doe #15’s friend] said that he had not and, further, that he doubted that Father Bob was capable of such behavior.

This Investigator asked [Witness #7], given all of the information that she now has, what she believes.

[Witness #7] says that she believes the alleged conduct occurred because it gives her an explanation for her brother’s personality change and suicide. However, she and her whole family have always respected Father Bob and thought he was a model priest. Her sisters, whose opinions she respects, do not believe Father Bob is responsible. There are no other reports of similar behavior involving Father Bob, and her brother’s friend, who was often with Father Bob and their brother, never saw anything suspicious.

[Witness #7] said that she does not know what to believe and that she will probably always be haunted by some doubt.

This Investigator asked if there is anything else the Church can do to give her peace. [Witness #7] said that, given the lack of investigative leads, she is satisfied that anything that could be done, was done.

This Investigator asked [Witness #7] to have her sister [Witness #8] call him and asked for [Witness #7] to provide a phone number for [John Doe #15's friend].

This Investigator left several phone messages on [John Doe #15's friend] answering machine. However, [John Doe #15's friend] has never returned the calls.

[Witness #7's] sister [Witness #8] called Diocesan investigator. She identified herself as [Witness #8], [date of birth and address redacted].

[Witness #8] said that she was with [Witness #7] when their aunt "broke the news." [Witness #8] said that the news seemed out of character for the Father Bob that she knew and that is why she contacted him by email. [Witness #8] said that, after emailing back and forth, she is comfortable that Father Bob was not involved.

[Witness #8] was asked the same follow up questions: Did she have a sense of when her father told her aunt? How old was [John Doe #15] when her father caught him and the priest? What church were her father and her aunt in when he made these statements? [Witness #8] said that she shared [Witness #7's] assumptions but, in retrospect, the time line [sic.] and location were never actually stated.

[Witness #8], too, stated that she is satisfied that all investigative leads were followed.

[*Id.* at 2–6.]

On March 10, 2006, the Diocesan Review Board members met and reviewed the above-quoted report by the diocesan investigator and recommended "that the investigation should be closed and no further investigation taken." (App'x RJD#8, Typewritten notes of the Meeting of the Diocesan Review Board, dated March 10, 2006.) "The Review Board accepted the well-written investigation and agreed that the investigation showed no credible allegation." (*Id.*) It was also noted that "the relatives of the person bringing the allegations [we]re also satisfied with the investigation and the conclusion of no credible allegation." (*Id.*) It was further noted that Witness #8 "indicated to [the VAC] that she ([Witness #8]) was satisfied with the thorough investigation that the diocese carried out through the diocesan investigator." (*Id.*)

By letter dated May 8, 2006, signed by seven Diocesan Review Board members, the Review Board's finding that Witness #7's allegation against Fr. DeLand was "not a credible allegation" and its recommendation "that the investigation should be closed" were communicated to Bishop Robert Carlson. (App'x RJD#9, Letter from Diocesan Review Board Members to Bishop Carlson, dated May 8, 2006.)

In an undated, "Strictly Confidential" Memorandum, handwritten "[r]eceived 6-2-2006," Bishop Carlson wrote the following to the VAC and diocesan Chancellor:

I have had the opportunity to review the report from diocesan investigator to . . . an attorney for the Diocese of Saginaw. This report concerns an investigation requested by the Diocese over an allegation which was said to involve Fr. Robert DeLand.

As I read through the investigation, there is nothing which says that Fr. DeLand was involved in the issue[,] and there is a difference of opinion from the family over who the priest actually was.

Having said that, when [the diocesan delegate for a Safe Environment] was reviewing all of the priests' files, she came across a letter from Fr. Bob DeLand to Bishop Ken Untener and from Bishop Ken Untener to Fr. Bob DeLand. The letters were written in 1992 and concerned something that Fr. Ganley apparently said. Apparently[,] he had some "third-hand" information on a possible abuse situation.

I was wondering what you know about this and how it was resolved. Obviously, we have to follow up on it[,] and if there is nothing to it, I want to make sure that is clear in Fr. DeLand's file. This is important for his protection[,] and I would ask that you get back in touch with me in the very near future.

Finally, I will also discuss this with [church employee], as she may remember something about the exchange of letters.

[App'x RJD#10, Memorandum from Bishop Robert Carlson to the VAC and diocesan Chancellor, dated received June 2, 2006.]

In a reply memorandum, dated June 12, 2006, the VAC wrote the following to Bishop Carlson and the diocesan Chancellor:

Regarding the Investigative Report from diocesan investigator having to do with an allegation about Fr. Bob DeLand . . . the Review Board has been kept up to date on all information regarding the allegation and all following procedures/process. (Please let me know if I have left any gaps in my communication with you since that is quite important.) This morning[,] I gave a CONFIDENTIAL envelope to you. Inside is

the written response from the Review Board to you per our Diocesan Policy) as a closure to the allegation and investigation in this case. The Review Board was quite satisfied with the Investigator's Report. The Review Board [members] had felt from the beginning that the "allegation" lacked any substance, however, they felt that seriously looking into the allegation was needed for the concerns expressed by the complainant to be truly addressed and brought to closure.

We can certainly talk about this if this [sic.] if you have any questions or concerns.

Regarding the 1992 letters written by Fr. Bob DeLand to Bishop Ken Untener and a reply from Bishop Ken Untener to Bob DeLand, as indicated in your Memo, I am not aware of the letters or the circumstance. So, I do not know anything about the letters and therefore do not know about how it was resolved. I can certainly understand your concerns and the need to have as much clarity as possible in any circumstance.

I hope this response is helpful, although I wish I could be of more assistance in the 1992 exchange of letters.

[App'x RJD#11, Memorandum from the VAC to Bishop Robert Carlson and the diocesan Chancellor, dated June 12, 2006.]

On November 2, 2017, a detective of the Tittabawassee Township Police Department (TTPD) interviewed 16-year-old John Doe #84 and his parents regarding a criminal complaint against Fr. Robert DeLand, which he memorialized in a February 25, 2018 incident report. (App'x RJD#36, February 25, 2018 TTPD-Tittabawassee Township Police Department Case Report, Reporting Officer, p 13). John Doe #84 reported to police that he met Fr. Robert DeLand through a Freeland High School classmate who tragically passed away on May 14, 2017, from a self-inflicted gunshot wound, after a small gathering in which several minors including John Doe #84, were playing with guns and consuming alcohol. (*Id.* at 12.) Subsequently, John Doe #84 and some of his high school classmates were court ordered to perform community service under Fr. DeLand's direction. (*Id.*) John Doe #84 and his parents reported that Fr. DeLand constantly called and texted John Doe #84, gave large amounts of money and gifts, held on to his hands while speaking to him, stepped on his foot making it hard for John Doe #84 to get away, always hugged him, and told him "he love[d] him." (*Id.* at 13.) John Doe #84 and his parents stated that they believed Fr. DeLand was "grooming [John Doe #84] for a homosexual relationship." (*Id.*) The detective instructed John Doe #84 and his parents "not to say anything to anyone" while he conducted an investigation. (*Id.*)

On November 3, 2017, the detective met with a Saginaw County assistant prosecuting attorney to discuss possible charges, and he learned that the Saginaw Township Police Department had submitted a criminal warrant pertaining to Fr. DeLand's alleged sexual assault of John Doe #85. (*Id.*) The detective noted that the assistant prosecutor agreed to delay filing charges and allow the detective to ask John Doe #84 and his parents "if they'd be interested in assisting the police in some type of undercover police operation to see if Father Bob is sexually deviant, or is a sexual predator." (*Id.*)

On November 16, 2017, John Doe #84 reported to the detective that he was sexually assaulted by Fr. DeLand at Freeland High School. (*Id.* at 14–15.) The detective summarized in his report as follows:

I was contacted by [John Doe #84] who advised me that at approximately 11:05 am that date he was approached by Father Bob at school (Freeland High School). According to [John Doe #84], Father Bob approached him while he was in his 4th hour Gym class and asked to speak with him. Upon [John Doe #84] meeting with Father Bob in the hallway, he was asked by him if he (John Doe #84) had twenty dollars in his wallet. John Doe #84 advised he didn't. Father Bob then told [John Doe #84] if he wanted twenty dollars he (John Doe #84) would have to go with him into the empty room outside the Gym. [John Doe #84] then went with Father Bob as directed into the empty room, at which time Father Bob gave him twenty dollars and asked him for a hug. [John Doe #84] further advised Father Bob then told him he wanted to hang out with him over the next couple of days. [John Doe #84] then advised that after he and Father Bob left the empty room next to the Gym they began walking down the hallway side-by-side when all of the sudden, without warning, Father Bob put his hand on [John Doe #84]'s back and slid his hand all the way down his back and half way down his buttocks rubbing his butt. [John Doe #84] advised me this was both very uncomfortable and was an unwanted touching. [John Doe #84] further advised me he was very upset by this and wanted to punch Father Bob.

[*Id.*]

In January 2018, the detective arranged for a series of pre-text phone calls with the approval of the Saginaw County Prosecutor's Office. (*Id.* at 14.) In the third pretext call, which occurred on February 25, 2018, the detective had John Doe #84 inform Fr. Robert DeLand that there was a large amount of ecstasy available in Freeland. (*Id.* at 18–19.) The detective then provided John Doe #84 with fake ecstasy pills for his planned overnight stay at Fr. DeLand's personal residence on February 22, 2018. (*Id.*) At the detective's direction, John Doe #84 pretended to be high on Xanax and ecstasy, as described by the detective in his report:

On Thursday Feb 22, 2018 at approximately 3:40 pm Father Bob picked up [John Doe #84] at his residence and drove him around in his vehicle. Once inside Father Bob's vehicle [John Doe #84] deployed Ruse 3 by telling Father Bob that there is a lot of the date drug Ecstasy in Freeland. While doing so, Father Bob began engaging in conversation with [John Doe #84] about the drug Ecstasy, its affects, duration etc. Father Bob then asked [John Doe #84] how much the drug costs and [John Doe #84] advised him around \$100.00. Father Bob subsequently tells [John Doe #84] that he'll pay the \$100.00 for the drug and told [John Doe #84] to get some from his friend. Before dropping [John Doe #84] off at home Father Bob gave him \$80.00 to get his cell phone fixed. Within a few minutes of arriving at home, at our direction, [John Doe #84] called Father Bob again and told him he can get Ecstasy from a friend at school the following day. Father Bob then told [John Doe #84] he'd pick him up at his home and take him to the ATM at 5:15 pm to give him the money to buy the Ecstasy. At approximately 5:15 pm Father Bob picked [John Doe #84] back up and drove him to the ATM and withdrew \$80.00 for the Ecstasy and gave it to him to buy the Ecstasy. The audio and video of this transaction was covertly recorded. Father Bob then ordered [John Doe #84] to turn over the drug to him on Friday Feb 23, 2018 so he can keep it until Sunday Feb 25th, 2018 when [John Doe #84] spends the night. Father Bob stressed he wanted to make sure [John Doe #84] took the Ecstasy while he was with him.

[*Id.* at 18.]

On February 23, 2018 at 3:09 pm I met with [John Doe #84] and his father [name omitted] at our police department. I gave [John Doe #84] the fake blue Ecstasy pill with a smiley face imprinted on it. The pill was in a clear cellophane baggie. I instructed [John Doe #84] to text a picture of it to Father Bob so he could turn it over to him as directed by Father Bob on Thursday February 22, 2018 when Father Bob gave him the money to purchase it. [John Doe #84] sent the picture to Father Bob at approximately 3:09 pm. Father Bob responded to the text message acknowledging it at 3:11 pm at which time [John Doe #84] and Father Bob decided to meet in the parking lot of Pat's Food Center located at [address] Freeland, MI.

This detective was positioned in the parking lot of Pat's to watch and take photos of the exchange of the fake Ecstasy pill from [John Doe #84] to Father Bob. At 3:32 pm Father Bob arrived at Pat's and parked his vehicle behind the Mr. Moustache Building that sits near the SW corner of Pat's parking lot. [John Doe #84] was standing outside at that time and Father Bob arrived in his vehicle that the

GPS Tracker was installed on, exited his vehicle and was given the fake Ecstasy pill by [John Doe #84]. After a few minutes [John Doe #84] entered Father Bob's vehicle at which time Father Bob drove [John Doe #84] to an ATM and gave him \$65.00.

[*Id.* at 18.]

On February 25, 2018, the detective on behalf of the TTPD issued the following in a public statement:

The Tittabawassee Township Police Department and the Saginaw Township Police Department announce the arrest of a 71-year-old pastor currently employed by the Catholic Diocese of Saginaw. The arrest is the result of several incidents and criminal complaints that were filed between August 7th, 2017 and today's date. These criminal complaints occurred in Saginaw and Tittabawassee Townships.

On August 8th, 2017, a Criminal Sexual Assault complaint was filed by a subject alleging [John Doe #84] was sexually assaulted the previous evening by a Catholic Priest at the priest's condominium located in Saginaw Township. Between Nov 2, 2017 and Feb 25, 2018 five additional Criminal Complaints were filed with the Tittabawassee Township Police against this same Catholic Priest alleging Gross Indecency, furnishing alcohol to a minor, sexual assault, and the illegal purchase/possession of a controlled substance known as the drug Ecstasy.

As a result of the arrest and criminal investigations[,] the 71-year-old Catholic Priest has been banned from the Freeland Community Schools, as well as the CAN Council Great Lakes Bay Region properties, where he serves as a board member. The suspect has been served written Criminal Trespass Warnings as well.

Between Nov 2nd 2017, until the time of the suspect's arrest, he has been under law enforcement surveillance using modern law-enforcement technologies and active surveillance by detectives. The Michigan State Police Bayanet [BAYANET]¹³ Detectives assisted with surveillance. At no time were students or others in danger during this covert law-enforcement operation. During the investigations[,] several Search Warrants were executed.

¹³ BAYANET is the acronym for Bay Area Narcotics Enforcement Team.

These incidents are still under investigation. Upon conclusion of the investigations[,] the incidents will be forwarded to the Saginaw County Prosecutor's Office for review.

[App'x RJD#12, Tittabawassee Township Police Department Press Release, dated February 25, 2018.]

Diocesan legal counsel advised the Department of Attorney General that the Diocese was not notified of Fr. DeLand's alleged sexual assault on Freeland High School grounds until after Fr. DeLand's arrest on February 25, 2018.

On February 26, 2018, the day after the above-quoted public statement was issued, Bishop Joseph Cistone wrote the following in a letter to Fr. DeLand:

Today, I learned of criminal allegations against you about which I had no previous knowledge. It is my understanding that you were arraigned this afternoon on these charges.

In accord with diocesan policy, I place you on temporary administrative leave in your duties as Pastor of St. Agnes Parish, Freeland and as Judicial Vicar of the Diocese of Saginaw, effective immediately. You are not to return to St. Agnes Parish or attempt to provide pastoral ministry until you have my permission.

I have enclosed a copy of the public notification of your administrative leave. I ask that you inform my office of the canon lawyer who will assist you as I will open a Preliminary Investigation under Canon 1717.

It is my hope that you will pursue appropriate counseling and spiritual guidance to assist you at this time. I assure you of my heartfelt prayers for you.

[App'x RJD#13, Letter from Bishop Joseph Cistone to Fr. DeLand, dated February 26, 2018.]

The "public notification" referenced in Bishop Cistone's letter was issued on February 26, 2018, and read as follows:

The Catholic Diocese of Saginaw first learned about the arrest of the Rev. Robert J. DeLand this morning from local news media who received a news release overnight from Tittabawassee Township Police. The Diocese of Saginaw had no previous knowledge of the police investigation or of these allegations.

Upon receiving the information from media this morning, the diocese requested a copy of the police report and warrant issued against Father DeLand, which we have not yet received.

“I am deeply distressed by this most serious situation,” said the Most Rev. Joseph R. Cistone, Bishop of Saginaw. “Clearly, the diocese will cooperate fully with law enforcement and their investigation. I ask that you keep in your prayers Father DeLand and anyone who has brought forward allegations against him. My heartfelt prayers and support go out to the St. Agnes Parish family and the entire Freeland community.”

Father DeLand, who is pastor at St. Agnes Parish in Freeland, as well as a judicial vicar for the Diocese of Saginaw, will be placed on administrative leave during this investigation in accord with diocesan policy.

[App’x RJD#14, Diocese of Saginaw, “Statement regarding Father Robert J. DeLand,” dated February 26, 2018.]

On March 1, 2018, Bishop Cistone issued the following Precept against Fr. DeLand:

Whereas the nature of the boundary violations, to which you, **Reverend Robert J. DeLand**, have been charged with criminal offenses, including sexual misconduct, and other behavior which may lead to scandal of the Faithful:

To prevent scandal and promote the common good of the Church, I hereby bind you to the following actions:

1. To meet all obligations of the criminal courts, including refraining from contact with individuals under the age of 21, thereby prohibiting you from going onto school property or participating in school and parish functions;
2. To refrain from the exercise of public ministry unless you receive prior written approval from me;
3. To refrain from wearing clerical garb and presenting yourself as a priest;
4. To refrain from the spiritual care of the Faithful, with the exception of celebrating the sacrament of penance for one in grave danger of death (canon 976);

5. To maintain appropriate boundaries and gestures of affection proper to the priestly state;
6. To contact Reverend William Rutkowski, VG at least once per week to discuss any personal concerns which you might have and to verify that you are abiding by the terms of this Precept;
7. To inform my office of any changes in your location and of unusual or upsetting circumstances which bear on your situation.

You are given canonical permission, for as long as this Precept is in effect, to celebrate Mass in private with no member of the Faithful present. Further, I urge you to follow a daily rule for prayer and spiritual practices.

The gravity of this matter requires me to state that failure to observe this Precept shall be considered a grave violation of your obligations under can. 1371, 2^o and will result in a *latae sententiae* suspension. Suspension may lead to your dismissal from the clerical state and loss of stipend and/or benefits. This Precept itself stands as due canonical warning of the same.

The Precept will remain in force until December 31, 2018, or until specifically rescinded or extended in writing. A petition for revocation or emendation of this decree is to be made by one legitimately capable of doing so within the peremptory time limit of ten useful days. Recourse is subject to the applicable canons (cc. 1732; 1739).

[App'x RJD#15, Precept of Bishop Joseph Cistone, dated March 1, 2018, p 1 (emphasis in original).]

Also on March 1, 2018, Bishop Cistone issued two decrees, a Decree Opening the Preliminary Investigation of Fr. DeLand, after finding “the semblance of truth about an offense” and a Decree Suspending the Preliminary Investigation after deeming it “judicious to wait for the completion of the criminal process before initiating the preliminary Investigation.” (App'x RJD#16, Decree Opening the Preliminary Investigation, Case re: Reverend Robert DeLand, dated March 1, 2018; App'x RJD#17, Decree Suspending the Preliminary Investigation, Case re: Reverend Robert DeLand, dated March 1, 2018.) Later that same day, the Diocese of Saginaw issued the following in a public statement:

The Diocese of Saginaw was made aware of the arrest of Rev. Robert (Bob) DeLand and his arraignment on criminal charges through the media on February 26, 2018. Because of the criminal charges filed against Father DeLand, the Most Rev. Joseph R. Cistone, Bishop of

Saginaw, immediately placed him on administrative leave from active ministry.

Bishop Cistone has mandated that Father DeLand must meet all the obligations of the courts, including the critically important directive that he is to have no contact with individuals under 21, for the well being, safety and protection of our community and most especially young people. This prohibits Father DeLand from going on school properties and participating in school and parish activities and functions.

In addition, Bishop Cistone has informed Father DeLand that he must refrain from wearing clerical garb or presenting himself publicly as a priest. He must also refrain from the exercise of public ministry and must notify the Office of the Bishop of any change or location.

These restrictions will remain in place throughout the entire criminal proceeding.

In accord with diocesan policy, an internal investigation will begin once the criminal investigation is completed, so as not to obstruct the criminal investigation.

Bishop Cistone has publicly expressed his commitment, on behalf of the Diocese of Saginaw, to cooperate fully with law enforcement in this most serious matter.

[App'x RJD#18, Diocese of Saginaw Statement, "Father Robert DeLand's Ministry Restricted, May Not Publicly Present Himself as a Priest," dated March 1, 2018, pp 1-2.]

On April 5, 2018, Fr. DeLand was charged with multiple felonies for the alleged incidents with John Doe #84. (App'x RJD#37, Odyssey Court Information Saginaw County Case Nos. 18-044900-FH, 18-044892-FH). Fr. DeLand pled no contest to two felonies involving John Doe #84: (1) manufacturing, creating, or delivering a counterfeit substance or controlled substance analogue; and (2) second-degree criminal sexual conduct for the incident that occurred on February 25, 2018. (*Id.*) Fr. DeLand was sentenced to 2-to-15 years in prison.

A few months earlier, on the morning of February 26, 2018, when the news of Fr. DeLand's arrest broke, Witness #14 told the VAC for Saginaw that, during the previous year, Witness #14's "about" 17-year-old son, John Doe #16, "came home one day and told [Witness #14] that Fr. Bob [DeLand] had greeted him and put his hand on his [John Doe #16's] private area." (App'x RJD#19, Notes of VAC dated March 2, 2018, p 1.) Witness #14 did not believe John Doe #16. (*Id.*) "[John Doe #16] . . . replied that yes . . . Fr. Bob did do that." (*Id.*) Witness #14, "had known Fr. Bob a

long time and just didn't believe [John Doe #16]." (*Id.*) Witness #14 told the VAC that, at the time, he disclosed his son's allegation "to a couple of people at work" and of his disbelief; however, no one reported the allegation to the Diocese. (*Id.*) After Witness #14 heard about Fr. DeLand's arrest on the morning news, he "became very angry and felt terrible that he had not believed his son and had not protected him." (*Id.*) A few days later, the VAC was "still concerned," and met with Witness #14 again, and provided him with "a copy of the diocesan policy," and she also "assured [Witness #14] that he and his son could make a direct report to law enforcement." (*Id.*) The following day, March 2, 2018, the VAC called John Doe #16 and advised that, unless he did not want her to, the VAC was going to report his allegation to law enforcement, and John Doe #16, "said it was fine for" the VAC "to make a report." (*Id.* at 2.) The VAC thereafter called the Tittabawassee Township Police Department and left a voice-mail message for the detective, advising that she "was calling about a report concerning Fr. DeLand." (*Id.*)

On April 5, 2018, the Saginaw County Prosecutor's Office charged Fr. Robert Deland in Saginaw Circuit Court, with two felonies, assault with intent to commit second-degree criminal sexual conduct, MCL 750.520g(2), and attempted second-degree criminal sexual conduct, MCL 750.520c(1)(f) for the alleged May 2017 incident with John Doe #16. (App'x RJD#21-1, Odyssey Court Information Saginaw County, Case Number 18-044899-FH). On August 21, 2018, the Saginaw County Prosecutor's Office voluntarily dismissed (*nolle prosequi*) the charge of second-degree CSC assault. (*Id.*) On March 21, 2019, a jury acquitted Fr. DeLand of all remaining criminal charges related to John Doe #16. (*Id.*)

On March 12, 2018, Witness #15, as Next Friend of John Doe #84, a minor, filed a four-count complaint against the Diocese of Saginaw, Bishop Joseph Cistone, and Fr. DeLand, jointly and severally, in the U.S. District Court, for the Eastern District of Michigan, alleging Civil Rights violations, Assault and Battery, and Negligence/Gross Negligence/Willful & Wanton Misconduct. (App'x RJD#21, [*Witness #15*] v. *Catholic Diocese of Saginaw, et al.*, Complaint and Jury Demand, US Dist Ct, ED MI, Case No. 18-cv-10809-TLL-PTM, pp 1–13.) The complaint alleged that, when "John Doe" was 16 years old, he completed six months of court-ordered community service at St. Agnes Church, under the supervision of Fr. DeLand. (*Id.* at 3.) The complaint further alleged that, when John Doe returned to school, Fr. DeLand was a volunteer greeter there and "engaged in a systematic pattern of 'grooming' behavior toward John Doe, targeting the minor child, gaining his trust, and/or providing him with gifts and favors." (*Id.*) Fr. DeLand allegedly "began to remove John Doe from class, taking him to an isolated area of the school to talk, contact which [sic.] made John Doe late to classes on a daily basis." (*Id.*) Fr. DeLand also allegedly "encouraged illegal and/or dangerous behavior, often speaking to John Doe about getting drunk and high." (*Id.* at 4.) Fr. DeLand also allegedly bought John Doe a vape machine and "forced John Doe to smoke cigarettes." (*Id.*) Fr. DeLand also allegedly "made inappropriate physical contact with John Doe during the school day, including back rubs, hugs, and groping of the

buttocks.” (*Id.*) Fr. DeLand also allegedly “encouraged John Doe to view very large quantities of gay pornography[,]” and Fr. DeLand allegedly “set up a special bedroom in his Mallard Cove condominium, which was available for use by John Doe.” (*Id.*) Fr. DeLand also allegedly “requested that John Doe obtain drugs, i.e., ecstasy, so they could party together at the Mallard Cove Condo[, and o]n February 25, 2018, while John Doe was present at the Mallard Cove condo, Deland [allegedly] touched John Doe inappropriately, groping and fondling his crotch and buttocks, feet and toes.” (*Id.* at 5.) “DeLand was subsequently arrested and charged with three felonies, including one count of attempted second-degree criminal sexual conduct/personal injury, one count of second-degree criminal sexual conduct, and a count of gross indecency between male persons.” (*Id.*) The complaint also alleged that “at all times relevant, all Defendants [DeLand, the Saginaw Diocese, and Bishop Cistone] knew that DeLand represented a danger to minor children and had the propensity to act in a sexually inappropriate manner, exposing children to harm, assault, and/or injury[,]” and “previous reports of DeLand’s inappropriate behavior had been made to” the Saginaw Diocese and Bishop Cistone, “but were ignored, removed, and/or minimized” by them and not reported to civil authorities. (*Id.*)

On April 6, 2018, the Tittabawassee Township Police Department issued the following public statement, announcing the April 5, 2018 arrest of Fr. DeLand, including information about charges in relation to John Doe #16:

The Tittabawassee Township Police Department, the Saginaw County Prosecutor’s Office, and members of the Special Investigative Team investigating allegations of sexual abuse by Catholic Priests of the Saginaw Diocese announce the arrest of Father Robert Deland [sic.] on Thursday, April 5, 2018. After the arrest, Father Deland [sic.] was transported to the Saginaw County Jail, where he was lodged.

Thursday’s arrest is the result of investigations that have taken place since his earlier arrest on Sunday, February 25, 2018. On April 5, 2018, four separate warrants were issued by the Saginaw County Prosecutor’s Office against Father Deland [sic.]. Three of the warrants issued involved the victim in the February 25, 2018, incident. The fourth warrant issued involves an additional 18-year[-]old victim who alleged Father Deland [sic.] attempted to sexually assault him inside St. Agnes Church in May 2017.

The day after the May 2017 incident, the victim’s father reported the incident to the Catholic Diocese of Saginaw and never heard back from them, nor received word the police were notified by them. After Fr. Deland’s [sic.] Feb 25, 2018, arrest, the victim’s father and the victim notified investigators from the Special Investigative Team about the

incident and requested assistance in prosecuting Father Deland [sic.] for this [alleged] attempted sexual assault inside St. Agnes Church.

The following criminal charges were authorized by the Saginaw County Prosecutor's Office on April 5, 2018:

1 Count—Controlled Substance—Imitation Manufacture or Distribution (Felony, 2 years)

1 Count—Criminal Sexual Conduct—Second Degree Assault (Felony, 5 years)

1 Count—Criminal Sexual Conduct—Second Degree—Personal Injury (Felony, 15 years)

1 Count—Alcohol-Selling/Furnishing to a Minor (Misdemeanor, 60 days in jail)

[App'x RJD#24, Tittabawassee Township Police Department, Press Release, dated April 6, 2018.]¹⁴

In a letter dated September 6, 2018, from the Congregation for the Doctrine of the Faith to Bishop Cistone regarding another priest's case, the following was written about Frs. DeLand and Dombrowski, see entry no. 5 below:

In studying the information about [another priest], it was discovered that two other priests of the Diocese of Saginaw, Rev. Robert J. DeLand and Rev. Ronald J. Dombrowski, have credible accusations of sexual abuse of minors. This Congregation currently has no record of their cases being sent to this Dicastery. Perhaps the preliminary investigations are still being conducted or the civil/criminal cases of the clerics are being addressed, but this Congregation would appreciate an update on the situation of these two clerics. Most especially, the Congregation would eventually need the pertinent acts of a preliminary investigation conducted according to cann. 1717–1719 *CIC* and Your Excellency's *votum* in the matter if there is a semblance of truth to the allegations regarding each priest.

[App'x RJD#27, Letter from Archbishop Augustine Di Noia, O.P., of the CDF to Bishop Joseph Cistone, dated September 6, 2018.]

¹⁴ The detective was “terminat[ed]” as a probationary employee from the township effective immediately on October 17, 2018. (RJD#30-1, Letter from Chief of Police of TTPD to the detective, dated October 17, 2018.)

In an article published on February 12, 2021, by WJRT-TV, the following appeared:

Robert DeLand was sent to prison for the alleged sexual assault of a teen in 2019. But as early as April, he'll most likely be free.

He was known as Father Bob, a popular Catholic priest in the Saginaw Diocese. That changed when DeLand was arrested in February 2018 and charged with several counts of criminal sexual misconduct.

There were three victims in three separate cases – two 17-year-old males and a 21-year-old man.

He was found not guilty on two of the charges in a 2019 trial, but he pleaded no contest to three other charges a few days later. A no contest plea is not an admission of guilt, but is treated as such at sentencing.

DeLand was sentenced to a prison term of two to 15 years in April 2019. A spokesperson for the Michigan Department of Corrections confirmed that DeLand was interviewed by the parole board in December[,] and the board has granted his release.

The 73-year-old DeLand has spent his nearly two years behind bars in the Marquette Branch Prison. The Corrections Department website indicates he could be released shortly after April 23.

“This is the obvious and most appropriate decision by the parole board,” DeLand’s attorney, Alan Crawford, wrote in a statement to ABC12. “Father Bob served his time and while in prison was an exemplary prisoner. We are appreciative and are thankful for the board’s decision.”

Before the trial and his no-contest pleas, DeLand originally had reached a plea deal which would have only put him behind bars in the county jail for one year.

But an ABC12 investigation showed certain scoring criteria to determine jail time were scored low. After the report, Saginaw County Circuit Court Judge Darnell Jackson made a ruling that he would not agree to that plea deal.

Once he’s out of prison, DeLand will remain on probation for at least three years and will have to register as a sex offender.

The Catholic Diocese of Saginaw released this statement, saying “we continue to hold in our prayers all victims of sexual assault, especially

minors and those who are vulnerable. On behalf of the Church, we are deeply sorry for wounds that have been inflicted on the faithful and members of the community as a result of this case.”

“Following the criminal trial against Robert (Fr. Bob) DeLand and in consultation with the independent Diocesan Review Board, Bishop Gruss submitted the case to the Holy See. Restrictions place[d] upon Robert DeLand by the diocese – forbidding him from presenting himself as a priest or exercising public ministry, remain in place permanently. The Holy See will make a final decision regarding Robert DeLand’s priestly status.”

[App’x RJD#28, “Suspended Priest Robert Deland Granted Parole,” WJRT-TV, dated February 12, 2021, p 1.]

On May 7, 2019, John Doe #16 filed a civil complaint against the Diocese of Saginaw, the Estate of Bishop Joseph Cistone and Robert Deland, Jointly and Severally. John Doe #16 alleged he attended a funeral service¹⁵ on May 18, 2017, for a high school classmate who died on May 14, 2017: John Doe #16 alleged that, “[a]fter entering the church, [he] found himself standing in a room off the main area of the church. This room was a semi-private area also known as or referred to as a coat room.” (App’x RJD#20, John Doe #16 Civil Complaint, ¶18.) John Doe #16 alleged that Fr. Deland accompanied him into the coat room and “attempted to grab [John Doe #16’s] penis/genitalia area.” (*Id.* at ¶ 19.) John Doe #16, then age 17, alleged that he physically resisted Fr. Deland’s assaultive actions by grabbing onto Fr. Deland’s hand. (*Id.* at ¶ 20.)

On September 9, 2020, Det. Scott Jackson of the Saginaw Township Police Department (STPD) emailed several tips to the Department regarding information the STPD received during its investigation of DeLand, and the first tip concerned Witness #18, who believed that her stepson, John Doe #17, might have been sexually abused by Fr. DeLand in the 1980s, when John Doe #17 was close to Fr. DeLand. (App’x RJD#31, Michigan Department of AG, Diocese of Saginaw Tipsheet, dated September 9, 2020.) Witness #18 alleged that Fr. DeLand gave John Doe #17 gifts. (*Id.*) She also alleged that she found “[John Doe #17] sometimes with disheveled hair and untidy shirt.” (*Id.*) Witness #18 stated that John Doe #17’s cousin, John Doe #18, was also close to Fr. DeLand. (*Id.*) Witness #18 also stated that John Doe #17 did not cooperate with STPD and that, after Fr. DeLand was arrested, John Doe #17 was one of the first persons Fr. DeLand called. (*Id.*) She also stated that John Doe #17 was named in Fr. DeLand’s Will. (*Id.*)

¹⁵ The funeral service was held at St. Agnes Church, where Fr. DeLand was the pastor.

On February 15, 2021, legal counsel for the Diocese of Saginaw forwarded an email to the Department that the Diocese received from Witness #23, who wrote the following:

I am horrified that Father Bob DeLand is being paroled.

I was a 15 year old volunteer at St. Vincent's in Saginaw in summer of 1973. I witnessed pedophile behavior to the very young boys there while adults were present. I reported that he was a pedophile to the nuns in charge, specifically Sister [Jane Doe].

I suffered years of retaliation for my correct report.

The church knew.

Do any of you really believe the word of God you are teaching?

Good luck trying to profess innocence to St. Peter.

[Witness #23]

[App'x RJD#32, Email chain from diocesan legal counsel to the Department of Attorney General, including email from Witness #23 to the Diocese of Saginaw, dated February 15, 2021, pp 1–2.]

In the same February 15, 2021 email from the Diocese's legal counsel to the Department, the former advised that the Diocese wanted to engage an investigator to investigate Witness #23's allegation "as soon as possible" (*Id.* at 1), and, on July 7, 2021, the diocesan attorney forwarded another email, dated July 4, 2021, from Witness #23 to the diocesan investigator, in which Witness #23 wrote her allegations in more detail:

Well, the RCC tried to intimidate me this week, but instead they work the dragon. I called a church near my temporary home to silence their bells for 2 months till new house is built. They sent the police to my door to serve me a do not trespass. As it I(f) I would go on church property!

Well, I must have been 15 when I met Bob DeLand at St. Vincent in Saginaw, MI[,] because I didn't have my driver's license yet. Everyone was so excited that Father Bob was coming to make scrambled hamburgers[,] which wound up being sloppy Joe's.

I was a high school volunteer for one month in the summer. I went to high school in a Chicago suburb run by the Daughters of Charity, the same order that ran St. Vincent. Like all RCC [Roman Catholic Church] things, the men get the credit and the women do all the work and worship the men. It needs to be understood as a slave/master set up[,] which explains so much of what is allowed.

I have dinner, the scrambled hamburgers, with the little boys group. They were not the group I usually worked with, but the nuns were excited to show us, the 3 volunteers, Father Bob. The other volunteer I remember the name of was [Witness #24] from [another state].

Father Bob came with a second older priest whose name I don't remember. He did not do anything weird at the dinner, but he did return with Bob later that night.

During the dinner prep, DeLand was super interested in straightening the young boys shorts, tugging them up and down and running his half [sic.] along the front to straighten the wrinkles. Multiple times. Like maybe 5-7 time to various boys. At one time[,] he stuck his hand down the back of one 5 year old's (I think the youngest of the groups) shorts[,] which brought up giving grundies... ha ha.

DeLand left before we ate. It was weird that he left so fast, but if we were sitting down at the table, he wouldn't have access to the shorts. The nuns, were present for the whole shorts thing.

DeLand told the boys he would be back to tuck them in. This statement set off my alarms[,] and I told him that wasn't appropriate.

I got pulled aside after dinner and was told by Sr. [Jane Doe], the head nun, that my statement to DeLand was rude, and she said he always ticks [sic.] the boys in when he is in town.

We volunteers had zero supervision while at St. Vincent's. At bedtime, I slept in the common room in the little boys section at the base of the stairs. I never went into the sleeping areas of the kids. There was a staff that put them to bed, and I understood privacy.

Some time late at night, the two priests showed up to tuck the boys in.

I stopped them on this one occasion.

I confronted Sr. [Jane Doe] over the priests visiting and waking the kids up at night. I almost got slapped across the face for implying they were pedophiles.

I was barred from National Honor Society etc at high school for this confrontation.

The nuns knew. The second priest knew and came to partake.

It was treated like a common practice to let DeLand and any priest who wanted to to [sic.] have access to desperate little children whenever they wanted.

St. Vincent's was a perfect hunting ground for pedophiles.

[App'x RJD#33, Email chain from legal counsel to Department of Attorney General with Witness #23's July 4, 2021 email to diocesan investigator, dated July 7, 2021, p 2.]

On July 20, 2022, legal counsel for the Diocese of Saginaw emailed a copy of a letter written by an attorney on March 2, 2018, to the Saginaw County Prosecutor, alleging that his client and friend, John Doe #24, "was raped" by Fr. DeLand, when John Doe #24 was 15 or 16 years old in the late 1970s. (App'x RJD#34, Email from legal counsel to Department of Attorney General, dated July 20, 2022; App'x RJD#35, Letter from an attorney to Saginaw County Prosecutor John McColgan, dated March 2, 2018, p 1.) In his letter, the attorney wrote the following regarding the alleged incident:

At the time[,] Fr. Bob was approximately 30 years old and the leader of the youth group at St. Vincent DePaul Parish on Two Mile Road in Bay

County, Michigan. My client ([John Doe #24]) was a member of the youth group and at the time was interested in the priesthood. Father Bob arranged a summer weekend seminary visit for [John Doe #24] and a couple other boys from other parishes. They traveled by automobile with Fr. Bob to Minneapolis and stayed 2 nights in a hotel near the seminary. Saturday evening after the seminary visit, Fr. Bob took the boys to a local bar and got them drunk . . . very drunk. [John Doe #24] got physically sick on the drive home and soiled his clothing. Upon getting back to the hotel, Fr. Bob helped [John Doe #24] undress and get in the shower. After a short time, Fr. Bob came into the shower with [John Doe #24] and took advantage of him in his compromised state.

[*Id.*]

On or about July 31, 2024, the civil lawsuit filed apparently on behalf of John Doe #16 against Fr. DeLand, the Saginaw Diocese, and the late Bishop Cistone, as well as two other lawsuits filed on behalf of apparently John Doe #84 and John Doe #85 against the same defendants, appeared to have settled ahead of the scheduled September trial. (App’x RJD#30, “Lawsuits against Saginaw Diocese, former Bishop, and former priest have been settled,” ABC12, dated July 31, 2024, p 1.) “After years of legal maneuvering and motions, court papers indicate the lawsuit has been dismissed, but if there was a settlement, the amount was not released.” (*Id.* at 2.)

Two years earlier, on June 27, 2022, Fr. DeLand petitioned Pope Francis for laicization, with the encouragement of the Diocese of Saginaw to do so. (App’x RJD#29, Diocese of Saginaw, “Statement on Robert DeLand’s dispensation from the clerical state,” dated November 29, 2022, p 1.) Pope Francis granted Fr. DeLand’s petition on September 7, 2022, dispensing him from “the clerical state.” (*Id.*) “The Diocese of Saginaw no longer has any canonical authority over Robert DeLand since he has returned to the lay state.” (*Id.*)

**(5) FR. RONALD J. DOMBROWSKI
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: January 11, 1946

Ordained: January 22, 1972

Suspended from ministry: March 2018

Removed from ministry: July 2021

Fr. Ronald J. Dombrowski was born on January 11, 1946, and was ordained to the priesthood for the Diocese of Saginaw on January 22, 1972. (App’x RJD2#1, Diocese of Saginaw, Ronald J. Dombrowski, p 1.) Fr. Dombrowski was suspended from ministry in March 2018 and permanently removed from ministry in July 2021. (*Id.* at 2.)

On June 27, 2013, Witness #25 met with Victim Assistance Coordinator (VAC) and reported that her son, John Doe #25, told Witness #25 that, when John Doe #25 told her that when he was 10-to-12 years old, he and three other boys went on a trip with Fr. Dombrowski. (App’x RJD2#2, Memorandum, “meeting with Witness #25 . . . and VAC, Diocesan Center from 9:30 to 10:30 am,” dated June 27, 2013, p 1.) Based on the age provided when Witness #25 made her report, John Doe #25 would have been 10-to-12 years old in 1972–1974. (*Id.*) “[John Doe #25] said that on the trip they would stay at hotels and Fr. Ron would sleep in bed with him ([John Doe #25]) and hold him during the night like a teddy bear.” (*Id.*) John Doe #25 also “told his mother that Fr. Ron also said to them that they didn’t have to worry about going to the bathroom because we are all boys.” (*Id.*) John Doe #25 never told anyone about the alleged incident after the trip “because he was scared.” (*Id.*) Witness #25 advised that her son wanted to talk to Fr. Dombrowski, and the VAC suggested that John Doe #25 first meet with her “and then . . . proceed from there regarding what would be helpful to [John Doe #25].” (*Id.*) The VAC then “explained to [Witness #25] the diocese has a policy on protecting children.” (*Id.* at 2.)

On June 28, 2013, the VAC wrote a memorandum to Bishop Joseph Cistone, summarizing her meeting with Witness #25 the previous day, consistent with the foregoing. (App’x RJD2#3, Memorandum from the VAC to Bishop Joseph Cistone,

dated June 28, 2013.) In typewritten notes dated August 1, 2013, the VAC wrote that, as of that date, no one from the John Doe #25's family had contacted her, so she briefly met with Witness #25 at St. Stephen Parish and told Witness #25 that the VAC "was still available for any assistance if that would be helpful." (App'x RJD2#4, Typewritten notes of the VAC, dated August 1, 2013.)

On October 30, 2013, the VAC called a member of the Diocesan Review Board regarding the John Doe #25 matter, and the member felt that it was "important to talk with the son." (App'x RJD2#5, Typewritten notes of the VAC, dated October 31, 2013.) The member of the Board advised the VAC that they needed "to allow the son and the family to have control on how this unfolds (if it unfolds)." (*Id.*) The member further advised "to make no contact with the alleged priest offender at this time[,] as we have no explicit information from the alleged victim." (*Id.*)

About two years later, on August 6, 2015, the VAC saw Witness #25 at St. Agnes Church in Freemont, during which time Witness #25 asked the VAC if the two of them could meet with Fr. Dombrowski to ask him if he recalled what occurred on his alleged trip with John Doe #25. (App'x RJD2#6, Memorandum from the VAC to Bishop Joseph Cistone, marked "confidential," dated August 6, 2015.) On August 18, 2015, the Review Board of the Diocese met to consider the question posed by Witness #25 to the VAC, and it "unanimously reaffirmed its original response," to have Witness #25 ask her son, John Doe #25, to contact the VAC, "so that the diocese had the son's concerns about any past incident." (App'x RJD2#7, Notes from the August 18, 2015 Review Board meeting, dated August 18, 2015.) By note dated August 27, 2015, the VAC wrote to Witness #25 and invited Witness #25's son to contact the VAC to "tell me/the diocese what he wants us to know about what happened in the past." (App'x RJD2#8, Note from the VAC to Witness #25, dated August 27, 2015.)

A few years later, on March 14, 2018, the VAC spoke to John Doe #25, Witness #25's son, about the alleged incident involving Fr. Dombrowski, and the VAC summarized John Doe #25's allegations, in the first-person narrative, as follows:

I began school at St. Stephen's in Saginaw in grade two and graduated from high school there. My mom is a very devoted Catholic and was happy with me being close with a priest. I recall that in 7th grade, I would get invited to have pizza with the priest in the home across the street. The priest would call my mom and ask if I could come over. I remember sitting on the floor watching some movies – I remember alcohol. Nothing happened there. I remember the priest every year took boys on a trip to Florida, Jacksonville[,] Florida. Then in 1975 I got invited to go to Florida. I went once. There were some 9th and 10th graders on the trip. I think five of us went. Some of them could share with the driving. They would swap driving. One of the boys has passed on, [John Doe #26]. I remember that [John Doe #26] did not

need a wheel chair [sic.] but had some special problems. I don't remember who any of the other boys were. I remember the year was 1975 because that is the year the movie Jaws came out about 3 or 4 months before the trip and so when we were there, I would not go in the ocean.

I recall we would get up in the morning and change into bathing suits – and would begin to take turns using the bathroom. I remember Fr. saying we were all men and could change in front of each other in the room. We all stayed in the same room and it had 2 double beds and a sofa/couch and the floor. Every night the priest had me sleep with him in one of the double beds. Each night the priest would put his arms around me tight and hold me from the back – I was in my underwear – his arms were tight around my back and my arms and legs were out straight . . . it was very uncomfortable . . . held like a teddy bear . . . unwanted touch and abuse . . . nothing else happened but the sleeping every night like that. I tried to get away from him, but he held tight. Looking back now, I didn't say anything . . . but that worries me now . . . I am so worried he may have done something, or something horrific to someone else.

[App'x RJD2#9, Draft of typewritten summary of phone conversation with John Doe #25, dated March 14, 2018, p 1.]

During the same March 14, 2018, telephone conversation with the VAC, John Doe #25 also said that he did not tell anyone about the alleged incidents with Fr. Dombrowski at the time it occurred. (*Id.*) John Doe #25 apologized for having not done so, worried that “someone else got hurt.” (*Id.* at 2.) The VAC assured John Doe #25 that he was “not at fault in any of this.” (*Id.*)

In a letter dated March 16, 2018, Bishop Cistone wrote to Fr. Dombrowski and advised that “a self-identified victim made an allegation against you of child sexual abuse occurring several years ago.” (App'x RJD2#10, Letter from Bishop Joseph Cistone to Fr. Ronald Dombrowski, dated March 16, 2018.) Bishop Cistone also wrote that, “[i]n accord with diocesan policy and following my direction, Father William Rutkowski, VG[,] placed you on a temporary administrative leave in your duties as Sacramental Minister of Holy Family Parish, Saginaw, effective immediately.” (*Id.*) The bishop also instructed Fr. Dombrowski “not to provide pastoral ministry until you have received my permission.” (*Id.*)

Also on March 16, 2018, the Diocese of Saginaw issued a public statement regarding Fr. Dombrowski that read in part pertinent:

A senior priest of the Diocese of Saginaw, Father Ronald J. Dombrowski, 72, has been suspended from priestly ministry by the

Most Rev. Joseph R. Cistone, Bishop of Saginaw, as an allegation of sexual abuse against Father Dombrowski is being investigated. A self-identified victim, who was a minor at the time and is no longer a minor, was in contact with the Diocese on Thursday, March 15. The diocese shared this information with law enforcement.

Although nothing has yet been determined, as a precautionary measure, Father Dombrowski was immediately suspended from priestly ministry. He is to have no contact with individuals under 21. This prohibits Father Dombrowski from going on school properties and participating in school and parish activities and functions. In addition, Bishop Cistone has informed Father Dombrowski that he must refrain from wearing clerical garb, refrain from the exercise of public ministry, and may not present himself publicly as a priest while the allegation is being investigated.

[App'x RJD2#11, Diocese of Saginaw press release, "Diocesan Priest Suspended from Ministry as Allegation is Investigated," dated March 16, 2018, p 1.]

On March 20, 2018, Bishop Cistone issued the following precept:

Whereas a self-identified victim has made an allegation of child sexual abuse against you, **Reverend Ronald J. Dombrowski**[:]

To prevent scandal and promote the common good of the Church, I hereby bind you to the following actions:

1. To refrain from contact with individuals under the age of 21, thereby prohibiting you from going onto school property or participating in school and parish functions;
2. To refrain from the exercise of public ministry unless you receive prior written approval from me;
3. To refrain from wearing clerical garb and presenting yourself as a priest;
4. To refrain from the spiritual care of the Faithful, with the exception of celebrating the sacrament of penance for one in grave danger of death (canon 976);
5. To maintain appropriate boundaries and gestures of affection proper to the priestly state;

6. To contact Reverend William Rutkowski, VG[,] as needed to discuss any personal concerns which you might have and to verify that you are abiding by the terms of this Precept;

7. To inform my office of any change in your location and of unusual or upsetting circumstances which bear on your situation.

You are given canonical permission, for as long as this Precept is in effect, to celebrate Mass in private with no member of the Faithful present. Further, I urge you to follow a daily rule for prayer and spiritual practices.

The gravity of this matter requires me to state that failure to observe this Precept shall be considered a grave violation of your obligations under can. 1371, 2^o and will result in a *latae sententiae* suspension. Suspension may lead to your dismissal from the clerical state and loss of stipend and/or benefits. This Precept itself stands as due canonical warning of the same.

The Precept will remain in force until December 31, 2018, or until specifically rescinded or extended in writing. A petition for revocation or emendation of this decree is to be made by one legitimately capable of doing so within the peremptory time limit of ten useful days. Recourse is subject to the applicable canons (cc. 1732; 1739).

Given at the Diocese of Saginaw Offices, this 20th day of March 2018.

[App'x RJD2#12, Precept of Bishop Joseph Cistone, dated March 20, 2018, pp 1–2.] [Emphasis in original.]

Contemporaneously with Bishop Cistone's issuance of the above-quoted precept, the bishop also issued a decree to open a preliminary investigation "of the penal process" "concerning these allegations and Reverend Dombrowski's imputability in order to determine whether it is necessary to take further action." (App'x RJD2#13, Decree Opening the Preliminary Investigation, Case re: Reverend Ronald Dombrowski, dated March 20, 2018.) On April 17, 2018, Bishop Cistone issued a second decree to suspend the preliminary investigation "to assure that the investigation by civil authorities is not obstructed." (App'x RJD2#14, Decree Suspending the Preliminary Investigation, Case re: Reverend Ronald Dombrowski, dated April 17, 2018.)

On March 21, 2018, Witness #26 called the Diocese and spoke to the diocesan Delegate for Safe Environment (Delegate), during which Witness #26 stated that, when Fr. Dombrowski pastored the parishes in Vassar and Millington, two of her

brothers, John Doe #27 and John Doe #28, “spent weekends with Father Dombrowski[.]” (App’x RJD2#15, Typewritten notes of the Delegate, dated March 26, 2018.) “She said that her brother, [John Doe #27], told her, [Witness #26], that he would wake up at night when he stayed at the rectory and feel something hard against his back.” (*Id.*) Witness #26 said that John Doe #27 was about 13 years old “at the time.” (*Id.*) “Her brother, [John Doe #28], did not make similar comments, but [Witness #26] wonders whether [John Doe #28] was abused.” (*Id.*) Witness #26 “added that her parents were glad that the boys could stay at the rectory on weekends.” (*Id.*) The Delegate encouraged Witness #26 to report the allegation to law enforcement and advised that the Delegate would also report the allegation “to the police.” (*Id.*) On March 22, 2018, after speaking to her brother, John Doe #27, Witness #26 called the Delegate and gave her John Doe #27’s telephone number. (*Id.*) A few days later, the Delegate returned Witness #26’s call, “confirmed that her brother was expecting a call[,] and said that, the victim assistan[ce] coordinator, would call [John Doe #27].” (*Id.*) The Delegate also advised Witness #26 that “it would be best if [John Doe #27] reported to police, but that [the VAC] will report.” (*Id.*)

On March 31, 2018, the VAC met with John Doe #27 and his sister, Witness #26. (App’x RJD2#16, Typewritten notes of the VAC, dated March 31, 2018, p 1.) John Doe #27 told the VAC that he remembered “staying overnight at Fr.’s and sleeping in the same bed with him (he recalls that there were multiple rooms in the home), but Fr. had him sleep with him.” (*Id.*) John Doe #27 believed that this occurred in the early 1980s “when he was in the 7th or 8th grade.” (*Id.*) John Doe #27 also alleged that, “[i]n the morning when he took a shower[,] he recalls that Fr. opened the shower door to hand him a towel. (*Id.*) He said that Fr. never sexually abused him, but that was enough.” (*Id.*) John Doe #27 also alleged that Fr. Dombrowski hugged John Doe #27 in bed. (*Id.*) “Fr. would hug him from the back.” (*Id.*) Witness #26 reminded John Doe #27 that he had previously said that he would wake up and feel something “hard at your back[,]” to which John Doe #27 said “no.” (*Id.*) Witness #26 said that John Doe #27 “was there at Fr.’s all the time.” (*Id.*) Witness #26 was “concerned something more could have happened[;] however, [John Doe #27] did not talk about any other behaviors with Fr.” (*Id.*) Witness #26 told the VAC that she wanted “her brother to be healed[,]” and the VAC offered John Doe #27 counseling. (*Id.*)

In a Confidential Report to Detective Scott Jackson of the Saginaw Township Police Department, dated April 2, 2018, the VAC reported John Doe #27’s allegations against Fr. Dombrowski, but did not provide John Doe #27’s name or contact information, pursuant to John Doe #27’s request. (App’x RJD2#17, Confidential Report from the VAC to Detective Scott Jackson, dated April 2, 2018.) The VAC’s report was consistent with the foregoing. (*Id.*)

On June 2, 2018, John Doe #29 sent the following in an email to the VAC:

Hello,

My name is [John Doe #29]. I have already talke[d] to a Detective Jackson of the Saginaw Township Police Department regarding some “trips” I took with Fr. Ron in the mid 1970’s. Myself and two of my older brothers took “trips” with Fr. Ron an[d] al[l] three of us had to “cuddle” with him on these trips. I was also an alter [sic.] boy at St. Mary[']s Catherdal [sic.] during the time. I graduated from St. Marys in 1979. I just wanted to pass this on to you. My email is [redacted].

[App’x RJD2#18, Email chain from John Doe #29 to the VAC, from the VAC to John Doe #29, from the VAC to Scott Jackson, and from Scott Jackson to the VAC, dated June 2, 2018, through June 4, 2018, p 1.]

The VAC replied to John Doe #29’s email on June 2, 2018, thanking him for his report and thanking him also for reporting his alleged trips with Fr. Dombrowski to Detective Jackson. (*Id.*) The following day, the VAC forwarded her email exchange with John Doe #29 to Detective Jackson, and the latter thanked the VAC for same on June 4, 2024. (*Id.* at 1–2.)

On April 19, 2018, Sgt. Christopher Siegert of the MSP met with John Doe #30 at the latter’s request to report “an incident that occurred with Father Ronald Dombrowski.” (App’x RJD2#19, MSP Original Incident Report, 031-0004189-18, dated April 19, 2018, p 1.) John Doe #30 stated that, about forty years earlier, when “he was approximately twelve years old[,]” and attended St. James Parish in Bay City, Michigan, he was an altar boy. (*Id.* at 2.) John Doe #30 remembered “Father Dombrowski being an extremely nice man and would take him places and do totally appropriate things with him and other boys his age[,]” which he termed “grooming.” (*Id.*) John Doe #30 recalled “going to a hotel that had a pool and playing arcade games and eating pizza that Father Dombrowski would purchase for him and other boys that were with them.” (*Id.*) John Doe #30 alleged that, when it was bedtime, “there was always a boy that didn’t have a place to sleep[,] so they [sic.] would have to sleep in Father Dombrowski’s bed with him.” (*Id.*) On one occasion, John Doe #30 allegedly “had to sleep in the same bed as Father Dombrowski in an unknown hotel room.” (*Id.*) John Doe #30 remembered “lying on his side while in the bed and felt Father Dombrowski put his arm around him.” (*Id.*) At the time of the alleged incident, the lights were off, and the others were sleeping. (*Id.*) Fr. Dombrowski allegedly cuddled or spooned with John Doe #30. (*Id.*) “Father Dombrowski never penetrated him or touched his gentiles [sic], but could hear him either giggling or moaning while they were lying there together.” (*Id.*) John Doe #30 alleged that the “contact lasted approximately one minute.” (*Id.*) John Doe #30 told Sgt. Siegert that the alleged incident “was the one and only incident that he can remember occurring between him and Father Dombrowski.”

(*Id.*) The report noted that “[d]ue to this incident taking place approximately forty years ago, the statute of limitations has expired and therefor[e] no prosecution can occur.” (*Id.* at 1.)

In a letter from the Congregation for the Doctrine of the Faith to Bishop Cistone, dated September 6, 2018, pertaining to another priest’s case, the following was written about Frs. Dombrowski and DeLand (see entry no. 4 above):

In studying the information about [another priest], it was discovered that two other priests of the Diocese of Saginaw, Rev. Robert J. DeLand and Rev. Ronald J. Dombrowski, have credible accusations of sexual abuse of minors.¹⁶ This Congregation currently has no record of their cases being sent to this Dicastery. Perhaps the preliminary investigations are still being conducted or the civil/criminal cases of the clerics are being addressed, but this Congregation would appreciate an update on the situation of these two clerics. Most especially, the Congregation would eventually need the pertinent acts of a preliminary investigation conducted according to can[on] 1717-1719 *CIC* and Your Excellency’s *votum* in the matter if there is a semblance of truth to the allegations regarding each priest.

[App’x RJD2#20, Letter from Archbishop Augustine Di Noia, OP, Adjunct Secretary of the CDF, to Bishop Joseph Cistone, dated September 6, 2018.]

On July 23, 2021, the Diocese of Saginaw announced Fr. Dombrowski’s permanent removal from ministry, as follows:

Today Bishop Robert Gruss, Bishop of the Diocese of Saginaw, transferred the name of Ronald (Father Ron) Dombrowski from the diocesan website’s list of clergy with an allegation of child sexual abuse to the list of clergy permanently removed from ministry. Following communication with Ronald Dombrowski, the Diocese of Saginaw has released the following statement.

Ronald (Father Ron) Dombrowski will live a life of prayer and penance after being removed from public ministry more than three years ago. His name will be listed on the diocesan website among those who have been permanently removed from ministry due to allegations of sexual abuse involving minors.

¹⁶ Apparently unknown to the CDF, as noted, the Diocese had already issued precepts against both Fr. DeLand in March 2018, see pp 52–53 above, and Fr. Dombrowski in March 2018, see pp 66–67 above.

On February 28, 2018, the Diocese of Saginaw received an allegation of sexual abuse involving a minor against Ronald Dombrowski, a priest of the Diocese of Saginaw, dating from his early years of ministry. Ronald Dombrowski was placed on administrative leave and prohibited from engaging in public ministry. Two additional allegations were subsequently received.

The Diocese followed its established protocols including notifying civil authorities, conducting an independent investigation, and bringing the case to the Diocesan Review Board. Ronald Dombrowski stated he could not recall what might have happened more than 40 years ago and communicated his willingness to lead a life of prayer and penance. Having consulted with the Holy See, Bishop Gruss permanently restricted Ronald Dombrowski's ministry.

A life of prayer and penance includes a permanent condition that Ronald Dombrowski may not exercise public ministry and is instructed not to wear clerical garb and to present himself publicly as a priest.

Bishop Gruss today offered the following statement:

“My prayers remain with any and all who have suffered sexual abuse by clergy, especially minors and vulnerable adults. As we know, the pain runs deep and the wounds are easily reopened. I hope and pray that resolution in this case will be a step toward healing for all involved, and I ask for your continued prayers for all victims of abuse. Those, including clergy, whose actions have injured others, must be held accountable.”

[App'x RJD2#21, Diocese of Saginaw Public Statement, “Ronald Dombrowski given a life of prayer and penance,” dated July 23, 2021, pp 1–2.]

On May 13, 2024, legal counsel for the Diocese of Saginaw emailed the Department a spreadsheet that the Diocese received from a New York law firm with “preliminary claim information for 6 claimants who were [allegedly] abused within the Diocese of Saginaw.” (App'x RJD2#22, Email from legal counsel to the Department of Attorney General, dated May 13, 2024, p 1, and attached spreadsheet.) John Doe #31, the fifth “claimant” on the spreadsheet, alleged that he was twice sexually molested by Fr. Stanislaus Bur, see entry no. 2 above, and groomed by Fr. Dombrowski. (*Id.* at 6.) Specifically, John Doe #31 alleged the following occurred with Fr. Dombrowski:

Father Dombrowski groomed [John Doe #31]. He developed a close relationship with [John Doe #31's] parents, and wanted [John Doe #31] to be his altar boy. After mass, Father Dombrowski brought [John Doe

#31] back to the rectory and offered [John Doe #31] a drink, which he accepted. Father Dombrowski sent the maid out of the rectory, so he could be alone with [John Doe #31]. Father Dombrowski invited [John Doe #31] and two of his friends on a trip to Cedar point and tried to get [John Doe #31] to sleep in his hotel room with him. [John Doe #31] does not remember if Father Dombrowski ever touched him inappropriately.

[*Id.*]

The Diocese requested permission from the Department to conduct an internal investigation regarding the claims made by John Doe #31. Authorization to proceed with an investigation was granted by the Department. The Diocese indicated that it attempted to obtain permission from John Doe #31's legal counsel to interview John Doe#31; however, no response was received from his counsel. The Diocese of Saginaw Review Board subsequently determined there was insufficient information to determine whether the allegations by John Doe #31 were credible. The Review Board indicated it would reassess the allegations should more information become available.

(6) MSGR. EUGENE ANTHONY FORBES



Born: December 11, 1914

Ordained: June 7, 1941

Appointed Domestic Prelate: September 9, 1958

Appointed Prothonotary Apostolic: February 4, 1974

Senior Priest Status: January 1, 2003

Died: December 6, 2003

Msgr. Eugene Anthony Forbes was born in Saginaw on December 11, 1914, and was ordained to the priesthood on June 7, 1941, at St. Mary's Cathedral for the Diocese of Saginaw. (App'x EAF#1, Biographical Record, Priest of the Diocese of Saginaw, p 1.) Msgr. Forbes was appointed Domestic Prelate on September 9, 1958, and Prothonotary Apostolic on February 4, 1974. (*Id.* at 2.) Msgr. Forbes retired to senior priest status on January 1, 2003, and died on December 6, 2003. (*Id.*)

In a letter dated September 18, 2003, John Doe #32 wrote to Bishop Kenneth Untener from a state correctional facility¹⁷ and alleged that he was sexually abused by Msgr. Forbes in 1976, 1977, and 1978, at the St. George Parish rectory and that he had reported that alleged sexual abuse to the Victim Assistance Coordinator (VAC) in November 2002. (App'x EAF#3, Letter from John Doe #32 to Bishop Kenneth Untener, dated September 18, 2003, p 1.) In its entirety, John Doe #32 wrote the following in that letter to the Bishop:

Dear Bishop Untener:

I am writing to you today to make you aware of the sexual abuse that I endured by Monsignor Eugene Forbes at the rectory for St. George's Parish in 1976, 1977, and 1978.

¹⁷ John Doe #32 was convicted of four counts of first-degree criminal sexual conduct based on conduct involving a person under the age of 13 in Saginaw County. (App'x EAF#8, Printout from Offender Tracking Information System)

I also would like you to know that I have been corresponding with [the VAC] on this issue since November of 2002. I have not received any information from [the VAC] about the whereabouts of Monsignor Forbes or what his response was to my coming forward about the sexual abuse by him.

As I related to [the VAC] in the November 2002 letter every possible sexual act imaginable was performed on me by Monsignor Forbes. I am so ashamed at myself for not knowing that I did not have to allow this to happen to me. I learned about sex in the wrong way at a young age from Monsignor Forbes. I can not get the horrible images out of my mind. I don't know that I will ever be able to. The memories of the physical pain of Monsignor Forbes inserting his large penis in my rectum and in my throat for his pleasure remain ever so etched in my mind to recall over and over. I get so angry that the Church, that I so dearly love and admire still, allowed a person such as Monsignor Forbes to be part of it. Because I feel the intense anger when I sit and recall all the horrid details of my sexual abuse[,] I will not recount them to you in this letter but please feel free to refer to the letters that I sent to [the VAC] explaining all the details. I still have fond feelings towards Monsignor Forbes for giving me the emotional attention when I needed it most. This is how I became a victim of Monsignor Forbes.

The VAC has only presented me with questions but no answers about this incident.

I am hoping that you will take the proper action to make right the wrong that has been committed on me by Monsignor Forbes. And to take steps to see that something like this does not happen to another young member of the Catholic Church at least in the Saginaw area.

I would also like this incident to be recorded so that in the future should other victims come forward they will not be viewed as having been the only victim to Monsignor Forbes.

Will you please respond to this letter? I would like to know if you were made aware of this incident prior to receiving this letter.

I would like to thank in advance for your time and for your efforts in trying to bring a just and proper closure to this incident.

[*Id.* at 1–2.]

The Diocese of Saginaw Review Board determined the allegations by John Doe #32 were not credible.

On April 13, 2018, Jane Doe #2 sent an email to the VAC and alleged that, when she was a junior high school student, Msgr. Forbes “molested” her “many times.” (App’x EAF#4, Email chain between Jane Doe #2 and the VAC, dated April 13 thru April 17, 2018.) Jane Doe #2 also wrote that she never reported the sexual abuse, because she was “frightened” that she “would get into trouble.” (*Id.*) Jane Doe #2 further wrote that she didn’t “want any attention[,] but would hope and pray the abusers are brought to justice.” (*Id.*) Jane Doe #2 did not indicate how old she was when the alleged sexual abuse occurred or when and where the alleged abuse occurred, but did write that she “went to St. Mary Cathedral” and that she was 65 years old when making her email report. (*Id.*)

On April 17, 2018, the VAC replied to Jane Doe #2’s email, thanking Jane Doe #2 for the email and apologizing for the sexual abuse she allegedly suffered. (*Id.*) The VAC also offered to help Jane Doe #2 “come to some closure[.]” (*Id.*) The VAC offered to meet with Jane Doe #2 and offered counseling and also explained the Diocese’s policy on reporting allegations to law enforcement. (*Id.*)

On May 3, 2018, after not hearing back from Jane Doe #2, the VAC sent an email and an attached Confidential Report on the same date to the Saginaw Police Department Chief of Police Robert Ruth and reported Jane Doe #2’s allegations without disclosing Jane Doe #2’s name (because Jane Doe #2 wrote in her email that she did not want any attention). (App’x EAF#5, Email chain between the VAC and Chief Robert Ruth of the Saginaw Police Department, dated May 3, 2018, and Confidential Report from the VAC to Robert Ruth, dated May 3, 2018.) In her Confidential Report, the VAC wrote that Jane Doe #2 alleged that she attended a Catholic school in Saginaw when she was allegedly sexually abused by Msgr. Forbes. (*Id.*)

In typewritten notes dated May 16, 2018, signed by the VAC, she wrote that, based on the then-current age of Jane Doe #2 at the time of reporting, Jane Doe #2 would have been in junior high school in the mid-1960s. (App’x EAF#6, Typewritten notes of the VAC, dated May 16, 2018.) The VAC also wrote that “Monsignor Forbes was the pastor of St. Mary Cathedral Parish from September 2, 1962 to March 6, 1974.” (*Id.*) “Therefore, Monsignor Forbes would have been at the Cathedral during the time of her junior high school years.” (*Id.*)

On May 13, 2024, legal counsel for the Diocese of Saginaw emailed the Michigan Department of the Attorney General a spreadsheet that the Diocese received from a New York law firm with “preliminary claim information for 6 claimants who were [allegedly] abused within the Diocese of Saginaw.” (App’x EAF#7, Email from legal counsel of the Diocese to the Department of Attorney General, dated May 13, 2024, p 1, and attached spreadsheet.) The sixth “claimant” on the spreadsheet was Jane

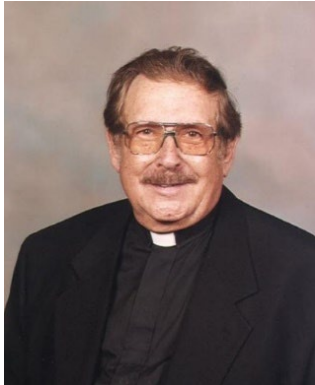
Doe #2, discussed above, who alleged that Msgr. Forbes sexually molested her ten times in 1965–1968 at St. Mary’s Cathedral School in Saginaw as follows:

Monsignor Forbes would grab [Jane Doe #2] and pull her in the alley when she left school. In the secluded alley, Monsignor Forbes put his hand in [Jane Doe #2’s] pants and fondled her vagina. He also penetrated her vagina with his fingers. He then took his hand out and licked his fingers in front of [Jane Doe #2].

[*Id.* at 2, 4, and 6.]

The Diocese of Saginaw Review Board determined there was insufficient evidence to determine whether the allegations by Jane Doe #2 were credible.

**(7) FR. MAX VERNON JOSEPH FREGO
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: June 23, 1928

Ordained: June 2, 1962

Retired to senior priest status: July 20, 1994

Died: January 29, 2010

Fr. Max Vernon Joseph Frego was born in Holland, Michigan, on June 23, 1928, and was ordained to the priesthood on June 2, 1962, at St. Mary Parish in Big Rapids, Michigan, for the Diocese of Grand Rapids. (App’x MF#1, DoS News, “Obituary for Fr. Max Frego,” dated January 20, 2010, p 1.) Fr. Frego “was incardinated into the Diocese of Saginaw on July 20, 1971, when the boundaries of Michigan’s dioceses were redrawn upon the establishment of the Diocese of Kalamazoo and the Diocese of Gaylord.” (*Id.*) Fr. Frego retired to senior priest status on July 20, 1994, and subsequently died on January 29, 2010. (*Id.*)

On June 9, 2024, the legal counsel to the Diocese of Grand Rapids forwarded a copy of a report prepared by the Grand Rapids diocesan Victim Assistance Coordinator (VAC) to the Department of Attorney General, regarding John Doe #33, a Grand Rapids resident, who alleged that he was sexually abused by Fr. Frego in or about August 1972. (App’x MF#2, Email from diocesan counsel to the Department of Attorney General, dated June 9, 2024.) Because Fr. Frego was a priest of the Saginaw Diocese by 1972, a copy of the report was also forwarded to the Diocese of Saginaw. (*Id.*) In her report, dated June 4, 2024, the Diocese of Grand Rapids VAC quoted John Doe #33’s allegations of sexual abuse that allegedly occurred when John Doe #33 was an approximate 15-year-old high school student, as follows:

“My parents were devout Catholics and had priests over for meals and drinks. I was still in high school in . . . 1972[,] and Fr. Frego invited me and my younger brother out to Rosebush for the weekend. It was kind of like Field of Dreams[,] the movie[,] and it was summertime. He served us toddies. We had never been exposed to liquor and cigarettes. We played baseball during the day[,] and [t]hen we went to bed. My brother was in the other bed[,] and at first I thought it was my brother

in bed with me. I realized it was him (Fr. Frego)[,] so I elbowed him [,] and he left. About 30 minutes later[,] I woke up with his hands down my pants[,] and I realized it was [Fr.] Max. I shot up and turned on the light. I slapped his face hard with my open hand. He didn't appear cognizant. I told my parents about it when we got home."

[App'x MF#3, Diocese of Grand Rapids VAC Report, dated June 4, 2024, p 1.]

During the same June 4, 2024 meeting with the Grand Rapids VAC, John Doe #33 stated that in the 1980s or 1990s he reported the alleged sexual abuse to a nun in the Grand Rapids Diocese, and said that the nun told John Doe #33 that, because Fr. Frego was no longer in the Diocese of Grand Rapids, "there was nothing they could do about it." (*Id.*) There is no evidence that the nun John Doe #33 referenced ever reported this allegation to the Diocese of Grand Rapids. Her reaction bothered John Doe #33 so much that he "just left the church." (*Id.*) At the time of his reporting to the VAC in 2024, John Doe #33 said that he wanted "some resolve" and "some peace of mind." (*Id.* at 2.) John Doe #33 also wanted to know if there was a record of his earlier conversation with the nun and whether "they moved him and why." (*Id.*) John Doe #33 told the Grand Rapids VAC that he was not interested in therapy, but "did agree to keep it in mind for the future." (*Id.*)

On November 21, 2024, the Diocese of Saginaw Review Board reviewed a report completed by the diocesan investigator in October 2024 regarding the allegation of misconduct concerning Fr. Frego. The Board determined the allegation of misconduct against Fr. Frego to be credible. Fr. Frego was added to the Diocese of Saginaw List of "Names of Clergy Accused of Sexual Abuse of a Minor," named in Section B, "Names of diocesan priests against whom at least one credible allegation was presented after death."¹⁸

No other allegations against Fr. Frego were found among the records seized during this investigation, nor were any other reports of alleged sexual abuse made to the Department concerning Fr. Frego.

¹⁸ See: <https://saginaw.org/names-clergy-accused-sexual-abuse-minor> (last accessed June 1, 2026).

**(8) FR. CAMILLUS FRIGO, O.PRAEM (NORBERTINE)
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST AND
ST. NORBERT ABBEY CREDIBLE ACCUSATION OF SEXUAL ABUSE OF
A MINOR LIST.)**



Born: April 28, 1930
Ordained: 1955
Died: Date unknown

Fr. Camillus Frigo, O.Praem, was born on April 28, 1930, in Iron Mountain, Michigan, (App'x CF#1, Unsigned handwritten notes written on inside of manilla folder of file, labeled "[John Doe #34] Holland, Mich."), and he was ordained to the priesthood in 1955, as a priest of the Norbertine Order.¹⁹ According to the Diocese of Saginaw's article released April 10, 2019, Fr. Frigo is included in the list of "clergy from religious institutes and other dioceses" who "ministered in the Diocese and have one or more credible allegation arising from within this Diocese." (App'x CF#2, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," published April 10, 2019, p 2.) Fr. Frigo is deceased, but his date of death is unknown.

The July 19, 2019, St. Norbert Abbey's list of "credible accusations made against Norbertines from the canonry of St. Norbert Abbey" also states that there were "multiple" credible allegations of sexual abuse against Fr. Frigo and defines "credible allegations" as "allegations where there is certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred." (App'x CF#3, St. Norbert Abbey List of Credible Allegations against Norbertines from the canonry of St. Norbert Abbey, last updated April 2021, p 1.)

Fr. Frigo served as an assistant priest in 1968 at St. John the Evangelist Parish in Essexville, Michigan, which was located within the Diocese of Saginaw. (App'x

¹⁹ See <https://www.bishop-accountability.org/accused/frigo-camillus-1955/> (last accessed June 1, 2026).

CF#4, Diocese of Saginaw, Camillus Frigo.) No other assignments were noted in the Saginaw Diocese. (*Id.*)

A manilla file folder labeled “[John Doe #34] Holland, Mich.,” was found that had a yellow sticky note affixed to the front of the file folder that read: “2002 V/S [i.e., Victim/Survivor] [John Doe #34] Clergy: Fr. Camillus Frigo Norbertine Priest 1966–1967[.]” (App’x CF#5, Copy of manilla file folder labeled, “[John Doe #34] Holland, Mich” and copy of yellow sticky note affixed to front of file that read “2002 V/S [Victim/Survivor] [John Doe #34] Clergy: Fr. Camillus Frigo Norbertine Priest 1966–1967[.]”) All of the documents found in that file folder are pages of unsigned and mostly undated notes.

On the first page of undated notes, the following was handwritten:

Grand Rapids – person → [John Doe #34] [phone no. redacted.]

1985 St. John Essexville

Early 1980’s → Camillus Frigo Frigo Norbertines
informally

never formerly done any counseling unstable

married 3 times unable to enter into any stable relationship

49 yr-old

told my sister—right after my mother died

[App’x CF#6, First page of undated and unsigned handwritten notes.]

On the second page of undated and unsigned notes “from phone conversation with [John Doe #34],” the following was handwritten:

about 4 mo. ago –

 talking to friend – therapist –

 about a month ago –

 need to find out how to get some help –

 tremendous amount of pain –

 so messed up – my life

 angry, depressed

 trying to put

3:00 tell her about this

[App’x CF#7, Second page of undated and unsigned handwritten notes.]

On the third page of undated and unsigned notes, the following was handwritten:

[John Doe #35] -- Essexville

↓

went to Wisconsin with [John Doe #34] & Fr. Frigo

Call Norbertines

Freigo Cheese Family When there & when left

Wisconsin Fr. Frigo excommunicated 15 to 20
years ago

Books altar boy out of order 15 to 20 years

Therapist in area ↓

phone call to Provincial

Sr. Clementia 1965

Altar boy – Mass every Sunday

Mom & Dad so proud

1966

13 yrs

1953

take on trips 1966–1967

Ask anyone – is there something I can take?

Woman therapist

recapture –

I want to know a purpose –

Josh Groban young singer

[App'x CF#8, Third page of unsigned and undated handwritten notes.]

On the fourth page of undated and unsigned notes, the author handwrote the contact information for “Fr. David Komatz, Prior,” at St. Norbert Abbey in LePere, Wisconsin, and there appears to have been either a return call to Fr. Komatz or from Fr. Komatz on May 1, 2002. (App’x CF#9, Fourth page of undated and unsigned notes.) Below that notation, the author handwrote the following: “FBI – age of case – not foresee anyone coming to prosecution so contact State Police.” (*Id.*) Nothing else appears on that page of notes. (*Id.*)

On the fifth page of unsigned and undated notes, the author handwrote notes appearing to be from a telephone conversation with Fr. David Komatz, that time noted as the “Provincial.” (App’x CF#10, Fifth page of unsigned and undated handwritten notes.) It is noted that “[w]e initiated laicization for same reason – does know where he is living → If need be Provincial could get the address.” (*Id.*) It is further noted: “Friego cheese sold to [a] cousin[.]” (*Id.*)

On the sixth page of undated and unsigned notes, the following is handwritten:

[p]ut responsibility on us –

How handle the billing –

What our diocese is willing to do

Dave

[App’x CF#11, Sixth page of undated and unsigned notes.]

It is unclear if “Dave” is Fr. David Komatz or someone else.

On the seventh page of undated and unsigned notes, the author handwrote, among other unrelated entries, a Monday meeting with John Doe #34 in Bay City at 10:00 (likely a.m.) at the prosecutor’s office, “State Police & Prosec. Office[.]” (App’x CF#12, Seventh page of undated and unsigned handwritten notes.)

On the eighth page of unsigned notes, dated May 7, 2002, the following is handwritten:

5-7-2002

Trooper Mayes

STATE POLICE

684-2234

Calls & requests info regarding [John Doe #34] to follow-up on [John Doe #34’s] concerns[.]

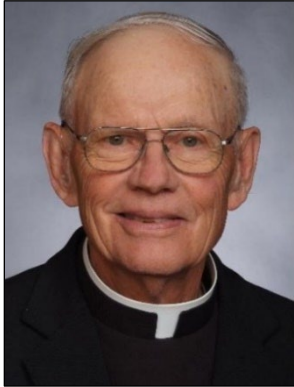
Mich. Statute of limitations expired[,] however, across to Wisconsin perhaps Federal case – so he contacted FBI and they too think maybe too old a case, however, Trooper Mayes will send info & also to State Police in Wisconsin[.]

So Trooper Mayes requested more info on the alleged offender – so gave him Fr. David Komatz information[.]

[App'x CF#13, Eighth page of unsigned handwritten notes, dated May 7, 2002.]

No other documents regarding Fr. Frigo were found among the records seized from the Diocese of Saginaw during the Department's investigation.

(9) FR. JAMES FRANCIS GAVIT



Born: April 22, 1929

Ordained: June 5, 1954

Retired to senior priest status: 2004

Died: March 2, 2017

Fr. James Francis Gavit was born on April 22, 1929, in Saginaw and was ordained to the priesthood at the Cathedral of Mary of the Assumption on June 5, 1954, in Saginaw. (App'x JFG#1, Diocese of Saginaw Press Release, "Father James Gavit's Funeral Mass to be Celebrated on Wednesday, March 8," dated March 31, 2017, p 1.) Fr. Gavit retired to senior priest status in 2004 and died on March 2, 2017. (*Id.* at 1–2.)

In typewritten notes, dated April 5, 2004, unsigned but appearing to be written by the Victim Assistance Coordinator (VAC), from a conversation with a canonist, the following was written:

Asked for consultation on the case in question (since Detroit had case where priest was reinstated due to "age of consent" at the time of sexual occurrence according to Canon Law 'at the time.')

There is an issue whether it was a crime under Canon Law. If she was 16 and it was 37 years ago, then no, the age of 16 was "consent" age – "technically able to give consent." (This is not to say it was right or to know it shouldn't have happened[.])

There is also the legitimate question of the Norms.

So, good on the investigator's reports. And do give a copy to the review Board. Have them read and write questions. Then, have them meet again soon and discuss their responses/suggestions.

Both parties should know that the Review Board will be receiving the investigator's reports.

The [R]eview Board is able to meet with either or both parties. The parties may agree or not.

When/if the priest meets with the Review Board, he may request that a Canon Lawyer be there for him although the Canon Lawyer may not contribute to the conversation (cannot say anything to the Review Board).

[The canonist] concerned that there are others? Thinks good the person is retiring soon.

[App'x JFG#2, Typewritten notes regarding a conversation with a canonist, dated April 5, 2004.]

In a letter dated May 25, 2004, Fr. Thomas Sutton, then acting as diocesan administrator after the death of Bishop Kenneth Untener, wrote to Fr. Gavit, to memorialize that Fr. Gavit would retire "from active ministry," effective July 14, 2004. (App'x JFG#3, Letter from Fr. Thomas Sutton to Fr. James Gavit, dated May 25, 2004.)

On June 16, 2004, Fr. Sutton wrote the following in a memorandum to the Diocese of Saginaw Review Board, regarding "Allegations Against Fr. James Gavit:"

I write to officially acknowledge receipt and acceptance of your judgment with respect to the allegations against Fr. James Gavit. As you indicated, that while according to the letter of the "Charter" he may not have been in violation, there are certainly other areas that appear to have been violated. In light of this, I agree with your assessment that Fr. Gavit be evaluated at St. Luke's Institute. I have spoken to him about this necessity and no doubt in gratitude for the judgment you rendered, he is most docile with respect to complying with your request. [The VAC] has agreed to make the necessary arrangements.

There are other matters still pending and as requested by the individual who brought the charges against Fr. Gavit, I have indicated through [the VAC] that I am willing to meet with her at a mutually convenient time. When that takes place, I will inform you.

I do thank you for the important service you are rendering by serving on the Review Board.

[App'x JFG#4, Memorandum from Fr. Tom Sutton to the Diocese of Saginaw Review Board, dated June 16, 2004.]

In handwritten notes, dated February 2, 2005, appearing to be penned by the VAC the following was written:

[Jane Doe #4] is having more memories and they are painful. She wants to come over to the diocese and scream at Fr. Gavit – no words, just scream. Also, she does not want to ruin Fr. Gavit.

[Jane Doe #4] is trying to remember – dreams come and she wakes crying. It is so painful. She is talking with . . . her therapist. She will call again. She is very frightened of being abandoned by [her therapist] and me. I assured her that we are here.

[App'x JFG#5, Notes appearing to be handwritten by the VAC, dated February 2, 2005.]

In another page of handwritten notes, dated March 9, 2005, also appearing to have been written by VAC during a conversation with Jane Doe #4, the VAC wrote that Jane Doe #4's "past memories" were "so painful[.]" and it was "[h]arder to get through because no justice it seems." (App'x JFG#6, Handwritten notes appearing to be by VAC, dated March 9, 2005.) Jane Doe #4 also stated that she still saw "him as he was – so arrogant at age 45[.]" and if she "saw him now – I'd fall apart." (*Id.*) At the bottom of the page of notes, the following was written: "every Saturday – upstairs in his bedroom after midnight[.]" (*Id.*)

In another page of handwritten notes, dated August 10, 2005, also appearing to have been written by VAC during another conversation with Jane Doe #4, VAC wrote that Jane Doe #4 wanted "him to offer me a settlement[.] This is between him & me – I want him to know how he hurt me." (App'x JFG#7, Handwritten notes appearing to have been written by VAC, dated August 10, 2005.) Jane Doe #4 also stated that she wanted "to know what he is prepared to offer me – bottom line." (*Id.*)

In a letter dated September 18, 2005, Jane Doe #4 wrote the following to Fr. Gavit:

Jim,

This process called "healing,[?]" is not only long, but arduous. It takes every bit of strength I have to show up for a session because there has been no justice behind the healing. The Catholic Church slapped your hands, end of story.

The terminology that spared you was the "statute of limitation[s]." I wasn't aware that the severe emotional pain I'm enduring had a statute of limitation[s], were you?

The Church turned me over to a therapist and left me. It's like being supplied with all the band-aids you need to stop the bleeding, but how does the pain beneath the wound cease? The answer to that question is a word labeled "justice." Justification not only frees one from blame but declares you guiltless and absolves you of any wrong doing.

The apology I received from the diocese wasn't justice. In my opinion, it's called "tell her what she wants to hear and maybe she will go away." I'm not going anywhere Jim, in fact, I'm going after my own retribution.

I want you to return any salary you were paid during the years we spent together. This includes any payment you received from the diocese, the parish of St. Matthew, and Holy Spirit. It also includes any stipends you received in the performance of baptisms, weddings, and funerals, during that same time period. You took that money from God's people as their trusted priest, knowing you were living a lie.

It doesn't matter to me how you obtain the money, that's your problem. The check is to be "certified" and made payable to me, not the diocese. It's my pain, not that of the diocese. It will be my decision on how the funds will be disbursed.

This is a very serious matter. I've asked God to help me come up with not only what is right, but what is just.

There will be no further correspondence from me via a letter. The next time I have anything to convey to you will be a face to face meeting, at a place and time of my choosing.

You took from me what could have been, the dream that was always running ahead of me. I never got the chance to catch up to it, to live for a single moment in unison with it, that's one of the miracles in life.

You can let [the VAC] know what you intend to do. I haven't read your last letter and have no intention of doing so at this particular time, so don't bother writing another one.

[signed] [Jane Doe #4]

[App'x JFG#8, Letter from Jane Doe #4 to "Jim," i.e., Fr. Gavit, dated September 18, 2005, pp 1-2.]

Fr. Gavit replied to Jane Doe #4, by letter dated April 10, 2006, in which he wrote the following:

Dear [Jane Doe #4]:

I received your letter of last September. I felt so bad that you are still suffering so much pain because of my sin. I know, as you say, that I was living a life of sin while trying to carry out the duties of my vocation.

After years of prayer and counseling, I figured the best way to make up for all my past sins was to do the best I could to carry out my duties. I have stayed sober throughout all these years thanks to the help that was given to me. I continue to be faithful to the program of sobriety. I just wish there was a program that could help you be healed of all those past memories. My spiritual director keeps telling me that I have to live in the present and leave my past sins in the hands of the Lord, Jesus. I have prayed for you every day. I will continue to do so. This Holy Week reminds us of the love of Christ for all sinners, even such a terrible sinner as I am.

Your request for retribution by the way of giving you my salary for those years is something I don't know how to do. I would have to follow the guidelines of the diocese in doing anything like that – even if it were possible for me to carry out.

May this Holy Week be a time of healing for all who suffer.

With prayers,

[signed] Jim

[App'x JFG#9, Letter from Fr. Gavit (“Jim”) to Jane Doe #4, dated April 10, 2006.]

In an Inter-Office Memorandum, dated December 5, 2006, the financial officer for the Diocese wrote to Bishop Carlson and advised that “Fr. Gavit was a Diocesan priest at the time of the alleged incident” and that “[n]o other allegations have been asserted” against Fr. Gavit. (App'x JFG#10, Diocese of Saginaw Inter-Office Memorandum from financial officer to Bishop Robert Carlson, dated December 5, 2006.) The financial officer further wrote that a “criminal complaint” was not filed, nor was one pending. (*Id.*) He also wrote that the diocesan “Victim Assistance Coordinator keeps in contact with Ms. [Jane Doe #4] and there is no knowledge of any intent on the part of [Jane Doe #4] to pursue litigation[.]” (*Id.*)

On August 29, 2007, the VAC hand-delivered a check in an unspecified amount from Fr. Gavit to Jane Doe #4, together with the following letter from Fr. Gavit:

Dear [Jane Doe #4],

The enclosed check is a personal gift from me to you. I know it cannot undo the harm you suffered from my sin. I again express my deep sorrow for the harm I caused you. Please forgive[] me.

Since I have heard from you and began to understand how much you are suffering[,] I have prayed daily that God will heal you. May God grant you the special gift of being able to forgive me for this harm I caused you.

With continued prayers, I remain

Sincerely,

[signed] Jim Gavit

[App'x JFG#11, Handwritten note of the VAC, dated August 29, 2007; App'x JFG#12, Letter from Jim Gavit to Jane Doe #4, dated August 2007.]

In a memorandum to Bishop Cistone from the diocesan delegate for a Safe Environment dated January 28, 2010, she wrote, in part relevant, the following:

Father James Gavit: VAC will check her own file pertaining to the allegations against Father Gavit. She cannot recall whether the Review Board had placed in writing their conclusion that the complainant was an adult at the time of the relationship. If not, she will write this up and ask them to sign this statement at the next review board meeting. She said that Father Gavit gave the woman the money, and [the VAC] helped with transferring the funds.

Also[,] Father had agreed to no public ministry, but he is helping in several parishes. I suspect that he spoke with Archbishop Carlson and had permission for this, but I am not certain this occurred. I advise that you meet with him and make a decision regarding public ministry.

[App'x JFG#13, Memorandum from the diocesan delegate to Bishop James Cistone, dated January 28, 2010.]

No other allegations of sexual abuse were found during the Department's investigation concerning Fr. Gavit.

(10) FR. JOHN (“JACK”) F. GENTNER

Born: May 17, 1938

Ordained: June 6, 1964

Died: May 4, 1997

Fr. John (“Jack”) Gentner was born on May 17, 1938, in Sand Beach Township, Michigan, and was ordained to the priesthood on June 6, 1964, at St. Mary Cathedral in Saginaw. (App’x JFG#1, Biographical Record – Priest of the Diocese of Saginaw, Gentner, John F., p 1.) Fr. Gentner died of cancer on May 4, 1997, at the age of 58 years. (App’x JFG#2, Obituary, “Fr. Gentner Services Wednesday,” dated May 6, 1997.)

On December 2, 2010, John Doe #36 emailed the following allegations to an employee at the Diocese of Saginaw, with a subject line of “Sexual impropriety and abuse of power re – Rev. John F. (Jack) Gentner:”

It is with much trepidation, after years of embarrassment and hurt[,] that I write this letter. I was born and raised in Midland, Michigan[,] and was an active member of Blessed Sacrament from the age of 8 or 9 until my early twenties. My reason for leaving the Church – and the Catholic Faith altogether – was because Father Jack had been having sex with me for 2 years. I was confused and thought he loved me until he told me that I had been “the cure for his mid-life crisis” and that I could never speak of our relationship to anyone.

It all started when I was about 20 going on 21. Father Jack was going to Chicago to fly out of the O’[H]are airport. As Father Jack and I were close due to my involvement in many ministries – CCD teacher, Extraordinary Minister of the Eucharist, member of the Liturgical committee, music ministry (just to name a few) – he asked me if I would ride along with him to keep him company. I agreed. It didn’t seem an unusual request. . . . Father Jack rented a room at a Quality Inn. We went out [to] eat[,] and Father bought us drinks (wine and scotch). It was during dinner and after a few drinks that [the] conversation turned inappropriate. I was intoxicated and thus do not remember exactly what was said. At one point during dinner, Father Jack kissed me. I was surprised, confused and flattered at the same time. On the way back to the room, holding hands, it was clear that I was expected to have sex with him. At the time of this trip, I had been speaking to Father Kevin Kerbawy, who was director of vocations at the time, about becoming a priest. When in the hotel room with Father Jack, prior to him initiating sex, he told me that[,] if I really wanted to be a priest, he could help make that happen.

While I wasn't a child, I was young, impressionable and eager to please. I was away from home, drunk, in a hotel room paid for by the priest and didn't think I had many choices. And Jack added that evening, "[t]hank God you are over 21 so this can't be considered abuse."

Upon returning to Midland, the relationship continued for nearly two years. During this time, Father Jack took me to dinners out of town, to the State Fair, we played racquetball, and often (approximately once a week) had me over at the rectory for dinners and sex. Several times while at the rectory, Father James Bessert was present. He was aware of the relationship between myself and Father Jack.

Father Jack called me over to dinner at the rectory, as usual, one evening about two years into the sexual relationship. It was over dinner that he told me "I can't do this anymore." I was shocked, hurt, and surprised because I had no idea this was coming, and asked him why. It was then that he told me, "[y]ou have been the cure for my mid-life crisis. Did you really expect this to continue?"

I left the rectory in tears and left the Catholic Church. My faith was shaken to the very core. I was confused. Did God exist? Was the priesthood just a way for pastors to manipulate eager young men?

My world was shaken. I started drinking and doing drugs. I failed out of college. I began sleeping around with men. After all, I wasn't good enough for anything else . . . or so I thought.

It wasn't until my early 40's that I was able to begin turning my life around. I know God had His hand in this. I stopped doing drugs at 40. At 41, I met a wonderful woman. We fell in love and were married. I have been married now for 7 years and raised her son as well. I am pleased to say that God called my wife and I [came] back to the Church[,] and we had our marriage co[n]validated on our fifth anniversary. Our son[,] who is now 16[,] is currently in RCIA at St. Peter Cathedral in Marquette. At 45, I returned to college and complete[d] my degree at the age of 48. I am now working on a Master's degree in Mental Health Counseling. Yet[,] even with all of these wonderful blessings, a dark cloud of depression hangs over my head. What could I have done with those 20 years of my life? Would I have been a priest? I certainly wouldn't have fallen away from God as I did. Would I have completed college, got a job, married and had a family? We will never know.

The hurt, pain and guilt has never left me. I have confessed and prayed[,] but this still haunts me. 20 years of my life were wasted because Father Jack manipulated me and abused his power by

promising rewards for a sexual relationship and convincing me that I was nothing more than a gay sex toy.

I am writing this to you now because it is time to completely heal[,] and I am not entirely sure how to make that happen.

I hope to hear from you[,] and I request your prayers.

[John Doe #36]

[address and phone number redacted]

[App'x JFG#3, Email from John Doe #36 to Diocese of Saginaw Employee, dated December 2, 2010, pp 1–2.]

After the diocesan employee received John Doe #36's above-quoted December 3, 2010 email, she gave it to Bishop Joseph Cistone, who read it and asked the Victim Assistance Coordinator (VAC) to contact John Doe #36, which she did on December 3, 2010. (App'x JFG#4, "Notes from a phone conversation with John Doe #36[]," dated December 3, 2010.) During a telephone conversation with John Doe #36, the VAC advised John Doe #36 that "the Bishop expresses his concern and is assuring his prayers." (*Id.*) The VAC also offered to travel to meet with John Doe #36, as he lived several hours away from Saginaw. (*Id.*) John Doe #36 appeared to be receptive to meeting with the VAC and advised her that he was starting therapy later that month. (*Id.*) The VAC provided John Doe #36 with her contact information, "and assured him that he could contact [her] at any time with any questions – and that only [she] would answer [her] phone or receive voice-mail." (*Id.*) It is unclear whether John Doe #36 and the VAC met after that telephone call; however, four pages of undated notes, appearing to be in the handwriting of the VAC, were found in the file. It is not clear whether these notes were written during the December 3, 2010 telephone call or a subsequent telephone or in-person conversation, as no significant new details were noted in them. (App'x JFG#5, Handwritten notes of the VAC, undated, pp 1–4.)

On June 6, 2023, legal counsel for the Saginaw Diocese emailed the Department of the Attorney General two diocesan VAC reports (both titled "Phone Log") regarding Witness #32, John Doe #36's wife, who contacted the diocesan VAC, reiterating John Doe #36's allegations that were reported in 2010 and explaining John Doe #36's frustration since that time of "nothing ever changed" and his reporting "didn't seem to have any effect." (App'x JFG#6, Email from legal counsel to the Department, dated June 6, 2023; App'x JFG#7, Phone Log of VAC, LMSW, dated June 5, 2023; and App'x JFG#8, Phone Log of VAC, LMSW, dated June 6, 2023.) John Doe #36's wife Witness #32 requested a copy of the Diocese's report of her husband's allegations made in 2010; the diocesan VAC advised John Doe #36's wife Witness #32 that the Department had the report, and recommended that Witness #32 contact the Department regarding same. (App'x JFG#8, Phone Log of VAC, LMSW, dated June 6, 2023.)

On August 9, 2023, legal counsel for the Diocese again emailed the Department and advised that John Doe #36 recently contacted the Diocese, and the “Diocese has been communicating with [John Doe #36] and his wife and is offering assistance to them,” and, on August 28, 2023, the diocesan attorney emailed a copy of the VAC’s report of her August 11, 2023, meeting with John Doe #36 and Witness #32, which read, in part pertinent, as follows:

[Witness #32] and [John Doe #36] stated that the initial sexual contact was rape, that [John Doe #36] was unaware of Fr. Gentner’s intent, and that [John Doe #36] did not consent. It was stated that after the rape, Fr. Gentner seemed irritated at [John Doe #36’s] reaction and asked, “What did you think was going to happen?” [John Doe #36] said that Fr. Gentner told him at various times that[,] if he wanted to be a priest, this is what he had to do, and if he wanted to be a priest, he had to be obedient and to do as he was told. [John Doe #36] said the sexual contact after the first rape was with consent, although he characterized it as coerced.

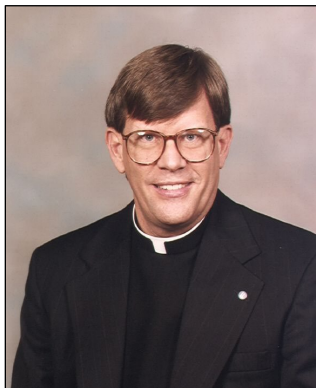
[App’x JFG#9, Email from legal counsel to the Department of Attorney General, dated August 9, 2023; App’x JFG#10, Email from legal counsel to the Department of Attorney General, dated August 28, 2023; and App’x JFG#11, Contact Log, dated August 11, 2023, p 1.]

During the same August 11, 2023 meeting, Witness #32 advised that, when John Doe #36 was a child, he had medical disabilities, and, because of them, she believed he was a “vulnerable adult,” and “although [John Doe #36] was 18 when the initial [alleged] incident occurred, he had been groomed before age 18.” (*Id.*) Witness #32 believed that it was “deliberate that [John Doe #36] was 18 and in another state when the initial incident [allegedly] occurred.”²⁰ (*Id.*)

On November 21, 2024, the Review Board of the Diocese determined the alleged victim, an adult, was not a vulnerable adult at the time of the alleged incidents, and therefore it was not a matter for the Review Board to address.

²⁰ John Doe #36 and his wife alleged John Doe #36 was sexually abused by Fr. Gentner beginning in “1978-1980” (App’x JFG#11, Contact Log, dated August 11, 2023, p 1), and John Doe #36 alleged the sexual incidents occurred while he was in his early 20s and active at Blessed Sacrament Church in Midland, (App’x JFG#3, Email from John Doe #36, dated December 2, 2010, p 1.) Fr. Gentner’s assignment history contradicts the dates alleged by John Doe #36: Fr. Gentner was only assigned to Blessed Sacrament Parish in Midland from July 15, 1982, to July 11, 1991. (App’x JFG#1, Biographical Record p 2.) Fr. Gentner was not assigned to a church in Midland at the time of the alleged sexual relationship with John Doe #36.

**(11) FR. JOHN (“JACK”) EDWARD HAMMER
(ON DIOCESE OF SAGINAW, DIOCESE OF YOUNGSTOWN AND
ARCHDIOCESE OF BALTIMORE CREDIBLY-ACCUSED CLERGY LISTS.)**



Born: November 3, 1952

Ordained: June 23, 1979

Incardinated into Diocese of Saginaw: March 31, 1994

Suspended from ministry: May 2002

Laicized: January 26, 2006

Fr. John (“Jack”) Edward Hammer was born in Massillon, Ohio, on November 3, 1952, and was ordained to the priesthood for the Diocese of Youngstown (Ohio) in Youngstown on June 23, 1979. (App’x JEH#1, Biographical Record, Priest of the Diocese of Saginaw, Hammer, John Edward, p 1.) Fr. Hammer was incardinated into the Diocese of Saginaw on March 31, 1994. (*Id.*) Fr. Hammer’s priestly faculties were suspended in May 2002, and he was laicized on January 26, 2006. (*Id.* at 2.)

Fr. Hammer is on the Diocese of Youngstown list of “Clergy of the Diocese of Youngstown against whom credible, substantiated allegations of sexual abuse of a minor have been made.” (App’x JEH#2, Diocese of Youngstown list of “clergy against whom credible, substantiated allegations of sexual abuse of a minor have been made,” last updated October 19, 2020, p 2.) Fr. Hammer is also named on the Archdiocese of Baltimore “list of clergy accused of child sexual abuse” under the section titled, “Accused priests from other dioceses,” where the following is written about him:

John Hammer

Dioceses of Youngstown, Ohio, and Saginaw, Mich.

After undergoing treatment at St. Luke Institute, John Hammer of the Diocese of Youngstown served as a chaplain at St. Agnes Hospital from 1986 to 1989. The archdiocese received no information of misconduct by Hammer while in Baltimore but decided in 1989 that because of his history he should not even be engaged in hospital ministry. The

archdiocese informed the Diocese of Youngstown that Hammer's faculties to perform ministry in the Archdiocese of Baltimore were being removed in 1989. In 2002, the archdiocese learned that Hammer had been serving as a priest in the Diocese of Saginaw since 1990. He resigned in April 2002 because of an allegation of sexual abuse from before 1986.

[App'x HEH#3, Archdiocese of Baltimore List of Clergy Accused of Child Sexual Abuse, republished by the *Baltimore Sun*, dated September 26, 2002, pp 9–10.]

Fr. Hammer's name also appears on the Diocese of Saginaw "Names of Clergy Accused of Sexual Abuse of a Minor[.]" as a priest "permanently removed from ministry." (App'x JEH#4, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 1.) The Saginaw Diocese published Fr. Hammer's assignment history in the Diocese as follows:

In residence, St. Stephen, Saginaw: Oct. 1990–Oct. 1991

Assoc. Pastor, Blessed Sacrament, Midland: Oct. 1991–July 1995

Pastor, Mount St. Joseph, St. Louis and St. Patrick, Irishtown: July 1995–July 1999

Pastor, Mount St. Joseph, and St. Mary, Alma: July 1999–May 2002

Suspended from ministry: May 2002

Laicized (does not function as a priest): January 20, 2006 [App'x JEH#5, Diocese of Saginaw, John (Jack) Hammer, p 2.]

On the weekend of April 20, 2002, Fr. Hammer read the following statement to his parishioners at St. Mary Parish in Alma, Michigan and at St. Joseph's in St. Louis, Michigan:

I have something to say to you that is very painful, part of my past. But given the present climate, I want you to know about it, and I want to be forthright, and I want you to hear it from me. As a young priest in Ohio, over 16 years ago, I engaged in inappropriate sexual behavior.

What I did was wrong, sinful and hurtful. I am truly sorry for what I did. I am sorry for the hurt that I caused anyone back then, and how I am hurting you now by sharing my story.

I served as a priest in Ohio before coming to Saginaw. I was happy and effective as a young priest. But there was a dark part of me, of which I was in complete denial. I honestly did not know I had a

problem, that what I was doing was wrong, and that it was harmful to other people.

By the grace of God, my bishop in Ohio learned of my behavior. He immediately removed me from priestly ministry, and sent me directly to a treatment facility in Maryland for complete evaluation. After the evaluation, I began residential treatment at that facility.

This was without doubt the lowest and most painful time in my life. I hit rock bottom. I began what was to become an intensive five-year program toward recovery. The first part was seven months of residential treatment, which included individual therapy, small and large group therapy, regular attendance at 12 Step meetings several times a week, and spiritual direction. Upon successful completion of that treatment, my doctors helped me begin a transition back to ministry[,] but it was very gradual and closely supervised.

I lived in what you might call a half-way house that was an extension of this institute, where I continued to receive treatment, evaluation and supervision. The directors arranged for me to serve part-time as a chaplain in a hospital.

After completing nine months in the halfway house program, the hospital offered me a full-time position as chaplain. With the support of the directors of my program, I moved to the hospital. I continued to participate fully in my recovery program.

After three years of full-time ministry at the hospital, a new bishop came to that diocese in Maryland. He inaugurated a policy that, regardless of recovery, a person with a problem such as mine in the past, could not serve as a priest in that diocese. My supervisors at the hospital had wanted me to stay[,] but there was nothing they could do.

This was in 1990. I returned to my home diocese in Ohio and lived with my parents for about nine months. Even though I had left the treatment program in Maryland[,] and all the reports were positive, I continued in support programs and in spiritual direction.

My own bishop in Ohio was very supportive of me because of my successful treatment and recovery. But out of respect for those who had been affected by my behavior five years earlier, he felt that I should make a new start in another diocese, and he offered to help.

The bishop called Bishop Untener and suggested that I might come to the Diocese of Saginaw. Bishop Untener's initial response was to say that the Diocese of Saginaw does not accept priests with problems in

their past. But because my bishop in Ohio said that my recovery had moved ahead successfully, Bishop Untener said he would take a look at my request.

Bishop Untener did a thorough review of the progress reports of my five-year treatment and the recommendations of the directors. Bishop Untener then agreed that I could come to the Diocese of Saginaw. I began a three-year process, with the possibility of becoming a priest of this diocese.

During that period of evaluation, even though I had successfully completed my extensive treatment program, Bishop Untener placed certain restrictions on my ministry. In addition, I was to meet monthly with a priest assigned as my mentor, and another priest assigned as my spiritual director. I also participated in the 12 step-program. I was also to meet regularly with the bishop. I continue that program of support and supervision today. I was eventually accepted as a priest in the Diocese of Saginaw, and I continue in a program of support and supervision today.

That is my story, and I wanted you to hear it from me.

Because of my recovery program, I'm not the person I was in 1985. And I am grateful to the Diocese of Saginaw for the opportunity to prove that. The past 12 years have been a gift for which I will be forever grateful.

I can tell you that[,] since the very beginning of my recovery program 17 years ago, I have been chaste. I say that without qualification.

I would still like to be your pastor. However, a priest can't serve effectively in a parish[,] if he doesn't have the support of his people. I don't know what the future will bring.

I do love you, my parish family of St. Mary's and St. Joseph's. Please pray for everyone I have hurt in any way, as I do every day. And please pray for me.

[App'x JEH#7, Statement of Fr. Jack Hammer, dated April 20, 2002, pp 1-2.]

The week following Fr. Hammer's above-quoted April 20, 2002 statement, he resigned his pastorate over both parishes. (App'x JEH#8, "Priests Resign Posts after Admitting to Allegations," *Associated Press State & Local Wire*, dated April 28, 2002, p 1.) It was reported that Fr. Hammer's remarks to his congregation "came as a Columbus, Ohio, man who sa[id] he was [allegedly] abused by the [sic.] Hammer

in the early 1980s, called on Bishop Kenneth E. Untener to remove the priest.” (*Id.*) It was further reported that “Untener, whose parishes have held discussions about the nationwide abuse scandal, said at the time that he wanted to hear from parishioners before deciding whether Hammer should continue to serve.” (*Id.*)

In a letter dated June 4, 2004, Fr. Tom Sutton, who was then acting as diocesan administrator after the death of Bishop Kenneth Untener, wrote the following to Fr. Hammer:

Dear Jack,

First of all, I want to assure you that we continue to remember you in our prayers. I know that you were disappointed that the nursing program did not work out . . . but hopefully another opportunity will present itself soon.

Secondly – and this is the more unpleasant part of this letter – a review of your file does not indicate that Bishop Untener ever put in writing the restrictions that have been placed on you[,] and I believe this needs to be on record. They are as follows:

You may not publicly celebrate Mass or any of the sacraments. (You are permitted to privately celebrate Mass.)

You may not dress in clerical garb or engage publicly in any activities as a priest.

These restrictions are required by the *Essential Norms* adopted by the USCCB. This is also the reason your name cannot be listed in the Diocesan and Kennedy directories.

I am also enclosing copies of the recently adopted *Background Check Policy* and *Standards of Ministerial Behavior* so you can be kept up to date on such things.

Sincerely,
Rev. Thomas E. Sutton
Diocesan Administrator

[App’x JEH#10, Letter from Fr. Thomas Sutton to Fr. Jack Hammer, dated June 4, 2004.] [Ellipses and italics in original.]

On October 27, 2004, Fr. Sutton issued the following Decree:

On April 26, 2002, at the request of bishop Kenneth Untener (now deceased)[,] I directed that the preliminary investigation of a penal

process be undertaken to examine the allegations made against Reverend John E. Hammer of committing an offense against the sixth commandment of the Decalogue with [John Doe #37], [John Doe #38], [John Doe #39], [John Doe #40], and [John Doe #41] in contravention of c. 2359 §2 of the 1917 *Code of canon Law*, and c. 1395 of the 1983 *Code of canon Law*.

Having carefully examined the evidence and considered the question of his imputability, **it appears that the allegations against Reverend John E. Hammer have at least the semblance of truth.** In conformity, therefore, with the *Motu proprio, Sacramentorum sanctitatis tutela*, Art. 13, this case must be remanded to the Congregation for the Doctrine of the Faith, to which the law reserves this matter.

As required by c. 1718, I therefore decree that the prior investigation of this penal process be closed[,] and I hereby determine that this case, with all its pertinent *acts*, be transmitted to the Congregation for the Doctrine of the Faith. Because I presently serve as Diocesan Administrator, I have added my personal *votum*.

*Given at the Diocese of Saginaw
On this 27th day of October, 2004*

[App'x JEH#11, Decree Closing the Preliminary Investigation, Case re: Reverend John E. Hammer, dated October 27, 2004.] [Emphasis in original.]

Also on October 27, 2004, Fr. Sutton issued the following in the case of Fr. Hammer:

The facts of this matter are set forth in the acts of the case. John E. Hammer, a priest of the Diocese of Saginaw, (age 52) has been formally accused by several minors of sexually abusing them when they were about 12 years of age. Fr. Hammer was a priest of the Diocese of Youngstown, Ohio at the time. Fr. Hammer acknowledges this abuse and has sought significant professional therapy for this behavior. To my knowledge, Fr. Hammer has not engaged in such behavior for nearly 20 years.

The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of sexual Abuse of Minors by Priests and Deacons state in Norm 8 “[w]hen even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be permanently removed from ecclesiastical ministry, not excluding

dismissal from the clerical state, is [sic.] the case so warrants (CIC, c. 1395#2; CCEO.c.1453#1).”

Because the facts of the case are clear, i.e., the numerous allegations of a similar nature and the provisions of the *Essential Norms* quoted above are so clear, no useful purpose would be served either for the individual or for the Church in conducting a trial. In addition, given the fact that Fr. Hammer continues to follow his aftercare program and has had no credible allegations of sexual misconduct since 1985, it would seem that this would enable a decision to be reached whereby measures suited to the particular case could be adopted. In this way it could avoid the necessity of imposing a penalty of dismissal from the clerical state. In this way a penalty in keeping with the *Essential Norms* of the USCCB could be imposed should this necessity be demonstrated by the evidence in the process.

[App’x JEH#12, Fr. Thomas Sutton, Diocesan Administrator, “The Case of Rev. John (Jack) E. Hammer,” dated October 27, 2004.]

In the October 27, 2004 Assessment of Fr. Hammer’s canonical case, the statement of facts, setting forth the accusations against Fr. Hammer to which Fr. Hammer admitted, was set forth as follows:

According to a memo issued to the Diocese of Youngstown by Fr. Tony Exposito in September, 1985, Fr. Exposito received a phone call from a parent who stated that Father Hammer had ‘touched him’ (his son) (legs, groin and chest) and likewise ‘rubbed him’ on the chest. As the story unfolded, Fr. Hammer took [John Doe #37] and [John Doe #38] (two 12 year olds) who went with Fr. Hammer for an overnight. This was the weekend of September 6, 7, 1985. Both boys indicated that Fr. Hammer had touched them and rubbed parts of their body.

The following weekend, (September 13/14, 1985) according to the accusation, Fr. Hammer took [John Doe #39] and [John Doe #40] on an overnight. During that time, both boys indicate that Father Hammer touched them. Specifically, [John Doe #40] stated that Fr. Hammer touched him on the genitals.

In an interview with Bishop James Malone, Bishop of Youngstown, all four boys confirmed the above facts. [John Doe #37] and [John Doe #38] specifically said that Fr. Hammer had fondled their legs, rubbed their groins and their chests. [John Doe #40] said that Fr. Hammer had touched his “privates” (genitals).

We have also received information from the Diocese of Youngstown (received April 29, 2002), that [John Doe #41] claimed that in 1982 he

was sexually molested at St. Louis Parish in Louisville, Ohio. According to the information received from the Diocese of Youngstown, [John Doe #41] was contacting the local prosecutor. We have no other information.

We have also received information that [John Doe #42] has disclosed publicly that he was molested by Fr. Hammer. We have no other information concerning this disclosure other than it occurred in 1979.

* * *

. . . Bishop Kenneth Untener chose to incardinate Fr. Hammer into the Diocese of Saginaw. No credible accusation was filed against Fr. Hammer during the twelve years that he served in the Diocese of Saginaw. However, because of a threatened civil lawsuit to be filed in Ohio and the public nature of this suit, Fr. Hammer opted to resign public ministry. The following restrictions were placed upon Rev. Hammer through an extra-judicial process by Bishop Untener and confirmed by Diocesan Administrator Rev. Thomas Sutton: Rev. Hammer may not publicly celebrate Mass or any of the sacraments; he may not dress publicly in any activities as a priest all in accord with the *Essential Norms* adopted by the United States Catholic Conference Board. He resides at his family home in Massillon, Ohio. He works as a manager of a fast food restaurant. According to the diocesan monitor of Fr. Hammer, he struggles financially even though the Diocese of Saginaw provides him with a monthly check.

[App'x JEH#13, Assessment, by Experts in the Law, Case of Reverend John (Jack) Hammer, dated October 27, 2004, pp 1–2.]

In a letter dated October 17, 2005, Bishop Robert Carlson wrote to Fr. Hammer regarding the former's concerns of how the Diocese could effectively monitor Fr. Hammer "to keep in touch with you and also help you to be aware of how you can maintain your boundaries with regard to children and young people so that no further offenses will ever occur." (App'x JEH#14, Letter from Bishop Robert Carlson to Fr. Jack Hammer, dated October 17, 2005, p 1.) Bishop Carlson further wrote that the Diocesan Review Board recommended that the bishop ask Fr. Hammer to go to the St. Luke Institute for "a week-long evaluation process" to provide Fr. Hammer with recommendations and to provide the Diocese with "suggestions for monitoring." (*Id.*)

During a telephone conversation with the VAC on October 31, 2005, Fr. Hammer declined the bishop's request to go to the St. Luke Institute because (1) he did not think it "would be of further assistance," (2) he felt that he was "being dismissed from the priesthood or [wa]s forced to be laicized," and (3) he already used one week of his vacation time and had another week scheduled, and he was taking a night

class. (App'x JEH#15, Memorandum from the VAC to Bishop Carlson, dated November 9, 2005.)

In a letter dated May 2, 2006, an official from the Diocese of Youngstown wrote to the VAC and notified her “that the Diocese of Youngstown has received an allegation of sexual abuse by Reverend John Hammer, a former priest of the Diocese of Youngstown, now incardinated in the Diocese of Saginaw.” (App'x JEH#16, Letter from Msgr. John Zuraw to the VAC, dated May 2, 2006.) “The alleged allegation of sexual abuse took place around May 6, 1981 when Rev. Hammer was an associate pastor at St. Louis Church, Louisville, Ohio.” (*Id.*) Fr. Hammer allegedly fondled a 14-year-old boy “while sitting on the couch.” (*Id.*) The local prosecutor was notified, and the Youngstown diocese offered counseling “to the victim, his wife and parents.” (*Id.*) The Youngstown diocesan official also called the VAC on May 2, 2006, to advise of the new allegation and to also let her know that a letter to that effect was being mailed to her. (App'x JEH#17, Memorandum from the VAC to Bishop Carlson, dated May 2, 2006.) The VAC advised Bishop Carlson that same day of the new allegation the Diocese of Youngstown received. (*Id.*) She also stated that the Youngstown representative told her “that they had heard a rumor that Jack Hammer was no longer a priest,” and the VAC advised that her “understanding [wa]s that Jack did sign papers for laicization, however, [she] could not be positively sure about that.” (*Id.*)

About four years later, on February 1, 2010, diocesan Chancellor wrote the following in a memorandum to the file regarding Fr. Hammer, then Mr. Hammer:

He was ordained in June 1979 for the Diocese of Youngstown, Ohio. He had several charges of child abuse at the time of his ordination (boys between the ages of 10–15). Between the years 1986–1990, he served in the Archdiocese of Baltimore. He began the process of incardination into the Diocese of Saginaw in 1990; he was incardinated in 1994. There are no allegations of abuse in the Diocese of Saginaw.

There were clear restrictions of his ministry[,] Restrictions on his ministry were not met.

At the time in which the prior accusations were revealed by the media (2002), he was in Alma, in a parish with a school as the sole pastor. He admitted the previous difficulties to his parishioners. Bishop Untener requested Alma parishioners to allow Jack to remain. One file contains letters both in support and in opposition to his remaining in the parish.

[App'x JEH#18, Memorandum from diocesan Chancellor to File, dated February 1, 2010.]

(12) FR. SIGMUND JOHN HAREMSKI

Born: October 20, 1917

Ordained: February 24, 1945

Retired to senior priest status: September 7, 1982

Died: December 14, 1991

Fr. Sigmund John Haremski was born in Saginaw on October 20, 1917, and was ordained to the priesthood on February 24, 1945, at St. Mary Cathedral in Saginaw for the Diocese of Saginaw. (App'x SJH#1, Biographical Record, Haremski, Sigmund John, p 1.) Fr. Haremski retired to senior priest status on September 7, 1982, and died on December 14, 1991. (*Id.* at 2; App'x SJH#2, Memo from Bishop Kenneth Untener, dated December 16, 1991; App'x SJH#3, December 1991 Calendar, <https://oldcalendars.com/calendar-december-1991/>.)

In October 1955, Witness #34 informed the Diocese about concerns that her adult sons had regarding Fr. Haremski. John Doe #43 claimed that Fr. Haremski had shown an unusual interest in John Doe #43's confessed sins of a sexual nature. (App'x SJH#10, Deposition of Witness #34, dated October 14, 1955.) John Doe #44 told Witness #34 that Fr. Haremski had made several inappropriate advances, but no sexual acts occurred. (*Id.*)

In an "official record," signed by Fr. James Hickey, Secretary, on October 18, 1955, from the Chancery, the following was written:

Bishop [Stephen] Woznicki directs me to make an official record that on October 18, 1955 (this morning)[,] he called Father Haremski to his office in the Chancery, and told him of the serious charges placed against him, and of certain other leads that the Bishop had relative to such charges.

[*Id.*]

Also found in Fr. Haremski's file was a January 17, 1959 statement, given "under the direction of His Excellency, the Most Reverend Bishop Stephen S. Woznicki," signed "under oath," by Huron County Deputy Sheriff Robert Quinn that provided, in part pertinent, the following:

[John Doe #45] [a college student] stated that he had been out with Fr. Haremski five times, beginning approximately the first of September, and continuing once a week for the next five weeks. They went to the movies the first four times, during which time Father Haremski fondled his legs. On the fifth time[,], the same thing happened, with the result that Father began fondling [John Doe #45's] genitals.

Later that night[,] he invited [John Doe #45] into the Rectory, where they played records and visited. Father had asked [John Doe #45] if he had ever been “blown.” During the course of the evening[,] twice Father asked [John Doe #45] to come upstairs. He also asked if he could kiss [John Doe #45]. [John Doe #45] stated to Father that things were progressing too rapidly and that he would have to have more time to think of it. He then went home.

[John Doe #45] also gave me a letter from Fr. Haremski, which is enclosed with this statement.

[App’x SJH#12, Statement of Huron County Deputy Sheriff Robert Quinn, dated January 17, 1959.]

Also included in the Fr. Haremski file was a note from Bishop Francis Reh, dated April 3, 1970, which was attached to a Standish Police Department report, dated March 24–25, 1970. (App’x SJH#13, Note of Bishop Francis Reh, dated April 3, 1970.) Bishop Reh handwrote and signed the following: “The attached was referred to me by Father Gavit [see entry no. 9 above]. The complaint was not made public[,] and no further complaint was forthcoming.” (*Id.*) In the police report, to which Bishop Reh’s note was attached, it was reported that Fr. Haremski allegedly “grabbed” John Doe #46 “by his privates” in front of his foster parents, Witness #35 and Witness #36, and Witness #37 and Witness #38, all from Standish, Michigan. (App’x SJH#14, Standish Police Department Original and Supplemental Report, dated March 24–25, 1970, p 2.) Witness #35 stated that, “about two weeks prior to this date, Haremski came to the house and as he walked by [John Doe #46][,] he grabbed him at his privates, and was [illegible] by Witness #35 as being sinful, Haremski said, ‘you say your Lord’s prayers, don’t you; doesn’t it ask for forgiveness?’ ” (*Id.*) Witness #35 stated that John Doe #46, a 17-year-old, said Fr. Haremski wanted to take “[John Doe #46] to a show at Bay City[.]” (*Id.*) “This approach is same M.O. used on [Jane Doe #5] & [John Doe #47][,] August 1969 – prior complaint.” (*Id.*)

In a letter dated April 15, 1970, from Fr. Joe Roach, Parish of Saint John the Baptist, Standish, to Gene, believed to be Msgr. Eugene Forbes [see entry no. 6 above] who was then serving as vicar general, the following was written about the John Doe #46 complaint against Fr. Haremski:

Following our telephone conversation, I talked with Joe Kolevar [of the Standish Police Department]. He filled me in on the details of the last complaint he forwarded to the chancery, and promised to bring [Witness #35], the guardian of [John Doe #46], to the rectory to discuss the matter. They have just left.

The boy we talked about before was a [John Doe #47], who has now left the [Witness #35 family]. This [John Doe #46] is a new boy. Father has been very persistent in trying to get the boy alone. The incident which precipitated the present increase in concern was quite public. It happened in the home of [Witness #35] in the presence of two adult couples, with whom Joe has checked to be sure that it was not simply something that was misinterpreted.

In regard to any future action, I don't know what to say. He's a good priest in all other ways, and I am sure that he would accept a change if the Bishop spoke to him, even if it were not a confrontation of this matter.

As to whether the change would have [to] be "emergency" immediate. I don't know what to say. [Witness #35] feels that he would be able to keep the two separated, especially since [John Doe #46] is not interested in this type of play and will be leaving for service on June 4. It seems that this is the only problem boy at this time.

Unfortunately[,] he can be very vindictive and if there is to be a confrontation[,] [Witness #35] [,] who is very respected and [a] good friend of Father has volunteered to talk to him if that is the way chosen.

Should another incident happen, I am afraid that [Witness #35] will decide to act as a father and guardian and talk to the prosecutor. [Witness #35's] son and daughter do not go to St. Florian's any more. They usually come here when they are in the area. That bothers [Witness #35].

As yet, there is no public knowledge of the problem. Though the situation is potentially explosive. [Witness #35] would be willing to keep the two apart until the boy goes into the service, particularly if he is assured that a change is going to be made at the first opportune time.

At least one of these incidents was witnessed by four adults.

Knowing his attitude, the personnel board would be wasting its time talking to him. He will listen to the Bishop, and perhaps to you. I wish I could be more objective.

[App'x SJH#15, Letter from Fr. Joe Roach to Gene, dated April 15, 1970.]

Eight months later, in a letter dated December 23, 1970, memorializing a previous conversation, Bishop Reh transferred Fr. Haremski to St. Hedwig Parish in Bay City, where he appointed the latter as its pastor. (App'x SJH#16, Letter from Bishop Francis Reh to Fr. Sigmund Haremski, dated December 23, 1970.) Bishop Reh also wrote that he was “grateful for the outstanding work you did on behalf of the people of St. Florian’s,” further writing “[y]ou have served the people of that parish long and well.” (*Id.*) Bishop Reh went on to write: “They should be grateful for the years you have given them and be able to understand that other people should now have the benefit of your zealous and competent service.” (*Id.*)

(13) FR. DENIS MATTHEW HEAMES



Born: July 9, 1972

Ordained: May 16, 2008

Priestly faculties suspended: July 21, 2015

Laicized: August 4, 2017

Fr. Denis Matthew Heames was born on July 9, 1972, in Chula Vista, California, and was ordained to the priesthood on May 16, 2008, at Holy Spirit Parish in Saginaw for the Diocese of Saginaw. (App'x DMH#1, *Curriculum Vitae* of Fr. Denis Heames, dated March 25, 2017, p 1; App'x DMH#2, Diocese of Saginaw Summary of biographical, assignment history, allegations, and measures concerning Fr. Denis Matthew Heames.) Fr. Heames was suspended from ministry on July 21, 2015, and was laicized on August 4, 2017. (App'x DMH#3, Precept issued by Bishop Joseph Cistone, dated July 21, 2015, p 1; App'x DMH#4, Cover letter from Cardinal Beniamino Stella, Prefect, Congregation for the Clergy, to Bishop Joseph Cistone, dated August 7, 2017, and enclosed Rescript of dispensation from celibacy and from all other obligations of the clerical state connected to Sacred Ordination, dated August 4, 2017.)

On June 30, 2015, Jane Doe #6, a college student in Mount Pleasant, Michigan, met with Fr. William Rutkowski and recounted her alleged sexual relationship with Fr. Heames that started in the Fall of 2012 and ended in 2014. (App'x DMH#5, Statement of Jane Doe #6, dated June 30, 2015, pp 1–5.) Jane Doe #6 stated that, in the Fall of 2012, she commenced attending St. Mary University Parish where she completed an “interest form,” after which Fr. Heames called her to discuss her interests. (*Id.* at 1.) Soon thereafter, Jane Doe #6 and Fr. Heames began to meet weekly for “spiritual direction.” (*Id.*) “It became friendlier and friendlier.” (*Id.*) Fr. Heames chose Jane Doe #6 and others to attend a conference (out of state). (*Id.*) She stated that they began to talk and spend more time together, and the relationship was “flirty.” (*Id.*) The two of them watched and shared “YouTube videos.” (*Id.*) Further, she stated that on Thanksgiving, Fr. Heames asked Jane Doe #6 to pick him up from the airport, and after she dropped him off at the rectory, he “hugged” her, and she stated that “[i]t was different (weird).” (*Id.*) “In spiritual

direction, [she] would look down[,] and when [she] looked up, he was [allegedly] looking at [her] in a strange way.” (*Id.*)

During the same June 30, 2015 meeting with Fr. Rutkowski, Jane Doe #6 also said that she and Fr. Heames went to a James Bond movie to which he wore “normal clothes.” (*Id.*) After the movie, Fr. Heames allegedly “leaned and he kissed [her].” (*Id.*) Jane Doe #6 stated that she became confused by this. (*Id.*) The following day, after he asked Jane Doe #6 to drive him to the rectory after a party they both attended, “he held [her] hand and kissed [her] again.” (*Id.*) Jane Doe #6 was “conflicted,” saying that Fr. Heames, her spiritual director, was “my priest, my friend; I had all kinds of feelings.” (*Id.* at 2.) During their next spiritual-direction meeting, Fr. Heames allegedly asked Jane Doe #6 how she felt about those encounters, and he suggested that the two of them go to Jane Doe #7’s home in Saginaw “to talk.” (*Id.*) While they were there, they “made dinner and watched a movie.” (*Id.*) They allegedly “talked and were sexually intimate and spent the night together. Things were going literally 100 miles per hour.” (*Id.*) Jane Doe #6 stated: “In just three months[,] we went from my priest, to my friend, to [allegedly] being intimate in a house.” (*Id.*) Jane Doe #6 stated that, “[i]f it was wrong, I thought he would have said something[;] [a]fter all[,] he was in the seminary [and] studied canon law.” (*Id.*) Jane Doe #6 said that she “was so swept up in it all.” (*Id.*) The following day, Fr. Heames allegedly “said that he loved me and that God brought us together, and he kissed me.” (*Id.*)

Also during their meeting on June 30, 2015, Jane Doe #6 told Fr. Rutkowski that she and Fr. Heames continued to see each other, and they often went to Jane Doe#7’s in Saginaw, where they were [allegedly] “intimate,” “as she was gone a lot and Fr. Denis had his own key to her home.” (*Id.*) She said they developed their own language to protect the “Club of us,” and Fr. Heames bought her gifts from Lourdes. (*Id.*) “It was secretive” for them, as they did not “want to bring scandal to [the church].” (*Id.* at 3.) She stated they continued to date during the Summer of 2013 and attended a One Republic concert in Chicago, where they also spent the night together in a hotel. (*Id.*) Jane Doe #6 asked Fr. Heames if she “could do an internship at [the church,]” and he allegedly “felt it was the perfect way to hide the ‘Club of Us.’” (*Id.*) During this time, Jane Doe #6 “was always with him.” (*Id.*) They still met “once or twice a week,” and she said that she “would spend the night and leave early in the morning.” (*Id.*) Jane Doe #6 also stated that she “would write out his homilies.” (*Id.*) However, Fr. Heames “would go on holidays with [Jane Doe #7] alone or with her to his family,” a relationship that Jane Doe #6 did not understand. (*Id.* at 3–4.)

During their June 30, 2015 meeting, Jane Doe #6 also told Fr. Rutkowski that Fr. Heames “previously had a sexual relationship with a woman by the name of [Jane Doe #8][,]” who had “an administrative role at [college].” (*Id.* at 4.) “There was [allegedly] a pregnancy scare with [Jane Doe #8] and Fr. Denis[;]” however, “[Jane Doe #8] did not get pregnant.” (*Id.*) “Fr. Denis [allegedly] called [Jane Doe #8] a

‘spider’ saying that she preyed on him.” (*Id.*) Fr. Heames allegedly stated that he saw Jane Doe #8 “as a seducing villain.” (*Id.*) “[Jane Doe #8] [allegedly] was married and had separated from her husband[,]” and her husband “wanted to call him [Fr. Heames] in as a witness in the divorce.” (*Id.*) Jane Doe #6 alleged that Fr. Heames also “had a sexual relationship with a librarian at the seminary.” (*Id.*)

During the same June 30, 2015, meeting Jane Doe #6 told Fr. Rutkowski that Jane Doe #7 became suspicious of Fr. Heames’ relationship with Jane Doe #6. (*Id.*) Jane Doe #6 said Fr. Heames’ relationship with Jane Doe #7 was “strange,” as “[i]t was nothing for them to see each other, [Jane Doe #7] in a nightgown and Fr. Denis in his boxer shorts.” (*Id.*) Jane Doe #6 stated that Fr. Heames got “mad if [she] questioned his relationship with [Jane Doe #7].” (*Id.*) Jane Doe #7 “found out” about their relationship and accompanied them on a Church trip to Italy for the canonization of John Paul II, during which time Fr. Heames allegedly avoided Jane Doe #6 and “brushed [her] off.” (*Id.* at 3 and 5.) Jane Doe #6 also alleged that “[Jane Doe #7] and Fr. Denis either shared a room together or adjoining rooms while in Italy.” (*Id.* at 5.) When they returned from Italy, Fr. Heames allegedly told Jane Doe #6 that “God told me that I must be a priest.” (*Id.*) However, she said the two of them “still spent the summer 2014 together on again and off again.” (*Id.*) In the Fall of that year, Fr. Heames allegedly told Jane Doe #6 that she could no longer be his employee. (*Id.*) Jane Doe #6 stated that she “lost [her] job, identity, purpose, marriage to him, and friends.” (*Id.*) After the break-up, Jane Doe #6 “began to drink, date different guys, go to confession, and deal with depression.” (*Id.* at 6.) “Fr. Denis would [allegedly] be cold and concerned. We would be sexually intimate again.” (*Id.*) “After the last time, Fr. Denis said that [Jane Doe #6] would have to go to Confession to someone else,” saying he “looked it up,” and could not hear it, leaving [Jane Doe #6] to ponder why he was “able to hear it before[.]” (*Id.*)

On June 30, 2015, Fr. Rutkowski also separately met with Jane Doe #9 and he prepared the following narrative, in part, memorializing Jane Doe #9’s allegations, commencing in the third-person perspective and then continuing in the first-person perspective:

She stated that her principal focus of coming forward at this time is out of personal experiences with Fr. Denis, but also after witnessing how [Jane Doe #6] was courted and seeing the pattern happen again with a new student, [Jane Doe #10]. She stated that there is an “unbroken pattern of sexual relationships” by Fr. Denis, not a “slip up” involving student parishioners. He targets unstable students, she said, in each single case. [Jane Doe #9] said, “I am an adult[,] and so I must step forward and do what it takes to put a stop to this now.”

I have known [Jane Doe #6] since spring 2014. She was a staff member (a position started with her) at St. Mary University Parish. Fr. Denis and [Jane Doe #6] spent an extraordinary amount of time

together. At first there were physical workouts together with groups of students, bigger and smaller groups, and then sometimes alone. I did not witness any advances in these encounters, but I felt weird about it. You could see the infatuation on each side. In January or February 2014, I confronted Fr. Denis. He insisted that it was a “brother and sister” relationship. There was a lot of time working on fund-raisers for the Rome trip; the work was in a public setting, but then [Jane Doe #6] was out working on these events late into the night.

In February 2014, I went home . . . for a period of time. I joined the group in Rome when they went on the trip for the canonization of John Paul II. I could see that [Jane Doe #6] was distraught during the whole trip. Fr. Denis would take care of her, but at other times he treated her like any other student. I then went back [home]. I returned to Michigan for the month of May and returned [home] in June.

In July 2014[,] I came back to Mt. Pleasant and my own relationship began with Fr. Denis. Fr. Denis abused his role as a priest. The sexual relationship was consensual. I had just gotten out of a relationship with another man in January 2014. I discussed it with Fr. Denis in the confessional and in personal conversations. There I revealed to him what I looked for in a relationship and what was lacking in my previous relationship. Our friendship was developing in January and February 2014 and continued while I was [home].

Fr. Denis offered to give me a ride from the airport[,] and he picked me up on July 23. A lot of these conversations happened over texting, but I got rid of them.

I accompanied him to Detroit to pick out furniture for the rectory. Two days later[,] we went back to Detroit for the furniture. He wanted my company. He suggested spending the night at a hotel in the same room since some of the stores were closed. We did not spend the night together. I was infatuated with Fr. Denis. Fr. Denis did not wear his collar[,] and the store manager thought that we were a couple. Fr. Denis was flirty. The relationship developed from there. I struggled with it and Fr. Denis appeared to struggle with it until July. In August 2014, we began our sexual relationship.

From September 2014 – May 2015, I knew that we needed to break up, but we would continue with the relationship off and on, and fall again and again. I dreamed that we could maintain a friendship, but that was not possible. I loved to cook and brought him samples. I volunteered too much. I wanted to have no clandestine affair. He

promised me nothing. Fr. Denis said, “I need to be a priest.” “I must stay a priest,” but he did not draw any boundaries. At times he would give me the cold shoulder; than [sic.] I would invite him over and that was that. Then in the spring our relationship slowed down and petered out. We said, “[l]et’s make a fresh start” and were both relieved.

At our last meeting in May 2015, I felt that the whole issue was done; we fell in the past and now we can move on. I was confused. Now I get the extra cold shoulder from Denis. Three weeks ago, we touched base. I said, “I am glad that it is over and that we are making progress.” Fr. Denis laughed for over a minute in my face. I then remembered him telling me a story of when he was down in South America at a mission that a young novice was smitten with him. He thought that it was hilarious. No remorse – so cold.

Now there is a new intern at St. Mary University Parish, [Jane Doe #10]. They are physically working out together, just the two. I asked, “[a]re more people invited to be with you?” Fr. Denis picks [Jane Doe #10] up and accompanies her to Saginaw, at times just the two of them. [Jane Doe #10] is staying with a parish family. The father said to her, ‘[y]ou are coming home late.’ Sometimes she comes home at 11 p.m. on Sunday. [Jane Doe #10] has started spiritual direction with Fr. Denis. It seems that there is a pattern.

[App’x DMH#6, Testimony of Jane Doe #9 given on June 30, 2015, dated August 7, 2015, pp 1–3.]

After discussing the allegations with Fr. Heames, Bishop Joseph Cistone referred Fr. Heames to Saint Vianney Center, and on the bishop’s July 2, 2015, “Referral Information” form, he wrote the following:

Father Heames is a diocesan priest serving as Parochial Administrator of [a] Parish. [It] is located on [a] campus of a university and serves as the Catholic center for students. Father has been engaged in several sexual relationships with women, including at least one student. Father has been involved with different women at various times throughout his seminary formation and priesthood. He acknowledges these relationships, including occasional viewing of pornography. Women involved came forward and view his actions as being of a grooming and/or predatory nature.

* * *

[T]wo women came forward to inform us of this matter because of their concern that Father may be grooming another young student. I believe that there may be some aspects of narcissism involved in his behavior.

Father noted the use of alcohol at times. I am also concerned that some of these relationships have begun with him serving as spiritual director for the women. Through emails and texts, as well as phone messages, Father mixes spiritual concepts with the inappropriate relationships. I am further concerned that Father may have crossed the boundary with regards to the hearing of confessions. He describes his behavior as giving in to moments of weakness; yet, his behavior, in part, has seemed calculated and planned.

[App'x DMH#7, Referral Information from Bishop Joseph Cistone to Saint John Vianney Center, dated July 2, 2015, pp 1–2.]

In a public statement, dated July 6, 2015, the Diocese of Saginaw announced that Fr. Heames was “placed on administrative leave due to boundary violations related to his priestly ministry.” (App'x DMH#8, Diocese of Saginaw Press Release, “Diocesan Priest placed on Administrative Leave of Absence,” dated July 6, 2015.)

In a letter dated July 21, 2015, Bishop Cistone wrote to Fr. Heames, memorializing that, in a previous meeting, Fr. Heames “voluntarily acknowledged boundary violations with” the two women who came forward and the other two women with whom it was thought that “similar violations may have occurred.” (App'x DMH#9, Letter from Bishop Joseph Cistone to Fr. Denis Heames, dated July 21, 2015, p 1.) Bishop Cistone also reiterated that he put Fr. Heames on a “temporary administrative leave of absence” and withdrew his parochial administrator appointment. (*Id.*) The bishop further advised that he opened a preliminary investigation into the matter. (*Id.*) On the same day, the bishop issued a precept, suspending Fr. Heames’ priestly faculties, which the bishop extended by a second precept on December 23, 2015. (App'x DMH#10, Precept of Bishop Joseph Cistone, dated July 21, 2015, and App'x DMH#11, Precept of Bishop Joseph Cistone, dated December 23, 2015.)

On January 13, 2016, the Central Michigan University Office of Civil Rights and Institutional Equity determined that Fr. Heames “engaged in sexual harassment, as defined by the University’s Sexual Misconduct Policy, towards Complainant [Jane Doe #6].” (App'x DMH#12, Central Michigan University Office of Civil Rights and Institutional Equity Determination, dated January 13, 2016, p 14.) The following day, Jane Doe #6 filed suit in the Isabella County Circuit Court against Fr. Heames, Jane Doe #7, the Diocese of Saginaw, and St. Mary’s University Parish, and alleged battery, defamation, breach of fiduciary duty, fraud, and intentional infliction of emotional distress against Fr. Heames; defamation against Jane Doe #7; negligent supervision and retention and vicarious liability against St. Mary University Parish; and negligent supervision and retention and vicarious liability against the Diocese of Saginaw. (App'x DMH#13, Complaint and Jury Demand, *Jane Doe #6 v. Heames, et al.*, Isabella County Circuit Court, No. 16-12904-CZ, pp 1–14.)

On March 31, 2016, by precept, Bishop Cistone extended Fr. Heames' suspension of priestly ministry to June 30, 2016, "or until specifically rescinded or extended in writing." (App'x DMH#14, Precept of Bishop Joseph Cistone, dated March 31, 2016, p 1.) A few months later, on June 29, 2016, Bishop Cistone granted Fr. Heames' request for a six-month leave of absence "for the purpose of discerning your future," during which time Fr. Heames' priestly faculties remained suspended. (App'x DMH#15, Precept of Bishop Joseph Cistone, dated June 29, 2016, pp 1–2.)

On the same date (March 31, 2016), Bishop Cistone also wrote a letter to Fr. Heames regarding the grant of a leave of absence for the purpose of "discernment regarding your vocation[.]" further writing that the "leave is not tied to civil litigation." (App'x DMH#16, Letter from Bishop Joseph Cistone to Fr. Denis Heames, dated June 29, 2016, pp 1–2.) Bishop Cistone also wrote: "As you and I have discussed, I see no possibility of your return to ministry in the Diocese of Saginaw." (*Id.* at 2.) Bishop Cistone also wrote that Fr. Heames was "free to look for another diocese in which" he could "provide priestly ministry[.]" however, the bishop would not permit the search for one to be "open-ended[.]" and the bishop would "necessarily provide each bishop who considers [Fr. Heames'] request with pertinent information so that the bishop may make an informed decision." (*Id.*) Bishop Cistone also advised that the six-month leave of absence could be renewed once depending upon Fr. Heames' "situation and the fulfillment of the Precept." (*Id.*) Bishop Cistone also wrote: "At the end of the year, unless you have found another diocese in which you can exercise priestly ministry or have petitioned for dispensation from the clerical state, I will seek your dismissal." (*Id.*)

In a letter dated September 8, 2016, Jane Doe #11 wrote the following to "Human Resources," at the Diocese of Saginaw:

Dear To Whom it may concern at Human Resources:

I would like to file a complaint about Fr. Denis Heames, formerly pastor of St. Mary's Student Parish in Mt. Pleasant. This letter contains details about Fr. Heame's inappropriate conduct towards me dating from 2012 to my graduation in December 2013. I believe his conduct shows patterns of manipulation that coincide with other women's testimonies of his controlling behaviors. I have therefore decided to bring my testimony to the diocese of Saginaw.

In 2012, when Fr. Heames was still new, I told a friend who was a staff member of the parish, that I was depressed. I had experienced bullying from a man which left me with low esteem around other men. Fr. Heames then started exhibiting subtle flirtatious gestures towards me. He would come up close to me when we were alone and talk low in my ear, making direct eye contact the whole time. His manner felt sexual but his words were not overtly so. He also made eye contact

with me in church whenever I looked like I was about to cry. These gestures gave me the impression I was “special” to him. I then knew he wanted to counsel me to ‘help’ me. I began to consider him for a Spiritual Director. I never told anyone about his behavior during this time.

One day, while Fr. Heames and I were walking to a football game with our St. Mary students, we somehow became separated from the group. At some point he put the right side of his body against my left side and leaned on me. He rubbed his shoulder against mine, teased me, showed off his muscles to me, and generally behaved flirtatiously. I heard gasping from the left of him and saw young women with horrified looks on their faces.

After these things happened for several weeks or months, his behavior made me even more emotionally unstable. I became emotionally attached to him and his flirtations caused a desire for a sexual relationship with him. I decided to take a different priest as spiritual director. I never told anyone about these incidents during this time.

After I took a Spiritual Director, Fr. Heames never came to me again. His attentions stopped[,] and I was left with the impression that his behavior was bizarre and inappropriate, but he had good intentions. Therefore, I never told friends about this until he was removed from St. Mary’s. Just a few weeks ago, I contacted . . . a staff member of St. Mary’s, about the incident. She suggested I contact you.

I am relating this story for one reason: I believe it fits the manipulative personality pattern proven by the other allegations from other women against Fr. Heames. I believe his behavior toward me and others was dangerous and the man should not be a pastor at any parish ever again. I think my testimony will be helpful because it proves a manipulative pattern. I believe his past drug use as a teenager caused an addictive and manipulative personality. The man strikes me as a sex addict, due to the other allegations from women. I pray that he is receiving spiritual and psychiatric care.

Thank you for your time,

Sincerely,
[signed] [Jane Doe #11]

[App’x DMH#17, Letter from Jane Doe #11 to To Whom it may concern at Human Resources, dated September 8, 2016, pp 1–2.]

On January 2, 2017, Bishop Cistone granted an additional request for “an extension of the Leave of Absence from the clerical state, during which time” Fr. Heames would “discern [his] future.” (App’x DMH#18, Letter from Bishop Joseph Cistone to Fr. Denis Heames, dated January 2, 2017, p 1.) Bishop Cistone reiterated that he saw “no possibility” of Fr. Heames returning to “ministry in the Diocese of Saginaw” and issued another precept, extending the leave of absence with the added restriction of refraining “from communications with staff and students of Central Michigan University, and pastor, staff and parishioners of St. Mary University Parish and Most Sacred Heart Parish, Mt. Pleasant[.]” (*Id.*; App’x DMH#19, Precept of Bishop Joseph Cistone, dated January 17, 2017, pp 1–2.)

In a letter dated February 17, 2017, the Chancellor of the Saginaw Diocese, wrote to Fr. Heames on behalf of Bishop Cistone and advised that the bishop decided “to petition the Congregation for the Clergy to dismiss you from the clerical state *in poenam* [in punishment] using the First and Second Special Faculties granted to that Congregation in 2009.” (App’x DMH#20, Letter from the Chancellor, to Fr. Denis Heames, dated February 17, 2017, p 1.) The Chancellor further wrote that “[t]his action is being sought for your own good and the good of the Church given the gravity of the violations of the law, the difficulties of holding a [canonical] judicial trial at the local level at this time, the need to avoid further objective scandal, and the need to protect the office of the priesthood.” (*Id.*) The Chancellor also advised that the Special Faculties required Fr. Heames “be given the opportunity first to request a dispensation from the obligations of the clerical state [petition for laicization on his own behalf].” Believing that Fr. Heames wished to pursue the dispensation, the Chancellor advised him that he would need to write a letter to the Holy Father (Pope Francis) and send it to Bishop Cistone by March 20, 2017. (*Id.* at 1–2.) Otherwise, the bishop would proceed “with a formal petition to the Congregation for the Clergy for application of the First and Second Special Faculty[,] if we do not hear from you.” (*Id.* at 2.)

In late March of 2017, Fr. Heames wrote a letter to Pope Francis petitioning “for a rescript granting the loss of the clerical state and dispensation from all the obligations connected to sacred Ordination, including celibacy,” and Bishop Cistone submitted his *votum* in support of Fr. Heames’ petition. (App’x DMH#21, *Petitio, Ad Amissionem Clericalis Status et Dispensationem a Sacro Coelibatu Obtinendam* to Pope Francis, from Fr. Denis Heames, dated March 25, 2017, pp 1–6; App’x DMH#22, *Votum* of Bishop Joseph Cistone, “Re. Petition of Reverend Denis Heames,” dated March 27, 2017, pp 1–3.)

On August 4, 2017, Pope Francis granted “the Rescript of dispensation from celibacy and from all other obligations of the clerical state connected to Sacred Ordination[.]” (App’x DMH#23, Letter from Cardinal Beniamino Stella, Prefect, Congregation of the Clergy, to Bishop Joseph Cistone, dated August 7, 2017, with enclosed *Dispensatio ab oneribus Ordinationi conexas*, Prot. N. 20171406/S, dated August 4, 2017.)

**(14) DEACON RICHARD L. HOWARD, SR.
(ON DIOCESE OF SAGINAW NAMES OF CLERGY ACCUSED OF SEXUAL
ABUSE OF A MINOR LIST.)**

Born: November 10, 1943

Ordained: September 10, 1977

Suspended from ministry: April 18, 1988

Laicized: February 17, 2006

Deacon Richard L. Howard, Sr., was born in Houlton, Maine, on November 10, 1943, and was ordained to the permanent diaconate on September 10, 1977, at St. Stanislaus Parish in Bay City for the Diocese of Saginaw. (App'x RLH#1, Biographical Record – Permanent Deacon, Richard Howard, pp 1–2.) Deacon Howard was suspended from ministry on April 18, 1988, and laicized on February 17, 2006. (App'x RLH#2, Diocese of Saginaw, Richard Howard, p 1.)

In a letter dated April 15, 1988, the administrator of All Saints Central High School, located in Bay City, Michigan, wrote the following to Deacon Howard:

Given the accusations made against you by [John Doe #48], All Saints Central High School has no alternative but to place you under immediate suspension pending further investigation. Until further notice, your suspension will be with pay.

[App'x RLH#3, Letter from Administrator of All Saints Central High School to Richard Howard, dated April 15, 1988.]

By letter dated April 18, 1988, Bishop Kenneth Untener wrote the following to Deacon Howard:

The purpose of this letter is to set forth in writing the substance of our telephone conversation earlier today.

Pending review of the situation that has recently emerged, and also in the light of your request for a leave of absence, I hereby withdraw the diaconal faculties of the Diocese of Saginaw that were granted to you. Effective immediately[,] you are on leave of absence.

[App'x RLH#4, Letter from Bishop Kenneth Untener to Deacon Richard Howard, dated April 18, 1988.]

On April 21, 1988, *The Bay City Times* reported that Deacon Howard, a religion teacher, was “charged with criminal sexual conduct and gross indecency with a 15-year-old male student from” All Saints High School. (App'x RLH#5, Article, “All Saints teacher faces sexual conduct charges,” *The Bay City Times*, dated April 21, 1988, pp 1A and 2A.) Deacon Howard was reported to have been arraigned “in Bay

County District Court on two counts of second-degree criminal sexual conduct, which involves sexual contact, and gross indecency.” (*Id.*) “Both incidents allegedly occurred in Howard’s home.” (*Id.*)

On July 14, 1988, *The Bay City Times* reported that Deacon Howard’s jury trial was cancelled “in the wake of plea-bargaining negotiations.” (App’x RLH#6, Article, “Trial of suspended deacon canceled,” *The Bay City Times*, dated July 14, 1988, p B-1.) “Assistant Prosecutor Patrick O. Duggan said the victim [wa]s not related to Howard and was a student at All Saints.” (*Id.*) “Talks also [we]re expected to include criminal sexual conduct charges Howard face[d] in Oscoda County involving a 14-year-old boy.” (*Id.*) Deacon Howard was charged with fourth-degree criminal sexual conduct and gross indecency “in the Oscoda County case.” (*Id.*) “The charges filed in Oscoda County stem[med] from allegations made by a 14-year-old boy who said he was taken camping in the Mio area by Howard [the previous] year and that sexual advances occurred.” (*Id.*)

On January 31, 1989, *The Bay City Times* reported that Deacon Howard “was sentenced Monday to six months in jail and placed on five years of probation for sex-related offenses.” (App’x RLH#7, Article, “Howard sentenced to jail, probation,” *The Bay City Times*, dated January 31, 1989, p 7B.) Deacon Howard pled “no-contest to two charges of attempted criminal sexual conduct-second degree.” (*Id.*) “[C]harges filed in Oscoda County were expected to be dropped as part of a plea-bargaining agreement.” (*Id.*)

On April 22, 2002, Fr. Thomas Sutton, as the bishop’s delegee, issued a decree to open a preliminary investigation into the sexual-abuse-of-minors allegations against Deacon Howard. (App’x RLH#8, Decree Opening the Preliminary Investigation, “Case re: Reverend Mr. Richard L. Howard,” dated April 22, 2002.) Fr. Sutton decreed that “[a] cautious investigation is to be undertaken concerning these allegations and Reverend Mr. Howard’s imputability in order to determine whether it is necessary to take further action.” (*Id.*)

In a letter dated June 4, 2004, Fr. Sutton, the then-acting diocesan administrator after the death of Bishop Untener, wrote to Deacon Howard to restate that his “diaconal faculties were withdrawn by Bishop Untener,” meaning he could not “publicly celebrate any of the sacraments” or present himself “as a deacon of the Diocese of Saginaw.” (App’x RLH#9, Letter from Fr. Thomas Sutton, Diocesan Administrator, to Richard Howard, dated June 4, 2004.) Fr. Sutton also advised that “a licensed physician and psychiatrist” was appointed to serve as Deacon Howard’s monitor. (*Id.*)

On October 27, 2004, the canonical legal experts, Fr. Robert DeLand, see entry no. 4 above, and Fr. Richard Filary, in the case of Deacon Howard, as part of the preliminary investigation, wrote the following statement of facts in their Assessment:

Rev. Mr. Richard Howard was approximately forty-four years of age when he was accused of having sexual contact with a boy. He was a religion teacher at a Catholic High School in Bay City, Michigan[,] at the time. This accusation occurred in December of 1988. Soon thereafter, another young person aged fourteen, accused him of making sexual advances while on a camping trip with Rev. Mr. Howard and his son. The boy alleges that masturbation was involved in the sexual misconduct with Rev. Mr. Howard.

It should also be noted that Rev. Mr. Howard was jailed by a civil court for a period of months because of these charges.

[App'x RLH#10, Assessment by Experts in the Law, in the case of Reverend Mr. Richard Howard, dated October 27, 2004, pp 1–2 renumbered 7–8.]

On October 27, 2004, the canonical legal experts, Fr. Robert DeLand, and Fr. Richard Filary, in the case of Deacon Howard, as part of their preliminary investigation, under the section titled, “The Law – The Assessment of the Case,” wrote, in part, the following:

In this case under investigation, Reverend Mr. Howard is accused by two young men[.] The consistency of their stories is striking for the similarity of details. Considering the embarrassment and shame associated with this kind of behavior, it is noteworthy that these victims came forward at all. This reticence was reinforced by the confusion of feelings each had experienced given that the perpetrator was a deacon of the Church. The motivation for bringing these events forward to the attention of the diocese was to keep Rev. Mr. Howard from harming other youngsters. However, it should be noted that Rev. Mr. Howard, while not denying the accusations[,] indicated that he does not remember the incidents because of his abuse of alcohol. Still, given the admission of these events by Rev. Mr. Howard and the personal character of the accusers, the accusations take on a high degree of truth.

[*Id.* at 3, renumbered 9.]

Also on October 27, 2004, Fr. Sutton issued a decree to close the preliminary investigation of Deacon Howard’s case regarding the allegations of the two minor boys, finding that same had “at least the semblance of truth.” (App'x RLH#11,

Decree Closing the Preliminary Investigation, “Case re: Reverend Mr. Richard L. Howard,” dated October 27, 2004.) Consequently, Fr. Sutton decreed that the case “be transmitted to the Congregation for the Doctrine of the Faith.” (*Id.*) That same day, Fr. Sutton also wrote the following in his *votum* in the case of Deacon Howard, for consideration by the Congregation for the Doctrine of the Faith:

Because the facts of the [case] are clear, i.e.[,] several allegations of a similar nature and the provisions of the “Essential Norms” quoted above are so clear, no useful purpose would be served either for the individual or for the Church in conducting a trial. In addition, the age and the assurance of the Diocesan Monitor that Rev. Mr. Howard no longer acts on these inclinations. Justice would be better served by returning the case to the Diocese of Saginaw [so] that a summary process referred to in Canon 1720 might be used. This would enable a decision to be reached whereby measures suited to this particular case could be adopted. In this way, it could avoid the necessity of imposing a penalty of dismissal from the clerical state. It would also be a decision in keeping with the Essential Norms of the United States Catholic Conference Board could [sic.] be imposed.

[App’x RLH#12, *Votum* of Fr. Thomas Sutton, Diocesan Administrator, The Case of Rev. Mr. Robert L. Howard, dated October 27, 2004.]

By letter dated July 18, 2005, Archbishop Angelo Amato, SDB, Secretary of the Congregation for the Doctrine of the Faith, wrote to newly-installed Bishop Robert Carlson, acknowledging receipt and review of “the documentation” sent regarding Deacon Howard and requesting that Bishop Carlson “approach Rev. Mr. Howard in order that he might freely request the grace of dispensation from the obligations of the Diaconate.” (App’x RLH#13, Letter from Archbishop Angelo Amato, SDB, to Bishop Robert Carlson, dated July 18, 2005.) Bishop Carlson was further advised that, if Deacon Howard declined to make the request, “this Dicastery grants the derogation from prescription and Your Excellency is authorized to conduct a penal administrative process as outlined in can. 1720 *CIC*. At the conclusion of the process a suitable penalty should be imposed, not excluding dismissal from the clerical state.” (*Id.*)

By letter dated December 4, 2005, Deacon Howard wrote to Pope Benedict, XVI, requesting that he “be granted dispensation from the diaconate.” (App’x RLH#14, Letter from Deacon Richard Howard to Pope Benedict XVI, dated December 4, 2005, p 1.) In his letter to the pope, he wrote the following, in part relevant:

In 1988[,] I was accused of the sexual abuse of a fifteen year old boy[.] When this became public another boy came forward saying the same thing happened to him in 1987. I do not recall these incidents because I was drinking heavily. However[,] I have never disputed my guilt. I

served a jail sentence following my plea of “nolo contendere” to the charge of criminal sexual conduct against a minor.

[*Id.*]

In the Deacon Howard file, an unsigned letter from Bishop Carlson to the Congregation for the Doctrine of the Faith, dated December 6, 2005, and marked “draft” stated that Deacon Howard’s letter requesting laicization was enclosed. (App’x RLH#15, Letter from Bishop Robert Carlson to Archbishop William Levada, S.T.D, dated December 6, 2005, p 1.) Bishop Carlson also wrote that he was in support of Deacon Howard’s request for laicization. (*Id.* at 2.)

On February 17, 2006, “Pope Benedict XVI granted to the Rev. Howard the grace of dispensation from all obligations attached to Holy Orders.” (App’x RLH#16, Letter from Archbishop Angelo Amato, SDB, Secretary, to Bishop Robert Carlson, dated February 28, 2006, with enclosed Decree, dated February 17, 2006.)

**(15) FR. MARTIN IGNATIUS KALAHAR
(ON DIOCESE OF SAGINAW LIST OF NAMES OF CLERGY ACCUSED OF
SEXUAL ABUSE OF A MINOR.)**

Born: September 21, 1891
Ordained: June 24, 1916
Retired: February 1, 1966
Died: April 13, 1966

Fr. Martin Ignatius Kalahar was born on September 21, 1891, and was ordained to the priesthood for the Diocese of Grand Rapids on June 24, 1916. (App'x MIK#1, Diocese of Saginaw, Names of Clergy Accused of Sexual Abuse of a Minor, Martin Ignatius Kalahar, p 1.) Fr. Kalahar retired on February 1, 1966, and died two and a half months later on April 13, 1966. (*Id.*) Although Fr. Kalahar was never incardinated into the Saginaw Diocese, he ministered in both the Grand Rapids Diocese and the Diocese of Saginaw. (*Id.*)

On September 15, 2014, a 63-year-old woman named Jane Doe #12 met with diocesan Victim/Survivor Assistance Coordinator (VAC) and, the pastoral administrator at SS. Francis and Clare Parishes in Birch Run and alleged that, when Jane Doe #12 was about ten years old, she was sexually abused by Fr. Kalahar when he was the pastor at Sacred Heart Parish in Birch Run. (App'x MIK#2, Memorandum from VAC to Bishop Joseph Cistone, dated September 16, 2014; App'x MIK#3, Typewritten notes of VAC, dated September 15, 2014, p 1.) Jane Doe #12 alleged that she “worked in the church cleaning the vigil lights,” and “Fr. Kalahar started to touch her a lot.” (App'x MIK#3, Typewritten notes of VAC, dated September 17, 2014, p 1.) “Fr. Kalahar [allegedly] said that Jesus wanted him to do this with her.” (*Id.*) Jane Doe #12 stated that this “made her very uncomfortable.” (*Id.*) Fr. Kalahar also allegedly told her that “Jesus said it was ok.” (*Id.*) “[Jane Doe #12] went over to the church to work on the vigil lights[,] and he would come over.” (*Id.*) Jane Doe #12 alleged that Fr. Kalahar “would touch her all over in the sacristy and in church – when no one was there.” (*Id.*) “He [allegedly] started to French kiss her – put his tongue in her mouth[,]” and Jane Doe #12 told her mother about it[,] and her mother “told her not to tell anyone.” (*Id.*) On one occasion, she said when the housekeeper was not in the rectory, “Fr. Kalahar told [Jane Doe #12] to go upstairs with him[,] and he went into his bedroom and showed her his bed[, and s]uddenly, the housekeeper returned[,] and [Jane Doe #12] and Fr. Kalahar went back downstairs.” (*Id.*) Jane Doe #12 believed that she was saved by the housekeeper. (*Id.*) Jane Doe #12 had not told anyone about the alleged sexual abuse, keeping her promise to her mother; however, she felt free doing so at the time of her meeting with the nuns, because her mother had recently passed away. (*Id.* at 1–2.)

On September 17, 2014, in a follow-up note, the VAC wrote to Bishop Joseph Cistone, she stated that, in the course of searching for the Fr. Kalahar file, she looked through the files at Sacred Heart Parish and found letters “to and from Fr. Kalahar” that “established that Fr. Kalahar was the pastor there at the time this person [Jane Doe #12] is thinking of.” (App’x MIK#4, Note from VAC to Bishop Joseph Cistone, dated September 17, 2014.) According to the Diocese’s website, Fr. Kalahar served as pastor of Sacred Heart Parish in Birch Run from August 1961 through February 1, 1966, when he retired. (App’x MIK#1, Diocese of Saginaw, “Names of Clergy Accused of Sexual Abuse of a Minor,” Martin Ignatius Kalahar, p 1.)

The VAC reported the allegation by Jane Doe #12 regarding Fr. Kalahar to Birch Run Police Department’s Chief of Police Jason Leidel. (App’x MIK#6, Report by VAC detailing delivery of allegation by Jane Doe #12 to Administrative Assistant to Chief of Police Jason Leidel Birch Run Police Department, dated September 4, 2018; App’x MIK #4, p 2; App’x MIK#7, Handwritten note of the VAC regarding delivery of report to Chief of Police Jason Leidel of the Birch Run Police Department, dated September 4, 2018.)

As part of this investigation, Jane Doe #12, believed to be “Jane Doe #12,” called the Department’s tipline and provided additional details of the alleged abuse, which the Department summarized as follows:

Sacred Heart Parish, now SS. Francis and Clare, [Birch Run]

In 1961, the caller was 10 years old and asked by Kalahar to help change the vigil lights in exchange for a little pay every week. When she would go over, he would enter the church from the back, open the door on the wall behind the altar where there is a bench and ‘start feeling her up’ over her entire body, including fingering her. Kalahar told her this is what Jesus wanted. Kalahar visited caller in the hospital; bought her a ruby ring and started French kissing [her]. Caller then told her mother, who told her to tell no one else, especially not her father. Caller never told, her 5th and 6th grade teacher, and does not believe her mother ever reported to the church. Around 2014, caller reported abuse to [pastoral administrator], who talked with another nun, and then told the caller there were no complaints or other information except for a letter of commendation. Caller is concerned [pastoral administrator] didn’t forward the complaint to the appropriate church authorities. Father Lamar, church pastor, told caller’s cousin several years ago that Kalahar had molested children while at the St. Vincent Orphanage in Saginaw.

[App’x MIK#5, Department of Attorney General, Diocese of Saginaw Tipsheet, December 7 and 11, 2018.]

(16) FR. DALE OVID LABRIE

Born: April 25, 1938

Ordained: June 6, 1964

Left Ministry: July 1974

Laicized: April 21, 1978

Died: May 26, 2021

Fr. Dale Ovid LaBrie was born on April 25, 1938, in Bay City, and he was ordained on June 6, 1964, at St. Mary's Cathedral, for the Diocese of Saginaw and was laicized on April 21, 1978.²¹ He died on May 26, 2021.²²

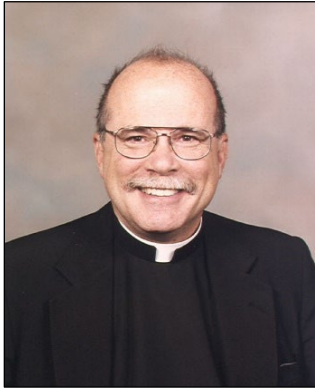
On June 9, 2010, Jane Doe #17 called the diocesan Victim Assistance Coordinator (VAC) and alleged that Fr. LaBrie raped her when she was seven years old, "and it went on for years – he was going to marry me." (App'x DL#1, Notes of the VAC regarding Fr. Dale LaBrie, Jane Doe #17, dated June 9, 2010, pp 1–2.) Jane Doe #17 alleged that she stayed at the rectory and "[t]hat is when him and I got caught in bed together" in 1973. (*Id.* at 1.) Jane Doe #17 told the VAC that it was "not her intention to hurt the church." (*Id.* at 2.) "It is about protecting kids." (*Id.*) Jane Doe #17 said "she is a little girl who cannot forgive herself – there is me, the adult – and me, the kid –." (*Id.*) Jane Doe #17 said that "he went off on a long sabbatical when he got caught with her." (*Id.*) She also alleged that he left the priesthood "years ago[,] and he married. (*Id.* at 1.) She thought "that he got a woman pregnant." (*Id.*)

On August 22, 2011, the VAC received a more detailed report from Jane Doe #17 regarding the alleged sexual abuse she suffered from Fr. LaBrie. (App'x DL#3, Notes of the VAC, dated August 22, 2011.) The Review Board of the Diocese determined that there was insufficient information to determine if the allegations were credible.

²¹ <https://www.reynolds-jonkhoff.com/obituaries/Dale-Labrie/#!/TributeWall> (last accessed on June 1, 2026).

²² See n 21 above.

**(17) FR. JOHN (“JACK”) J. LEIPERT
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST AND
DIOCESE OF SUPERIOR ABUSIVE CLERGY LIST.)**



Born: March 12, 1946

Ordained: April 24, 1975

Suspended from ministry: June 27, 2001

Laicized: February 17, 2006

Fr. John (“Jack”) J. Leipert was born in Chicago, Illinois, on March 12, 1946, and was ordained to the priesthood on April 24, 1975, at the Cathedral of Mary of the Assumption in Saginaw for the Diocese of Saginaw. (App’x JJJL#1, Biographical Record, Priest of the Diocese of Saginaw, Leipert, Jack J., profile updated October, 2009, p 1.) Fr. Leipert was suspended from ministry on June 27, 2001, and was laicized on February 17, 2006. (*Id.*)

In a letter dated January 14, 1973, Bishop George Hammes, Bishop of Superior (Wisconsin) wrote the following to Bishop Kenneth Povish, the then bishop of the Diocese of Crookston (MN) (and former priest of the Diocese of Saginaw, who would later become bishop of the Diocese of Lansing):

I am sorry to be late in answering your letter of January 4, 1973 about Jack Leipert, a former deacon of the Diocese of Superior. He has applied to three other bishops.

On the basis of your letter, I presume that Jack gave you an account of his life that agrees in substance with what I know about him. However, he may have omitted some things.

Rather than write you a detailed letter, because I am typing this letter at my home, I am enclosing a copy of the letter I sent to the Director of Seminarians of the Diocese of Pueblo.

If you wish to have more information, you may call or write to me. However, I do not consider Jack to be a good risk, even after four more

years of probation as a deacon. I have talked with three psychiatrists in the past twenty years about priests who have this problem. Each one of them has said: "We can help them, if they want help." None of them has said: "We can cure them." In a large metropolitan area such a priest might be able to avoid detection, although he will cause a great deal of scandal if the persons who become involved with him know that he is [a] priest[,] and any bishop will want to avoid such an unknown scandal. In a diocese with small cities[,] the scandal is multiplied and, ultimately, there will be no parish to which he can be assigned.

I hope you are having a very happy and blessed New Year.

With kindest personal regards and best wishes, I remain

Very sincerely in Christ,

[signed]

[App'x JJJ#2, Letter from Bishop George Hammes of Superior to Bishop Kenneth Povish, dated January 14, 1973.]

In a letter dated January 13, 1973, Bishop George Hammes wrote the following to Fr. Ervin Schmitt, Director of Seminarians for the Diocese of Pueblo:

Dear Father Schmitt:

I am sorry to be late in answering your letter of January 4, 1973 about Jack Leipert, a deacon, who has been dismissed by me. I did not want to dictate a letter to one of the secretaries at the office and I am, therefore, typing this letter at my home.

In my long telephone conversation with your good bishop, I gave him an account of the incidents that made me decide to drop him as a seminarian for this diocese. I will not state them again since there is no need to do so. I believe that Jack gave Bishop Buswell, Father Burke and you an account of his life that agrees in substance with what I told Bishop Buswell. However, there are a few discrepancies. He told you that there was one incident while he was in the seminary in Miami. Actually, there were four such incidents with young boys at almost the same time in 1967 or 1968 who were not known to each other. In Superior there was one attempt and one accomplished act, about which we know. No other complaints were received but, after four weeks of study of the entire situation, I get the impression that these were not isolated incidents.

When Jack was dropped by the seminary in Miami in 1968, he applied to me. I had him evaluated psychologically in a thorough manner. The advice of the psychologist stated that there was good hope for him, if he submitted to a continuing therapy and recommended that he be accepted on a trial basis with four years until ordination. He promised to seek therapy from the psychologist[,] and I accepted him on a probationary basis. The evaluations of the seminary faculty were favorable but they included some reservations about his advancement, year by year. In the meantime, he continued his therapy until May 1971, when, without my knowledge, he discontinued his therapy. I believe, his psychologist moved to another city. That is what he told me when I asked him about it after I had checked his file last November. However, he added that he has been seeking counsel from the Director of the Pastoral Program at St. John's Seminary.

Jack has grown and developed very much in the past three and one-half years. The evaluations of him by the seminary faculty bear that out, even though some members of the faculty have had reservations about him. I have always had a very pleasant relationship with him. He visited with me once or twice a year.

Because of his past I decided to appoint him to the Cathedral Parish for his Pastoral Training Program last June. He worked hard and was pastorally very effective. He preached fine homilies, one of them in my presence. He made many friends; in a sense, he cultivated friends because he needs acceptance and support to a certain extent.

He taught in the Cathedral Junior High School. His classroom work was excellent. However, in his need to be accepted he made a very imprudent statement at a football rally, attended by the whole school. When the rally was finished, he took the microphone and improvised, which was perfectly fine. But, then, he addressed himself to the ninth graders: "If you win, I will buy you a six-pack and if you lose, you will buy me a six-pack."

The seminary faculty has told me that he relates better to his underclassmen than to his peers although he has overcome that trait somewhat in the past years. At the Cathedral he tried to associate with people younger than himself, although he made friends with many married people. He got himself appointed chaplain of the Superior Senior High School football team on an unofficial basis in order to pray with the team before games. He visited the dormitories of the University of Wisconsin at Superior, when he had no business to be there. When I asked him why he visited the university dormitories, he said that he wanted to know what university life is like. His two

incidents here involved university students. I have found out that in the last few months he frequently was absent from the rectory until very late hours without offering any explanation.

When I called the Dean of Students at St. John's Seminary, Father Alfred, that I had dropped Jack and gave the reasons for his dismissal, he said he was relieved that it had happened because those, who voted in Jack's favor, had uneasy feelings about him although they did not have any explicit reason for voting against him.

In view of his four incidents in Miami, the period of probation of three and one-half years and the recent two incidents in Superior, I believe that he is a bad risk because, if he can fall within five months of ordination when he is most highly motivated to be a priest, he will fall, time and again, after ordination. In all honesty, I would not want to take another chance on him for this diocese, even though the scandal he has caused is rather restricted.

If Bishop Buswell decides to accept him, I will be ready to issue the necessary letters of excommunication.

I am sure you will agree with me that Jack could not be ordained in June in view of his conduct in Superior. If he is to be considered for acceptance by any bishop, I recommend that he be required to undergo psychological testing, serve as a deacon for three or four years and accept therapy during that time and for the rest of his life.

I hope that I have been helpful to you in providing the foregoing information and my evaluation.

With kindest regards and best wishes, I remain,

Very sincerely in Christ,

Bishop of Superior.

[App'x JJJ#3, Letter from Bishop George Hammes to Fr. Ervin Schmitt, dated January 13, 1973, pp 1-3.]

In a letter dated June 21, 1974, Diocese of Crookston (Minnesota) Bishop Kenneth Povish – a former priest of the Saginaw Diocese and future bishop of the Diocese of Lansing – wrote the following to Saginaw Bishop Francis Reh:

Dear Bishop Reh:

I am writing to ask whether you will consider interviewing a deacon seminarian with a problem and otherwise excellent recommendations who is looking for a diocese.

In brief, this 28-year-old man was educated at St. John's Seminary at Collegetown, Minnesota, and was ordained for the Diocese of Superior, Wisconsin, where he is incardinated. Father Alfred Deutsch, rector of St. John's, recommended him to me favorably in 1973; and Bishop Hammes has expressed a willingness to issue letters of excommunication.

The deacon's problem is described as "impulsive behavior" which manifested itself in several overt homosexual acts over a period of seven years, the most recent in late 1972.

On the strength of many supportive references testifying to the man's talents and pastoral effectiveness, and with the advice of the consulting service center of the Archdiocese of St. Paul, I asked him to work as a layman for a year and to seek psychiatric counseling during that time.

This has been done, and the psychiatrist's report is favorable: "have no hesitation about recommending him for participation in active ministry." The indications are that homosexuality is not a way of life for this man but a symptom that has been worked on and evaluated positively.

I felt obliged to consult two of our most trusted and most respected pastors before making a decision on this man. Their counsel was negative, more because of the local diocesan situation than because of the case itself. Two gay priests knowingly taken in by my predecessor had caused scandals before I came here. I did not learn of these incidents until just recently. In a small diocese with fewer than fifty secular priests and an overwhelmingly Lutheran population the admitted risk constrains me to follow the advice of my consultants.

I would be happy to discuss this matter with you by phone or to send you documentation on the man if you are interested. He is willing to come to Michigan to talk to you if you so indicated. I make this intervention on his behalf in part because I am impressed by what he seems to be able to offer to the Church, in part because my initial

interest raised hopes in him that were dashed this spring by the developments I have described.

Please let me know at your early convenience whether you are willing to pursue this. Hoping the winds will be favorable throughout the summer beginning gloriously today,

Fraternally yours,

[signed]
Ken

[App'x JJJ#4, Letter from Bishop Kenneth Povish to Bishop Francis Reh, dated June 21, 1974.]

In a letter dated September 9, 1974, Bishop Reh of Saginaw wrote the following to Bishop Hammes of Superior:

Dear Bishop Hammes:

I confess at the outset that I have been seriously remiss in my obligation to a brother bishop by not writing you sooner regarding Jack J. Leipert, a deacon of your diocese. I do not have any sound excuse to offer. Therefore I beg your forgiveness.

I was approached by Bishop Kenneth Povish of Crookston last June regarding Mr. Leipert. I assure you, dear Bishop Hammes, that I have a copy of your confidential letter to him of January 14, 1973. After private consultation it was agreed that I and my Director of Seminarians should be willing to speak to Mr. Leipert. We did so independently and afterwards agreed that we might be able to help the young man in a supportive environment and with continuing professional counseling. I agreed with the Director of Seminarians that the supportive environment would be our own Cathedral Parish where he might serve as a deacon under the supervision of two fine priests. Accordingly I have allowed that he do so.

No commitment, of course, has been made to Mr. Leipert regarding ordination to the priesthood. He serves as a deacon since it is his wish to exercise this ministry. I realize that he has the hope of priestly ordination but, I repeat, no commitment has been made. The reasons for which your Excellency were forced, in a sense, not to allow that he minister in your diocese are known only to myself and my Director of Seminarians.

I know I can depend upon your good understanding, dear Bishop Hammes, that I am motivated more by the desire to help this young man, if I can, rather than by an anxiety to have a deacon or another priest because of the present shortage of vocations. In your letter of January 14, 1973 to Bishop Povish you enclosed a copy of your letter of January 13, 1973 to the Director of Seminarians in the Diocese of Pueblo. I have a copy of this letter. If, however, you should decide that further information would be helpful to me, I shall be obliged for the trouble you may take in transmitting it to me.

With my prayerful good wishes for your ministry and my personal good wishes, I remain

Fraternally yours in Christ,

[signed]

Francis F. Reh
Bishop of Saginaw

[App'x JLL#5, Letter from Bishop Francis Reh to Bishop George Hammes, dated September 9, 1974, pp 1–2.]

Bishop Hammes replied to Bishop Reh's above-quoted letter on September 16, 1974, as follows:

Dear Bishop Reh:

I have your letter of September 9, 1974, regarding Mr. Jack Leipert. It is good to hear from you.

I have nothing more to add to the information about Mr. Leipert, which originated with me, that you already have. His relationship to me has been very good during his years as a seminarian. I knew that I was accepting a risk when I accepted him as a seminarian. But I was willing to work with him, and he knew that.

After his episodes in Superior, while he was serving as a deacon at the Cathedral, I asked him to visit with me in my office. I think he was completely honest with me, after being advised to do so by two priests in whom he confided.

As a result, I believe that he is highly motivated to become a priest. He has great talents that would make his life and work as a priest most successful. He proved it during the months that he was at the Cathedral here. Five or six people of the Cathedral Parish spoke to me towards the end of his service in the Cathedral Parish. Each one

hoped that he would be the 'new' assistant at the Cathedral the next year. He made that kind of impression on people.

If he had continued his counselling with psychiatrists and psychologists, when he was in the seminary, as I had directed, he might have been able to overcome his problem tendencies. I think that he has tremendous potential as a person and as a priest, but he can be a priest only if he continues to seek the counseling and guidance of a competent psychiatrist or psychologist for many years or perhaps for the rest of his life.

I think it is a matter for you and your Vocation Director to decide what to do about Jack Leipert. I have no objection to his acceptance by you.

If you and your Vocation Director decide to accept Jack Leipert, that decision will have to be your own, without any recommendation from me. Jack wants to be a priest, and he told me that "I will be a priest." His desire to be a priest may be stronger than his desire to overcome his problem.

With kindest personal regards and best wishes, I remain

Very sincerely in Christ,

[signed]

George A. Hammes
Bishop of Superior

[App'x JJJ#6, Letter from Bishop George Hammes to Bishop Francis Reh, dated September 16, 1974, pp 1-2.]

By letter dated March 21, 1975, Bishop Reh wrote the following to Bishop Hammes:

Dear Bishop Hammes:

Since your letter of September 16, 1974 we have been working steadily with Mr. Jack Leipert, ordained deacon of your diocese. I am writing now to advise you of a decision which I have reached with consultation and help and to ask your necessary cooperation.

Jack has been working and residing at our St. Mary's Cathedral since he was recommended to me by Bishop Povish. It was agreed that a steady assignment in a very active parish which administers both an elementary and high school would give us the best chance of making the final judgment about him. He agreed to accept and was faithful in

cooperating with professional counseling in respect to the problem tendencies about which you had informed me.

I have consulted with the priests at the Cathedral and with our Internship Deacon Director who had kept in close contact with Jack. It is their advice that I ask you, Your Excellency, if you should see fit, to issue a letter of excommunication so that I may be able canonically to incardinate him to this diocese and ordain him to the priesthood next month. You are assured, dear Bishop Hammes, that I shall insist with Jack on a certain amount of continuing professional counseling as a condition of his incardination and ordination to the priesthood. I have strongly in mind a judgment written in your letter of September 16th – “I think that he has tremendous potential as a person and as a priest, but he can be a priest only if he continues to seek counseling and guidance of a competent psychiatrist or psychologist for many years or perhaps for the rest of his life.”

I shall be grateful for your understanding in the matter and I repeat my gratitude for the time you took to advise me so carefully and so completely in this matter. I extend my prayerful good wishes for yourself and your ministry.

Fraternally yours in Christ,
[signed]
Francis F. Reh
Bishop of Saginaw

[App'x JJJ#7, Letter from Bishop Francis Reh to Bishop George Hammes, dated March 21, 1975.]

In a letter dated March 27, 1975, Bishop Hammes wrote, in part pertinent, the following to Bishop Reh:

You have been very careful in arriving at a decision about Jack and I am sure that you have made the right decision. If our roles were reversed, I am quite sure that I would be making the same decision about Jack's future. He has tremendous talent in working with people as I have observed him and as I have come to know him. I am sure that the fact that I dropped him as a seminarian of this diocese has had a very purifying effect on him and has re-inforced [sic.] his determination to overcome his difficulty through continuing therapy.

I agree with your decision. Jack can be a valuable asset to your diocese.

[App'x JJJ#8, Letter from Bishop George Hammes to Bishop Francis Reh, dated March 27, 1975.]

By letter dated April 1, 1975, Bishop Hammes excommunicated the then Deacon Leipert from the Superior Diocese, and Bishop Reh incardinated Deacon Leipert into the Diocese of Saginaw on April 15, 1975. (App'x JJJ#9, Letter from Bishop George Hammes to Deacon Jack Leipert, dated April 1, 1975; App'x JJJ#10, Letter of Incardination, dated April 15, 1975.) Nine days later, Bishop Reh ordained Deacon Leipert to the priesthood. (App'x JJJ#11, Certification of April 24, 1975, ordination of Fr. Jack Leipert by Bishop Reh, dated April 25, 1975.)

In a letter dated June 8, 1978, Fr. Robert DeLand, see entry no. 4 above, wrote the following to Fr. Larry Pashak, the then chancellor of the Diocese of Saginaw:

Dear Larry,

As you requested, I am herewith offering a summary of my conversation with the young man I spoke with last night. I am sure you realize it is done so with much pain on my part. Let's pray that this matter is quickly resolved and that those persons involved find peace of mind from the Lord.

Yesterday, June 7, 1978, I received a call from [Witness #41] of All Saints High School. He was very upset. He had spoken with a Senior, [John Doe #49], of Linwood. The boy was barely able to function and seemed very distraught. [John Doe #49] told [Witness #41] what was bothering him. [Witness #41] in turn related the story to . . . the principal[,] and called me. [Witness #41] asked me to see the boy as soon as possible which I agreed to. Last evening [John Doe #49] and his mother visited with me at our rectory and this is the story he told me:

[John Doe #49] and Fr. Jack Leipert had agreed to meet about 10:00 pm, June 6th to "look over a lodge." [John Doe #49] had thought this was for retreats. Jack had told [John Doe #49] that they wouldn't be home until early the following morning and would probably catch some sleep at the lodge. When Jack picked [John Doe #49] up, he began driving South instead of North where the lodge was supposed to be located. Jack stopped at a liquor store and purchased a fifth of vodka and some orange juice. The boy also alleges that Jack asked him to purchase a "Playboy" magazine for him. This he did. [John Doe #49] next alleges that Jack asked him what was on at the movies and alleges that Jack stated he wanted to se[e] an X-Rated movie. The boy states nothing was on and that he discouraged the idea. They then traveled North where they could talk. [John Doe #49] states they looked for a motel near Linwood but none were open so they finally located one in Standish. Once in the room they drank very heavily and watched television. At one point, the boy alleges that Jack took a

shower and then stripped to just his underwear. [John Doe #49] states that he thought Jack was just trying to be more comfortable. About 1:00 am, [John Doe #49] states that Jack thought it was time to go to bed. Since there was only one bed, [John Doe #49] volunteered to sleep on the floor but Jack said he would. At this point, [John Doe #49] alleges that Jack stated he wanted to be more comfortable so he stripped naked. He then began to give [John Doe #49] a “rub down” like the kind he gave when he was working in California, the boy alleges Jack told him. Jack then told him to turn over and told [John Doe #49], allegedly, that he should touch him wherever he touched him. [John Doe #49] states he refused but that Jack did try to get into his genital areas. At this point [John Doe #49] states he was very sick and regurgitated over a chair so he went into the bathroom and locked the door. The boy alleges that Jack tried to talk him into coming out but [John Doe #49] states he came out only once Jack promised to take him home. [John Doe #49] states that about half way home, Jack finally asked [John Doe #49] to drive because he was having difficulty maneuvering the automobile.

[John Doe #49] states he did go to the police who visited the motel room and have documented evidence that they were in the room and pictures of the vodka bottle and magazine. [John Doe #49] himself does seem to be an extremely trustworthy boy from a good family. He is badly shaken by the episode but is willing to be discreet in the handling of this incident.

[signed]
Rev. Robert DeLand

[App’x JJJ#12, Letter from Fr. Robert DeLand to Fr. Larry Pashak, Chancellor, dated June 8, 1978.]

On the bottom of Fr. DeLand’s above-quoted June 8, 1978 letter, the following was handwritten, which appears to indicate that John Doe #49 was 18 years old at the time the alleged incident occurred:

D of B
2/20/60

[*Id.*]

Regarding a concern that was raised about Fr. Leipert during a December 1, 1978 conversation with Fr. Joe Kearns, Fr. Pashak, the then chancellor of the Saginaw Diocese, wrote the following in a memorandum:

This afternoon, December 1, 1978, Fr. Joe Kearns came to my office to discuss a concern regarding the actions of Fr. Jack Leipert.

On Friday evening, November 24, Fr. Kearns received a telephone call from a parishioner, [Witness #42], asking Father if it were possible for him to come to his home to discuss a matter he felt he could not discuss over the phone regarding Fr. Leipert. As Father Kearns was leaving to go to the home, Fr. Leipert, who had answered the phone, approached Fr. Kearns with the indication that the talk was to center around himself and explained that he had talked with [John Doe #50] in the church parking lot on Wednesday, November 22. ([John Doe #50] is a son of [Witness #42] and is 24 years old.) Fr. Leipert indicated to Fr. Kearns that [John Doe #50] was lonely and [John Doe #50] asked Leipert if he would like to go out that evening. They went to a movie in Saginaw and then stopped in a bar on the way home for a beer and upon arriving at St. John Rectory, Leipert invited [John Doe #50] up to show him his sitting room. Leipert pulled the drapes and asked [John Doe #50] to strip to his waist. Leipert claimed it was imprudent on his part to Fr. Kearns.

When Fr. Kearns talked with [Witness #42] and [John Doe #50] he discovered that it was not [John Doe #50] who did the inviting but rather Leipert. [John Doe #50] had received the impression Leipert was lonely. [John Doe #50] indicated that throughout the evening Leipert was asking very personal questions and thought it rather strange.

Saturday morning, November 25, Fr. Kearns confronted Leipert with the version that he had received from the [John Doe #50 Family]. A meeting between the four ([John Doe #50] and [Witness #42], Frs. Kearns and Leipert) was arranged for that evening. Leipert explained that [John Doe #50] obviously had mis-interpreted [sic] his asking him to strip. Said that he (Leipert) was interested in weight-lifting and thought that [John Doe #50], who is very muscular, would be a fine specimen. The incident seemed to be settled to everyone's satisfaction. However, later, Fr. Kearns asked Leipert directly if he had a problem with homosexuality. Leipert replied "no."

On Thursday afternoon, November 30, two young men in their early 20's came to the Rectory to see Leipert. Leipert was gone to Ann Arbor for his session with the doctor. Fr. Kearns asked them if he could be of

help and was informed that they had met Fr. Leipert in the hospital that morning and that Leipert had invited them to come over and visit him anytime. Fr. Kearns thought it rather strange to invite two complete strangers over to visit.

In answer to Fr. Kearns' question as to whether or not the Chancery was aware of any problem in the past or present regarding Fr. Leipert, I felt it was fair to advise Fr. Kearns that we were aware of a possible problem and that Fr. Leipert was recently seeking professional guidance.

I asked Fr. Kearns to advise us of any further incident that would be suspicious.

It may be interesting to note that Fr. Leipert called me on Monday, November 27, asking i[f] it were possible for him to move from St. John Rectory to St. Mark Rectory in AuGres [sic]. He felt that Fr. Kearns was "suspicious" of him, had asked "do you have a problem?" and seemed concerned about his taking a 24 year old man up to his sitting room. Leipert was rather hesitant in having me "bounce" his question off the Bishop.

I talked to Leipert in person at the Retreat House on Tuesday after the Dwyer Program. I told him it would be impossible to move. He again repeated what he told me on the phone the previous day, giving no reason or support for Fr. Kearns' suspicions.

However, in the light of [what] Fr. Kearns revealed today, the whole picture begins to unfold.

[App'x JJJ#13, Memorandum of Fr. Larry Pashak, Chancellor, dated December 1, 1978, pp 1-2.]

In April 1982, Fr. John ("Gus") Gussenbauer received a telephone call from a friend, who alleged that a man who identified himself as a Catholic priest pulled up in a blue car when the friend's 17-year-old son was outside playing basketball at a friend's house and asked the son if he would like "to go play racquetball." (App'x JJJ#14, Letter from Fr. John Gussenbauer to Bishop Kenneth Untener, dated April 27, 1982, p 1.)

In May 1982, Fr. Gussenbauer provided Bishop Untener with two typewritten statements regarding John Doe 51's allegations. The first statement, dated April 24, 1982, was written and signed by Witness #43. (App'x JJJ#16, Statement of Witness #43, dated April 24, 1982.) The second statement was Witness #43's statement revised by Fr. Gussenbauer to include John Doe #51's corrections and additions that read as follows:

These are the facts as closely as I can get them from [John Doe #51]. [John Doe #51], who is seventeen, was playing catch at a friend's house when a blue car pulled up. A man got out and introduced himself as Fr. Jack Liepert [sic.]. He talked to the boys and then asked [John Doe #51] if he would like to go to the jacuzzi at Court House West with him. He wanted [John Doe #51] to go down to the corner and he would drive around the block to pick him up. Because Fr. Liepert [sic.] had been an assistant at St. Pete's, [John Doe #51] was slightly acquainted with him. Initially, Fr. Liepert [sic.] did not know who [John Doe #51] was. He asked him if he was one of the boys from St. Pete's.

On the way to Court House West, Fr. Liepert [sic.] asked [John Doe #51] if he wanted to go to the movies and then go up North overnight. When they got to the Club, they went naked into the jacuzzi and sauna. [John Doe #51] said that Fr. Liepert [sic.] told him several times how good his body looked. Fr. Liepert [sic.] also asked [John Doe #51] all sorts of personal questions ("Have you shot your silver bullet") about his sex life and girlfriends. He eventually brought [John Doe #51] home, came into the yard, and talked to me briefly.

Before he left, he told [John Doe #51] he would come back to take him to play racquetball again and I did not like the feel of the situation and said that [John Doe #51] had yard work and didn't need to play racquetball. After he left, I explained to [John Doe #51] that it is not normal for grown men to go cruising around looking for boys to play racquetball with, and that I prefer that he not do so again.

I asked him [if] Fr. Liepert [sic.] had touched him and he said no. [John Doe #51] said he felt awkward and Fr. Liepert [sic.] picked up on it and asked what was wrong. [John Doe #51] responded that he was uncomfortable to be in the jacuzzi with a stranger. [John Doe #51] recalls that he ([John Doe #51]) was wondering if Fr. Liepert [sic.] was gay. He didn't ask it directly bu[t] insinuated it. He said Fr. Liepert [sic.] backed off the offer of an overnight since [John Doe #51] was uncomfortable.

I am concerned that Fr. Liepert [sic.] gets help if he has a problem. Although my son is quite at ease with his sexuality, another boy might not be so fortunate. Fr. Liepert [sic.], as he was leaving, asked if there were any more families from St. Pete's in the area. Although it is quite possible that [John Doe #51] is straight, he may need help to be comfortable with people his own age.

I know you will treat this matter with sensitivity that it deserves, but I can't ignore what happened. Because [Witness #45] ([Witness #43's]

husband who left her) and I are sep[a]rated, [John Doe #51] has a particular vulnerability to men who would pay attention to him and replace the father he thinks he lost.

I do not like what happened, but I particularly am sensitive to a person doing these sorts of things while using his priesthood fo[r] an identification which would give a child a sense of security and the ability to trust.

Thanks much for any help you can give us.

[Witness #43]

[App'x JLL#17, Witness #43's statement redone to include corrections and additions by her son John Doe #51, pp 1–2.]

On November 9, 1982, Fr. Leipert met with Bishop Untener, during which time the two of them discussed “financial arrangements for his therapy” and “in general how things were going,” after which the bishop discussed the following:

I then brought up the fact that the young man he was involved with in Bay City is now getting therapy, and the family did not have the financial means to give him the therapy, so they came to Mase Vaughn (Mase had married the parents 25 years ago) and Mase came to me. I said that I thought we should help him. Jack at first was defensive, saying that anybody could claim this, and so forth. But when I gave him the name, he acknowledged that this was a true case[,] and when I pointed out that the psychiatrist felt that the young man needed therapy partly because of his involvement with Jack, Jack acknowledged it. He was clearly jolted by this[,] and I was relieved to see that he showed some concern for the young man. He also acknowledged some of his own guilt. We talked a little more about it and that was that.

[App'x JLL#18, Unsigned Memorandum of Bishop Untener, dated November 9, 1982, p 1.]

It is unclear from the bishop's November 9, 1982 memorandum whether the “young man” with whom Fr. Leipert “was involved” was John Doe #51 or John Doe #52 or another male. However, before Fr. Leipert left the meeting with the bishop, he asked “what would happen to him if he ‘slipped’ again.” (*Id.*) The bishop “told him that his appointment as pastor [wa]s based on [the bishop's] belief that he can function without failing.” (*Id.* at 1–2.) The bishop further commented:

I was clear then in saying that I could not in conscience appoint him as a pastor[,] if it turned out that this were not true. He said he understood. We parted cordially and that was that.

[*Id.* at 2.]

On August 1, 1984, Msgr. Eugene Forbes, see entry no. 6 above, who was vicar general wrote to Bishop Untener and advised that Witness #46 reported that, on July 29, 1984, his son, John Doe #53, 17, and friend John Doe #54, 18, “ran out of gas near Mt. Pleasant, Michigan,” and “[a] man in fatigue clothes drove up and offered them money for gasoline.” (App’x JJJ#19, Affidavit from Msgr. Eugene A. Forbes to Bishop Kenneth Untener, dated August 1, 1984, p 1.) The boys took the money, after the man identified himself as the pastor of St. Henry Church in Rosebush. (*Id.*) The man also invited the boys “to visit him at the Church[,]” which they did that evening. (*Id.*) While the boys were at the rectory, the priest allegedly “gave each of the boys a beer” and “[t]hen showed them a video movie which they said was a triple X rated pornographic movie.” (*Id.*) John Doe #53 told his dad the following day. (*Id.*) Over the course of that and the next day, a man who identified himself as “Bill” three times called for John Doe #53, and when John Doe #53 spoke to him the third time – having not been home the first two times – “Bill” “wanted him to come over to the Rosebush parish for some work around the Church.” (*Id.*) “He wanted only the [John Doe #53], not the [John Doe #54] boy, who had told the priest that his father was retired from the Michigan State Police.” (*Id.*) John Doe #53’s father did not allow John Doe #53 to go to the church and subsequently found out the name of the priest. (*Id.*) John Doe #53’s father called Msgr. Forbes and wanted to know what action the bishop was going to take. (*Id.* at 2.) Msgr. Forbes told him that he would be talking to the bishop that evening and would report back and also “told him [John Doe #53’s father] that he should refrain from” contacting the [John Doe #54] boy’s father as Msgr. Forbes “was sure that the Bishop would be taking some action in the case[.]” (*Id.*)

On August 14, 1984, Bishop Untener met with Fr. Leipert to discuss the allegations Msgr. Forbes reported to the bishop and subsequently wrote the following in a memorandum summarizing that conversation:

On the evening of August 14, 1984, I met with Jack Leipert and told him of the information contained in Msgr. Forbes’ affidavit. Jack accepted this as factual. He said that he had already brought it to the attention of his therapist. He noted that he had stopped short of any overt sexual activity – he had terminated the film after approximately 10 minutes, had only given them one beer. Subsequent calls to the young men were for the purpose of arranging for them to do some needed manual labor (painting) at the parish, which had been agreed upon. He also hoped, through this, to rectify the things he did (film, beer) when they came to the rectory.

Jack was very concerned about the entire matter – Msgr. Murray’s knowledge of it, others in the area who might learn of it from the boys, and, of course, the possibility of prosecution. I told Jack that, however he might interpret it as stopping short of actions he might have taken in the past, he nonetheless clearly broke the law, and also acted in a way that was entirely out of line and it was something that would be totally rejected by his peers in the priesthood. He accepted this.

I informed Jack that, inasmuch as he did stop short of overt sexual behavior, I was not going to suspend. (On previous occasions since appointing him Pastor, I told him that if there was a return to his former behavior, I would remove him.)

I also told Jack that I felt that disciplinary action was necessary. Thus, henceforth he is to pay half of the fee for his therapy. I told him that I was aware of how expensive this is, and I assume that he will have to take out a loan. However, he apparently needs something like this to take it more seriously. Jack accepted this.

I told him that I would have Msgr. Forbes contact the father of each of the boys and explain to them the actions that are being taken, and attempt to bring closure to any further actions they might contemplate.

[App’x JJJ#20, File Memorandum of Bishop Untener, regarding August 14, 1984 meeting.] [Emphasis in original.]

On October 11, 1984, Fr. Leipert wrote a letter to Bishop Untener outlining the “state of [his] union” in Rosebush, his outlook on “the future” and his “recommendation” for the future of St. Henry’s:

So far, the very small “leaks,” or questions about my previous behavior have been apparently squelched or blurred by the general good of my work here. At this point I don’t feel under a pressure cooker. If I should see things develop that would harm me or the school or parish, I will let you know. You may or may not have that police report as yet. Whatever the case, I have to go on and throw myself into my work here.

[App’x JJJ#20A, Letter from Fr. Jack Leipert to Bishop Kenneth Untener, dated October 11, 1984.]

In a letter dated October 22, 1984, Isabella County Prosecuting Attorney wrote the following to Bishop Untener:

Dear Bishop:

Recently I received a complaint which was filed with the Michigan State Police concerning a member of the clergy of the St. Henry's Catholic Church in Rosebush, Michigan.

I would appreciate it if you would contact me concerning this matter and advise me as to what action, if any, you are taking to address this matter.

Very truly yours,
[signed]
Joseph T. Barberi

[App'x JJJ#21, Letter from Isabella County Prosecutor to Bishop Kenneth Untener, dated October 22, 1984.]

On November 13, 1984, Msgr. Forbes talked to the Isabella County Prosecutor about Fr. Leipert and wrote the following memo to Bishop Untener the same day, summarizing the conversation as follows:

I talked via telephone today with prosecutor Barberi re: problems which Father Jack Leipert had with the two young men in Mt. Pleasant.

Mr. Barberi said he is not contemplating any prosecution of the priest at this time. But he desires some information which he can pass on to the parents to the effect that something is being done in the matter of rehabilitation.

The Prosecutor would like to have a letter from you outlining the program Father Leipert is under now and future. I did volunteer to come to Mt. Pleasant and give him this information. But he did not want this.

I did try to reach Father Leipert on the phone, but no results yesterday or today. Correction: I did just now contact Father Leipert. I read the Prosecutor's letter to him. He is afraid that the Prosecutor will show your letter to the parents and cause difficulties. He will contact a local lawyer-friend of his & the prosecutor's, draft a sample letter & mail it to you. You can, if you wish, incorporate some ideas from it into your letter to Mr. Barberi.

[App'x JJJ#22, Memo from Msgr. Forbes to Bishop Untener, dated November 13, 1984.]

On November 29, 1984, Bishop Untener wrote the following in a letter to the Isabella County Prosecutor:

Dear Mr. Barberi,

This note is to assure you that I am fully aware of Father Jack Leipert's situation. He is undergoing counseling now on a weekly basis at considerable cost and sacrifice to himself. He is strongly motivated to do so.

As a priest and person, I believe Father Leipert has much to offer and wants to do all he can to resolve his needs to come to grips with intimacy and the tensions in ministry so that he can be a more effective man and minister.

I thank you for your fairness and confidentiality in this matter.

Sincerely,

Kenneth E. Untener
Bishop of Saginaw

[App'x JJJ#23, Letter from Bishop Kenneth Untener to the Isabella County Prosecutor, dated November 29, 1984.]

On April 25, 1985, 22-year-old John Doe #55 went to the MSP Post in Mt. Pleasant and reported that "he had been approached and tricked by a homosexual priest who had suggested to him, through actions that complainant and the priest should have intimate sexual relations." (App'x JJJ#24, MSP Standard Crime Report, No. 63-863-85, dated April 25, 1985, p 1.) John Doe #55 alleged that the priest picked him up when John Doe #55 was hitch-hiking in Mt. Pleasant on his way home from work. (*Id.*) After John Doe #55 got in the car, the priest allegedly asked him if he "knew anything about fixing a dog pen." (*Id.* at 2.) John Doe #55 stated that he probably could repair a dog pen, so John Doe #55 accompanied the priest back to the St. Henry Parish property, and, while John Doe #55 was fixing the pen, the priest, subsequently identified as Fr. Leipert, allegedly offered John Doe #55 whiskey several times. (*Id.*) After the dog pen was repaired, Fr. Leipert told John Doe #55 that the former needed to take his dog to the vet and asked John Doe #55 to go along with them, which he did. (*Id.*) In the car, Fr. Leipert allegedly "pointed out to [John Doe #55] that there was a movie projector in the back seat." (*Id.*) Fr. Leipert allegedly "said he had rented the projector & intended to watch some 'stag films' that he got from 'his buddies.'" (*Id.*) After they left the vet's office and were driving northerly, Fr. Leipert, with a "coaxing" facial expression, allegedly asked John Doe #55 if John Doe #55 thought "it would be ok with your wife if you & I went back to my place and watched stag films together?" (*Id.*) At that point, John Doe #55 believed that Fr. Leipert "was a homosexual" and "wanted some type of sexual

activity with [John Doe #55].” (*Id.* at 3.) John Doe #55 then demanded that Fr. Leipert stop the car and let John Doe #55 out, which he did. (*Id.*) Although John Doe #55 stated that Fr. Leipert did not touch John Doe #55 or say “exactly” what he wanted, John Doe #55 decided the alleged incident needed to be reported to the police because “a person like that should not be in charge of teaching or taking care of children.” (*Id.*)

On or about May 3, 1985, Tpr. Kurt Titus of the MSP interviewed Fr. Leipert, during which time Fr. Leipert initially “could not recall anything about what [the] officer was talking about.” (App’x JJJ#25, MSP Supplemental Report, No. 63-863-85, dated May 3, 1985, p 1.) Fr. Leipert “[d]enied recalling picking up a hitch-hiker, or anyone named [John Doe #55], or taking anyone to the church to repair the dog-pen[.]” and he “[a]lso denied making any homosexual propositions to anyone.” (*Id.*) As Tpr. Titus offered more details, “Leipert began to recall the incident & finally seemed to recall every detail of what occurred on 4-24-85.” (*Id.*) Thereafter, Fr. Leipert recalled picking up a hitch-hiker in Mt. Pleasant and offered him part-time “doing odd jobs.” (*Id.*) Fr. Leipert denied making “any proposition,” but admitted that [John Doe #55] fixed the dog pen and went with Fr. Leipert to the vet. (*Id.*) Fr. Leipert admitted that he offered “that [John Doe #55] come with him to the rectory to watch stag films” and “offered beer[.]” (*Id.*) “But Leipert insisted that there was no homosexual intent on his part.” (*Id.*) “Leipert state[d] that he did mention to [John Doe #55] that he was lonely and that he would like some company.” (*Id.*) Fr. Leipert stated that “there was no proposition and no touching involved.” (*Id.*) Fr. Leipert denied that [John Doe #55] “demanded to be let out of the car.” (*Id.* at 2.)

In a letter dated June 11, 1985, Msgr. Forbes wrote the following to the Isabella County Prosecutor regarding Fr. Leipert’s alleged incident with John Doe #55:

Dear Mr. Barbareri [sic.],

This note will set in writing our conversation of today regarding the conflict with the law that our Fr. Jack Leipert, pastor of St. Henry Parish of Rosebush, had in recent months.

Bishop Ken Untener has decided to remove Fr. Leipert from the Rosebush parish and appoint him pastor of St. Elizabeth Parish of Marlette, Michigan, effective July 9, 1985.

Father’s transfer from your area, we hope and pray, will have a quieting effect upon your community in this regard and we do hope will give Fr. Leipert a new lease on life in the matter of solving his personal problems. You understand, of course, that this priest is still in therapy twice a week with a Detroit psychologist.

Bishop Untener has asked me to extend to you his thanks for the kind way you have been handling this difficult matter.

Sincerely,

Msgr. Eugene A. Forbes
Vicar-General

[App'x JJJ#26, Letter from Msgr. Eugene Forbes to Joseph Barbareri [sic.], dated June 11, 1985.]

Two years later, by letter dated July 28, 1987, Fr. Leipert confirmed his resignation “as Pastor of St. Elizabeth Parish in Marlette, effective August 19, '87[,]” after which he would commence a leave of absence. (App'x JJJ#27, Letter from Fr. Jack Leipert to Bishop Untener, dated July 28, 1987.) Fr. Leipert also wrote that he would “take the amount of time needed to complete my degree work, take advantage of opportunities for personal growth and personal reflection and evaluation.” (*Id.*) In a September 8, 1987, file memorandum on the bishop's letterhead, the bishop wrote that “[w]e are treating this as a leave of absence (not from the priesthood, but from assignment in the Diocese) and this was taken at his own initiative. When the two years are finished[,] we will look at things in that light and see what to do.” (App'x JJJ#28, File Memorandum Re: Fr. Jack Leipert, dated September 8, 1987.)

According to Fr. Leipert's assignment record, he pursued graduate studies in Chicago, Illinois, during his leave of absence from August 10, 1987, to August 18, 1989. (App'x JJJ#1, Biographical Record and Priest of the Diocese of Saginaw, Fr. Jack Leipert, last updated October 2009, p 2.) When he returned to the Diocese of Saginaw, he served as temporary pastor of Our Lady of Mount Carmel Parish in Saginaw from August 18, 1989, to July 11, 1990. (*Id.*) On June 11, 1990, he commenced serving as pastor of Sacred Heart Parish in Bad Axe, where he served until June 10, 2001, 17 days before he was suspended from ministry. (*Id.*)

On February 18, 1992, John Doe #56, a 22-year-old man, reported that, while walking in the Village of Caro, he was approached by a man, later identified as Fr. Leipert, who asked if John Doe #56 knew him and who noticed that John Doe #56 had a job application in his hands. (App'x JJJ#29, Bad Axe Police Department Complaint Report, No. 410-92, dated February 20, 1992, pp 1 and 2.) The man told John Doe #56 that he might have a maintenance job at a school in Bad Axe, so they went out for coffee and discussed the potential job. (*Id.* at 2.) That afternoon, they went to the school, and the man “advised as to what he [John Doe #56] would be doing.” (*Id.*) The man then dropped John Doe #56 off at a spa, stating he would be back to pick him up, and while John Doe #56 was at the spa, another man gave him “an X-rated pornographic movie.” (*Id.*) After the man picked John Doe #56 up from the spa, they went to a video store, where the man rented two movies, after which they went to the man's home at Sacred Heart Parish. (*Id.*) While watching the

movies, the man got out some whiskey, and, after drinking about half the bottle, “the suspect put in the X-rated movie and while watching this movie, the suspect was asking [John Doe #56] if he would like to ‘fuck’ certain women in the movie and how ‘he would do it.’” (*Id.* at 3.) The man allegedly also asked John Doe #56 “how he and his girlfriend had sex.” (*Id.*) John Doe #56 told the man that “it was none of his business and that it was personal.” (*Id.*) “At approximately 1:30 a.m. – 2:00 a.m., John Doe #56 said the suspect took him upstairs and showed him where he would be sleeping.” (*Id.*) The man allegedly took him into a room with the biggest bed, after passing other rooms with single beds in them. (*Id.*) The man allegedly told John Doe #56 “to go ahead and get undressed and not to pay any attention to him [the man who was also in the room].” (*Id.*) “Supposedly at this time, [John Doe #56] had taken his shirt off and was told to take his pants off, also.” (*Id.*) John Doe #56 refused to do so in the man’s presence. (*Id.*) The man allegedly told John Doe #56 that “‘It was alright’” and he “‘would not watch.’” (*Id.*) John Doe #56 said no, and the man left the room, but then returned and asked if John Doe #56 “would like ‘a full body massage’” to which John Doe #56 replied in the negative. (*Id.*) The following day, John Doe #56 did the work at the school for which he was paid, and the man drove John Doe #56 home. (*Id.*)

In a subsequent police interview with John Doe #56 on February 24, 1992, John Doe #56 stated that he did not know the man was a priest until they went to the rectory. (App’x JJJ#30, Bad Axe Police Department, Supplemental Report, No. 410-92, dated February 21, 1992, p 2.) He also clarified that, when he was at the spa, Fr. Leipert got the X-rated movie from someone there, when the priest went back to pick up John Doe #56. (*Id.*) John Doe #56 also clarified that, when he and the priest went to the video store, Fr. Leipert bought John Doe #56 a pack of cigarettes, and after they left, Fr. Leipert bought “each of them a meal at Burger King.” (*Id.* at 3.) John Doe #56 “said he felt something would have happened if he [John Doe #56] hadn’t been so blunt about telling Father Jack that he wanted to be alone. This was during the part where he [John Doe #56] was getting ready to go to bed.” (*Id.*) John Doe #56 “said that Father Jack never suggested anything sexually to him.” (*Id.*) John Doe #56 alleged that Fr. Jack asked him “several sexually explicit questions[.]” (*Id.*) Some of these alleged questions were: Did he “jack off” when John Doe #56 was in the military? (*Id.*) “Does she [John Doe #56’s girlfriend] suck your cock?” (*Id.* at 4.) John Doe #56 stated that he thought Fr. Leipert was trying “to determine his [John Doe #56’s] sexual preferences[.]” (*Id.*)

In typewritten notes regarding a conversation with Witness #47, dated September 23, 1992, and appearing to be authored by Bishop Untener, Witness #47 reported that, when her 17-year-old son (name not disclosed in notes) was in the hospital “[r]ecovering from the flu[.]” Fr. Leipert visited the son three times during the day and came back that night until “very late into morning.” (App’x JJJ#31, Typewritten notes re Witness #47, dated September 24, 1992, p 1.) Witness #47’s son told his sister that he was uncomfortable with Fr. Leipert because he allegedly “talked to [the] boy about masturbation” and asked whether he and his friends “jack

each other off.” (*Id.*) “Before Jack [Leipert] left [he allegedly] said I bet you can’t wait till I leave so you can get in the drawer, get your Vaseline and relieve yourself.” (*Id.*) Witness #47 stated that Fr. Leipert never touched her son. (*Id.*) Witness #47 said that, when her son was telling her about Fr. Leipert, “[a]nother boy happened to be over . . . and he said that he [Fr. Leipert] asked him in confession if he masturbated.” (*Id.*) Witness #47 also stated that the boys knew of another boy who was likewise questioned by Fr. Leipert during confession. (*Id.*) Witness #47 stated that, on another occasions, when the boys were playing “with a frisbee or a baseball[,] Jack allegedly said ‘put some jerk-off jamboree spin on that.’” (*Id.*) Witness #47 said the boys loved Fr. Leipert, but they were uncomfortable and thought he was “weird.” (*Id.*)

Farther down in Bishop Untener’s September 23, 1992, notes, he wrote that Witness #47 said that Fr. Leipert invited boys to the rectory for pizza and a movie, but he never invited any of the girls. (*Id.*) Witness #47 stated that she had two daughters, and Fr. Leipert “pays no attention to them.” (*Id.*) “Girls in [the] parish say they could drop off the face of the earth[,] and he wouldn’t care.” (*Id.*) Witness #47 also stated that Fr. Leipert was “talented, [a] breath of fresh air, but very manipulative of the kids.” (*Id.*) “Her son would do anything for him.” (*Id.*) Witness #47 also alleged that the boys went camping, and Fr. Leipert “went and visited them.” (*Id.*) Another boy allegedly “told his mother he [was] afraid of Fr. Jack.” (*Id.*) The boy “[w]as playing basketball [in a] parking lot, [and] Fr. Jack [allegedly] came over and said he doesn’t see him much, [and he would] have to come over to the rectory and talk to him[,]” and the boy “was shaking, afraid to go, wanted to be sure that somebody [was] there.” (*Id.*) At the end of their conversation, the bishop told Witness #47 that he would talk to Fr. Leipert, but would not “use her name at this point, nor would [he] use any details in talking to Fr. Jack that would indicate her son as the source.” (*Id.* at 2.) The bishop also told Witness #47 that he had two “immediate and very strong concerns:” that the boys “have not been hurt by this” and “Fr. Jack, that this be set right forcefully and immediately.” (*Id.*)

On January 5, 1993, Bishop Untener called Fr. Leipert, after first getting Witness #47’s permission to use her name, to discuss Witness #47’s concerns. (App’x JJJ#32, Typewritten notes, dated January 5, 1993, p 1.) Fr. Leipert told the bishop that Witness #47’s son “has had a lot of problems – sexual exploits that he talks about, trouble at school, etc.” (*Id.*) Fr. Leipert also alleged that the son’s “natural father abused him.” (*Id.*) Fr. Leipert further stated that he cautioned other boys “to be careful what they say” to Witness #47’s son, because the boy repeated things, and that advice “got back to him [Witness #47’s son][,]” which is why Witness #47’s son said the things about Fr. Leipert, and they were “not true.” (*Id.*) The bishop told Fr. Leipert that he did not “get complaints like this every month or every year[,]” and when he did “get one, it’s about him [Fr. Leipert].” (*Id.*) Bishop Untener also “told Jack that it was crazy for someone with his background to get involved in a program that focused on sex, pornography, etc. – the Steubenville program.” (*Id.* at 2.) The bishop said he did not “know what [the] next step [wa]s[.]”

but it was “[p]robably not good for him [Fr. Leipert] to deal directly with [Witness #47] and family at this point.” (*Id.*) The bishop told Fr. Leipert that he “would contact him if [he] heard anything further.” (*Id.*)

In a letter from Fr. Leipert and the pastoral associate and director of religious education to Bishop Untener, dated January 6, 1992 – that apparently should have been dated January 6, 1993 – the former wrote, in part, the following:

[John Doe #57’s] mother, [Witness #47], asked me to visit [John Doe #57] in the hospital. I was there at 9:00 p.m. that evening. He was in a typical hospital room with another man right next to him. Even with that person present, separated only by a curtain, [John Doe #57] began to pour out his story of heavy involvement in pornography and exploitation of younger girls. He bragged about it! He is older than the others because he was held back several years. I never made the crude remark “finish it off with vasoline” [sic.] as he is reported to have claimed I said. He talks in this crude fashion regularly and publicly to most women. Although popular with the jocks, he is not by kids with integrity.

I informed Ray Geiger and [the pastoral associate] immediately. We met with one of the boy’s mothers and she was grateful to know what her son was about and handled the situation smoothly. The boy is still with us and involved. [Witness #47] heard that we met with this other boy and, at that time, withdrew from the parish. [The pastoral associate] even called her to register her kids for CCD. She claimed she wouldn’t this year because she was “broke.” She has never come forward to speak to us about her complaint. We were fully prepared to deal with her and to help.

While in Steubenville, this woman raised all kinds of hell that we had exposed her son to a “cult.” Her daughter, [Witness #48] also attended the conference, and yet, [Witness #47] did not ask about her or how she was doing. Even when the daughter tried to tell her mother what a great time she was having, the mother continually ignored her and kept asking about her brother, [John Doe #57]. One of our parent-chaperones had to calm her down by phone. [John Doe #57’s] real father was physically and verbally abusive to him and [Witness #47] is extremely protective of him. She spares herself from hearing many truths about him, even though he has been involved with the police. He gets anything and everything he wants.

The only thing that we can figure about their accusations and innuendos regarding me is that [John Doe #57’s] was fearful that I was

going to spill the beans on him in a public manner. I had no such intention.

If [the VAC] wanted to get the full story and truly find out about the people who leveled this complaint, she could have visited with my partner, [the pastoral associate] and me. [The pastoral associate] is not naïve to scandals in the Church and this community. One of her brothers is the chief detective and investigator of abuse in this county. The other is a worker at the Department of Social Services with children and dysfunctional families. [The pastoral associate] is also privy to rumors about a previous pastor in the Vicariate (she herself referred the complaints to your office several years ago!); she hears about a priest with his live-in mistress and a supposedly reformed alcoholic in a nearby parish who is constantly absent from his job. She knows my foibles and strengths because we have a very close working relationship. Ray Geiger did a stint in the seminary. He is street smart. I do nothing in pastoral ministry without their knowledge and presence, nothing.

This is not a denial or minimalization on my part. I know about abuse, the victims and the price. I also know about hysteria. And I will protect myself.

[App'x JJJ#33, Letter from Fr. Jack Leipert and the pastoral associate to Bishop Kenneth Untener, dated January 6, 1993, pp 1–2.]
[Emphasis in original.]

On February 2, 1993, Bishop Untener replied to Fr. Leipert and the pastoral associate's letter, clarifying that Witness #47 "did not contact [him] or initiate any complaint[.]" but rather the bishop heard about the allegations through a friend of Witness #47's friend, prompting the bishop to call Witness #47. (App'x JJJ#34, Letter from Bishop Untener to Fr. Jack Leipert, dated February 2, 1993, p 1.) Bishop Untener also wrote that, upon hearing "any alleged misconduct," he was "bound by law (and by our published Diocesan Policy) to take immediate action." (*Id.*) So, the bishop appointed the VAC as his "representative to look into the matter." (*Id.* at 2.) The VAC thereafter met with Witness #47 and her son John Doe #57, who alleged "essentially the same concerns" as the bishop. (*Id.*) The bishop wrote that Witness #47 "was not vindictive, punitive, vitriolic, or really judgmental." (*Id.*) The bishop also pointed out that Fr. Leipert admitted to him that the pastoral associate was not aware of Fr. Leipert's "past history," writing: "That you would choose to respond jointly with [the pastoral associate], when she is unaware of your background regarding previous concerns in this area of sexuality and adolescents, seems somewhat analogous to bringing in a doctor to consult on cardiac concerns without telling her of a previous heart attack." (*Id.* at 2 and 3.) The bishop also wrote that "sexual matters do seem to be an emphasis" in Fr.

Leipert's letter, quoting several examples, and asking "[w]hy, given your background, would you focus on sexuality?" (*Id.* at 4.) The bishop further wrote that his concern was how Fr. Leipert "relat[ed] to young men[.]" and suggested that, even if Fr. Leipert were helping the boys, he "may be using their issues as a means of sexual gratification for yourself." (*Id.*) Consequently, Bishop Untener directed Fr. Leipert to meet with Fr. Leipert's psychologist and provide the doctor with a copy of Fr. Leipert and the pastoral associate's letter to the bishop as well as a copy of the bishop's reply letter and also sign a release, so that Bishop Untener could then discuss the matter with Fr. Leipert's psychologist. (*Id.*) It is not clear from file documents whether or not that took place. In a file memo dated December 1, 1993, appearing to have been authored by Bishop Untener, the following was written:

Fr. Loren Kalinowski called today to say that about 10:30 this morning he received a telephone call from [John Doe #58], a 29 year old man. He asked for a priest and got Fr. Loren.

[John Doe #58] said that he simply wanted to tell Fr. Loren that when he was in the 7th grade at St. Stan's, he was sexually molested by Fr. Jack Leipert. He did not give any details of the molestation. All he did was tell this to Fr. Kalinowski on the telephone.

[John Doe #58] then went on to say that he had been in [a medical facility] for drug and alcohol treatment. He got talking about "religion." He has been reading the Book of Revelation and talked about he feels that he himself is the Seventh Seal spoken of in the Book of Revelation, and in 1997 he will come back as Jesus Christ.

Loren simply listened to him and then asked if there was anything he could do. [John Doe #58] said that there wasn't. He simply wanted to tell him this. He also indicated that he is getting counseling.

Loren commented that [John Doe #58] comes from a family that would be called dysfunctional. His father has had alcohol problems.

I told Loren to let me know if [John Doe #58] contacted him again.

[App'x JJJ#35, File Memo, dated December 1, 1993.]

With a cover letter dated December 30, 1993, the Huron County Prosecuting Attorney mailed copies of the February 1992 police reports concerning the allegations made by John Doe #56, referenced and discussed above, and wrote the following to Chancellor Tom Schroeder of the Saginaw Diocese regarding same:

Dear Chancellor Schroeder:

Enclosed please find a copy of the police report[s] I discussed with you on the telephone. As previously stated, I have kept this matter highly confidential and the public is unaware of these allegations. While there are no criminal charges that can be filed against Father Leipert, it is my belief that he acted improperly given his position of authority in the community. I trust you will adequately address this criminal complaint and my concerns with Father Leipert. Hopefully, there will be no future problems.

Again, I apologize for the delay in forwarding th[ese] reports, however, I really struggled with how to best handle this sensitive issue.

If you have any questions, please do not hesitate to call.

Sincerely,

[signed]
Leslie A. Hagen
Huron County Prosecuting Attorney

[App'x JJJ#36, Letter from the Huron County Prosecutor to Chancellor Tom Schroeder, dated December 30, 1993.]

On August 18, 1995, John Doe #59 met with Bishop Untener and alleged that an incident “had occurred many years back between himself and Fr. Jack Leipert.” (App'x JJJ#37, Typewritten notes of the VAC regarding conversations of August 18, 1995, and August 30, 1995, p 1.) At the time of the alleged incident, John Doe #59 “was a student at All Saints High School in Bay City and he was around 16 years of age.” (*Id.*) “He had one experience with Fr. Jack who asked him to go up North with him and they stopped at a motel.” (*Id.*)

At Bishop Untener's request, John Doe #59 met with the VAC “to talk more about his concerns” on August 30, 1995. (*Id.*) During that meeting, John Doe #59 alleged that, when he went to Fr. Leipert for confession, Fr. Leipert invited John Doe #59 to go skiing “up north with him[.]” (*Id.*) John Doe #59's mom gave John Doe #59 permission to go, and on their way up, it started to snow, so Fr. Leipert said they would pullover and stay in a motel. (*Id.*) John Doe #59 alleged that the motel room had one bed and a television. (*Id.*) After John Doe #59 went to sleep, he woke up and “Fr. Jack was ‘touching and fondling, and doing oral things.’” (*Id.*) John Doe #59 told the VAC that he did not know what to do. (*Id.*) Then, Fr. Leipert allegedly took John Doe #59's hand and made John Doe #59 “touch him.” (*Id.*) John Doe #59 stated that the alleged incident caused him “a lot of problems[,]” and he “got a deep shame and guilt about [him]self.” (*Id.*) John Doe #59 felt “very violated” and felt “guilt in going to church, felt guilt in prayer.” (*Id.*) John Doe #59 also stated that he believed the alleged abuse “stunted [his] emotional development with [his] wife and as a father, with [his] son.” (*Id.* at 2.) He said: “I suppressed so much.” (*Id.*)

John Doe #59 reported that he had not told anyone about the alleged abuse until he told the bishop. (*Id.* at 1.)

On October 10, 1995, Witness #5 called the VAC and reported that, in 1987 or 1988, “the ‘Youth to Youth’ Program was scheduled for a week-end at St. Elizabeth in Marlette[,]” and Fr. Leipert, the pastor, advised that the kids could sleep in the parish hall; however, when they got there, the hall was being used by another group, so Fr. Leipert invited the youth group to “stay in the rectory.” (App’x JJJ#38, Typewritten notes of VAC, dated October 10, 1995, p 1.) Fr. Leipert also allegedly stated that there was “plenty of room in his bedroom on the floor and some of the boys could go there.” (*Id.*) The following day, “some of the boys told Witness #5 that Fr. Jack Leipert had two of the boys try on his shirts.” (*Id.*) The boys also alleged that “Fr. Jack asked one of the boys to lie on the bed with him.” (*Id.*) “The boys, in reporting it, said that Fr. Jack was quite insistent about someone being on the bed with him, but evidently no one took Fr. Jack up on that; the boys stayed on the floor.” (*Id.* at 1–2.) “[A] few days later, a mother of one of the boys called her (one of the boys who had tried on Jack’s shirts) and told her that Fr. Jack Leipert had called on the phone and asked her if her two boys could go fishing with him some time.” (*Id.* at 2.) The mother stated no, wondering why Fr. Leipert did not ask persons from his own parish. (*Id.*)

During the same October 10, 1995 meeting with the VAC, Witness #5 alleged that she saw Fr. Leipert rub her son’s back. (*Id.*) Witness #5 also alleged that Fr. Leipert “followed her son around and asked him questions about sex.” (*Id.*) Witness #5 also told the VAC that a young man whom she had known for several years “had just taken a job at Sacred Heart, Bad Axe[,] with Fr. Leipert[,]” which worried Witness #5 and prompted her to call the VAC. (*Id.*) Witness #5 gave the VAC permission to use Witness #5’s name when speaking to Fr. Leipert regarding Witness #5’s concerns. (*Id.*)

On October 19, 1995, John Doe #58 stated that he had been getting “flashbacks” about Fr. Leipert, a priest at St. Stan’s, and “recalled that they were parked in the cemetery after a funeral [and] Fr. Jack was on the driver’s side [and John Doe #58] was on the passenger’s side and Fr. was looking at him.” (App’x JJJ#39, Typewritten notes regarding a meeting at Catholic Family Service[s], dated October 19, 1995, p 1.)²³ John Doe #58 stated that, when he was in a medical facility in November 1993, he saw “in a cloud what was being done to [him and] saw this priest laying on top of [him].” (*Id.*) John Doe #58 stated that, after the alleged incident, he questioned his “sexual identity [and] blamed himself for it.” (*Id.*) John Doe #58 stated that the alleged incident occurred “around 1978” when he was “in 6th, 7th, or 8th grade” and believed he was 13 or 14 years old at the time. (*Id.*) the

²³ The document labeled App’x JJJ#39 incorrectly indicates, in part, that “[name]” was the person reporting the alleged sexual abuse, but when reviewing the context of the notes, “John Doe #58” is the reporter.

VAC told John Doe #58 that Fr. Leipert “was in treatment.” (*Id.* at 2.) John Doe #58 stated that he wanted “Fr. Jack to confirm what he [John Doe #58] has said.” (*Id.*)

On October 26, 1995, Fr. Bert Gohm and apparently Bishop Untener met with Fr. Leipert to discuss John Doe #58’s allegation. (App’x JJJ#40, Typewritten notes regarding meeting with Fr. Bert Gohm, Fr. Leipert (sic.), and myself, Queen of Angels Retreat House, dated October 26, 1995.) “Fr. Jack could not recall an incident in a cemetery.” (*Id.*) “Fr. Jack said he had been in therapeutic treatment for help with his former problems.” (*Id.*) According to additional notes dated November 20, 1995, appearing to also be written by the bishop, during the October 26, 1995 meeting, Fr. Leipert admitted to being “impulsive” during the timeframe of John Doe #58’s allegation and apologized “for any harm he may have caused [John Doe #58].” (App’x JJJ#41, Typewritten notes, dated November 20, 1995.) “He [wa]s very sorry for any hurt or difficulty.” (*Id.*)

In a letter to Bishop Untener dated July 22, 1998, John Doe #60 wrote that he first met Fr. Leipert when John Doe #60 was attending the former St. Mary Cathedral High School in Saginaw, and Fr. Leipert was a deacon “and [] later became ordained” a priest. (App’x JJJ#42, Letter from John Doe #60 to Bishop Kenneth Untener, dated July 22, 1998, p 1.) John Doe #60 was a student of Fr. Leipert, and the latter befriended the former. (*Id.*) After John Doe #60 graduated from high school, he “worked two jobs to save money for college.” (*Id.*) During this time, Fr. Leipert called John Doe #60 – to John Doe #60’s surprise – and invited him “to ‘get together and talk about old times and have a few drinks.’” (*Id.*) So, the two of them met in a hotel lobby late one Friday evening, after John Doe #60 got out of work, and, when John Doe #60 arrived, Fr. Leipert allegedly advised him that he rented a hotel room and bought a bottle of Crown Royal whiskey. (*Id.*) “He said it’d be cheaper for us to drink in the room instead of the hotel bar.” (*Id.*) John Doe #60 wrote that in the room, Fr. Leipert made a drink for John Doe #60 and quizzed John Doe #60 about “easy” high school girls. (*Id.*) John Doe #60 got dizzy and eventually passed out. (*Id.*) “When [John Doe #60] woke up, [he] felt weak and drowsy.” (*Id.*) Fr. Leipert “then excused himself to go to the bathroom.” (*Id.*) Fr. Leipert allegedly “returned with no clothes on and sexually assaulted [John Doe #60].” (*Id.*) John Doe #60 believed Fr. Leipert drugged him. (*Id.*) John Doe #60 “quickly dressed and fled the room.” (*Id.*) John Doe #60 wrote that he was reporting the alleged sexual abuse then (23 years later) because he was having nightmares, and he wanted to protect his two sons from “another Father Jack out there.” (*Id.* at 2.)

On July 22, 1998, Bishop Untener received John Doe #60’s letter the same day it was written, and he called John Doe #60 to advise that he had received it and “read it carefully” and wanted to “deal directly with his concerns and have [a Sister], [who is] a clinical psychologist, meet with him.” (*Id.* at 1.) John Doe #60 agreed to the meeting, and on July 23, 1998, the VAC met with John Doe #60 and his wife at their home in Bay City, Michigan. (*Id.*; App’x JJJ#43, Typewritten notes of the

VAC, dated July 23, 1998, p 1.) The VAC advised that she was there “to be of any help that [she] could be[.]” (*Id.*) The VAC also stated that she “was very sorry that this happened – what he had explained in the letter.” (*Id.*) John Doe #60 told the VAC that he was 18 years old when the alleged sexual abuse occurred. (*Id.* at 2.) The VAC asked whether John Doe #60 wanted someone from the Diocese to inform Fr. Leipert about John Doe #60’s letter, and, if so, whether John Doe #60’s name could be disclosed or whether he wished to remain anonymous. (*Id.* at 1.) The VAC advised John Doe #60 to let her know “if he wanted something further to happen in regard to his letter, or if we could do something, please let us know.” (*Id.* at 2.)

In an undated and unsigned typewritten note found in the Fr. Leipert file, appearing to be penned by the VAC, the following was written:

Fr. Leipert remembers [John Doe #60] [sic.] . . . that he had taught him, that he had ministered to his father in the hospital . . . that [John Doe #60] [sic.] had visited him at St. Stan’s in 1976 or 1977.

His memory of the incident described in the letter is quite different. However, he recognizes that for a period of 2 or 3 years at that time of his life his manner of relating to people, especially his conversations, were sometimes very inappropriate and immature. He looks back on that with deep sorrow and regret. He underwent intensive treatment for this over a period of several years, and [he] also undertook studies in social work which further enabled him better to understand human relationships.

He wants to assure [John Doe #60] [sic.] that since then he has lived a healthy life in keeping with his vocation, and has ministered effectively as a priest.

* * *

[After reading to him excerpts from the letter, Bsp finally gave him the name.]

[Recall that his chief concern was that there is a priest out there who could be a danger to others.]

[App’x JLL#44, Unsigned, undated typewritten note.] [Ellipses, stars, and bracketed sentences in original.]

John Doe #60 and the Diocese of Saginaw entered into a Settlement Agreement and General Release, dated October 4, 1999, by which John Doe #60 “irrevocably and unconditionally remise[d], release[d] and forever discharge[d] the Diocese, its parishes, schools, charitable organizations, and any and all of its affiliated organizations, and its and their representatives, agents, employees, attorneys, and

priests, including but not limited to Fr. Jack Lieppert [sic.] . . . of and from any and all actions . . . [.]” (App’x JJJ#45, Settlement Agreement and General Release, dated October 4, 1999, p 3.) In exchange therefor, the Diocese paid John Doe #60 the sum of \$5,000.00. (*Id.* at 1.)

In a letter to the VAC, dated October 9, 2000, John Doe #60 wrote that he “was not happy how Father Liepert [sic.] was disciplined and how [John Doe #60] was treated by the Diocese” and could not understand why the Diocese would not continue to pay for his “treatment sessions” after the settlement was reached. (App’x JJJ#46, Letter from John Doe #60 to the VAC, dated October 9, 2000, pp 1–2.) John Doe #60 also expressed his dismay with Bishop Untener whom John Doe #60 alleged “took a back seat in the matter and it seemed he had no real interest in John Doe #60.” (*Id.* at 1.)

On November 9, 2000, 21-year-old John Doe #61 made a complaint to the Bad Axe Police Department that Fr. Jack Leipert had sexually assaulted John Doe #61 on November 7, 2000, at Sacred Heart in Bad Axe, the details of which were summarized in the police report as follows:

[John Doe #61] told Detective Rothe he was at the BP Gas Station in Caseville on October 29, 2000 around 5:30 PM, when Father Jack approached and introduced himself. [John Doe #61] was putting air in the car tires of a car he was currently working on. The vehicle he was working on belonged to Caseville Police Officer[] Debbie Warren. Father Jack made small talk and then asked [John Doe #61] if he was interested in doing some maintenance work at the church. He said it paid about \$10.00 or \$11.00 per hour.

[John Doe #61] told Father Jack that he was interested because he could use the money. After some more small talk, Father Jack asked [John Doe #61] for his phone number. [John Doe #61] went into the gas station and retrieve[d] some paper and a writing utensil and wrote his phone number down. He then gave the phone number to Father Jack. Father Jack said he would call.

On Sunday, November 5, 2000, [John Doe #61] said he received a phone call from Father Jack. Father Jack wanted [John Doe #61] to come over to the church. The time was about 6:00 PM. [John Doe #61] told Father Jack that he could not make it because he had to work in the morning. Father Jack said he would call another day.

On Tuesday, November 7, 2000, around 5:30 PM or 6:30 PM, [John Doe #61] stated he received another phone call from Father Jack. Father Jack wanted him to come over to the church to look at the work that needed to be done. [John Doe #61] agreed and went to Bad Axe to

the church. The Sacred Heart Church is located on the corner of Whitelam Street and E. Hopson Street. Father Jack gave [John Doe #61] directions.

[John Doe #61] said he arrived at Father Jack's home and went to the back door. Father Jack invited him in because Father Jack had to put his shoes and coat on. Father Jack's dog started to jump on him. Father Jack then began asking [John Doe #61] about his family, friends, girlfriends and work. [John Doe #61] indicated he has a daughter and her name is tattooed on his left arm. Father Jack asked to see it, so [John Doe #61] showed it to him. The two of them then went to the church to look at what needed to be done.

When they were done looking at the things that need to be done, Father Jack invited [John Doe #61] back to the house to look at different things that needed to be done there. [John Doe #61] said the two of them went upstairs to the first bedroom. There was hanging wallpaper and Father Jack inquired as to how to fix it. They went into another room down the hall. Father Jack asked if the wallpaper could be painted over. As [John Doe #61] was standing in the doorway, Father Jack's hand brushed up against his butt. [John Doe #61] described it as a 'brush' and not a grab. He said it caught his attention, but was nothing serious.

[John Doe #61] continued to say the two of them went downstairs and Father Jack showed him some paint peeling in the dining room. Their conversation continued about [John Doe #61's] background, family and friends. [John Doe #61] said Father Jack asked him to see the tattoo of his daughter's name. [John Doe #61] pulled up his left shirt sleeve and showed him. Father Jack started to rub [John Doe #61's] arm, then reached down and grabbed a hold of [John Doe #61's] penis. Father Jack did this with his left hand.

[John Doe #61] said he was completely shocked and did not know what to say. He pulled back and said, "[w]hat are you doing? I'm not gay."

Father Jack responded that he was not gay either, but God believes in masturbating. [John Doe #61] said he was so overwhelmed, he did not know what to say. He told Father Jack that he should not have done that because he was a priest. [John Doe #61] then left the house and as he was leaving, Father Jack was telling him that it is ok because God believes in masturbating.

[App'x JJJ#47, Bad Axe Police Department Incident Report, No. 00-04480, dated November 9, 2000, pp 3-4.]

In consultation with the Huron County Prosecuting Attorney, Detective Rothe of the Bad Axe Police Department asked John Doe #61 to call Fr. Leipert to set up a meeting to talk about what happened in “an attempt to elicit some further information out of Father Jack.” (*Id.* at 4.) Both the phone call and the in-person meeting were monitored by law enforcement, and the conversations were recorded. (*Id.* at 4–6.) During John Doe #61’s meeting with Fr. Leipert, the latter apologized “for what happened Tuesday.” (*Id.* at 6.) Fr. Leipert told John Doe #61 “that their previous conversation on Tuesday about [John Doe #61’s] past girlfriends had ‘turned him on.’” (*Id.*) “He also said to [John Doe #61], something to the effect of, what had happened had to have turned him ([John Doe #61]) on.” (*Id.*) John Doe #61 told Fr. Leipert that “he was not turned on by anything that happened.” (*Id.*)

After further consultation with the Huron County prosecutor, it was decided that an undercover police officer, posing as a friend of John Doe #61’s, would meet with Fr. Leipert. (*Id.* at 6–8.) The officer met Fr. Leipert, and at the end of their conversation, Fr. Leipert told the undercover officer that he thought the officer had a “hidden agenda” and that he could not “help but to think things [we]re not above the table.” (*Id.* at 8.) After the undercover officer left, he and other law enforcement personnel, who monitored the conversation, came to the conclusion that Fr. Leipert thought something was off, but did not know what. (*Id.*) It was ultimately decided that the officers would contact the Saginaw Diocese and “ask that something be done by the church to handle this matter.” (*Id.*) Detective Rothe also submitted a warrant request to the Huron County prosecutor’s office (i.e., to arrest Fr. Leipert), and the same was denied. (*Id.*)

After investigation by the Bad Axe Police Department and the Huron County Prosecutor decided “the prosecution most likely would not be able to meet the higher burden of proof of beyond a reasonable doubt and thus the case would not be trial worthy.” (App’x JLL#47A, Letter from Huron County Prosecutor to former counsel for the Diocese of Saginaw, dated February 25, 2004.) In this 2004 letter, the prosecutor explained the basis for the denial of the warrant from 2000:

As you know, early in November 2000, the City of Bad Axe Police Department conducted an investigation into alleged improprieties concerning the Rev. Jack Leipert of the Sacred Heart Catholic Church located in Bad Axe. Subsequently they submitted to me an arrest warrant request. I found that after a thorough and competent police investigation conducted by the Bad Axe Police Department that while there may have existed factually and legally sufficient evidence to sustain the initial charging level of probable cause the prosecution most likely would not be able to meet the higher burden of proof of beyond a reasonable doubt and thus the case would not be trial worthy. I, along with the Bad Axe Police Chief, felt the Diocese could best deal with the matter and thus we had a private meeting with Bishop Kenneth Untener. This matter was resolved to our satisfaction by the

Diocese with the benefit of your subsequent representation. Rev. Leipert was relieved of his duties in Bad Axe and subsequently transferred to another location.

[*Id.*]

In an undated document, titled “KU Chronology,” appearing to have been written by Bishop Kenneth Untener, he wrote that he met with the Huron County prosecutor and the Bad Axe chief of police regarding John Doe #61’s complaint about Fr. Leipert. (App’x JJJ#48, KU Chronology.) “They said that they received a complaint that on November 7, 2000, Fr. Jack Leipert made unsolicited sexual advances to a 21 year old male.” (*Id.*) “They went on to say that in their investigation, there had been a similar complaint against Fr. Leipert with the police in Caro [appearing to be the complaint made by John Doe #56 discussed above that was referred to the Bad Axe Police Department by the Caro Police Department, where the complaint was initially made] in the late 80’s or early 90’s.” (*Id.*) The bishop wrote that “[t]hey informed me that it is their responsibility to see that justice is done, and they feel that justice could be done by referring this to me.” (*Id.*) The bishop advised that he “would act on it quickly and would [keep] them posted.” (*Id.*) That afternoon, the bishop met with Fr. Leipert, advising him of the meeting and that he had arranged for Fr. Leipert to see a physician two days later. (*Id.*) The following day, December 6, 2000, Bishop Untener called the prosecutor and advised him of the doctor appointment, and the prosecutor told the bishop that John Doe #61’s attorney had called the prosecutor, and the prosecutor “informed the attorney that he had decided not to prosecute the case.” (*Id.*) On December 7, 2000, Fr. Leipert met with a physician, after which the bishop met with the doctor “alone, and then with Jack for about an hour.” (*Id.*) Fr. Leipert “was to contact [a physician] in Birmingham and make arrangements to meet with him as soon as possible.” (*Id.*)

In undated and unsigned, handwritten notes, appearing to be written by Fr. Leipert, he wrote that John Doe #61 “lied about his part” and “the evening went like this”:

A) He was depressed & wanted to talk. He said he was in no hurry to return home. He claimed he lost the mother of his daughter because of his behavior – possibly abusive? [John Doe #61] lost a business he shared with a partner back East – a betrayal of trust issue; there were no work opportunities! Since he wasn’t eager to go home[,] we rented videos at Thumb Home Video (he selected one); he complained and hinted of his urgent need for money – ‘was there anything he could do even tomorrow?’ (The work was to be lined up for January!)

B) [John Doe #61] was paranoid of a relationship he had with the policewoman in Caseville; he wanted to break up with her (she had a fiancé) but didn’t know how. (I understand she is under investigation by prosecutor in Bad Axe.)

C) We rented movies; one movie was sexually quite explicit and so drifted the conversation. We drank quite a bit, but not enough to get drunk. At about 11PM[,] we agreed that drinking & driving didn't mix. I put blankets on the floor. We slept in underwear; he initiated sexual contact by running finger nails over my legs & thighs; mutual masturbation followed. I told him to leave at 1:30 AM. To "normalize" the situation, and to quiet his insistence upon money, I gave him around \$30 to return to work & for gas money. We both apologized. That was the end of that event that evening.

[App'x JLL#49, Undated and unsigned notes of Fr. Jack Leipert.]
[Emphasis in original.]

In the same undated unsigned, handwritten notes, Fr. Leipert wrote that "[a] trial, the publicity, could raise buried issues – and so his non-factual story, couple[d] with my past[,] puts us in jeopardy." (*Id.*) Fr. Leipert also wrote that John Doe #61 said he left the rectory after he was allegedly groped at 6:50 p.m., but the pastoral associate saw his car there at 8:45 p.m. (*Id.*) He also wrote that another person warned Fr. Leipert about John Doe #61's character, but Fr. Leipert "did not listen." (*Id.*)

On January 5, 2001, Bishop Untener wrote the following to Fr. Leipert:

Dear Jack:

The purpose of this letter is simply to put in writing the decisions we mutually agreed on in our conversation several days ago.

Because of the stress you have been experiencing, as indicated by your recent hospital stay for a bleeding ulcer, and because of stressful circumstances in the parish, your appointment as Pastor of Sacred Heart Parish, Bad Axe, terminates on Wednesday, January 10, 2001, and you will be placed on medical leave. The parish will pay your salary for the month of January, and then you will begin receiving sick pay.

I ask that you stay in close touch with me in the days and weeks ahead. Know that you are very much in my thoughts and prayers.

Sincerely,

Kenneth E. Untener
Bishop of Saginaw

[App'x JLL#50, Letter from Bishop Kenneth Untener to Fr. Jack Leipert, dated January 5, 2001.]

In a letter dated January 9, 2001, from Fr. Leipert to Bishop Untener, the former wrote that he was “sad that I couldn’t afford myself the chance to have closure with the parish; to say goodbye.” (App’x JJJ#51, Handwritten letter from Fr. Jack Leipert to Bishop Kenneth Untener, dated January 9, 2001, p 1.) He also wrote that the pastoral associate “made the announcement at the Masses that I was on a ‘medical leave.’” (*Id.*) He further wrote that “[t]he seriousness of my hospital stay, known by all, and the need to recover is no stumbling block for the people.” (*Id.*) Fr. Leipert wrote that he reminded himself “that a relapse, although it cost me and others dearly, [wa]s not the whole picture of me.” (*Id.* at 2.) He also wrote that he was not “at all sure what a ‘medical leave’ means – unless it’s about pulling myself together physically, emotionally and spiritually.” (*Id.* at 3.) Fr. Leipert also wrote the following:

Ken, I have no intention whatsoever of resigning from the priesthood. I’m a better priest today despite a relapse. I’ve treated hundreds of people with relapses. I have to eventually forgive myself and prevent this from ever happening again! If there are opportunities to do sacramental work on weekends, at a hospital, or prison, I’ll need your help and official approval! (Even Archbishop Moreno spent his last days ministering to others.) It would be a waste of my priesthood to sell shoes or deal cards at a casino.

You are a man of great compassion, non-judgmental, a man who “doesn’t get even,” a bishop who has proven to me he wants us all to have “life to the full.” I’m sure you are going through your own personal agony now – and anxiety for the Diocese. I agonize over the pain this has caused you. No doubt you will get unfair static from some who don’t know the whole story you cannot tell.

I feel like the “leper,” the “outcast” in a profound way. In some strange way it has brought me closer to Jesus.

[*Id.*]

In a letter dated February 12, 2001, Bishop Untener notified Fr. Leipert that “[t]his past Friday we were served formal notice from an attorney of intent to file a law suit [sic.] against the Diocese of Saginaw, and listing the charges and the evidence.” (App’x JJJ#52, Letter from Bishop Untener to Fr. Jack Leipert, dated February 12, 2001.) In an unsigned Complaint and Demand for Jury Trial, appearing to be to what the bishop referred, John Doe #61 named the Diocese of Saginaw, Bishop Untener, and Fr. Leipert as defendants in an action to be filed in the Huron County Circuit Court. (App’x JJJ#53, John Doe #61 *v. Catholic Diocese of Saginaw, et al.*, unfiled Complaint and Demand for Jury Trial, dated April 2001, p 1.) The complaint alleged Respondeat Superior, Negligent Hiring/Retention and

Assignment, Negligent Training Supervision and Control, Sexual Assault and Battery, and Negligent or Intentional Infliction of Emotional Distress. (*Id.* at 4–6.)

By document dated June 5, 2001, John Doe #61, the Diocese of Saginaw, and Fr. Leipert entered into a Settlement Agreement and General Release, pursuant to which the Diocese agreed to pay John Doe #61 the sum of \$60,000.00, and John Doe #61 agreed to unconditionally release the Diocese, the Bishop, Fr. Leipert, *et al.* (App'x JJJ#54, Settlement Agreement and General Release, dated June 5, 2001, pp 1–2.) All parties agreed to “keep the terms, conditions, amount and fact of” the agreement “completely confidential[.]” (*Id.* at 4.) By handwritten note dated June 21, 2001, Fr. Leipert requested “an indefinite leave of absence from priestly ministry in the Diocese of Saginaw.” (App'x JJJ#55, Handwritten note of Fr. Jack Leipert, dated June 21, 2001.)

Six days later, on June 27, 2001, Bishop Untener wrote to Fr. Leipert, memorializing an earlier conversation that, effective immediately, Fr. Leipert's priestly faculties were withdrawn. (App'x JJJ#56, Letter from Bishop Kenneth Untener to Fr. Jack Leipert, dated June 27, 2001.) Bishop Untener advised that he stood ready to provide faculties “for specific events[.]” primarily involving Fr. Leipert's family, “weddings, funerals, baptisms and such.” (*Id.*) Bishop Untener also wrote the following:

It is my intent to arrange for you to receive the benefits of a retired priest. This usually requires a formal application by the priest who is retiring, but in your case I have written a letter to the Clergy Benefit Society Board. That should take care of it. If not, I'll let you know.

[*Id.*]

At the time of Bishop Untener's letter, allowing Fr. Leipert to receive retirement benefits, Fr. Leipert was 55 years old. (App'x JJJ#1, Biographical Record and Priest of the Diocese of Saginaw, Fr. Jack Leipert, last updated October 2009, p 1.) By letter dated July 12, 2001, Bishop Untener wrote to the president of the Clergy Benefit Society and advised that he “placed Fr. Jack Leipert on early retirement as of August 1, 2001[.]” after consulting with a physician. (App'x JJJ#57, Letter from Bishop Kenneth Untener to Fr. Robert Meissner, dated July 12, 2001.) The bishop wrote that “[t]his is similar to the early retirement for medical reasons that I gave to Fr. Stan Bur in 1983.” (*Id.*) See entry no. 2 regarding Fr. Bur. Bishop Untener requested that Fr. Leipert “be given full disability retirement benefits.” (*Id.*) On September 12, 2001, the president of the Clergy Benefit Society, Fr. Robert Meissner, advised the bishop that the board of directors “approved full disability retirement benefits for Fr. Jack Leipert.” (App'x JJJ#58, Letter from Fr. Robert Meissner to Bishop Kenneth Untener, dated September 12, 2001.)

On March 27, 2004, Bishop Untener died of leukemia. (App'x JJJ#59, Diocese of Saginaw, Obituary of Bishop Kenneth E. Untener, p 1.) About seven months later, on October 27, 2004, Fr. Thomas Sutton, then acting as diocesan administrator in the absence of a bishop, closed a preliminary investigation into allegations made by 14 young men (who are discussed above) against Fr. Leipert that Fr. Sutton opened on April 26, 2002, "at the request of Bishop Kenneth Untener." (App'x JJJ#60, Decree Closing the Preliminary Investigation, Case re: Reverend Jack Leipert, dated October 27, 2004.) Fr. Sutton wrote: "Having carefully examined the evidence and considered the question of his imputability, it appears that the allegations against Reverend Jack Leipert have at least the semblance of truth." (*Id.*) The 14 alleged victims named in the Decree were:

John Doe #60 (1975),
John Doe #50 (1978),
John Doe #49 (1978),
John Doe #59 (1978),
John Doe #58 (1981),
John Doe #51 (1982),
John Doe #52 (1982),
John Doe #53 (1984),
John Doe #54 (1984),
John Doe #55 (1985),
John Doe #62 (1986),
John Doe #57(1992),
John Doe #56 (1992), and
John Doe #61 (2000)[.]

[*Id.*]

Fr. Sutton further "determine[d] that this case, with all its pertinent acts, be transmitted to the Congregation for the Doctrine of the Faith." (*Id.*)

Consistent with the foregoing, in Fr. Sutton's *votum*, also dated October 27, 2004, he requested the Congregation for the Doctrine of the Faith (CDF) to remove Fr.

Leipert “from the clerical state by the process of Administrative Summary Disposition.” (App’x JJJ#61, Fr. Thomas Sutton, Diocesan Administrator, “The Case of Fr. Jack J. Leipert,” dated October 27, 2004.) According to the summary sheet that was also submitted to the CDF with the Diocese’s petition and supporting documentation, of the 14 alleged male victims named, six were 13 to 17 years old, one was 17 or 18 years old, and the remaining young men were 18 to 23 years old. (App’x JJJ#62, Summary Sheet submitted to CDF with petition dismissing Fr. Leipert from clerical state, undated, pp 1–2.)

In February 2005, Robert Carlson²⁴ was installed as the fifth bishop of the Diocese of Saginaw. (App’x JJJ#63, Diocese of Saginaw, Archbishop Robert Carlson, p 1.) On August 1, 2005, Titular Archbishop Angelo Amato, Secretary of the CDF, wrote to Bishop Carlson about the Fr. Leipert case and advised that, “[a]fter a careful study of the present case and conscious of the nature and gravity of the cleric’s offences, I wish to inform you that this Congregation is of the mind that the cleric be dismissed from the clerical state *ex officio at pro bono Ecclesiae*. Nevertheless, before presenting the case to the Holy Father, it would be helpful if Your Excellency could approach the cleric inviting him to seek a voluntary dispensation from the obligations of the Priesthood, including celibacy.” (App’x JJJ#65, Letter from Archbishop Angelo Amato, SDB, Secretary, to Bishop Robert Carlson, dated August 1, 2005.) Archbishop Amato further wrote that, “[i]f the cleric refuses to respond to this invitation, this Dicastery will present the case to the Holy Father ‘*cum voto favorabili*’ for his dismissal from the clerical state ‘*ex officio et pro bono Ecclesiae*.’” (*Id.*)

On November 18, 2005, Bishop Carlson submitted his *Votum* to the CDF in letter format, in reply to Archbishop Amato’s letter, and also included a letter from Fr. Leipert to Pope Benedict XVI – both in a handwritten and a typed format – requesting a “dispensation from the obligations of priestly ordination, including the promise of celibacy[.]” which was supported by Bishop Carlson’s *Votum*. (App’x JJJ#66, *Votum* of Bishop Robert Carlson “Re. Petition of Reverend Jack Leipert,” dated November 18, 2005, pp 1–2; App’x JJJ#67, Handwritten letter from Fr. Jack Leipert to Pope Benedict XVI, dated November 20, 2005, p 1; App’x JJJ#68, Verbatim Typewritten letter from Fr. Jack Leipert to Pope Benedict XVI, dated

²⁴ Robert Carlson previously served as an auxiliary bishop for the Archdiocese of St. Paul and Minneapolis (MN) from 1984 to 1994, and as Bishop of the Diocese of Sioux Falls (S.D.) from 1994 to 2005. (App’x JJJ#63, Diocese of Saginaw, Archbishop Robert Carlson, p 1.) After serving as Bishop of the Saginaw Diocese, Pope Benedict XVI appointed him Archbishop of Saint Louis (MO) on October 21, 2009, from where he retired in 2020, after reaching the mandatory retirement age of 75 years old. (*Id.*; App’x JJJ#64, NPR, “Pope Francis Names Next Archbishop of St. Louis, As Robert Carlson Steps Down,” dated June 10, 2020, p 2.)

November 20, 2005.) In Fr. Leipert's letter to the pope, he wrote, in part, the following:

I served many years in the Diocese of Saginaw. At times I took on more responsibility than I could truly meet. This led to loneliness and frustration. Periodically I was sexually active with young men. Most companions were older than 18 and consented to homosexual behavior. I received therapy from 1982–1987. While I found therapy helpful, I was never able to completely overcome an attraction to men, and periodically would act on this impulsively.

On June 21, '01, I requested an indefinite leave of absence from priestly ministry. Faculties were withdrawn. On April 26, '02, Bishop Untener directed Reverend Thomas Sutton to open a preliminary investigation of a penal process. The acts of the preliminary investigation were submitted to the Doctrine of the Faith Congregation on October 27, 2004.

On July 29, 2005, I wrote a letter to Bishop Carlson and requested laicization. I was invited to write a more complete letter to you.

I ask that you grant my request. I find the priesthood a heavy burden these days. I am concerned that my past behavior will cause further scandal to the faithful and embarrassment to me and to my family. I now care for my aged parents and want to see no more pain caused to anyone.

[App'x JJJ#67, Handwritten letter from Reverend Jack Leipert to Pope Benedict XVI, dated November 20, 2005, pp 1–2.]

In a letter dated February 28, 2006, Archbishop Amato notified Bishop Carlson that, "on 17 February 2006 Pope Benedict XVI granted the Rev. Leipert the grace of a dispensation from all priestly obligations including that of celibacy." (App'x JJJ#69, Letter from Archbishop Angelo Amato, SDB, Secretary, to Bishop Robert Carlson, dated February 28, 2006.) A copy of the decree was enclosed with the archbishop's letter. (App'x JJJ#70, Congregation for the Doctrine of the Faith, Prot. N. 890/04, Re Jack Leipert, dated February 17, 2006).

On February 2, 2006, Fr. Ganley called the chancery to advise that Witness #50 from Bay City told Fr. Ganley that "[h]er son was abused by Fr. Leipert." (App'x JJJ#71, Email from church employee to Bishop Carlson, [], and [], dated February 7, 2006.) "Fr. Ganley said that [Witness #50] had approached Bishop Carlson and also Bishop Untener in the past." (*Id.*) Fr. Ganley also stated that "Bishop Carlson offered her son a job at the cemetery." (*Id.*) The name of Witness #50's son was not disclosed in the email, nor were any other documents found regarding her allegation.

As part of the Department's investigation, Sgt. Jeffrey Hunger of the MSP interviewed John Doe #63 on January 9, 2019, after John Doe #63 contacted the Department's tipline on January 7, 2019, to report a matter about Fr. Leipert. During the interview, John Doe #63 alleged that he was sexually abused by Fr. Leipert at St. Henry's Rectory, near Rosebush, in 1983, after John Doe #63's sister died. (App'x JJJ#72, MSP Original Incident Report, NIS-0000001-19, dated January 9, 2019, pp 1–2.) Fr. Leipert allegedly suggested to John Doe #63's mother "that [John Doe #63] could stay with him at the rectory[.]" and [John Doe #63's] mother agreed. (*Id.* at 2.) Sgt. Hunger summarized in his report what allegedly happened on the night John Doe #63 stayed overnight at the rectory, as follows:

On the date that [John Doe #63] spent the night at Leipert's residence, he was provided a beer by Leipert. [John Doe #63] stated that when he drank he drank to get drunk and made a comment to Leipert about that. [John Doe #63] said that Leipert only provided him with one beer. Leipert shared and looked through pornographic magazines with [John Doe #63]. Leipert then suggested [John Doe #63] take a shower. [John Doe #63] advised that this was in the evening and Leipert told [John Doe #63] that was normally when he took a shower. [John Doe #63] said he did not argue with Leipert and he took a shower. When [John Doe #63] finished with the shower, Leipert took [John Doe #63's] underwear and gave [John Doe #63] a pair of Leipert's underwear to wear.

After the shower, [John Doe #63] stated he was in the same bed as Leipert. [John Doe #63] advised that Leipert was caressing and fondling him. [John Doe #63] recalled that he was wearing Leipert's underwear and possibly a t-shirt, but they eventually were both naked. [John Doe #63] recalled that Leipert coached him on what to do. He stated that Leipert caused him to get an erection and Leipert also had an erection. [John Doe #63] told me that Leipert tried to penetrate him anally but was not successful. He said Leipert became frustrated when he was unable to anally penetrate [John Doe #63]. [John Doe #63] said that after Leipert was unsuccessful with anal penetration, he placed his penis in [John Doe #63's] mouth and eventually ejaculated in his mouth. [John Doe #63] also placed his penis in Leipert's mouth. He remembered that they went to sleep after the assault.

[*Id.*]

In January 2019, John Doe #63 told Sgt. Hunger that he never told anyone about the alleged incident, until he told his mother "many years later that he had been assaulted by a priest[.]" but did not provide any details about it. (*Id.*) Likewise, John Doe #63 did not report the alleged sexual abuse to law enforcement or the

Diocese of Saginaw. (*Id.* at 3.) According to John Doe #63's date of birth, he was 15 years old at the time the alleged sexual abuse occurred. (*Id.* at 1.)

The Department was unable to criminally charge Fr. Leipert for the alleged sexual abuse of John Doe #63 because the same was time-barred by the applicable statute of limitations. (App'x JJJ#73, MSP Supplemental Incident Report 0001, NIS-0000001-19, dated April 15, 2019.)

On June 21, 2019, the Department received a tip from John Doe #64, who alleged that he and his friend John Doe #65, college students, visited Fr. Leipert in 1983, at the priest's new parish near Mt. Pleasant, and, during the night, Fr. Leipert "made unwanted sexual advances" toward John Doe #65 and touched and poked John Doe #64 with Fr. Leipert's penis. (App'x JJJ#74, MSP Original Incident Report, NIS-0000029-19, dated June 21, 2019, p 1.) Sgt. Hunger attempted numerous times to contact John Doe #64, by phone, email, and in person, during the Department's investigation; however, John Doe #64 did not return any of Sgt. Hunger's messages. (*Id.* at 1-2.) Consequently, no statement could be obtained from John Doe #64. Also, as part of this investigation, Sgt. Williams Luebs of the MSP spoke to John Doe #61 (discussed above) by telephone on January 23, 2020, who, consistent with his report to the Bad Axe Police Department, alleged that Fr. Leipert grabbed John Doe #61's penis. (App'x JJJ#75, MSP Original Incident Report, NIS-0000002-20, dated January 23, 2020, pp 1, 2, 3.) John Doe #61 agreed to meet Sgt. Luebs for an interview on January 28, 2020; however, John Doe #61 did not meet, nor did he return any of Sgt. Luebs's messages or otherwise make follow-up contact with Sgt. Luebs. (*Id.* at 3.) Consequently, the matter was closed "due to lack of cooperation with the victim." (App'x JJJ#76, MSP Supplemental Incident Report 0001, NIS-0000002-20, dated July 9, 2020.) Had John Doe #61 chosen to cooperate in this investigation, charges could have been brought because the applicable statute of limitations was tolled when Fr. Leipert left the State of Michigan.

On April 29, 2020, legal counsel for the Diocese of Saginaw emailed the Department and advised that John Doe #66 alleged that, in 1976, Fr. Leipert sexually abused him when John Doe #66 was 17 years old. (App'x JJJ#77, Email from diocesan counsel to the Department of Attorney General, dated April 29, 2020.) At the time of the alleged abuse, Fr. Leipert was an assistant pastor at St. Stanislaus located in Bay City, Michigan. (*Id.*) Attached to the diocesan attorney's email to the Department was a letter written by John Doe #66's attorney to Bishop Robert Gruss, dated April 15, 2020, that stated, in part, the following:

We represent [John Doe #66] who was sexually abused in approximately 1976 when [John Doe #66] was 17 years old and a student at All Saints Catholic High School. [John Doe #66's] girlfriend at the time went to confession with Fr. Jack Leipert. She confessed to the priest that she was having sex with [John Doe #66]. Fr. Leipert used the information he obtained in the confessional to invite [John Doe #66] to a movie. During the movie, the priest fondled his genitals

over his clothes. On another occasion, the priest took him to the Daring Motel where he sodomized [John Doe #66].

[App'x JJJ#78, Letter from John Doe #66's attorney to Bishop Robert Gruss, dated April 15, 2020.]

On January 2, 2022, legal counsel for the Saginaw Diocese emailed the Department and advised that Witness #51 alleged that her deceased brother was sexually abused by Fr. Leipert when her brother was a minor. (App'x JJJ#79, Email from diocesan counsel to the Department of Attorney General, dated January 6, 2022.)

**(18) FR. JAMES ANDREW MARRON, C.S.SP
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**

Born: January 28, 1902

Ordained: August 27, 1927

Incardinated into Diocese of Saginaw: November 21, 1979

Died: November 15, 1987

Fr. James Andrew Marron, Congregation of the Holy Spirit (C.S.Sp)., was born on January 28, 1902, in Greenwich, Connecticut, and was ordained to the priesthood for the Holy Ghost Congregation on August 27, 1927, at St. Mary's Ferndale, Norwalk, Connecticut. (App'x JAM#1, Biographical Record – Priest of the Diocese of Saginaw, p 1.) Fr. Marron was incardinated into the Diocese of Saginaw on November 21, 1979, and died on November 15, 1987. (*Id.* at 1–2.)

On May 29, 2018, Jane Doe #18 called the Victim Assistance Coordinator (VAC) and alleged that, when she was a teenager, in or around 1980, she was sexually abused by Fr. Marron. (App'x JAM#2, Typewritten notes of the VAC, dated May 29, 2018, p 1.) Jane Doe #18 stated that Fr. Marron “was a priest in Bay City at St. Joseph” and was “a Holy Ghost priest” who was “quite elderly[.]” (*Id.*) Jane Doe #18 alleged that “he would grope, and it would be a boy or girl, either one.” (*Id.*) She said that she knew she was “not the only one.” (*Id.*) Jane Doe #18 told her parents, and “they said just walk around him.” (*Id.*) She said that at her own graduation party, two other priests came with Fr. Marron. (*Id.*) At one point one of the other priests – referring to Fr. Marron – made a joke saying “well I got a drunk priest and a horny old priest to get home.” (*Id.*) Jane Doe #18 alleged that Fr, Marron grabbed “my breasts and my genitals.” (*Id.*) Jane Doe #18 stated that Fr. Marron “took my faith, he took my innocence too – he took everything.” (*Id.* at 2.) At the time, people allegedly called Fr. Marron “grab-ass.” (*Id.*) “But nobody would turn him in.” (*Id.*) Jane Doe #18 told “her story[.]” hoping it would “help to make this stop.” (*Id.* at 3.) The VAC told Jane Doe #18 “that she was very courageous for calling and telling her story.” (*Id.* at 4.) In a follow-up letter, the VAC also apologized to Jane Doe #18 “on behalf of the Church.” (App'x JAM#3, Letter from the VAC, OP, to Jane Doe #18, dated May 30, 2018, p 1.)

In a memorandum, titled “Confidential Communication,” the VAC notified the Bay City Police Department of Jane Doe #18's allegation. (App'x JAM#4, Memorandum from the VAC to Bay City Police Department, dated June 26, 2018.) In that memorandum, the VAC wrote that “the alleged misconduct occurred from 8th grade through high school[.]” approximately from “1980 to 1984.” (*Id.*) “Rev. Marron was a member of the Holy Ghost Fathers, an independent religious community, and is now deceased.” (*Id.*)

By letter dated July 18, 2018, the VAC wrote to Fr. Jeffrey Duaiame, C.S.Sp., Holy Spirit Provincialate, following a telephone call between the two of them, regarding

the allegation brought by Jane Doe #18, and enclosed a copy of her typewritten notes summarizing her telephone conversation with Jane Doe #18. (App'x JAM#5, Letter from VAC to Fr. Jeffrey Duaiame, C.S.Sp., dated July 18, 2018, pp 1–2.). The VAC also noted that the Bay City Police Department “informed [her] that [Jane Doe #18] would have to make the report herself.” (*Id.* at 2.) Fr. Duaiame acknowledged receipt of the VAC’s letter “along with the summary of the report” and advised that Fr. Marron had passed away on November 15, 1987, in Pittsburgh. (App'x JAM#6, Letter from Fr. Jeffrey Duaiame, C.S.Sp., Provincial, to the VAC, dated July 31, 2018.) Fr. Duaiame also advised that he reviewed Fr. Marron’s file, and there were “no other reported allegations against him.” (*Id.*)

Fr. Marron is on the Saginaw Diocese’s list of “Names of Clergy Accused of Sexual Abuse of a Minor” under Section C: “[N]ames of clergy from religious institutes and other dioceses. These clerics ministered in the Diocese and have one or more credible allegation arising from within the Diocese.” (App'x JAM#7, Diocese of Saginaw, “Names of Clergy Accused of Sexual Abuse of a Minor,” p 2.) Diocese records indicate that Father Marron was appointed as Chaplain of Mercy Hospital in Bay City from either 1967 or 1968 through 1970 and was “[i]n residence” at St. Joseph Parish in Bay City from 1980–1986. (App'x JAM#8, Diocese of Saginaw, Fr. James Marron, C.S.Sp.; App'x JAM#9, Letter from Bishop Stephen Woznicki to Fr. James Marron, dated May 25, 1967.) No other allegations of sexual abuse were found regarding Fr. Marron.

(19) FR. RAMON T. MATUSZEWSKI

Born: October 22, 1930

Ordained: June 1, 1957

Retired to Senior Priest Status: July 18, 2001

Died: April 19, 2005

Fr. Ramon T. Matuszewski was born in Pinconning, Michigan, on October 22, 1930, and was ordained to the priesthood on June 1, 1957, at St. Hyacinth Church in Bay City for the Diocese of Saginaw. (App'x RTM#1, Biographical Record – Priest of the Diocese of Saginaw, Matuszewski, Ramon T., p 1.) Fr. Matuszewski retired to senior priest status on July 18, 2001, and died on April 19, 2005. (*Id.* at 2.)

In August 2007, Jane Doe #19 “came forward” “to let [the Diocese of Saginaw] know how Fr. Ramon had been inappropriate with her beginning when she was 14 years of age.” (App'x RTM#2, Memorandum from the Victim Assistance Coordinator (VAC) to Bishop Robert Carlson, dated October 11, 2007.) The VAC wrote a summary of her conversation with Jane Doe #19 regarding Jane Doe #19's allegations, and Jane Doe #19 approved same, “saying what was written could go in Fr. Matuszewski's file.” (*Id.*) Jane Doe #19 requested diocesan financial assistance with counseling, and the VAC approved “up to ten sessions.” (*Id.*)

The VAC's notes summarizing Jane Doe #19's allegations were not found during this investigation; however, a piece of paper in the file on which the following was written was found in the Fr. Marron file: “Father Ramon Matuszewski Refer to Victim/Survivor Assistance Coordinator.” (App'x RTM#3, Sheet of paper with typewritten statement, “Father Ramon Matuszewski Refer to Victim/Survivor Assistance Coordinator,” Undated and unsigned.) No other allegations were found regarding Fr. Matuszewski during this investigation.

The Diocese of Saginaw Review Board investigated the matter and concluded in 2008 that the allegation was not credible.

**(20) FR. FRANCIS MCHUGH, O. PRAEM
(ON THE DIOCESE OF SAGINAW, ARCHDIOCESE OF CHICAGO AND ST.
NORBERT'S ABBEY'S CREDIBLY-ACCUSED CLERGY LISTS.)**



Born: November 21, 1912

Ordained: June 21, 1940

Died: September 5, 1998

Fr. Francis McHugh, a Norbertine, was born in Philadelphia on November 21, 1912. (App'x FM#2A, BishopAccountability.org, Fr. Francis McHugh, "Welcome to the Order of Prémontré," R.D. Francis B. McHugh, O'Praem., dated August 2, 2019.)

Fr. McHugh was ordained to the priesthood on June 21, 1940, at Archmere Academy, Claymont, Delaware, and died on September 5, 1998. (App'x FM#1, Fr. Francis McHugh, O. Praem Assignments; App'x FM#2, BishopAccountability.org, Fr. Francis McHugh, p 1.) Fr. McHugh is listed on the Diocese of Saginaw List of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section C, "clergy from religious institutes and other dioceses" who "have one or more credible allegation arising from within [the Saginaw] Diocese." (App'x FM#3, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor.") Fr. McHugh's name also appears on the Archdiocese of Chicago list of clergy against whom an allegation was "substantiated by the religious order." (App'x FM#4, Archdiocese of Chicago list of "Religious Order Priests with Allegations of sexual Abuse of a Minor Substantiated by the Religious Order," dated October 14, 2022, p 26.) Fr. McHugh is also on the list of "credible allegations made against Norbertines from the canonry of St. Norbert Abbey [WI]." (App'x FM#5, St. Norbert Abbey List of Credible Allegations, Compiled July 19, 2019, p 1.)

Fr. McHugh served in the Saginaw Diocese from 1953–1962, as an assistant priest at St. John Parish in Essexville, Michigan. (App'x FM #1, Fr. Francis McHugh, O. Praem Assignments.) According to a death notice written by Bishop Kenneth Untener in 1998, Fr. McHugh served in the Diocese of Saginaw "as Associate Pastor at St. John the Evangelist Parish, Essexville, from 1953 to 1962, and again as Pastor from 1971 to 1976." (App'x FM#6, Diocese of Saginaw, Office of the Bishop, Death Notice, dated September 8, 1998.)

In a letter dated April 25, 2002, John Doe #67 wrote the following to Bishop Untener:

Dear Bishop Untener:

My name is [John Doe #67,] and I'm writing this letter to inform you that I was abused as a child by Father Francis McHugh. Father McHugh molested me while serving the Parish of St. John's the Evangelist in Essexville, Michigan. It all started when I was 12 years old and continued until I was 17 years of age. I am now 60 years[,] and I was molested by him from 1953 until 1959.

I know that Fr. McHugh has died, but I must tell you about him because of all that has come out these past weeks on priest pedophiles.

I'd be willing to talk with you about this horrible injustice that was forced upon me many times.

All my respect,

/s/

[John Doe #67]

[App'x FM#7, Letter from John Doe #67 to Bishop Kenneth Untener, dated April 25, 2002.]

Bishop Untener replied to [John Doe #67,] by letter dated May 3, 2002, and wrote the following:

Dear [John Doe #67],

I just read your letter, and I want to respond without delay. My heart goes out to you, and I want to follow up in a way that will be helpful for you.

[The Diocese of Saginaw Victim Assistance Coordinator (VAC)], is part of our staff – she is our Vicar For Religious. She also has a Ph.D. in Clinical Psychology. That means that she can not only listen *very* well to someone in pain, but she can go beyond this and help you find ways to find healing.

I've asked her to call you on my behalf next week, after you've had time to receive this letter.

Know that I would also be ready and willing to meet with you at any time.

Sincerely,

[App'x FM#8, Letter from Bishop Untener to John Doe #67, dated May 3, 2002.]

On May 7, 2002, the VAC called John Doe #67, and the two of them met the following day at John Doe #67's home. (App'x FM#9, Typewritten notes of the VAC, dated May 7, 2002, p 1.) John Doe #67 stated that he had never told anyone about the alleged sexual abuse, except his wife. (*Id.*) John Doe #67 alleged that the sexual abuse commenced after he slipped on a ladder and hurt himself, and Fr. McHugh, who said he "would help with the injury[,]” allegedly put John Doe #67 "on a table on his back,” and Fr. McHugh "began to feel [John Doe #67] in inappropriate places.” (*Id.* at 2.) John Doe #67 said that he was "12 years old[,] and the abuse continued until he was 17 years of age.” (*Id.*) John Doe #67 alleged "that Fr. McHugh would call over to his house and ask for John Doe #67's help in the rectory or church and then he would molest him.” (*Id.*) John Doe #67 also alleged that "Fr. McHugh would always find a place where they could be alone so that he could molest him.” (*Id.*) Fr. McHugh allegedly told John Doe #67 "not to tell anyone.” (*Id.*) John Doe #67 explained when the alleged sexual abuse ended:

[John Doe #67] said that the molestation ended one day when Fr. McHugh was alone in the rectory, no other priests were there. Fr. McHugh took him upstairs and told him to take his clothes off and get into bed. [John Doe #67] said that this was the first time that had happened and he figured what Fr. McHugh was planning on doing. [John Doe #67] said that he told Fr. no, and then punched him and walked out of the house for good. He never responded to any other request from Fr. McHugh.

[*Id.*]

During their same May 7, 2002 meeting, John Doe #67 told the VAC that, after he told Fr. McHugh no, he noticed Fr. McHugh "had begun to be close to another student” within a few weeks. (*Id.*) The following year, John Doe #67 was graduated, "and then moved away from the area.” (*Id.*)

The VAC apologized "on behalf of the Church and gave [her] personal apology” during the May 7, 2002 meeting with John Doe #67. (*Id.* at 3.) The VAC also offered to provide counseling and to keep in contact with John Doe #67, "if he wanted to talk further or just wanted to meet.” (*Id.*) "[John Doe #67] explained that he did not want money or anything from the Church, he just wanted Bishop Untener to know what had happened.” (*Id.*) John Doe #67 thanked the VAC for meeting with him at his home and asked her to thank the bishop "for sending a woman out[,]” because "he did not think he could have ever talked to a man as he was able to talk to” the VAC "and tell what had happened to him.” (*Id.*)

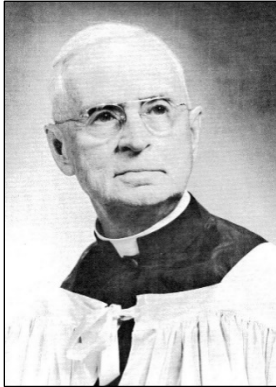
On May 8, 2002, the VAC informed Bishop Untener about her meeting with John Doe #67. (App'x FM#10, Notes of the VAC, dated May 8–9, 2002.) On May 9, 2002, the VAC "called the Religious Community and made the report to the Superior.” (*Id.*)

The VAC met with John Doe #67 again on June 11, 2002, and reiterated the offer of counseling and asked “if the diocese can be of help to him in any way[.]” (App’x FM#11, Notes of the VAC, dated May 23, 2002, and June 11, 2002.) John Doe #67 stated that “he has handled the past[.]” (*Id.*) The VAC “made sure that [John Doe #67] had [her] phone numbers and assured him he was welcome to call at any time.” (*Id.*)

On January 12, 2006, the VAC wrote to John Doe #67, on behalf of recently-installed Bishop Robert Carlson, and invited John Doe #67 to attend a “Mass of Healing.” (App’x FM#12, Letter from the VAC to John Doe #67, dated January 12, 2006, p 1.) Later that month, on January 24, 2006, the VAC again met with John Doe #67 and told him about “several of things that the diocese is now doing to keep children safe” and gave him “a copy of our Diocesan Policies on Sexual Abuse.” (App’x FM#13, Notes of the VAC, dated January 9–24, 2006.)

In a letter dated March 22, 2006, Bishop Carlson wrote to Fr. Gary Neville, Abbot, St. Norbert Abbey, to advise that Bishop Untener received a letter [from John Doe #67] “in April 2002 with an allegation of abuse by Father McHugh from 1953–59.” (App’x FM#14, Letter from Bishop Robert Carlson to Fr. Gary Neville, Abbot, dated March 22, 2006.) Bishop Carlson further wrote that he saw “no evidence of other accusations regarding Father McHugh.” (*Id.*)

**(21) FR. JAMES ALOYSIUS MULVEY
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: January 3, 1880

Ordained for Diocese of Grand Rapids: August 27, 1905

Incardinated into Saginaw Diocese upon establishment: February 26, 1938

Died: November 7, 1959

Fr. James Aloysius Mulvey was born on January 3, 1880, and was ordained to the priesthood for the Diocese of Grand Rapids on August 27, 1905. (App'x JAM2#1, Diocese of Saginaw, James Aloysius Mulvey, p 1.) Fr. Mulvey became a priest of the Diocese of Saginaw when it was established by Pope Pius XI on February 26, 1938. (*Id.* at 2.) Fr. Mulvey died on November 7, 1959. (*Id.*) Fr. Mulvey is on the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section B, "names of diocesan priests against whom at least one credible allegation was presented after the death of the priest." (App'x JAM2#2, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 2.)

On September 2, 2018, Jane Doe #20 emailed the Saginaw Diocese and alleged that, when she "was in grade school at St. Boniface in Bay City, Michigan[,] the priest at that time (now deceased) had children help him with Sunday children's collection at the rectory[.]" and, on one occasion, Jane Doe #20 and her girlfriend, Jane Doe #21, "were helping Father Mulvey (pastor at the time)[.]" and he asked us to sit on his lap while he continued to touch our breasts." (App'x JAM2#4, Email from Jane Doe #20 to Diocese of Saginaw, dated September 2, 2018, p 1.) Jane Doe #20 wrote that they "were so shocked and did not know what to do." (*Id.*) When they returned to Jane Doe #21's house, Jane Doe #20 told Jane Doe #21's father about the alleged incident, and he "immediately went to the Rectory and told Father Mulvey that we would no longer be working for him at the Rectory." (*Id.*) "Nothing was ever reported because [they] thought the matter was closed because of [Jane Doe #21's] father confronting the pastor." (*Id.*) Jane Doe #20 wrote that the alleged incident "stayed with [her] for many years." (*Id.*)

In an email dated September 3, 2018, the Diocese of Saginaw Victim Assistance Coordinator replied to Jane Doe #20, thanking her for her email and apologizing for what happened to Jane Doe #20. (App'x JAM2#5, Email from the VAC to Jane Doe #20 dated September 3, 2018.) The VAC also offered to talk with Jane Doe #20 about her concerns and advised Jane Doe #20 of the Diocese's policy on child sexual abuse. (*Id.*) Fr. Mulvey served as pastor of St. Boniface in Bay City from July 15, 1942, to September 29, 1959. (App'x JAM2#1, App'x JAM2#1, Diocese of Saginaw, James Aloysius Mulvey, p 1.)

On October 12, 2018, the VAC delivered a report to Captain Nathan Webster of the Bay City Police Department regarding Jane Doe #20's allegations dated October 9, 2018. (App'x JAM2#1A, VAC Memo regarding hand delivery of report to Bay City Police Department dated October 12, 2018). On October 15, 2018, the VAC received a letter from Public Safety Director Michael Cecchini of the Bay City Public Safety Department confirming receipt of Jane Doe #20's allegation. (App'x JAM2#1B, Letter from Public Safety Director Michael Cecchini of the Bay City Public Safety Department to VAC, dated October 15, 2018).

There were no other documents found regarding Jane Doe #20's allegations or any other sexual-abuse allegations against Fr. Mulvey.

**(22) FR. NEIL FRANCIS O'CONNOR
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**

Born: February 14, 1908

Ordained for the Diocese of Grand Rapids: April 19, 1936

Incardinated into Saginaw Diocese: February 26, 1938

Died: March 8, 1989

Fr. Neil Francis O'Connor was born on February 14, 1908, and was ordained to the priesthood for the Diocese of Grand Rapids on April 19, 1936. (App'x NFO#1, Diocese of Saginaw, Neil Francis O'Connor, p 1.) Fr. O'Connor appears to have become a priest of the Diocese of Saginaw when the Diocese was established on February 26, 1938. (*Id.*; App'x NFO#2, Diocese of Saginaw, "About the Diocese," p 1.) Fr. O'Connor died on March 8, 1989. (App'x NFO#1, Diocese of Saginaw, Neil Francis O'Connor, p 1.) Fr. O'Connor is listed on the Saginaw Diocese's "Names of Clergy Accused of Sexual Abuse of a Minor" under Section B, "names of diocesan priests against whom at least one credible allegation was presented after the death of the priest." (App'x NFO#3, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 2.)

In 2002, Jane Doe #22 "contacted the Diocese of Raleigh . . . and alleged that she was abused many years ago by a priest from the Diocese of Saginaw, Fr. Neil O'Connor." (App'x NFO#4, Memorandum from the VAC to Fr. Tom Sutton, dated June 24, 2005.) The VAC from the Raleigh Diocese contacted the Saginaw Diocese's VAC, and the latter "met with [Jane Doe #22] in November of 2003 at the Diocesan Offices in Raleigh." (*Id.*) In 2005, the Diocese of Raleigh requested that the Diocese of Saginaw reimburse the former for "counseling services" it paid for Jane Doe #22, and the latter agreed to do so. (*Id.*) As of October 27, 2003, "there were no other reported cases in Fr. O'Connor's file." (App'x NFO#5, Typewritten notes of the VAC from the Saginaw Diocese, dated October 27, 2003.)

During October 2003 phone conversations between Jane Doe #22 and the VAC, Jane Doe #22 shared that her mother and Fr. O'Connor often played bridge together and owned cottages near each other. (App'x NFO#6, the VAC's Notes taken regarding [Jane Doe #22], dated October 27, 2003.) Jane Doe #22 alleged that on multiple occasions spanning approximately three to five years, Fr. O'Connor would act inappropriately, including "try[ing] to put his hand down [Jane Doe #22's] bra," "pinch[ing] her breasts hard," or "wear[ing] his bathing suit and pull[ing] out his genitals ." (*Id.*) Jane Doe #22 claims the inappropriate behavior began when she was approximately 15 years old and that her mother did not believe her complaints. (App'x NFO#7, the VAC's Notes regarding meeting with [Jane Doe #22] at the Diocese of Raleigh, dated November 25, 2003.)

**(23) FR. JANUARY PADLO, O.F.M.
(ON ARCHDIOCESE OF MILWAUKEE AND OUR LADY OF GUADALUPE
PROVINCE FRANCISCANS LISTS.)**



Born: July 30, 1916

Ordained: June 15, 1946

Died: March 23, 1976

Fr. January Padlo was born in LaSalle, Illinois, on July 30, 1916, and was ordained to the priesthood for the Order of Friars Minor (O.F.M.) on June 15, 1946. (App'x JP#1, FindaGrave.com, Fr. January Padlo, pp 1, 3.) Fr. Padlo died on March 23, 1976. (*Id.*)

On June 22, 2004, the Diocese of Saginaw Victim Assistance Coordinator (VAC) met with Jane Doe #23, who alleged that she had been sexually abused by a Franciscan priest when Jane Doe #23 was eight or nine years old in or about the 1950s, the details of which the VAC memorialized in her summary report as follows:

As she recalls, she and some of her friends (other young girls) were in a field. Father January was also in the field. Father started to fondle her and then began to do more to her. The other girls ran away. [Jane Doe #23] said that she started to scream. She was very frightened. As she screamed, one of the little girls came back and kicked Father January in the head. His glasses flew off and [Jane Doe #23] got out from under him and ran away. The other little girl ran too. [Jane Doe #23] remembers that Fr. January was a Franciscan priest and at that time lived in the old Fordney mansion on Gratiot.

[Jane Doe #23] said that she told her mother that night. Her mother said that a priest wouldn't do something like that. [Jane Doe #23] does not think that her mother told her father.

[Jane Doe #23] said that she remembers the incident vividly even to this day. She said that she was so frightened by the priest[,] and the fear stayed with her for a long time. For a while, she was afraid of

men. She said that it was very traumatic[,] and she had not told anyone else. But she said, that she wanted to tell what had happened and she wanted the Franciscans to be contacted. She was concerned that this priest may have hurt others. She said that after this incident, for about six months, she slept in a bed in her parents' room and held her mother's hand through the night.

[App'x JP#2, Summary report of June 22, 2004, Meeting, by VAC, dated June 28, 2004, p 1.]

Toward the end of Jane Doe #23's June 22, 2004 meeting with the VAC, the latter apologized to Jane Doe #23 "on behalf of the Church" and advised Jane Doe #23 that a report would be made to the Franciscan Community. (*Id.* at 2.)

On June 28, 2004, the VAC spoke to Fr. Tom Luczak, O.F.M., Provincial Minister of the Franciscan Fathers, about Jane Doe #23's allegation, and Fr. Luczak confirmed that "a Father January was here in Saginaw" and "that there was another report on Father January." (App'x JP#3, Chronology regarding Jane Doe #23, June 22–July 7, 2004, p 1.) With a cover letter dated June 28, 2004, the VAC sent a copy of her above-quoted summary report to Fr. Luczak. (App'x JP#4, Letter from VAC to Fr. Thomas Luczak, O.F.M., dated June 28, 2004.) By letter dated July 2, 2004, Fr. Luczak acknowledged receipt of the VAC's summary report and thanked her for her "kind and compassionate outreach to Jane Doe #23 in her time of need and for apologizing to her on behalf of the Church." (App'x JP#5, Letter from Thomas Luczak, O.F.M., to VAC, dated July 2, 2004.)

There were no other allegations of sexual abuse found among the documents seized from the Diocese of Saginaw during the Department of the Attorney General's investigation concerning Fr. January Padlo.

A summary of sexual-abuse allegations against Fr. Padlo was also included in the Department's report regarding the Diocese of Grand Rapids published on December 15, 2025, entry no. 35, concerning alleged incidents that took place in that diocese.

**(24) FR. RAYMOND JOHN PILARSKI
(ON DIOCESE OF SAGINAW AND DIOCESE OF GAYLORD CREDIBLY-
ACCUSED CLERGY LISTS.)**



Born: January 18, 1928

Ordained: June 4, 1955

Incardinated into Gaylord Diocese when established: July 21, 1971

Permanently removed from ministry: October 9, 2007

Died: October 17, 2017

Fr. Raymond John Pilarski was born on January 18, 1928, and was ordained to the priesthood for the Diocese of Saginaw on June 4, 1955. (App'x RJP#1, Diocese of Saginaw, Raymond John Pilarski, p 1.) Fr. Pilarski became a priest of the Diocese of Gaylord when that diocese was established on July 21, 1971, and was later permanently removed from ministry by the Gaylord Diocese on October 9, 2007. (*Id.*) Fr. Pilarski died on October 17, 2017. (*Id.*) Fr. Pilarski is also included in the AG's Report on the Diocese of Gaylord, entry no. 21, released on January 8, 2024.

On September 7, 2018, Diocese of Saginaw Victim Assistance Coordinator (VAC) spoke to Jane Doe #24, who alleged that, in about 1970 or 1971, when Jane Doe #24 was 13 or 14 years old, she was "sexually assaulted by Father Raymond Pilarski." (App'x RJP#2, Typewritten notes of Diocese of Saginaw VAC, dated September 2018; App'x RJP#3, Memorandum from Diocese of Saginaw VAC to Chief Mark Ferguson, dated September 9, 2018.) Jane Doe #24 told the VAC that, at the time, her family members were parishioners of Immaculate Heart of Mary in Tawas, Michigan. (App'x RJP#2, Typewritten notes of Diocese of Saginaw VAC, dated September 2018.) Jane Doe #24 alleged that one day, Fr. Pilarski, the pastor, came to her home to talk to Jane Doe #24's mother, and when "her mother either turned away or left the room for a minute," Fr. Pilarski "grabbed her [Jane Doe #24] from behind" and "grabbed her breasts and squeezed them 3 or 4 times and said 'you need to get bigger here.'" (*Id.*) Jane Doe #24 "pushed him away" and left the room. (*Id.*) Jane Doe #24 recalled "wanting to report it back then[,] but everyone emphasized how good the priest was[,] and they [sic.] could be trusted." (*Id.*)

By memorandum dated September 9, 2018, the Diocese of Saginaw VAC reported Jane Doe #24's allegation against Fr. Pilarski to Chief Mark Ferguson of the Tawas Police Authority. (App'x RJP#3, Memorandum from Diocese of Saginaw VAC to Chief Mark Ferguson, dated September 9, 2018.) Diocese of Saginaw VAC also reported that Fr. Pilarski was deceased. (*Id.*)

According to Fr. Pilarski's assignment record, he served as pastor of Immaculate Heart of Mary Parish in Tawas, commencing in June of 1968. (App'x RJP#1, Diocese of Saginaw, Raymond John Pilarski, p 1.) While still serving in that assignment, he became a priest of the Diocese of Gaylord on July 21, 1971. (*Id.*)

With a cover letter dated July 13, 2018, VAC of the Diocese of Gaylord, sent a victim-assistance report, dated June 28, 2018, to the Diocese of Saginaw VAC, concerning allegations against Fr. Pilarski as reported by Jane Doe #25 regarding a sexual relationship she alleged that she had with Fr. Pilarski when she was 23 years old that in which she stated that she was a "willing" participant. (App'x RJP#4, Letter from Diocese of Gaylord VAC to Diocese of Saginaw VAC, dated July 13, 2018, and App'x RJP#5, Victim Assistance Coordinator Allegation Report, dated June 28, 2018, pp 1–2.) In the Diocese of Gaylord VAC's report, he wrote the following regarding the alleged sexual abuse:

The victim [Jane Doe #25] was a young woman who came to [the] US . . . and had no family in the area. She felt isolated and lonely and was having marital difficulties. She talked to her priest (Raymond Pilarski). He came out to her house to help her and ended up "having an affair" with her. "We had sexual relations 30x if not more." I was "willing[,] and it was not forced. She told him she felt guilty[,] and he "absolved me."

[*Id.* at 1.]

Jane Doe #25 also stated that she was 23 years old when the alleged sexual relations started, and more than 30 "incidents of 'sexual relations'" occurred from "approximately 1966-1968." (*Id.*) At the time of the alleged incidents, Fr. Pilarski was pastor of St. Michael Parish in Wilmot, Michigan (which later closed). (*Id.*) Jane Doe #25 said that she reported the alleged abuse to Bishop Kenneth Untener in 1992 or 1993 and was "referred to the Diocese of Gaylord." (*Id.*) "She was offered counseling at the time but declined because her counseling needs were already being met." (*Id.*)

During Jane Doe #25's meeting with the Diocese of Gaylord VAC, Jane Doe #25 also alleged that Fr. Pilarski sexually abused Jane Doe #26, a friend of Jane Doe #25's, when Jane Doe #26 was about 16 years old in the late 1960s. App'x RJP#5, Diocese of Gaylord Victim Assistance Coordinator Allegation Report, dated June 28, 2018, p 2.) Jane Doe #26 was allegedly "in school at the time and going through faith

formation; Raymond Pilarski gave her ‘private Catechism lessons’ and he ‘kissed her, fondled her and had sexual relations with her.’” (*Id.*) Jane Doe #25 told Diocese of Gaylord VAC that she would encourage Jane Doe #26 to report the alleged abuse to the VAC for the Diocese of Saginaw. (*Id.*)

On August 21, 2019, legal counsel for the Diocese of Saginaw emailed a Saginaw VAC report, dated August 19, 2019, to the Department of the Attorney General concerning Jane Doe #25’s allegations regarding her one and one-half year “sexual relationship” with Fr. Raymond Pilarski along with allegations of Fr. Pilarski’s sexual abuse of Jane Doe #26. (App’x RJP#9, Email from Diocese of Saginaw counsel to Department, dated August 21, 2019.) Jane Doe #25 stated that she felt that Fr. Pilarski “preyed on her lonely vulnerable status.” (*Id.*)

On May 24, 2019, Jane Doe #27 emailed the Department’s tipline and alleged the following:

I was molested by Fr. Raymond Pilarski when he pastored St. Michaels Catholic Church, Wilmont, Mi. He served there from around 1960 to 1968 I believe. He was my priest and a family friend. It happened in the kitchen of my family home with my parents and other couples playing cards in the next room. I was a young teenager at the time.

[App’x RJP#8, Department of Attorney General, Diocese of Saginaw Tipsheet, tip #25, dated May 24, 2019, p 5.]

No other allegations of sexual abuse were found among the records seized from the Diocese of Saginaw regarding Fr. Pilarski.

(25) FR. RICHARD C. RATAJCZAK



Born: February 1, 1931

Ordained: June 7, 1958

Died: June 3, 2010

Fr. Richard C. Ratajczak was born in Kawkawlin, Michigan, on February 1, 1931, and was ordained to the priesthood on June 7, 1958, at the Cathedral of Mary of the Assumption in Saginaw for the Diocese of Saginaw. (App’x RCR#1, Obituary of Rev Fr Richard C. Ratajczak, FindaGrave.com, pp 1–2.) Fr. Ratajczak retired to Senior Priest Status on July 14, 2004. (App’x RCR#1A, Letter from Fr. Thomas Sutton, Diocesan Administrator, to Fr. Ratjczak, dated April 22, 2004.) Fr. Ratajczak died on June 3, 2010. (App’x RCR#1, Obituary of Rev Fr Richard C. Ratajczak, FindaGrave.com, pp 1–2.)

On May 13, 2024, legal counsel for the Diocese of Saginaw emailed the Department a spreadsheet that the Diocese received from a New York law firm with “preliminary claim information for 6 claimants who were abused within the Diocese of Saginaw.” (App’x RCR#2, Email from legal counsel to the Department of Attorney General, dated May 13, 2024, p 1, and attached spreadsheet.) One of the named priests in the spreadsheet was Fr. Ratajczak. (*Id.*) Regarding Fr, Ratajczak, John Doe #69, alleged that, in “1985–1988[.]” Fr. Ratajczak sexually abused John Doe #69, “[a]t least 12 times,” at St. Hedwig Catholic Church in Bay City as follows:

[John Doe #69] was [an] altar boy[,] and Father Richard made [John Doe #69] drink wine with him before mass. Father Richard abused [John Doe #69] while they changed into their robes for mass. Father Richard fondled [John Doe #69’s] genitals under the clothing and made [John Doe #69] fondle his genitals. On one occasion, Father Richard made [John Doe #69] fondle his genitals until he ejaculated.

[*Id.* at 2, 4, and 6.]

The Diocese requested permission from the Department to conduct an internal investigation regarding the claims made by John Doe #69. Authorization to proceed

with an investigation was granted by the Department. The Diocese indicated that it attempted to obtain permission from John Doe #69's legal counsel to interview John Doe#69; however, no response was received from his counsel. The Diocese of Saginaw Review Board subsequently determined there was insufficient information to determine whether the allegations by John Doe #69 were credible. The Review Board indicated it would reassess the allegations should more information become available.

No other allegations of sexual abuse have been made known regarding Fr. Ratajczak.

**(26) FR. TERRENCE ANDREW RAYMOND
(ON DIOCESE OF SAGINAW AND DIOCESE OF GAYLORD CREDIBLY-
ACCUSED CLERGY LISTS.)**



Born: April 12, 1940

Ordained for Diocese of Saginaw: June 4, 1966

Incardinated into Diocese of Gaylord when established: July 21, 1971

Died: December 11, 1986

Fr. Terrence Andrew Raymond was born on April 12, 1940, in Caro, Michigan, and was ordained to the priesthood for the Diocese of Saginaw on June 4, 1966, at St. Mary's Cathedral. (App'x TAR#1, Diocese of Saginaw, Terrence Andrew Raymond, p 1.) Fr. Raymond became a priest of the Diocese of Gaylord when that diocese was established on July 21, 1971. (*Id.*) Fr. Raymond died on December 11, 1986. (*Id.*)

Fr. Raymond is on the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section C, "the names of clergy from religious institutes and other dioceses" who ministered in the Saginaw Diocese "and have one or more credible allegation arising from within this Diocese." (App'x TAR#2, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 2.) Fr. Raymond is also named on the Diocese of Gaylord "Clergy with a Substantiated Allegation of Sexual Abuse of Minor" list. (App'x TAR#3, Diocese of Gaylord, "Clergy with a Substantiated Allegation of Sexual Abuse of a Minor," p 3.) A summary of sexual-abuse allegations against Fr. Raymond also appears in the AG's Report on the Diocese of Gaylord, entry no. 22, which was released on January 8, 2024, and updated on May 22, 2024.

On May 28, 2019, Jane Doe #28 called the Diocese of Saginaw Victim Assistance Coordinator (VAC) and alleged that Fr. Raymond made her "masturbate him with her hand" in 1969–1970, when Jane Doe #28 was 16 years old. (App'x TAR#4, Department of Attorney General, Diocese of Saginaw Tipsheet, tip #26, dated May 28, 2019, pp 3–4.)

On June 12, 2019, legal counsel for the Diocese of Saginaw emailed the Department of the Attorney General a copy of the May 28, 2019 report written by the diocesan VAC concerning Jane Doe #28's allegation. (*Id.*) Because Fr. Raymond died in 1986, the Department did not investigate Jane Doe #28's allegation.

(27) FR. JOSEPH W. ROACH



Born: May 17, 1924

Ordained: May 22, 1948

Retired to senior priest status: May 1, 1989

Died: August 9, 2015

Fr. Joseph W. Roach was born in Carrollton, Michigan, on May 17, 1924, and was ordained to the priesthood on May 22, 1948, for the Diocese of Saginaw. (App'x JWR#1, Catholic Diocese of Saginaw, "Funeral Mass for Father Joseph Roach," dated October 2, 2015, p 1.) Fr. Roach retired to senior priest status on May 1, 1989, and died on August 9, 2015. (*Id.* at 1–2.)

On March 18, 2024, legal counsel for the Saginaw Diocese emailed a diocesan VAC report, dated March 15, 2024, that summarized allegations reported that day by Jane Doe #29, who alleged that she was "molested and raped" by Fr. Roach in 1974, when Jane Doe #29 was eight years old. (App'x JWR#2, Email from legal counsel to the Department of Attorney General, dated March 18, 2024, p 1; App'x JWR#3, Catholic Family Service, Diocese of Saginaw, Allegation Intake Form, dated March 15, 2024, p 2.) At the time of the alleged sexual abuse, Fr. Roach was ministering at St. Anthony Parish in Fisherville, Michigan. (*Id.* at 1.)

In her report, diocesan VAC detailed Jane Doe #29's allegations as follows:

[Jane Doe #29] stated that Fr. Roach was grooming her for a long time before the incident. She said that he would pick her up, put her in his car and say, "[y]ou need some ice cream." He would take her for ice cream, but would be groping her in the car. She said that he showed her pornographic pictures for weeks. She said on the day of the incident, her grandmother left her at the priest's house while she went to get her hair done. She said that the priest, "molested and raped" her. She said she hid behind the washer and dryer until someone came.

[*Id.* at 2.]

During the same March 15, 2024 telephonic interview with the VAC, Jane Doe #29 also alleged that Fr. Roach “groomed” her brothers “and took them for rides in his car for ‘ice cream.’” (*Id.*) Jane Doe #29 alleged that the St. Anthony’s school children “said horrible things about Fr. Roach, and that it is clear because of this that he was doing this to multiple victims.” (*Id.*) At the end of her report summarizing the interview with Jane Doe #29, the VAC wrote the following:

OTHER COMMENTS: [Jane Doe #29] said she will be forever haunted by what happened to her. She said that she and her brother both chose not to have children because of the trauma experienced with Father Roach. She said this happened 51 years ago, and it still torments her every day.

[Jane Doe #29] was very angry. She accused the Church of covering up her report and protecting Father Roach’s opportunity to continue abusing children by moving him to different posts. She said she has a lawyer, and she is waiting for the statute of limitations to be lifted, then she plans to sue the diocese.

[Jane Doe #29] expressed anger that the diocese held a funeral Mass for Father Roach, when her father was denied a funeral due to COVID. She expressed anger that Father Roach would be honored with a funeral Mass when he was already on the sexual predator list in California at the time of his death.²⁵

[Jane Doe #29] accused the current VAC of serving an evil organization and stated there was no way that the VAC should be a therapist to anyone. She said the VAC she talked to previously, accused her of wrongdoing and treated her as if she were making it up, telling her, “I don’t understand how this could be, no one else has ever had any complaints about him.”

[Jane Doe #29] stated Father Roach will burn in hell, and all the members of the Church will burn in hell for allowing him to do what he did.

What did the VAC do for the victim? The VAC provided [Jane Doe #29] the name and phone number for the Attorney General of Michigan (by email per her request). She invited [Jane Doe #29] to contact the VAC if needed in the future.

[*Id.* at 3.]

On November 21, 2024, the Review Board of the Diocese determined that there was not enough information to substantiate Jane Doe #29’s allegations.

²⁵ Fr. Roach’s name was not found on any diocesan list in California or elsewhere for whom there is an allegation of sexual abuse.

(28) FR. FREDERICK WILLIAM RYAN

Born: June 27, 1886

Ordained for the Diocese of Grand Rapids: March 8, 1913

Incardinated into Diocese of Saginaw when established: February 26, 1938

Died: September 17, 1966

Fr. Frederick William Ryan was born in Grand Rapids on June 27, 1886, and was ordained to the priesthood for the Diocese of Grand Rapids on March 8, 1913. (App'x FWR#1, Biographical Record of Priest of the Diocese of Saginaw, Ryan, Frederick William, updated March 2009, p 1.) Fr. Ryan incardinated into the Diocese of Saginaw when that diocese was established by Pope Pius XI on February 26, 1938. (*Id.*; App'x FWR#2, Diocese of Saginaw, "About the Diocese," p 1.) Fr. Ryan died on September 17, 1966. (App'x FWR#1, Biographical Record, Priest of the Diocese of Saginaw, Ryan, Frederick William, updated March 2009, p 1.)

On April 27, 2005, Jane Doe #30 called Diocese of Saginaw Victim Assistance Coordinator (VAC) and alleged that, "when she was in grade school[,] and Fr. Ryan was a priest in Merrill, Michigan, Fr. Ryan "grabb[ed] her and kiss[ed] her." (App'x FWR#3, Typewritten notes of VAC, dated April 27, 2005.) Jane Doe #30 also alleged that her sister told her "that the same priest would grab her breasts." (*Id.*) "[Jane Doe #30] said that the priest was quite well known." (*Id.*)

In a memorandum, dated April 29, 2005, the VAC wrote the following to Bishop Robert Carlson and Fr. Tom Sutton, regarding Jane Doe #30's allegations:

On April 27, 2005, [Jane Doe #30] called regarding the Questionnaire for Victims that was in her parish bulleting [sic.] She requested a written copy.

She then went on to say that she was abused by a priest many years ago. She is now 65 and has not really spoken of this. The priest, Fr. Frederick Ryan[,] is deceased[;] he died in 1966. He was in Merrill at the time of the abuse. She said that he was a well respected priest. From her report[,] it was inappropriate touch and kissing.

What [Jane Doe #30] wanted was to be of help to others if she could through the Questionnaire. I, of course, offered to meet with her[,] if she would like that and/or to assist her with the Questionnaire if that would be helpful.

She has heard about what the Church is now doing to prevent such occurrences and she is very happy about that. [Jane Doe #30], of course, also talked about many other aspects of her life.

The main information was reported to the Review Board yesterday, so they [sic.] are aware.

I will write this up for Fr. Ryan's file.

[App'x FWR#4, Memorandum from VAC to Bishop Carlson and Tom Sutton, dated April 29, 2005.]

No other allegations of sexual abuse regarding Fr. Frederick Ryan were found among the documents seized from the Diocese of Saginaw during the Department's investigation.

(29) FR. JOSEPH DALE RYAN



Born: June 1, 1931

Ordained: June 7, 1958

Retired to senior priest status: 2005

Died: April 20, 2009

Fr. Joseph Dale Ryan (referred to as “Fr. J. Ryan”) was born in Jackson, Michigan, on June 1, 1931, and was ordained to the priesthood at the Cathedral of Mary of the Assumption in Saginaw on June 7, 1958 for the Diocese of Saginaw. (App’x JDR#1, Diocese of Saginaw, Obituary for Fr. Joseph D. Ryan, dated April 21, 2009.) Fr. J. Ryan retired to senior priest status in 2005 and died on April 20, 2009. (*Id.*)

On April 8, 2005, Jane Doe #31 met with Diocese of Grand Rapids Victim Assistance Coordinator (GR VAC) and alleged that, from 1971 through 1979, commencing when Jane Doe #31 was eight or nine years old, Fr. J. Ryan sexually abused her when he was serving at St. Anne Parish in Linwood, Michigan. (App’x JDR#2, Diocese of Grand Rapids Allegation Intake Form, dated April 8, 2005, p 1.) Jane Doe #31 alleged that the first “incident” occurred just after she made her “firs[t] holy communion.” (*Id.*) Jane Doe #31 stated that Fr. J. Ryan was “a good friend of the family” who was in the family home often. (*Id.*) Jane Doe #31 alleged that Fr. J. Ryan “would abuse us [Jane Doe #31 and her sister [Jane Doe #32] with my mother and father in the other room.” (*Id.*) Jane Doe #31 alleged that Fr. J. Ryan “began with verbal abuse like ‘you have bedroom eyes’ and this was in front of my mother and her friends, but no one said or did anything about this.” (*Id.*) Jane Doe #31 stated that, to the best of her memory, “he would [allegedly] touch me and my sister under our blouses, and this led to great confusion in my mind.” (*Id.*) Jane Doe #31 stated that she “couldn’t believe that this was happening[,] and no one was doing anything about it.” (*Id.*) Jane Doe #31 stated that she underwent about five years of therapy because of the alleged sexual abuse, and she and her therapist decided that Jane Doe #31 should report the alleged sexual abuse to the Diocese “to protect others from this abuse.” (*Id.* at 2.) It took Jane Doe #31 four years to muster the courage to do so. (*Id.*) Jane Doe #31 stated that “[t]o the best of my knowledge and recollection, there was never any nudity or penetration, but the [alleged] inappropriate touching continued for this 8–9 year period[,] until I was

able to leave home and went” to college. (*Id.*) Jane Doe #31 also stated that she tried to recall more of the alleged sexual abuse through therapy, “but to date[,] that is the best I can do.” (*Id.*) Jane Doe #31 also alleged that her sister and her sister’s friend were similarly sexually abused by Fr. J. Ryan. (*Id.*) Jane Doe #31 stated that she wanted the Church to “see that others are protected from this man” and wanted the matter to be reported to the prosecutor’s office, but she also wanted the Diocese to conduct its own investigation. (*Id.*)

On April 8, 2005, the same day that the GR VAC met with Jane Doe #31, he called the Diocesan of Saginaw VAC and advised her of the allegation, because the alleged sexual abuse was said to have occurred in Linwood, which was in the Diocese of Saginaw. (App’x JDR#3, Typewritten notes of the diocesan VAC, “File for [Jane Doe #31],” dated April 8, 2005.) Later that same day, the diocesan VAC called Jane Doe #31 and introduced herself as the Saginaw Diocese’s VAC. (*Id.*) The diocesan VAC advised that the GR VAC would send his report to the diocesan VAC, and after she had reviewed it, she would contact Jane Doe #31 to schedule a meeting with her. (*Id.* at 1–2.)

On April 14, 2005, diocesan VAC met with Jane Doe #31, and Jane Doe #31 told diocesan VAC that, when Fr. J. Ryan allegedly tickled her, his “hand wander[ed] to places it did not belong.” (App’x JDR#5, handwritten notes of the diocesan VAC, dated April 14, 2005, p 5.) Jane Doe #31 alleged that Fr. J. Ryan grabbed her and pulled her to him – “my back to his stomach like in a basket wrap + couldn’t get away[,] and I would struggle.” (*Id.*) Jane Doe #31 described Fr. J. Ryan as “a womanizer.” (*Id.*) Jane Doe #31 also alleged that a “few times in tickling – your shirt comes up[,]” and the alleged tickling always took place “in another room – Mom in kitchen or something[.]” (*Id.* at 6.) Toward the end of their conversation, Jane Doe #31 gave the diocesan VAC permission to share Jane Doe #31’s alleged experiences with Fr. J. Ryan and the Saginaw Diocesan Review Board. (*Id.*)

On April 21, 2005, the Saginaw Diocesan Review Board met and recommended that Jane Doe #31 report the alleged sexual abuse to the prosecuting attorney to “see if they [sic.] will take the case[,]” and, if not, then “the Review Board would want an investigator (through the Diocese) to look into the allegation.” (App’x JDR#6, Memorandum from the diocesan VAC to Bishop Robert Carlson and Tom Sutton, dated April 25, 2005, p 1.) The diocesan VAC thereafter wrote to the Bay County Prosecutor on June 24, 2005, and on July 21, 2005, to inquire whether the matter would be pursued, and, if so, whether the Diocese should wait to undertake its investigation by “independent investigators.” (App’x JDR#7, Letter from the diocesan VAC to Prosecutor Joseph Sheeran, dated June 24, 2005, p 1; App’x JDR#8, Letter from the diocesan VAC to Prosecutor Joseph Sherran, dated July 21, 2005.)

In a letter dated January 17, 2007, Bishop Robert Carlson wrote the following, in part, to Fr. J. Ryan:

In the Diocese of Saginaw, I have implemented a revision of the faculties for priests and deacons. However, in keeping with my prior communication with you, I have suspended your faculties during the time in which allegations of sexual misconduct are under investigation.

This temporary suspension of faculties will be in effect pending further investigation. You are neither to celebrate the sacraments, nor to provide spiritual care of the faithful in the Diocese of Saginaw and in all other dioceses, with the exception of celebrating the sacrament of penance for one in grave danger of death (canon 976). You are not to wear clerical garb and are not to represent yourself as one in good standing or authorized to act on behalf of the Roman Catholic Church.

[App'x JDR#10, Letter from Bishop Robert Carlson to Fr. Joseph Ryan, dated January 17, 2007, and acknowledged by Fr. Joseph Ryan on January 18, 2007.]

In a memorandum to the diocesan VAC dated January 23, 2007, Bishop Carlson wrote that, because Fr. J. Ryan “has successfully passed a lie detector test, I believe that he has a significant defense[,] and we cannot let this drag out.” (App'x JDR#11, Memorandum from Bishop Carlson to the diocesan VAC, dated January 23, 2007.) The bishop also wrote that, since the lie-detector test “cleared him of everything involved in the first situation [Jane Doe #31's allegations], we are really dealing with the second situation [Jane Doe #33's allegations].” (*Id.*)

In reply to Bishop's Carlson's January 23, 2007 memorandum, the diocesan VAC wrote the following on February 19, 2007:

The Review Board members do not share the view that the lie detector test conclusively cleared Fr. Ryan of the allegation of the first alleged victim. . . . The second person making the allegation confirmed what had happened to her sister and said that Fr. Ryan also touched her inappropriately; this second victim serves (in the opinion of the Review Board) as both a credible witness and a victim. The polygraph for Fr. Ryan was administered prior to the second victim stating her allegations.

The Review Board has suspended judgment of the validity of the results of the lied detector test. They are aware that it was done through the alleged perpetrator's attorney. The Review Board is aware that the letter from the polygraph examiner included three questions that were asked of Fr. Ryan. They are concerned that they did not have access to all the exact questions that were asked of Fr. Ryan during the polygraph examination. (Some of the Review Board members have experience

with polygraph examinations and results.) The Review Board does not know of the reputation of the polygraph examiner[,] even though a brochure was provided by Fr. Ryan's attorney. Again, the Review Board does not share the view that the lie detector test conclusively cleared Fr. Ryan of the allegations of the first victim.

[App'x JDR#12, Memorandum from the diocesan VAC to Bishop Carlson, dated February 19, 2007, pp 1–2.]

In a memorandum dated February 27, 2007, Bishop Carlson advised the diocesan VAC that he had “no problem with the Review Board talking to his [Fr. J. Ryan's] attorney, and if the Board has a series of questions that they would like administered in the polygraph test, I think that they should give those to the attorney.” (App'x JDR#13, memorandum from Bishop Robert Carlson the diocesan VAC, dated February 26, 2007.) Bishop Carlson also wrote that Fr. J. Ryan “has a right to know the complaints which have been made against him.” (*Id.*)

In a memorandum from the diocesan VAC to Bishop Carlson dated March 13, 2007, the diocesan VAC advised Bishop Carlson that the Review Board met on March 6, 2007, and the Board members (1) “were not satisfied with the [polygraph] report[;]” and (2) questioned whether information regarding Jane Doe #33's allegation should be disclosed to Fr. J. Ryan's attorney. (App'x JDR#14, Memorandum from the diocesan VAC to Bishop Carlson, dated March 13, 2007.) Consequently, the Review Board requested to meet with the bishop and others regarding these concerns. (*Id.*) The bishop agreed to meet with the Review Board, but he reiterated his concern that “a person has the right to know what allegations have been made against him” and recommended that the Review Board suggest a polygraph examiner and what questions he or she should ask. (App'x JDR#15, Memorandum from Bishop Carlson to the diocesan VAC, dated March 19, 2007.) Bishop Carlson also wrote that he would ask Fr. J. Ryan to meet with the diocesan private investigator, which he did by letter dated May 8, 2007. (*Id.*; App'x JDR#16, Letter from Bishop Robert Carlson to Fr. Joseph Ryan, dated May 8, 2007.)

It is not clear from file documents whether Fr. J. Ryan met with a private investigative firm; however, on January 28, 2008, Bishop Carlson decreed that the preliminary investigation into the allegations against Fr. J. Ryan be closed. (App'x JDR#17, Decree Closing the Preliminary Investigation, Case re: Reverend Joseph D. Ryan, dated January 28, 2008.) Bishop Carlson concluded “that the allegations against Reverend Joseph D. Ryan cannot be substantiated.” (*Id.*) Bishop Carlson noted “that Father Ryan passed two lie detector tests in which he was specifically asked whether inappropriate touching occurred.” (*Id.*) Further, “Father [R]yan has consistently denied the allegation[,] and there are no other complaints on file.” (*Id.*) “It was noted that there were significant discrepancies of testimony by the two sisters, and by their mother, who was not interviewed at the request of the daughters, but who has denied the possibility of sexual abuse.” (*Id.*)

**(30) FR. THOMAS WILLIAM RYAN
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: August 18, 1909

Ordained: April 21, 1935

Died: January 25, 1975

Fr. Thomas William Ryan (referred to as “Fr. T. Ryan”) was born in Merrill, Michigan, on August 18, 1909, and was ordained to the priesthood on April 21, 1935, in Grand Rapids for the Diocese of Grand Rapids. (App’x TWR#1, Diocese of Saginaw, Biographical and Appointment Data Re Thomas William Ryan, p 3.) Fr. T. Ryan died on January 25, 1975. (*Id.* at 1.) It appears that Fr. T. Ryan became a priest of the Diocese of Saginaw when that diocese was established on February 26, 1938. (App’x TWR#2, Diocese of Saginaw, “About the Diocese,” p 1.)

Fr. T. Ryan’s name appears on the Saginaw Diocese’s “Names of Clergy Accused of Sexual Abuse of a Minor” list under Section B, “names of diocesan priests against whom at least one credible allegation was presented after the death of the priest.” (App’x TWR#3, Diocese of Saginaw, “Names of Clergy Accused of Sexual Abuse of a Minor,” p 2.)

Among the electronic documents seized in this investigation from diocesan computers, typewritten notes of Diocese of Saginaw Victim Assistance Coordinator (VAC), dated April 19, 2006, were found concerning allegations of sexual abuse reported by Jane Doe #34 against Fr. T. Ryan. (App’x TWR#5, Typewritten notes of the Saginaw VAC dated April 19, 2006, pp 1–2.) According to those notes, Jane Doe #34 met with the VAC on April 19, 2006, and alleged that, when Fr. T. Ryan was the pastor of St. Brigid Parish in Midland, he sexually abused Jane Doe #34 from 1961 to 1968, commencing when Jane Doe #34 was a second grader and continuing until she completed the eighth grade. (*Id.* at 1.) Jane Doe #34 alleged “that the abuse included sexual intercourse.” (*Id.* at 2.) “This would [allegedly] occur in the priest’s office[, and] Fr. Tom Ryan [allegedly] said things like: ‘this is our little secret’ and ‘know how much I love you.’” (*Id.*) Jane Doe #34 recalled “that the office had frosted windows, a big leather chair[,] and she would sit on his lap.” (*Id.*) Jane Doe #34 stated that “she did see a psychologist when she was in grade school,

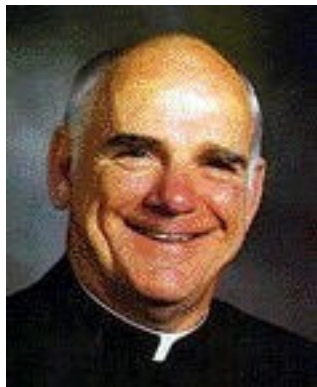
and she recall[ed] that she did not want to go to school and would hide in the bushes to avoid going.” (*Id.*) Jane Doe #34 also stated that “Fr. Ryan would have different kids over to the rectory, and they would fool around, sometimes stuff envelopes or whatever.” (*Id.* at 1.)

During the same April 19, 2006 meeting with the VAC, Jane Doe #34 said that she had undergone “a lot of therapy around the abuse[,]” and was unaware of any other victims until she went to an alumni get together in or about the late 1990s. (*Id.* at 1.) “One person asked the group – ‘Did Fr. Ryan do anything to you?’ [and] [Jane Doe #34] said, ‘[y]es, me too.’” (*Id.*) “She then knew she had not been the only one.” (*Id.*)

According to Fr. T. Ryan’s assignment record, he served as pastor of St. Brigid Parish in Midland from May 12, 1958, through October 23, 1970. (App’x TWR#1, Diocese of Saginaw, Biographical and Appointment Data Re Thomas William Ryan, p 1.) In 2007, the Diocese of Saginaw Review Board found the allegation credible and Fr. T. Ryan’s name was placed publicly on the list of credibly accused priests.

No other allegations of sexual abuse against Fr. Thomas Ryan were found among the records seized from the Diocese of Saginaw during the Department’s investigation.

(31) FR. VERNON J. SIERMINSKI



Born: August 18, 1929

Ordained: June 2, 1956

Died: March 30, 2013

Fr. Vernon J. Sierminski was born in Chicago, Illinois, on August 18, 1929, and was ordained to the priesthood in Saginaw on June 2, 1956 for the Diocese of Saginaw. (App'x VJS#1, Obits.mlive.com, Rev. Vernon Sierminski, p 2.) Fr. Sierminski died on March 30, 2013. (*Id.*)

Two documents concerning an allegation made by Jane Doe #35 were found in what appeared to be Victim Assistance Coordinator's (VAC) files. The first document, dated September 8, 1994, summarized a telephone conversation between Jane Doe #35 and Fr. Fred Kawka, during which Jane Doe #35 alleged that, "at the conclusion of a counseling session, [Fr. Sierminski] fre[n]ch kissed her, put his tongue in her mouth." (App'x VJS#2, Memo Re: Talking with Jane Doe #35, dated September 8, 1994.) Jane Doe #35 had initially called Bishop Kenneth Untener to report her allegation, and Fr. Kawka returned her call. (*Id.*) Jane Doe #35 stated that she was divorced, but she, her ex-husband, and one or two of their children were going to Fr. Sierminski for counseling. (*Id.*) Jane Doe #35 alleged that Fr. Sierminski "kisses many women in the parish on the lips, tho [sic.] he says it is just those he has married[.]" (*Id.*) "[Jane Doe #35] says that [Fr.] Vern normally hugs her and [Witness #52] at the conclusion of sessions." (*Id.*) "Last week, he [allegedly] French kissed her." (*Id.*) Jane Doe #35 told Witness #52, her ex-husband, immediately. (*Id.*) Jane Doe #35 told Fr. Kawka that she could not go back to Fr. Sierminski for counseling. (*Id.*) She said she "[d]oes not trust any priest." (*Id.*) At the end of their telephone call, Jane Doe #35 told Fr. Kawka that she would like to meet with the VAC about the matter. (*Id.*) In Fr. Kawka's memo, he noted that "KU [Bishop Kenneth Untener] does not want to get into it. Asks [the VAC] and/or I to follow up. I am copying this memo to the VAC and will talk with her about it." (*Id.*)

After reviewing Fr. Kawka's September 8, 1994 memo, the VAC met with Jane Doe #35 on September 14, 1994. (App'x VJS#3, Typewritten notes of VAC, dated September 14, 1992, p 1.) During the meeting, Jane Doe #35 stated that she and her ex-husband had been going to Fr. Sierminski for counseling "for help with handling their 13 year old" son. (*Id.*) The VAC wrote the following regarding what allegedly occurred after the last counseling session:

The boy left the session first and went to the van. Then Fr. Vern encouraged [Jane Doe #35] and her former husband that they should try to work together on behalf of the boy[.] Then when they got up to go, Fr. Vern hugged her former husband and then he hugged her and then he kissed her on the lips. Then, he hugged her again and then kissed her on the lips again and then he put his tongue into her mouth. When she got to the van, she said to her former husband, do you know what just happened and told him.

[*Id.*]

During their same September 14, 1994 meeting, Jane Doe #35 told the VAC that, after the alleged French kiss occurred, Jane Doe #35 could not go back to the church the following Sunday. (*Id.*) Jane Doe #35 also said that she did not go to the next-scheduled counseling session with Fr. Sierminski. (*Id.*) Jane Doe #35 felt "awkward" and "disturbed" by the alleged incident. (*Id.*) At the end of the meeting, Jane Doe #35 told the VAC that she would like to meet with Fr. Sierminski in the presence of the VAC "and tell him she wants to remain friends with him – and feel[s] all right about going to church there, but not a kiss on the lips ever again." (*Id.* at 2.) Jane Doe #35 agreed to think about this and follow up with the VAC. (*Id.*)

No other documents were found regarding Jane Doe #35 or Fr. Sierminski.

**(32) FR. ROBERT GORDON SMITH
(ON DIOCESE OF SAGINAW AND DIOCESE OF GAYLORD CREDIBLY-
ACCUSED CLERGY LISTS.)**

Born: October 10, 1909

Ordained: February 24, 1945

Died: June 24, 1980

Fr. Robert Gordon Smith was born in Saginaw on October 10, 1909, and he was ordained to the priesthood on February 24, 1945, at St. Mary Cathedral in Saginaw for the Diocese of Saginaw. (App'x RGS#1, Priest Biographical and Appointment sheet.) Fr. Smith died on June 24, 1980. (*Id.*) Fr. Smith served as a priest of the Diocese of Saginaw until July 21, 1971, when the Diocese of Gaylord was established. (App'x RGS#2, Diocese of Saginaw, Robert Gordon Smith.)²⁶ Fr. Smith is also included within the AG's Report regarding the Diocese of Gaylord as entry no. 25.

Fr. Smith's name appears on the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section C, "names of clergy from religious institutes and other dioceses" who "ministered in the Diocese and have one or more credible allegation arising from within this Diocese." (App'x RGS#3, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 2.) Fr. Smith's name also appears on the Diocese of Gaylord list of "Clergy with a Substantiated Allegation of Sexual Abuse of a Minor." (App'x RGS#4, Diocese of Gaylord, "Clergy with a Substantiated Allegation of Sexual Abuse of a Minor," p 3.)

By affidavit dated December 5, 1957, Witness #53, of Vassar, Michigan, alleged that Fr. Smith sexually abused Witness #53's 13-year-old son, John Doe #70, as follows:

Fr. Smith had taken my boy, [John Doe #70], and [Witness #54], and I think one other (these are all his altar boys) to Grand Haven, Michigan, on Thanksgiving Day, Nov. 28, 1957. According to [John Doe #70], they stayed in a Hotel someplace. He said that [Witness #54] went to sleep. ([John Doe #70] was sleeping with Father Smith.) Father reached down and loosened [John Doe #70's] pajamas and began to play with his genital organs. [John Doe #70] said he believed that Fr. Smith was "sucking sound." According to [John Doe #70], he pushed him away "because he was getting too bad."

[App'x RGS#6, Affidavit of Witness #53, dated December 5, 1957, p 1.]

In the same December 5, 1957 affidavit, Witness #53 stated that Fr. Smith also invited John Doe #70 "to go to Chicago during the Christmas holidays," but John

²⁶ <https://saginaw.org/robert-gordon-smith> (last accessed June 1, 2026).

Doe #70 told his father “he didn’t think he should go.” (*Id.*) When his father asked him why, John Doe #70 told him what Fr. Smith had allegedly “done in the Hotel.” (*Id.*, p 2.) John Doe #70 also told his father that “Fr. Smith was always ‘hugging up [Witness #54] and some of the boys.’” (*Id.* at 2.) John Doe #70 also alleged that, on one occasion, John Doe #70 visited Fr. Smith when he was “sick in bed[.]” and Fr. Smith allegedly “dragged him across the bed.” (*Id.*)

In a letter to Diocese of Saginaw Bishop Stephen Woznicki, dated March 16, 1962, Fr. Smith handwrote the following:

Due to certain circumstances, I feel that it would do the Church no good if I continue as pastor of St. Frances Cabrini parish in Vassar and St. Bernard’s in Millington. Therefore, I hereby resign from this parish and mission to take effect March 23rd, 1962.

[App’x RGS#8, Letter from Fr. Robert Smith to Bishop Stephen Woznicki, dated March 16, 1962.]

In a letter dated April 4, 1962, Bishop Woznicki handwrote the following to Fr. Smith:

Dear Father Smith:

In reply to your letter of March 30th.

Your handling of the situation in Vassar the last Tuesday you were there is commendable and pleasing to me.

As far as your vacation is concerned, I honestly believe that you should forego that pleasure under the circumstances since it may be misunderstood. You see, more evidence was deposited with the Chancery against your character[,] and I don’t know what else will turn up. Consequently, it will be better for you to sit quietly, do penance and perform your work diligently for some time. What will be done in the future depends upon coming events. I hope it all turns out in your favor.

God bless you!

Cordially in Christ,

/s/

Stephen S. Woznicki

[App’x RGS#9, Letter from Bishop Stephen Woznicki to Fr. Smith, dated April 4, 1962.]

On January 28, 2004, Diocese of Gaylord Victim Assistance Coordinator “(VAC)” emailed the “first report” prepared by the Gaylord Diocese’s investigator, to Diocese of Saginaw VAC. (App’x RGS#12, Email from Diocese of Gaylord VAC to Diocese of Saginaw VAC, dated January 28, 2004, and App’x RGS#13, Report of Gaylord Diocese Investigator, dated January 27, 2004.) On the first page of the report, four alleged victims of Fr. Smith were listed: John Doe #71, John Doe #72, John Doe #73, and John Doe #74. (*Id.* at 1.) However, the report concerns only the allegations of John Doe #71. (*Id.* at 2–4.) The Gaylord Diocese’s investigator was contacted by the Gaylord VAC to interview John Doe #71, who alleged that Fr. Smith sexually abused John Doe #71 “for several years” in the late 1960s. (*Id.* at 2.)

On January 25, 2004, Gaylord Diocese’s investigator interviewed John Doe #71 at the latter’s home in Alpena and summarized John Doe #71’s allegations in his report, in part relevant, as follows:

[John Doe #71] stated that he was first abused at Christmas time, when he was ten years old. [John Doe #71] stated that he was helping Father with the Christmas decorations in the church when Father began rubbing his groin area. When asked who the Priest was, [John Doe #71] replied, “Robert Gordon Smith.” [John Doe #71] stated that the rubbing occurred on the outside of his pants and lasted for several minutes. The rubbing stopped when his Stepfather came up from the basement. [John Doe #71] told Undersigned that the “rubbing” was directly on his penis.

[John Doe #71] was asked if he had reported this incident to anyone. [John Doe #71] stated that he told his Stepfather that evening. When asked what his stepfather did, [John Doe #71] stated that he was beaten. His Stepfather told him “that it did not happen with Priests.” . . . [John Doe #71] stated that he had told two counselors from North East Mental Health Organization, a [physician] and later a [second physician].

After the incident with Father Smith, [John Doe #71] recalled that he was forced to become an Alter [sic.] Boy[,] and the frequency of the abuse then increased. After mass, [John Doe #71] stated the Father would get him alone and that would perform oral and anal sex on [John Doe #71]. [John Doe #71] stated that he also performed oral and anal sex on Father. When asked where this occurred, [John Doe #71] responded “[i]n the back of the church and in Father’s house.” When asked where in Father’s house, [John Doe #71] stated that it occurred in the living room, and upstairs in Father’s bedroom. [John Doe #71] stated that Father had a second room that had a projector. [John Doe #71] stated that Father showed exotic films to him there. He described the films as homosexual and bisexual but never heterosexual.

[John Doe #71] was asked if any other abuse occurred. [John Doe #71] stated that Father would call his house and tell his Stepfather that he had some odd jobs to be done. His Stepfather would send him down to the church or Father's house and Father would abuse him. [John Doe #71] said that he was forced to "[g]o down on others." When asked who, Undersigned was given the following names and possible last known address locations: [John Doe #72] – California, [John Doe #73] – Arizona, and [John Doe #74] – Newberry, Michigan.

[John Doe #71] recalled to Undersigned that he went to Chicago, Illinois with Father and [John Doe #74]. Father had gone for a conference and took both he and [John Doe #74]. [John Doe #71] stated that they stayed in a hotel on Ohio Street, Father took them to "The Bijou" theater where they were shown a homosexual movie. They stayed in Chicago for two days. At the hotel, Father attempted to get [John Doe #74] to perform sex with he and [John Doe #71]. [John Doe #74] refused and told Father that he would call the police if made to have sex. Father agreed and had sex with [John Doe #71] while [John Doe #74] watched. [John Doe #71] stated that a couple of months later, Father was having sex with [John Doe #74].

[John Doe #71] recalled an additional incident where the four boys were at Father's house. At the house, Father had two Air Force men over. [John Doe #71] stated that everyone performed sex with each other on that particular night.

[John Doe #71] was asked if Father ever said or did anything to keep him from telling any one [sic] other than his Stepfather. [John Doe #71] told Undersign[ed] that Father sometimes gave him "ten or twenty bucks" and told him not to say anything. Undersign[ed] asked how many times he was abused by Father. He was given random numbers from 10 to 100 or more. [John Doe #71] chose 100 as the number of times he was abused. In addition to the sexual abuse, [John Doe #71] stated that Father took Polaroids of him that he later heard were destroyed. The abuse stopped when [John Doe #71] dropped out of school and joined the Army. He was given a[n] Honorable Discharge after three and a half months. [John Doe #71] stated that he did not respond well to authority.

[*Id.* 2–3.]

Toward the end of the January 25, 2004 interview, John Doe #71 told the Gaylord Diocese's investigator that John Doe #71 had tried to commit suicide "five or six times." (*Id.* at 4.) John Doe #71's ex-wife, Witness #55, with whom he was living, was also present during the interview, and she told the Gaylord's Diocese's

investigator that John Doe #71 had told her about the sexual abuse “six or seven months after they had met[;]” however, she was unaware that “the abuse included individuals other than Father.” (*Id.*) Witness #55 said she divorced John Doe #71 and “attributed the abuse as one of the reasons they divorced.” (*Id.*)

On January 30, 2004, Gaylord VAC and Saginaw VAC discussed John Doe #71’s allegations and determined that the alleged sexual abuse overlapped Fr. Smith’s time in both dioceses, commencing from Christmas of 1965 until 1972, with most of the alleged sexual abuse taking place while Fr. Smith was incardinated in the Diocese of Saginaw. (App’x RGS#14, Typewritten notes of Diocese of Saginaw VAC, dated January 30, 2004.) The Diocese of Saginaw VAC offered to meet with John Doe #71 “and help to arrange counseling.” (*Id.*) Both VACs agreed that the other men identified by John Doe #71 during his interview with the Gaylord Diocese’s investigator should also “be contacted if possible in order to hear their experience and offer counseling assistance if needed.” (*Id.*) The question was: “Who will do this part?” (*Id.*) Diocese of Gaylord VAC advised that she would be “meeting with the Gaylord Review Board on Friday, February 6th[;]” during which the matter would “be discussed.” (*Id.*) In the interim, Diocese of Gaylord VAC was going to contact John Doe #71 to ask if he would meet with Diocese of Saginaw VAC from the Saginaw Diocese. (*Id.*) It is unclear from file documents whether a meeting occurred.

In a memorandum dated May 20, 2004 to Fr. Tom Sutton, the Diocese of Saginaw VAC wrote that she had met with John Doe #75 earlier that day. (App’x RGS#15, Memorandum from Diocese of Saginaw VAC to Tom Sutton, dated May 20, 2004, p 1.) Diocese of Saginaw VAC wrote that “[John Doe #75] is the gentlemen that came to the diocese in 1997[,] reporting abuse from Fr. Smith and requesting money from the diocese.” (*Id.*) She also wrote that she and Fr. Sutton had met with John Doe #75 at the time and told him the Diocese would not pay him any money, but Diocese of Saginaw VAC, “did speak to him about counseling.” (*Id.*) The Diocese of Saginaw VAC advised that, in 2004, “[John Doe #75] contacted the [D]iocese of Gaylord and also reported the abuse from Fr. Smith. Gaylord contacted me[,] and I confirmed that [John Doe #75] had spoken of the abuse in 1997.” (*Id.*) The Gaylord diocese “was working with him (their Catholic services was working with him) to arrange for counseling.” (*Id.*) During Diocese of Saginaw VAC’s May 20, 2004, meeting with John Doe #75, he requested a loan from the diocese to pay child-support arrearage and debt “and to get on his feet.” (*Id.*) He also requested assistance with legal representation relative to his child-support obligation. (*Id.*) The Diocese of Saginaw VAC “assured [John Doe #75] that he could be assisted with spiritual help and the offer of helping him to get counseling[;]” however, she “could not speak to any monetary aspect.” (*Id.*, p 2.) It is unclear from file documents whether the Diocese loaned John Doe #75 any money.

On September 6, 2018, John Doe #76 called the Diocese of Saginaw VAC and alleged that he was sexually abused in the rectory in the Summer of 1955 in Vassar

by Fr. Smith when John Doe #76 was 13 years old. (App'x RGS#16, Handwritten notes of VAC, dated September 6, 2018, pp 1–2.) John Doe #76 did not tell his mother about the alleged sexual abuse. (*Id.* at 2.) John Doe #76 thought the abuse was his fault. (*Id.*) “[T]hen [John Doe #76] later found out [that Fr. Smith] abused lots of people + was moved around.” (*Id.*) John Doe #76 went to confession to a “visiting mission priest” and told him about the alleged sexual abuse, and “he said you are a liar & I wasn’t lying.” (*Id.* at 3.) John Doe #76 also told the VAC that 15 or 16 years earlier, John Doe #76 talked to her about it, and she asked him if he would like counseling. (*Id.*) In her notes, the VAC wrote: “I recollection of this [sic].” (*Id.*)

On October 11, 2018, the Diocese of Saginaw VAC reported to Sheriff Glen Skrent, Tuscola County Sheriff’s Office allegations of sexual abuse by John Doe #76, concerning Fr. Smith. (App'x RGS#16A, Letter from Diocese of Saginaw VAC to Sheriff Glen Skrent, Tuscola County Sheriff’s office, dated October 11, 2018.)

On February 21, 2019, as part of this investigation, John Doe #76 called the Department’s tipline and alleged that, in the Summer of 1955, when John Doe #76 was 13 years old, his friend’s father told John Doe #76 that Fr. Smith wanted John Doe #76 “to spend the night the next Saturday.” (App'x RGS#17, Department of Attorney General, Diocese of Saginaw tipsheet, tip #17, dated February 19, 2019, p 4.) John Doe #76 “didn’t have any suspicions about him, but [he] did not really want to do it.” (*Id.*) John Doe #76 stated: “I did stay and he did things he should not have with me that night.” (*Id.*) The following week, Fr. Smith allegedly called John Doe #76’s house “and asked [his] mother if [John Doe #76] had any plans for the coming weekend.” (*Id.*)

On November 30, 2018, the Gaylord VAC emailed the Saginaw VAC regarding an individual who called to make a report regarding sexual abuse. (App'x RGS#17A, Email from the Gaylord VAC to the Saginaw VAC, dated November 30, 2018.) The Gaylord VAC reported that an evaluation of the timeline about the alleged sexual abuse seemed to indicate that the incidents likely happened prior to the establishment of the Diocese of Gaylord, which was established in 1971, and would have occurred within the Diocese of Saginaw. (*Id.*)

On December 3, 2018, the Gaylord VAC and the Saginaw VAC discussed John Doe #86’s allegations concerning Robert Gordon Smith. (App'x RGS#17B, Typewritten notes of Diocese of Saginaw VAC, dated December 3, 2018.) The Gaylord VAC informed the Saginaw VAC that John Doe #86 who made the allegations, would contact the Saginaw VAC later that day. (*Id.*) Later that day John Doe #86 reported to the Saginaw VAC that Fr. Smith “abused him on two occasions and that he had not told anyone until he called the Diocese of Gaylord.” (*Id.*) The Saginaw VAC informed him that he could make a report to law enforcement, but John Doe #86 declined because he felt nothing would come of it as Fr. Smith was deceased.

(*Id.*) John Doe #86 made clear to the Saginaw VAC that he did not want his name made public. (*Id.*)

On December 6, 2018, legal counsel for the Diocese of Saginaw notified Presque Isle County Sheriff Joseph Brewbaker of a report of sexual abuse. (App'x RGS#17C, Letter from Diocese of Saginaw counsel to Sheriff Joseph Brewbaker of Presque Isle County, dated December 6, 2018.) The alleged victim reported that between approximately 1968–1971 he was sexually abused as a minor on two occasions by Fr. Robert Gordon Smith, pastor of St. Paul Parish in Onaway, Michigan. (*Id.*)

On December 17, 2018, legal counsel for the Diocese of Gaylord wrote a letter to the Department to report that an adult male alleged that he had been twice sexually abused by Fr. Smith when the former was seven-to-ten years old in 1968–1971, in Onaway, Michigan, prior to the establishment of the Gaylord Diocese. (App'x RGS#18, Department of Attorney General, Diocese of Saginaw tipsheet, dated December 17, 2018.) Legal counsel also advised that the matter had been reported to the Presque Isle County Prosecutor. (*Id.*)

On March 12, 2020, legal counsel for the Diocese of Gaylord emailed the Department “a report received by the Diocese of Gaylord VAC by an unnamed victim[,]” who was allegedly “abused by Father Robert Smith in 1969.” (App'x RGS#19, Email from legal counsel to the Department of Attorney General, dated March 12, 2020.)

On March 22, 2020, legal counsel for the Diocese of Saginaw emailed the Department a diocesan VAC intake report regarding John Doe #77, who alleged that he was sexually abused by Fr. Smith in 1969, when John Doe #77 was six years old. (App'x RGS#20, Email from legal counsel to the Department of Attorney General, dated March 22, 2020, and App'x RGS#21, Catholic Family Service, Diocese of Saginaw, Allegation Intake Form, dated March 18, 2020, p 1.) In her intake report, switching from a first-person narrative to a second-person narrative, the Saginaw VAC summarized John Doe #77's allegations against Fr. Smith as follows:

I was 6 years old in 1969, my father had died tragically in a work related accident[,] leaving a 26 year old wife and 3 kids[.] I was the oldest. Father Smith came to visit for pastoral care and started taking me in his convertible sports car and let me play with his sheepdog on drives to the [r]ectory. He has memories of Father being naked, standing with only his vestments on, rubbing on himself. He believes he was asked to touch him and more[,] but has 'blocked these memories out.' He says this happened more than once between 6-1969 and 8-1970[.] they moved to Detroit for some time, 2+ years. When they moved back[,] he doesn't remember Father Smith being there anymore. Remembers these incidents from being at the

rectory[,] but not while in the car. He claims no conscious memories until in therapy in adulthood for not trusting, not being able to have lasting intimate relationships. He has had failed marriages. Very successful professionally, failure personally in his perception.

He seems very credible and sincere, but troubled. He wants a partner in life[,] but unable to maintain. Is in a long time relationship (6 years)[,] but says he still can't trust and feels this relationship too will fail. He has had a lot of therapy and has insight.

[*Id.* at 1–2.]

On March 25, 2020, Department Victim Advocate Paul Carbini interviewed John Doe #77, whose allegations were consistent with his report to the Saginaw VAC, but with more details, which VA Carbini summarized in his report as follows:

[John Doe #77] described how things changed after a while and Father Smith would start coming out of his room with no pants or shoes on. [John Doe #77] stated how this continued to escalate into Father Smith telling [John Doe #77] that he now had to teach him how to be a man[,] since he didn't have a father[,] which progressed into Father Smith telling [John Doe #77] that he had to teach him to masturbate. I asked [John Doe #77] how Father Smith demonstrated this to him, if it was by demonstration, Father Smith touching [John Doe #77's] penis, [John Doe #77] having to touch Father Smith's penis, or something else. [John Doe #77] stated this is something he hasn't been able to remember.

[App'x RGS#22, Interview with [John Doe #77], dated March 25, 2020.]

During the same March 25, 2020 interview with VA Carbini, John Doe #77 stated that, at his place of employment, he and other staff members watched a child-abuse-prevention training video about “child abuse and grooming behaviors[,]” during which John Doe #77 experienced a panic attack “and had to leave the room[.]” (*Id.*) The video brought back memories of “his interactions with Father Smith and how they lined up to what was being described.” (*Id.*) John Doe #77 stated that “the victimizations perpetrated on him by Father Smith” largely impacted his life and “left him with an inability to trust or have long lasting relationships.” (*Id.*) John Doe #77 wanted “to heal and feel worthy of himself.” (*Id.*)

The Department did not investigate further into the allegations of sexual abuse allegedly committed by Fr. Smith, because Fr. Smith died in 1980, and, therefore, could not be prosecuted.

(33) FR. STEPHEN SRAMEK, O.S.B.

Born: December 26, 1911

Ordained: Unknown

Died: January 1984

Fr. Stephen Sramek, O.S.B., a Benedictine priest, was born on December 26, 1911, and died in January of 1984. (App'x SS#1, Email from diocesan legal counsel to the Department of Attorney General, dated December 28, 2020.) Fr. Sramek served as administrator of both St. Joseph Parish in Rapson, Michigan, and Mission Holy Trinity Church in Smiths Corner, Michigan, from 1977 to January of 1984, when he passed away. (*Id.*) Both parishes were located within the Saginaw Diocese. (*Id.*)

On December 28, 2020, legal counsel for the Diocese notified the Department that John Doe #78 contacted the Archdiocese of Detroit and alleged that he was sexually abused by Fr. Sramek four times between 1978 and 1982 at both St. Joseph's and Mission Holy Trinity, commencing when John Doe #78 was about seven years old. (*Id.*) In that same letter, legal counsel also advised that "the same allegation was reported to the Diocese of Saginaw and Benedictine Order in 2012." (*Id.*) During the Department's investigation, no other records were found regarding John Doe #78's allegation.

Also on December 28, 2020, legal counsel for the Saginaw Diocese provided the Department a copy of the Archdiocese of Detroit's VAC report, dated December 15, 2020, that was prepared after the VAC telephonically interviewed John Doe #78 that same day. (App'x SS#2, Privileged and Confidential Communication Memorandum, Archdiocese of Detroit Victim Intake Form, dated December 15, 2020, p 1.) In that report, the Archdiocesan VAC wrote the following regarding John Doe #78's account of the alleged sexual abuse:

The Victim/[John Doe #78] recalls four separate incidents that occurred approximately six months apart.

The first incident occurred when the Priest/Sramek took the Victim/[John Doe #78] to the rectory to hear his first confession. After completing his confession, the Priest/Sramek instructed the Victim/[John Doe #78] to remove his pants and underwear and bend over, and he thought his penance was to be a spanking. The Victim/[John Doe #78] complied[,] and the Priest/Sramek penetrated his anus with his penis.

The second incident was more physical where the Priest/Sramek choked him with one hand and again penetrated his anus with his penis.

The third incident occurred in the church area, in a side room of the church, where the Priest/Sramek forced the Victim/[John Doe #78] to “jack him off.” The Victim/[John Doe #78] began to raise his voice, [and] the Priest Sramek put his finger in his eye to silence him.

The fourth incident occurred in the rectory and involved anal penetration by the Priest/Sramek on the Victim/[John Doe #78].

[*Id.* at 1–2.]

John Doe #78 stated that he had “received financial support from the Benedictine Order, Cleveland, Ohio[,] and the last correspondence he received was in 2012.” (*Id.* at 2.) In 2020, when making his report to the Archdiocese of Detroit, John Doe #78 stated that he was “seeking Spiritual Counseling from the Catholic Church to assist him to heal with what has [allegedly] occurred.” (*Id.*)

No other allegations of sexual abuse against Fr. Sramek were discovered by or reported to the Department during this investigation.

**(34) FR. KENNETH CHARLES STEWART, O.F.M., CAP
(ON DIOCESE OF SAGINAW, ARCHDIOCESE OF CHICAGO, CAPUCHIN
FRIARS ST. JOSEPH PROVINCE CREDIBLY-ACCUSED CLERGY LISTS.)**



Born: September 28, 1939

Ordained: October 21, 1967

Restricted from ministry: 2004

Died: July 22, 2023

Fr. Kenneth Charles Stewart, Orders of Friars Minor Capuchin (O.F.M., Cap), a deceased former Capuchin Franciscan priest, was born in Washington D.C. on September 28, 1939, and was ordained to the priesthood on October 21, 1967. (App'x KCS#1, Biographical Information, Father Kenneth Stewart, O.F.M., Capuchin, dated June 29, 1984.) Fr. Stewart was "restricted from ministry by the Capuchins in 2004 and soon after left the community." (App'x KCS#2, Black Catholic Messenger, "Kenneth C. Stewart, former accused Capuchin, dead at 83," dated September 20, 2023, p 3.) Fr. Stewart died on July 22, 2023. (*Id.*)

Fr. Stewart's name appears on the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section C, "names of clergy from religious institutes and other dioceses" who "ministered in the Diocese and have one or more credible allegation arising from within this Diocese." (App'x KCS#4, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 2.) According to the Saginaw Diocese's website, Fr. Stewart served in the Diocese at "Queen of Angels 1973–1974." (App'x KCS#5, Diocese of Saginaw, "Ken Stewart," p 1.) This is consistent with the Capuchin Franciscan Province of St. Joseph List of Friars with substantiated accusation, which states that Fr. Stewart served in the Diocese of Saginaw at Queen of Angels from June of 1973 to July of 1974. (App'x KCS#6, Capuchin Franciscan Province of St. Joseph List of Friars with substantiated accusation, last updated April 2, 2024, pp 13–14.)

In a letter dated July 31, 2002, Jon Sahli, Saginaw County assistant prosecuting attorney, wrote the following to Bishop Untener:

Dear Bishop Untener:

Michael D. Thomas[,] the Prosecuting Attorney of Saginaw County[,] contacted you via letter dated May 7, 2002, requesting any information the Saginaw Diocese might have concerning allegations in reference to priests accused of abuse or criminal sexual assaults here in Saginaw during the last fifteen years. We have recently received an allegation from a resident of Providence, Rhode Island, concerning allegations of sexual misconduct against Fr. Kenneth Charles Stewart during the years of 1977–1983. These acts are alleged to have occurred in Saginaw County.

This office would greatly appreciate receiving any information the Saginaw Diocese is able to provide concerning Fr. Kenneth Charles Stewart. Specifically, what church he served along with the dates of the same. We would also like to know of his current whereabouts, and whether or not the Saginaw Diocese has previously received any complaints in reference to Fr. Kenneth Charles Stewart involving abuse or sexual misconduct.

Thank you for your anticipated help and consideration in this matter.

Sincerely,

/s/

John R. Sahli
Assistant Prosecuting Attorney

[App'x KCS#11, Letter from Jon Sahli to Bishop Kenneth Untener, dated July 31, 2002.]

By letter dated August 9, 2002, Bishop Untener replied to Sahli as follows:

Dear Jon,

I received your letter inquiring about Fr. Kenneth Stewart, particularly during the years of 1977–1983. Inasmuch as he is not a priest of the Diocese of Saginaw, but rather is a member of the Franciscan Religious Order, it took me some time to gather the information you requested. I obtained most of the information from the Superior of Fr. Stewart's religious community – Fr. Dan Anholzer, O.F.M., Cap. Should you wish to contact him, his offices are located at 1740 Mt. Elliott Ave., Detroit, MI 48207-3496 [].

Fr. Stewart served here in the Diocese of Saginaw for one year, from July of 1984 to July of 1985, during which time he was stationed at St. Joseph Parish, Saginaw. He came here from service in Saudi Arabia, and that is the assignment to which he returned after his one year term at St. Joseph Parish. He has not served in the Diocese of Saginaw since that time.

Our files contain very little about Fr. Stewart. There is no indication of any complaints about him as regards sexual misconduct. I inquired of staff members who served in our chancery offices during those years, and they knew of no such allegations.

If I can be of any further help to you, please do not hesitate to call upon me.

Sincerely,

Kenneth E. Untener
Bishop of Saginaw

[App'x KCS#12, Letter from Bishop Kenneth Untener to Jon Sahli, dated August 9, 2002.]

Other than the allegations mentioned in Sahli's letter to Bishop Untener, no other allegations of sexual abuse against Fr. Stewart were found among the records seized from the Diocese of Saginaw during the Department's investigation.

**(35) FR. RICHARD THOMAS SZAFRANSKI
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: October 13, 1948

Ordained: June 13, 1975

Removed from ministry: April 8, 2006

Fr. Richard Thomas Szafranski was born in Lindwood, Michigan, on October 13, 1948, and was ordained to the priesthood on June 13, 1975, at St. Josaphat, Carrollton Township for the Diocese of Saginaw. (App'x RTS#1, Biographical Record, Priest of the Diocese of Saginaw, Szafranski, Richard Thomas, Profile Updated March 2009, p 1.) Fr. Szafranski was removed from ministry on April 8, 2006. (*Id.* at 2.)

On March 29, 2006, the Diocese of Saginaw Victim Assistance Coordinator (VAC) met with Jane Doe #36 and her therapist in Jane Doe #36's state of residence, during which time Jane Doe #36 alleged that she had a relationship with Fr. Szafranski that started in the Fall of 1975 when she was 16 years old and turned into a sexual relationship the following year. (App'x RTS#2, Confidential typewritten notes of the VAC, dated March 29, 2006, pp 1–4.) After reviewing the VAC's typewritten notes that summarized their discussion on March 29, 2006, Jane Doe #36 wrote the following “more complete account of my [alleged] story in my own words[:]”

I was sixteen years old when Fr. Richard Szafranski entered my life. I was born and raised in Saginaw, MI[,] where I attended both St. Stephen School and church[,] and it was here that I first met Fr. Rich. He was ordained in June of 1975 and assigned to St. Stephen's parish[,] so I most likely met him during that summer but if not then, we most certainly met in September of 1975[,] when school started and I was beginning my junior year of High School.

At the time we met[,] I would describe myself as being an emotionally immature and needy sixteen year old that was starved for attention, desperate to know I was special, confused about my family situation, vulnerable and naively innocent. . . . [M]y childhood was anything but easy. . . .

So[,] into this setting comes a young, attractive, progressive and very charismatic priest who right away put himself into my life and the lives of my friends. He was always around, at school, at church, at all the after school activities like sporting games. He would spend long hours hanging out with us at our homes. I remember him being at my friend's house with me until midnight sometimes. He gained our trust; he gained my trust. This was happening from September till December of 1975.

In December of that year[,] things shifted. I had surgery in December, which limited my going out. He visited me often in the Hospital, sent gifts and cards, and when I came home spent long hours visiting me. It was at this time that our "friendship" shifted to be more of a one-on-one relationship (if you can call it that). I was no longer seeing him with other friends around. I was being singled out and given his full attention. Attention which I desperately craved. My father grew concerned and angry at how much time he was spending at our house[,] so I had to ask Fr. Rich not to come over anymore. This meant we would spend long periods of time talking on the telephone. I believe he even had a private phone line[,] which meant I didn't have to go through the receptionist.

Shortly after this I trusted him enough to confide in him about my home situation and to seek counseling mostly about my Mother's drinking. He counseled me on that – and at one point even arranged for me to see another counselor who could help with an intervention. The counseling evolved into this special kind of "friendship" which caused me to grow more and more dependent on him to meet my emotional needs. He treated me like I was really special and different from everyone else[,] and I liked feeling that way. It was around this time that he would greet me or say goodbye with a big hug which I think got me comfortable with him touching me. I was thinking we has a special friendship. He would call me a lot at home[,] and my parents didn't like it so we decided I would call him.

He included me in his intimate personal life. Now our time together was mostly at the rectory where a [sic.] I went for counseling and because my parents didn't want him at our house and he said other people wouldn't understand our friendship. He began to express how

much he cared for me and relied in me. He would read me his homilies to see what I thought and even dedicated some to me. He showered me with gifts (many of them intimate) and attention as if I was his everything. He also included me in his personal life in that he would invite me to spend time with him and these friends of his who happened to be teachers at the school and who befriended me. We would all just hang out together and watch TV etc.

This couple trusted me and would have me watch their dog and house while they were away and would even lend me their car etc. This really made me feel like an adult in many ways.

Up to this point[,] I was still naively viewing all this as a really neat “friendship” or “big brother” type of relationship. One that he convinced me was so unique others wouldn’t understand[,] so in public I always had to ignore him and he me.

Some time in the first half of 1976[,] this couple went on a trip and asked me to house/dog sit while they were away. This provided an opportunity for Fr. Rich to come to their house and be alone with me. It was here that he first crossed the line and everything changed. We were alone at this house and just goofing around like we had in the past. Some teasing was going on[,] and he began to chase me through the house. He caught me and pushed me on the couch where he pinned my hands above my head and at that point kissed me[,] and it was not a kiss one would get from a big brother or friend. It was just one kiss[,] but I lay there frozen and totally confused. I was not prepared for this. I had grown so dependent on his attention yet this was not what I wanted – I was torn in two.

My world had changed in an instant. It was only a kiss but it started a new phase, one where I felt entrapped and unable to stop it. It didn’t go much further than a kiss at first. He started to get me use[d] to the idea of taking things further by telling me how special our “love” was, how good and beautiful a sexual relationship is. He introduced me to pornography which he ordered through the mail and would show me pictures or read me articles. He talked of how old-fashioned the church was on this topic and how natural it is. He slowly distorted my reality till evil was good and abnormal was normal. In fact, he was the only one who had ever even mentioned sex to me or gave me any direction on what male/female relationships were suppose[d] to look like so he really didn’t distort my reality[;] he created it.

During this time[,] he slowly would ask a little more of me. It progressed from a kiss to letting him touch me in a sexual way, to rubbing up against me until he was satisfied. It was never enough. I was trapped. If I stopped it[,] I would be nothing again. I liked being special and all the gifts[,] etc[.][.] and he was saying how good and right it was and he should know because he was a priest, chosen by God. How could I doubt a priest? During this time[,] I became isolated from anyone else in my life – it was only him.

In December of 1976[,] he convinced me that having intercourse was the perfect gift to give and we had intercourse for the first time, my first time ever. That first time took place in his bedroom in the rectory and it culminated [in] an insidious and systematic ripping out of my innocence piece by piece.

Now there was no turning back[,] and I felt I had no alternative. I blamed myself for what happened. I convinced myself that he would leave the priesthood to marry me and the fantasy continued. He would arrange for us to meet at hotels, a family cabin, in the rectory, his car, the school building, whatever worked. The problem was it was never enough[,] and he began to ask more and more of me. He asked me to do more and more things which made me very uncomfortable and even took pictures at one time.

The only way I could stop it was to move away[,] which is what I did in September of 1978. A few months after moving away[,] I was able to see reality for what it was and find the strength to stop it. I agreed to meet him in Ohio on my way back to visit my family. He thought we were meeting to have sex again[,] but I told him I couldn't do this anymore[,] and I was not going to meet him anymore. I did meet him once or twice after this to talk at his request but did not have sex, although that was what he was trying to convince me to do.

After this I took the entire mess and locked it up [in] a nice neat box, which I completely ignored until a couple of years ago. I never forgot or repressed what happened to me, I just chose not to deal with it. Although I thought I had locked it away[,] it was affecting every aspect of my life. What I learned from that abuse and never resolved was increasingly affecting my life and my relationships in many negative ways. Some of the negative impact was that I had learned to really trust no one, my self esteem was getting lower and lower, I became depressed for unknown reasons, suffered from insomnia, nightmares, developed panic attacks and experienced dysfunction in my sexual life with my husband. The shame of it all made me feel dirty all the time and having this secret kept me wearing a mask and made me feel like I

was an outsider. It was at this time that I sought professional counseling to try and repair the damage that had been done so long ago.

[App'x RTS#3, Letter from Jane Doe #36 to the VAC, dated May 2, 2006, and App'x RTS#4, Typewritten narrative, "My Fuller Account," dated May 2, 2006, pp 1–4.]

In a letter dated April 6, 2006, to Fr. Szafranski, Bishop Robert Carlson advised Fr. Szafranski that he was placed "on a temporary administrative leave of absence[,] effective no later than April 7, 2006." (App'x RTS#5, Letter from Bishop Robert Carlson to Fr. Richard Szafranski, dated April 6, 2006.) Bishop Carlson further advised Fr. Szafranski that his "priestly faculties [we]re withdrawn" and that those "restrictions shall remain in effect until the allegations brought forward [by Jane Doe #36] against you are resolved, or I specifically rescind your leave of absence." (*Id.*)

On April 8, 2006, Bishop Carlson issued a public statement as follows:

Father Richard Szafranski, a priest of the Diocese of Saginaw, has been placed on administrative leave as pastor of St. Matthew's Parish in Zilwaukee after an allegation was made about his involvement in a sexual relationship with a young woman many years ago.

Both law enforcement authorities and the Saginaw County prosecuting attorney have been notified. My heart goes out to the victim, her family, Fr. Richard, and the many people affected by this sad news.

Diocesan policies, the U.S. Bishop's Charter for the Protection of Children and Youth, and both civil and Church law will be followed throughout this process. The Diocese of Saginaw is working to assign an interim pastor to St. Matthew's Parish.

The Diocese of Saginaw and the diocesan victim assistance coordinator continue to assist persons harmed. We ask you to pray for all involved[,] and we invite all victims of abuse to come forward.

[App'x RTS#6, Diocese of Saginaw News Release, dated April 8, 2006.]

In an undated letter from "Fr. Rich [Szafranski]" to "My dear friends," on St. Matthew Church letterhead, Fr. Szafranski wrote the following:

It is very hard for me to write this to you. About thirty years ago[,] I was involved in a relationship that I should not have been. It was wrong of me, and in the end, turned out to be painful for her.

As a result of my actions, I am on administrative leave.

You have often heard me say that whatever we do, for our good or ill, affects others. I am proof of that. I am sorry that my sin has to affect you.

You have been so welcoming of me, and have supported me, especially during my health problems. I have grown to love you. It breaks my heart that I will not be able to celebrate with you, especially all the great things to be celebrated during the Easter season.

I need your prayers now more than ever. I ask your prayers for all involved. I pray for you, and I cannot tell you how much I will miss you dearly.

[App'x RTS#7, Letter from Fr. Rich to "My dear friends," undated.]

In a memorandum dated June 27, 2006 from the VAC to Bishop Carlson, the VAC informed the bishop that she just received a voice-mail message from Saginaw County Prosecutor Mike Thomas regarding the allegations against Fr. Szafranski, informing her that "his office is time barred on everything and that our church process can proceed." (App'x RTS#8, Memorandum from the VAC to Bishop Carlson, dated June 27, 2006.) In a July 26, 2006 news article published in *The Saginaw News*, Prosecutor Thomas was quoted, saying that "[t]here was no proof that a crime had occurred," inasmuch as the victim was "over the age of consent" in Michigan, and "[e]ven if she was wrong on the date[,] it's well beyond the statute of limitations." (App'x RTS#9, "Priest won't face charges in teen sex case," *The Saginaw News*, dated July 26, 2006.)

In September 2007, Bishop Carlson apologized, on behalf of the Church, for the "sexual abuse" Jane Doe #36 reported from Fr. Szafranski, stating that "[w]hat happened to you was wrong." (App'x RTS#14, Letter from Bishop Robert Carlson to Jane Doe #36, dated September 6, 2007, p 1.) Bishop Carlson invited Jane Doe #36 to travel to Michigan to meet with him and the Diocesan Review Board, at the Diocese's expense, if she wanted to do so. (App'x RTS#12, Letter from Jane Doe #36 to Bishop Robert Carlson, dated July 19, 2007; App'x RTS#13, Letter from Jane Doe #36 to Bishop Robert Carlson, dated July 23, 2007; App'x RTS#14, Letter from Bishop Robert Carlson to Jane Doe #36, dated September 6, 2007; App'x RTS#15, Letter from Jane Doe #36 to Bishop Robert Carlson, dated October 29, 2007; App'x RTS#16, Letter from Bishop Robert Carlson to Jane Doe #36, dated November 20, 2007; App'x RTS#17, Letter from Jane Doe #36 to Bishop Robert Carlson, dated January 24, 2008; App'x RTS#18, Letter from Bishop Robert Carlson to Jane Doe #36, dated January 28, 2008; App'x RTS#20, Letter from Jane Doe #36 to Bishop Robert Carlson, dated February 8, 2008; App'x RTS#20, Letter from Bishop Robert

Carlson to Jane Doe #36, dated February 21, 2008; and App'x RTS#22, Letter from Bishop Robert Carlson to Jane Doe #36, dated April 25, 2008.)

In a letter dated April 29, 2008 – in electronic form from a diocesan computer, and therefore, not signed or on letterhead – Bishop Carlson advised Fr. Szafranski that the bishop sent a report regarding “the facts in your case” to “the Holy See.” (App'x RTS#23, Letter from Bishop Robert Carlson to Fr. Richard Szafranski, dated April 29, 2008, p 1.) The bishop further wrote that he “informed them that approximately 30 years ago you engaged in a sexual relationship with a 17-year-old female parishioner, and after a canonical investigation was unable to find any other cases where you acted out with someone under the age of 18[;] [h]owever, you have admitted to two other cases where you were sexually active with someone over the age of 18.” (*Id.*) Bishop Carlson wrote that he was unable to give Fr. Szafranski “a parish assignment or any other assignment as a priest[,]” and, “[t]herefore[,] agree[d] with [Fr. Szafranski’s] decision to seek retirement from active ministry.” (*Id.*) Bishop Carlson wrote that it was his understanding that Fr. Szafranski would “seek either a medical retirement or a disability retirement or both.” (*Id.*) Bishop Carlson reiterated that Fr. Szafranski would “not have faculties to function as a priest[,]” but could celebrate Mass privately. (*Id.* at 2.) The bishop also directed that Fr. Szafranski be supervised and undergo counseling. (*Id.*)

In a letter dated May 2, 2018, Jane Doe #36 wrote to Bishop Joseph Cistone,²⁷ Bishop Carlson’s successor, and asked why Fr. Szafranski’s name was not on the then-recently-released list of clergy “who were ‘permanently removed from ministry due to credible allegations of sexual abuse of minors.’” (App'x RTS#25, Letter from Jane Doe #36 to Bishop Joseph Cistone, dated May 2, 2018.) Bishop Cistone replied to Jane Doe #36’s letter, by letter dated May 29, 2018, and wrote that, at the time of the alleged sexual abuse, Jane Doe #36 was “over the age of consent” under civil law and canon law then in effect. (App'x RTS#26, Letter from Bishop Joseph Cistone to Jane Doe #36, dated May 29, 2018, p 1.) Bishop Cistone also confirmed that Fr. Szafranski was “permanently removed from ministry.” (*Id.*) Jane Doe #36 replied to the bishop in a letter dated July 26, 2018, by which she stated the following: “While it is true the statutory rape law in Michigan says the law is violated when a person has consensual sexual intercourse with an individual under age 16[,] the law continues to say ‘The age of consent is raised to 18 when the older party is an authority figure.’”²⁸ (App'x RTS#28, Letter from Jane Doe #36 to Bishop Joseph

²⁷ Bishop Joseph Cistone was installed as the seventh bishop of the Diocese of Saginaw in 2009. (App'x RTS#27, Diocese of Saginaw, “Our Bishop,” p 1.)

²⁸ While the age of sex of consent for criminal sexually abusive activity is 18 years of age, see MCL 750.145c (“‘Child’ means a person who is less than 18 years of age”), the general age of consent for Michigan’s criminal sexual conduct statute is 16 years of age unless unusual circumstances are present. See, e.g., MCL 750.520d(1)(a) (“under 16 years of age”).

Cistone, dated July 26, 2018, p 1.) Fr. Szafranski's name was added to the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" on April 10, 2019. (App'x RTS#29, Diocese of Saginaw, Names of Clergy Accused of Sexual Abuse of a Minor; Richard Szafranski.)

**(36) FR. JOSEPH SZAREK A/K/A FR. JOSEPH SHAR
(ON DIOCESE OF SAGINAW AND DIOCESE OF ALBANY CREDIBLY-
ACCUSED CLERGY LISTS.)**

Born: March 10, 1914

Ordained: May 1, 1939

Removed from ministry in Saginaw Diocese: October 1958

Died: May 15, 1999

Fr. Joseph Szarek, also known as Fr. Joseph Shar, was born on March 10, 1914, in Poland and was ordained to the priesthood on May 1, 1939, for the Archdiocese of Krakaw in Poland. (App'x JS#1, Diocese of Saginaw, Joseph Szarek, p 1.) Although never incardinated into the Diocese of Saginaw, Fr. Szarek served there as an assistant priest at St. Ignatius Loyola in Rogers City, Michigan, from June of 1952 to May of 1956. (*Id.*) Fr. Szarek also served as an assistant priest at St. Anne Parish in Harrisville and at the St. Raphael mission from June of 1956 to August of 1956 and as an assistant priest at St. Josephat in Carrollton from September 1956 to October 1958, when he was removed from ministry in the Diocese of Saginaw. (*Id.*) Fr. Szarek thereafter ministered in the Diocese of Albany (New York). (*Id.*) Fr. Szarek died on May 15, 1999.

Fr. Szarek's name appears on the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section C, "clerics [who] ministered in the Diocese and have one or more credible allegation arising from within this Diocese." (App'x JS#3, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," p 2.)

On December 3, 1958, Witness #57 and Witness #58, then parishioners of St. Josaphat in Carrollton, Michigan, reported allegations made by their 11-year-old daughter, Jane Doe #37, against Fr. Szarek. (App'x JS#4, Handwritten transcript of testimony of Witness #57 and Witness #58, dated December 3, 1958, pp 1–3.) Specifically, the Jane Doe #37 Family alleged that Jane Doe #37 and other girls her age were "asked to march in the Polish Parade in Bay City this [F]all; [and] in connection with inviting them[,] Fr. Joseph Szarek came up behind three girls, of whom [Jane Doe #37] was in the back of the group, and he put his arms around them & made peculiar motions with his knees – this is a peculiar maneuver that always takes place behind the girls." (*Id.* at 1.) On another occasion, when some of the girls, working in groups of two, were helping the priest "tabulate the parish envelopes[,] one of the girls told Jane Doe #37 to sit down "so that Father wouldn't 'do that' to her." (*Id.*) Jane Doe #37 also told her parents that "the other girls of the group know & have discussed this way of acting on Father's part." (*Id.*) "The parents, however, kn[e]w only of the action as being done to their two girls, [Jane Doe #37] & [Jane Doe #38]." (*Id.*) The Jane Doe #37 Family alleged that, several months earlier, Fr. Szarek "did a similar action with [Jane Doe #38], aged 8 – in 3rd grade" after confession. (*Id.*)

On December 3, 1958, six girls, including Jane Doe #37, helped “with the envelopes after school” and “were put into groups of 2 as usual & [Jane Doe #37] & [Witness #59] were in one group.” (*Id.* at 2.) Fr. Szarek allegedly sent [Witness #59] out to “burn the envelopes[,]” after which Fr. Szarek allegedly “came up behind [Jane Doe #37] who was standing” and “put his hands around her waist & performed that same gyration with his knees.” (*Id.*) It was alleged that he stopped when Witness #59 was coming back into the room. (*Id.*) Fr. Szarek then sent Witness #59 out to check on the other girls. (*Id.*) Fr. Szarek allegedly “took hold of [Jane Doe #37] in the same way – the knee motion is something of a clamp in which he takes the girl – in other words[,] he endeavored to enclose her between his knees – [as] he was also holding her around the waist.” (*Id.*) The other girls came into the room. (*Id.*) “After the girls left[,] he said, [Jane Doe #37] come here[,] and [s]he just looked at him & walked to him.” (*Id.*) It was alleged that “[h]e grabbed her very tightly around the lower abdomen & clamped his knees about her” from behind. (*Id.*) “She describe[d] the action from that point as being some action of his body & not of his knees.” (*Id.*) Fr. Szarek then got some candy for Jane Doe #37, but “the parents [were] not sure if this was an interruption of the 3rd act or if it was a pacifier after it” because the priest gave the kids candy often. (*Id.* at 3.) Jane Doe #37’s mother stated that Jane Doe #37 “did not seem terrified but rather revolted by” Fr. Szarek’s alleged actions. (*Id.*) Jane Doe #37’s father did “not believe [Jane Doe #37] [knew] enough about sex to recognize the actions as an attempted sex act – if indeed that is what it was.” (*Id.* at 4.)

In an unsigned letter dated December 27, 1958, from Diocese of Saginaw Bishop Stephen Woznicki to Msgr. Achille Lupi of the Apostolic Delegation in Washington D.C., the former wrote the following:

The Reverend Joseph Szarek, who canonically belongs to the Archdiocese of Cracow in Poland, worked with some degree of success in the Diocese of Saginaw for the past seven years. In fact I was giving serious consideration to incardinating him; and for that reason was preparing to seek the documents needed for that step rather than for a prorogation of the rescript. The final discussions in the matter took place no more than two months ago.

However[,] something came to light with regard to Father Szarek’s behaviour [sic] that compelled me to act quickly; I had to advise him to leave the diocese and the State at once in order to avoid a possible nasty scandal. The parents of an eight or nine year old girl came to seek advice of one of my pastors about the queer and unbecoming behaviour [sic] of Father with some of the little girls of the parochial school. My secretary, Father Hickey, then interviewed the aforementioned parents. The girls in question were assisting Father Szarek in sorting and tabulating Sunday collection envelopes; this work was done after school and on the school premises. The interview

led to the conclusion that, although there were no immoral deeds perpetrated by Father Szarek, there certainly were unbecoming actions which could best be described as an unnecessary “fondling” of the little girls. It was also learned from the interview with the parents that this manner of acting was becoming “common talk” among the young girls in the school.

When called in, Father Szarek admitted this, although he protested that he was innocent of any immoral act.

Knowing from experience how explosive this situation could be, both in view of our predominantly Lutheran city and in view of the attitude taken by the civil authorities as the result of some recent crimes, I decided that sudden action was necessary lest the local prosecutor get the case in some manner or other. Since a larger number of girls were involved, a report to the civil authority would be almost inevitable.

Experience also taught me that the best method of handling such a case was to get the suspect out of the State at once. For that reason[,] I advised Father Szarek to seek another diocese in order to avoid a probable scandal. This he did in a few days.

It is not easy to pass judgment on his actions outside of saying that his manner of handling little girls was certainly highly imprudent. There is no doubt in my mind that, under the circumstances, this quick solution of the case was the best.

Father Szarek has plenty of ability and it must be said of him, in all justice, that he did good work in the diocese for the time he was here. I think that he would work well in Youngstown. His recent experience, I am sure, will keep him from such familiarities in the future; he now knows about the reaction of Americans to behaviour[sic] that might be less seriously regarded in other regions.

I hope I have given the case in the correct light and with sufficient details.

With kindest personal regards, I remain,

[App’x JS#5, Unsigned Letter from Bishop Stephen Woznicki to Msgr. Achille Lupi, dated December 27, 1958, pp 1–2.]

In a letter to Bishop Woznicki, dated January 17, 1959, Msgr. Lupi wrote the following:

I am writing in further reference to the case of Father Joseph Shar (Szarek).

Bishop Walsh, due to the fact that Father Shar did not state his position correctly when first interviewed, has decided not to accept him for work in the Diocese of Youngstown.

I shall be grateful to Your Excellency if you will contact Father and inform him of his serious obligation to find a benevolent Bishop or to return to his native diocese. Also, if he is without a Consistorial Rescript permitting him to reside in this country, he must petition through the benevolent Bishop for a renewal of this permission. Possibly, Monsignor Komora, of the Catholic Committee for Refugees, could help him in obtaining a Bishop.

Finally, I shall appreciate it if Your Excellency will keep me informed of any developments in his case.

[App'x JS#6, Letter from Monsignor Achille Lupi to Bishop Stephen Woznicki, dated January 17, 1959.]

In an unsigned letter dated January 21, 1959, Bishop Woznicki wrote the following to Fr. Szarek:

Dear Father Shar:

Monsignor Achille Lupi of the Apostolic Delegation wrote me recently regarding your case and asked me to contact you and let you know that you should make every effort to find a benevolent bishop, or, if not successful, you should return to your own diocese in Poland. If you do find such a bishop, you should apply through him to the S. Consistorial Congregation for a renewal of your permission to reside in this country. As you will recall, in our last meeting, I advised you to consider returning to Poland in case you are unsuccessful in obtaining another bishop.

May God bless you!

Respectfully yours,
Bishop of Saginaw

[App'x JS#7, Unsigned Letter from Bishop Stephen Woznicki to Fr. Joseph Shar (Szarek), dated January 21, 1959.]

In an 11-page 1988 handwritten letter dated August 22, from Jane Doe #39 to Diocese of Saginaw Bishop Kenneth Untener, Jane Doe #39 wrote Bishop Untener as a follow up to a conversation the bishop had with Jane Doe #39's husband on August 19, 1988, during which time her husband reported to Bishop Untener that Jane Doe #39 had been sexually abused by Fr. Szarek when Jane Doe #39 was a four-year-old child in 1958. (App'x JS#8, Handwritten letter from Jane Doe #39 to Bishop Ken, dated August 22, 1988, p 1.) Jane Doe #39's husband also told the bishop that the former and Jane Doe #39 would be taking a trip to New York to confront Fr. Szarek. (*Id.*) Jane Doe #39 wrote in her letter to Bishop Untener that she had repressed the memories of the alleged sexual abuse; however, she had recently "received a letter from another person who was abused by the same man as a child at St. Josephat's" and "[t]he fear repressed began to surface[.]" (*Id.* at 2.) Jane Doe #39 "began to realize and know that [she] must face this terror." (*Id.* at 3.) Jane Doe #39 wanted to confront Fr. Szarek and tell him that she remembered what he allegedly did to her. (*Id.*) Jane Doe #39 wrote that she knew what Fr. Szarek did to her "and the other children." (*Id.*) Jane Doe #39 further wrote that the ages of the alleged other children ranged "from 4 years to 10 years" and "[b]etween 6 and 9 children were [allegedly] abused." (*Id.*) Jane Doe #39 wrote that, on August 10, 1988, she called St. Mary's Parish, in Clinton Heights, New York, where Fr. Szarek was then ministering, and told the pastor there that she and her husband, who were former parishioners of Fr. Szarek, wanted to visit Fr. Szarek. (*Id.* at 4.) The pastor welcomed Jane Doe #39 and her husband to come to St. Mary's rectory without an appointment to visit Fr. Szarek. (*Id.*) By the time they arrived at a nearby parish on August 18, 1988, it was 9:30 p.m., so they called the rectory to ascertain whether it would be too late to drop by for a visit, and they were told that "Fr. Joe has just taken ill this morning, he will not receive any visitor's [sic]!" (*Id.* at 5.) (Exclamation in original.) So, the following day, Jane Doe #39 and her husband attended Mass at St. Mary's Church and made contact with Fr. Szarek afterward, and Jane Doe #39 told Fr. Szarek that she "was one of the children he sexually abused." (*Id.* at 8.) "He denied it at first, then asked if he could leave [,] that he must lay down[;] he was ill." (*Id.* at 9.) Jane Doe #39 told Fr. Szarek that the bishop "ask[ed] [her] to report to him of our meeting, what should I tell him?" (*Id.*) Fr. Szarek allegedly replied: "Tell him nothing." (*Id.*) Jane Doe #39 then asked what she should "tell the other children who remember[?]" (*Id.*) Fr. Szarek again allegedly said "[t]ell them nothing." (*Id.*) Jane Doe #39 wrote that she told Fr. Szarek that she could not "keep this hushed," and Fr. Szarek allegedly told her that saying nothing to the other children was "the best way." (*Id.* at 10.) He allegedly said: "Tell them nothing, it is best left alone[;] say nothing[.] that is better." (*Id.*)

In the same August 22, 1988 letter to Bishop Untener, Jane Doe #39 wrote: "Only God can do this, but in the name of God remember the children, he [Fr. Szarek] is not harmless – he needs treatment as much as I do for what happened." (*Id.* at 11.) Jane Doe #39 asked Bishop Untener to "help me please!" (*Id.*) (Exclamation in original.) In a postscript to her letter, Jane Doe #39 wrote: "I will keep searching

until I find someone to help me and the children at St. Mary's [where Fr. Szarek was then ministering in New York]. I pray you will be that person." (*Id.*) Jane Doe #39 did not provide any details of the alleged sexual abuse she or anyone else allegedly suffered from Fr. Szarek in her letter to Bishop Untener.

By letter dated October 31, 1988, Victim Assistance Coordinator (VAC) wrote to Jane Doe #39, after first calling Jane Doe #39 and briefly speaking to her on October 27, 1988. (App'x JS#9 , Letter from VAC to Jane Doe #39, dated October 31, 1988, p 1.) The VAC noted in her letter that Bishop Untener had called and spoken to either Jane Doe #39 or her husband in August of 1988, after receiving Jane Doe #39's letter, and spoke to one of them again "by phone this past week, October 26th, and at that time he asked if he could share" Jane Doe #39's letter with VAC. (*Id.*) When the VAC called Jane Doe #39, it was decided that "a letter would be better." (*Id.*) Accordingly, the VAC wrote the October 31, 1988 letter to introduce herself and her role at the Saginaw Diocese and to also ask Jane Doe #39's therapy status and what Jane Doe #39 was asking the bishop to do for her. (*Id.* at 1–2.) The VAC also apologized for what allegedly happened to Jane Doe #39, offered to personally meet with Jane Doe #39, and provided Jane Doe #39 with all of the VAC's contact information in the event Jane Doe #39 had any questions or wanted "to respond to this letter[.]" (*Id.* at 2.) It is unclear from file documents whether any additional communication took place between Jane Doe #39 and the Diocese.

By letter dated February 1, 2002, Jane Doe #40 wrote the following to Bishop Untener about Fr. Szarek's alleged "inappropriate behavior," in part:

I was a student at St. Josaphat's Grade School in the 50's. In and around 1957[,] I was 10 years old and while being in grade school there was an assistant and/or helper by the name of Father Joseph Szarek, a young very nice looking young man. Back then he seemed old but that is only natural through a child's eyes. I cannot give you a time frame of how long the inappropriate behavior took place but at the time[,] it seemed like forever. But by not remembering does not make the pain go away or make it any less real. It was long enough that it burnt out a part of my heart and my innocence of a young child. I never expressed the incidents or my feelings regarding all of this because in all reality "who" would believe it? We are talking over forty years ago and in that time period the church had already managed to fill me with guilt of an earlier experience in my life, I wasn't about to set myself up again. To be told by a priest in my first confession i[t] basically was my fault because I was in the wrong place at the wrong time, would keep anyone from "squealing" on someone of the cloth for basically the same thing. Oh no, no I was going to keep that "secret" to myself. And you know that is what the church would have wanted of me at the time too. Well, maybe I would have just one friend to talk to about it. Yes,

we both knew about each other. And we kept in between ourselves all these years. I couldn't handle the inner turmoil anymore around the early 1990's. I finally gave in and broke the "secret" and sought therapy[,] or I would have lost the little b[i]t of self-esteem I had manage[d] to keep within.

[App'x JS#10, Letter from Jane Doe #40 to Bishop Untener, dated February 1, 2002, p 1.]

In the same February 1, 2002 letter to Bishop Untener, Jane Doe #40 wrote that she was not looking for money from the Diocese, but she did ask for two things. (*Id.* at 2.) First, "an open apology from the church in regards to the incidents occurred by 'their people' and of their practice of hiding the goings on of things like this[.]" (*Id.*) Second, Jane Doe #40 asked that Fr. Szarek be found, writing that "[t]he child needs to confront and then to let it go once and for all." (*Id.*)

On February 20, 2002, the VAC met with Jane Doe #40 and her husband at their home. (App'x JS#11, Typewritten notes of the VAC, dated February 28, 2002, p 1.) The VAC told Jane Doe #40 that the bishop "conveyed his apologies for what had [allegedly] happened to [Jane Doe #40]. He was very sorry." (*Id.*) The VAC also told Jane Doe #40 that she was sorry. (*Id.*) The VAC also advised that Fr. Szarek died on May 15, 1999, and was buried "in St. Mary's Cemetery, Troy, New York." (*Id.* at 3.) The VAC also told Jane Doe #40 that the Diocese of Albany did not have any allegations of sexual abuse concerning Fr. Szarek in his personnel file, but it did inform Jane Doe #40 "about the woman who went with her husband to tell Fr. Szarek that he had hurt her when she was a little girl." (*Id.* at 4.)

In typewritten notes of the VAC, dated February 22, 2002, she wrote that she had spoken to the bishop of the Diocese of Albany, and he advised that his diocese did not have any complaints of sexual abuse in Fr. Szarek's file; however, according to a nun in the Saginaw Diocese, allegations were reported to the Albany Diocese, which the VAC described in her notes, as follows:

In 1994, [a religious sister] called the diocese to report that she had heard from 2–3 women that they had been sexually fondled by Father Szarek when they were little girls at St. Josaphat Parish. [Sister] reported that to the Diocese. The Diocese did call Albany once again to report this information.

[App'x JS#12, Typewritten notes of VAC, dated February 22, 2002.]

On April 29, 2020, legal counsel for the Diocese of Saginaw advised the Department of Attorney General that Jane Doe #41 alleged that she was sexually abused by Fr. Szarek "at St. Josaphat Parish in Carrollton when she was 7 years old." (App'x JS#13, Email from legal counsel to the Department of Attorney General, dated April 29, 2020.) "Fr. Szarek was assigned to that Parish from 1956–1958." (*Id.*) A letter,

dated April 15, 2020, from Jane Doe #41's attorney to Bishop Robert Gruss was attached to the diocesan attorney's April 29, 2020 email to the Department, which stated, in part, the following:

We represent [Jane Doe #41] who was sexually abused on several occasions by Fr. Joseph Szarek at St. Josephat, in Carrollton, Michigan. She was approximately 7 years old when the abuse occurred.

Fr. Szarek would ask her to wait for him after confession. Rather than giving her a penance of prayers, he would say she would help clean candles. He would then take her to the sacristy and pinch her nipples, put his hand down her underwear. She would have to sit in a chair while Fr. Szarek abused her[,] and then he ejaculated on her. On other occasions, [Jane Doe #41] was accompanied by her two best friends who were also abused. Fr. Szarek told [Jane Doe #41] that priests were god[,] and she can't refuse a priest.

At some point, [Jane Doe #41's] older sister found out [,] and she told her father. The father told the pastor of the church. Fr. Szarek was transferred to the Diocese of Albany[,] where he continued to serve as a priest in good standing for decades.

[App'x JS#14, Letter from Jane Doe #41's attorney to Bishop Robert Gruss, dated April 15, 2020, p 1.]

Jane Doe #41 was telephonically interviewed by a diocesan VAC on June 1, 2020, during which time Jane Doe #41 stated that the alleged sexual abuse commenced in 1958, when she was seven years old. (App'x JS#15, Catholic Family Service, Diocese of Saginaw, Allegation Intake Form, dated June 1, 2020, p 1.) VAC summarized Jane Doe #41's allegations in her intake report, as follows:

Relates starting in 1958[,] when she was seven years old[,] she started to attend confession at Saint Josaphat Parish in Carrollton, Michigan[,] with Father Joseph Szarek (deceased). Shortly after taking confession weekly on Saturdays, Father would tell her to stay after instead of giving her a verbal peritence [sic.] to do. When he was finished doing confessions[,] he took her into [the] back of the church and gradually began to molest her[,] which graduated to penetration rape. She says this happened each Saturday after confession. At some point during this year[,] her best friend, also seven[,] and this friend's ten year old sister[,] were also abused. Sometimes alone, sometimes all three involved at the same time. She remembers times of the priest putting the nude girls between his legs while he masturbated and then ejaculated on them. She remembers times of him having her turned

from him on her stomach while he did this and ejaculated on her buttocks and back[,] while she is looking up at a picture of Jesus; wondering how this could be something about confession. At some point[,] the ten year old figured this was not normal and told her father. The girl[']s father went to talk with someone, she is not sure who[m,] but says was not the police, and the priest was gone. She said the priest got sent someplace[,] but came back to Michigan at some point.

[Jane Doe #41] states she just felt confused but returned when he was gone. But this abuse has left her questioning “why me,” can’t trust, has had two unsuccessful marriages, always feels somehow things must be her fault[,] and she is being blamed.

She reported her mother did[,] at age of fourteen[,] tell her about “sex, birds and bees, where babies come from[,]” and she started to figure things out. Finally told her parents when in early twenties, an attorney was consulted but was told they really didn’t have a case. When there wasn’t a case[,] her father told her the priest had been in World War and[,] his brain was screwed up[,] [w]hich made her feel even more like maybe she was somehow to blame.

[*Id.* at 1–2.]

During the same June 1, 2020 interview, Jane Doe #41 told the VAC that she was reporting the alleged sexual abuse because she wanted “someone to know, to clear her head, [and] to find some peace.” (*Id.* at 2.)

(37) FR. WILLIAM R. TAYLOR



Born: June 16, 1940

Ordained: June 3, 1967

Retired to senior priest status: July 2007

Died: July 13, 2020

Fr. William R. Taylor was born in Saginaw on June 16, 1940, and was ordained to the priesthood on June 3, 1967, at the Cathedral of Mary of the Assumption in Saginaw for the Diocese of Saginaw. (App'x WRT#1, Diocese of Saginaw, "Video of Father Bill Taylor's Funeral Mass and Vigil Service Available," dated July 16, 2020, p 1.) Fr. Taylor retired to senior priest status in July 2007 and died on July 13, 2020. (*Id.* at 1-2.)

On December 14, 2021, legal counsel for the Saginaw Diocese notified the Department of the Attorney General that John Doe #79 called the Diocese and alleged that he was sexually abused by Fr. Taylor "about 30 years ago." (App'x WRT#2, Email from legal counsel to the Department, dated December 14, 2021, p 1.) Legal counsel also advised that the diocesan Victim Assistance Coordinator (VAC) was trying to make contact with John Doe #79 to obtain more information regarding his allegation. (*Id.*) The Department asked that "[i]f you should make contact with him please provide any additional information you receive." (*Id.*) Thereafter, on January 4, 2022, legal counsel for the Diocese emailed the Department a copy of the diocesan VAC's December 27, 2021, report concerning John Doe #79's allegations, which read, in part, as follows:

[John Doe #79] went on to say that[,] after he had read about the priest being a great person [in a then-recent article or obituary][,] he just had to let someone within the Church know that this was not true. He said that[,] when he was about 13 years old[,] Father Taylor took him into a "back room" used for storage and where they kept the robes and other items at St. Mary's[,] and Father Taylor asked him if he knew what masturbation was. [John Doe #79] said he told him no as the [sic.] thought he was going to get a lecture about what a bad sin it was and was going to be in trouble. He said then the priest showed him what to

do on himself and then told [John Doe #79] to do it[,] and he wanted to watch. [John Doe #79] said he was too afraid to say no and did what the priest told him. Over a few weeks[,] this happened x three that he remembers. Always in this room with the robes. [John Doe #79] says he finally told his mother that he needed to concentrate on his school studies and didn't want to be an altar boy any longer. He thinks that this may have happened with a couple of the other boys[,] but does not know for sure and could not give me any names. He said at no time did the priest touch him, and besides the original time of seeing his penis when instructed on what to do, did the priest ever expose himself again. He did say that he would rub his genital area outside of his clothes while he watched. He told [John Doe #79] that this was a special thing between them and to not share their secret. [John Doe #79] states he did not tell anyone until he shared with his wife after they were married. The wife remembers this as what he told to her many years ago. She stated that he has always had a hard time trusting, he has used both drugs and alcohol to excess over the years.

[App'x WRT#3, Email from legal counsel to the Department, dated January 4, 2022, and Victim Assistance Coordinator report, dated December 27, 2021, pp 4–5.]

During the same December 27, 2021 telephone interview with the VAC, John Doe #79 stated that the alleged sexual conduct occurred at St. Mary's in Saginaw in 1965. (*Id.* at 3.) John Doe #79 believed that Fr. Taylor might have also sexually abused some of the other boys during that same timeframe because "they would make 'off' comments about the 'robe room.'" (*Id.* at 6.) The VAC offered therapy to John Doe #79 and also offered for him to meet with the Bishop; however, John Doe #79 declined both. (*Id.*) John Doe #79 said he "just needed to let somebody know he [Fr. Taylor] was not great like they said." (*Id.*) "I just wanted for somebody within the Church to know." (*Id.*) John Doe #79's wife was also on the call and shared that John Doe #79 "has had dementia for the past 4-5 years and . . . has suffered from Bipolar Disorder for many years." (*Id.* at 4.)

On March 8, 2022, the Saginaw Diocese Review Board noted that there was insufficient evidence to determine whether the allegations were credible. An offer was made to assist John Doe #79 with therapy, but it was declined. No other allegations were found pertaining to Fr. Taylor.

**(38) FR. LEONARD FRANCIS WILKUSKI
(ON DIOCESE OF SAGINAW CREDIBLY-ACCUSED CLERGY LIST.)**



Born: April 29, 1937

Ordained: June 29, 1963

Retired to Senior Priest Status/Suspended from ministry: April 10, 2002

Laicized: February 18, 2006

Died: January 25, 2022

Fr. Leonard Francis Wilkuski was born on April 29, 1937, in Omer, Michigan, and was ordained to the priesthood in Louvain, Belgium for the Diocese of Saginaw on June 29, 1963. (App'x LFW#1, Biographical Record – Priest of the Diocese of Saginaw, Wilkuski, Leonard Francis, p 1.) On April 10, 2002, Fr. Wilkuski retired to senior priest status, and his priestly faculties were withdrawn. (*Id.* at 2.) Fr. Wilkuski was laicized on February 18, 2006, and died on January 25, 2022. (App'x LFW#2, Diocese of Saginaw, Leonard Wilkuski, p 2.) Fr. Wilkuski's name appears on the Diocese of Saginaw list of "Names of Clergy Accused of Sexual Abuse of a Minor" under Section A, "names of clerics of the Diocese of Saginaw who were permanently removed from ministry as a result of canonical proceedings." (App'x LFW#3, Diocese of Saginaw, "Names of Clergy Accused of Sexual Abuse of a Minor," pp 1–2.)

On January 14, 1987, the VAC met with "four people who had concerns about things they had heard from some people in the Thumb Area [of Michigan] regarding Fr." Wilkuski. (App'x LFW#4, "Notes taken from the Thumb Area Meeting," dated January 14, 1987, p 1.) One person alleged that Fr. Wilkuski "took boys from school over to the rectory during the day[, and t]hen Fr. L.W. would send them back to school." (*Id.*) Another person told the VAC that, when Fr. Wilkuski arrived at their parish, "things started to be 'different.'" (*Id.* at 2.) Some of the male students alleged that Fr. Wilkuski would "hit" on them, and "[t]he way he looked at them made them uncomfortable." (*Id.*) "The way he would touch them on the shoulder was different." (*Id.*) It was alleged that the guys did not want to be alone with Fr. Wilkuski. (*Id.*)

During the VAC's same meeting with the four unidentified people on January 14, 1987, one person alleged that Fr. Wilkuski visited a boy in the hospital and "put his [Fr. Wilkuski's] hand on his [the boy's] testicles." (*Id.*) On another alleged occasion, Fr. Wilkuski and a male student got soaked in water during an outing, and when they got to the rectory, Fr. Wilkuski asked the student if he wanted to change clothes, saying he wouldn't look, and the student who told this story to the person reporting it to the VAC, said: "Anything to take my clothes off." (*Id.*) "Another person said that plenty of liquor is readily available in the rectory and [allegedly] offered to the kids." (*Id.*) The persons at the meeting told the VAC that they did not know if these allegations were true, but they thought they should report them to "protect the children." (*Id.* at 3.)

In typewritten notes dated August 23, 1990, the VAC wrote about a discussion she had with a therapist in the area about an alleged incident that occurred in late August or early September 1986:

Sometime in late August or early September, 1986, a therapist in the area called me at the diocese. He is a very reputable therapist; he wanted to express a concern that one of his clients presented to him. The therapist had gotten all the correct permissions from his client to speak with me and with the Bishop – with the church about what had happened to him. The therapist was checking out with me if he should call the Bishop; I assured him that he should definitely do so.

In these August 23, 1990 notes, the VAC wrote about what the therapist told her about the allegations.

This gentleman went to see Fr. L.W. for some help with his marriage. This man somehow expressed during the course of the discussion that he was having some kind of sexual difficulty. The man reported that Fr. L.W. asked to see his genitals in order to see if everything was all right. The man did take down his pants and said that Fr. L.W. checked him . . . while Fr. L.W. was doing this, the man noticed that Fr. L.W. was getting aroused. The man became concerned about what was happening.

The man reported the incident to the therapist (as I remember, the man did not return to Fr. L.W. for further help). The man was concerned that Fr. L.W.'s behavior was not quite right and was assured by his therapist that he was correct. The man wanted to somehow get help for Fr. L.W. and make the incident known to the correct people – he also did not want to have others experience this kind of help from Fr. L.W. So, the therapist contacted me. (At this point, I did not know the identity of the priest.)

The therapist contacted the Bishop and told him the story. The Bishop called me[,] and we decided that the priest should be contacted so that he was fully aware of all that was happening. (The identity of the client remained anonymous to all except his therapist; the client was over 18 years of age.) The Bishop called the priest and asked the priest to see me.”

[App’x LFW#7, Typewritten notes of the VAC, dated August 23, 1990, pp 1–2.]

On September 25, 1986, Fr. Wilkuski and the VAC met to discuss the alleged incident. The VAC wrote as follows:

Fr. L.W. remembered the incident in question and indicated that he was trying to help the person. I assured Fr. L.W. that[,] although he thought that he was helping, in actual fact, Fr. L.W.’s behavior was quite inappropriate. I assured him that[,] even with my background, a physical examination of a genital area would be very inappropriate, and this was true in his case too. I remember a little discussion (or resistance) following. I then remember saying that I could gather ten psychologists at random from the Michigan Psychological Association[,] and if I presented the incident that we were talking about for their opinion – that indeed all ten people would consider the behavior of Fr. L.W. inappropriate.

Fr. L.W. indicated that he did not, of course, ever mean to harm anyone. He seemed to want to believe that there was some chance that what he did could be helping. I would not allow that and suggested that his ‘denial’ could be of concern to me and to him because it could lead him to do things that he thought were helping when in fact they might be meeting a need of his but not of the person coming to see him.

Fr. L.W. indicated that he felt he was gay and just had to learn to cope with that. He denied that he had had any sexual relationship with anyone. He felt he was trying to deal with his situation.

The meeting was somewhat awkward and embarrassing for Fr. L.W., yet he tried to be open and deal with the questions.

We (I think) decided that Fr. L.W. take some time to think about all of this and then return to talk to see what might follow.

I suggested that Fr. L.W. consider therapy in order to look at his feelings and behavior relative to his situation.

We met again in November (an in between meeting had been cancelled). At that time, I reinforced the inappropriateness of the incident in question. I also used the term “impaired judgement” in talking about the incident. I remember using that term because I wanted to make it very clear that the behavior could not be simply excused or minimized. I do not think that Fr. L.W. liked the term impaired judgement.

Fr. L.W. did seem to be willing to acknowledge that he had not acted in the best interests of everyone. I urged him to get some professional help and suggested people and places. They could be very private and confidential. Fr. L.W. said that he would think about it.”

[App’x LFW#7, Typewritten notes of the VAC, dated August 23, 1990, pp 1–2.]

In a memo dated August 20, 1990, Fr. Frederick Kawka, the Director of Ministry to Priests for the Saginaw Diocese, wrote a summary of information gathered from parishioners at St. Mary’s Church, Parisville, Michigan during two visits he made with a Pastoral Minister (Sister) in a neighboring parish. Fr. Kawka stated:

Father Wilkiski [sic.] has since moved to another parish, having completed his assigned time in Parisville. Fr. Frederick Kawka states:

In early July, 1990, [Sister] learned of some alledged [sic.] sexual misconduct by Fr. Wilkuski toward boys in his parish. Bishop Untener asked me and [Sister] to investigate. On Friday, July 13, 1990, we visited and spoke with the mother of a boy involved in an [alleged] incident some years back.

On Friday, July 21, we made a 2nd trip, and this time spoke with the young man himself. His account of the [alleged] incident: When he was in the 9th grade (about 6 years ago)[,] Fr. Len took him out for lunch. The conversation was “the usual” with Fr. Len: a lot of serious questions, probing about personal life, etc. On the way home, they stopped at the rectory, where Len began asking about sexual matters, including whether the boy was circumcised. Len kept insisting on showing the boy his circumcision, and was about to expose himself, when the boy got up and fled. He told his mother a few days later, and after that simply kept his distance from Len.

This same young man told us of 2 other [alleged] incidents that he knew of, which again took place about 5–6 years ago. Len took a boy camping or such; they stayed in a lodge with a sauna. When this boy was alone in the sauna, Len came in and immediately dropped his towel with the obvious intention of exposing himself. This young man

remained close to Len, but himself [sic.] had to set the limits of their relationship. This boy never told his parents, because they were of such a mentality, that they would never hear of such a thing about a priest.

In the 3rd incident, Len visited a boy in the hospital. While sitting on the bed, he put his hands on the boy's genitals.

The young man we talked with suggested that Len had a definite pattern in dealing with young people, especially the boys. (The parish had a school, K-8 grades.) He tried to be close and chummy with the kids; he wanted to get to know them well. He often invited boys to the rectory. Len was known quickly among the kids as "Gay Lenny." He made sure of giving thorough sex education to the 7th and 8th graders – in much more detail than the young man thought appropriate.

The mother in our first visit painted much the same picture. There were boys around the rectory a lot. Yet, some of them were afraid to be alone with Len, such as for Confession or Confirmation interview.

She also mentioned that a single man in the parish, known to be gay, used to spend a lot of time at the rectory.

The people we spoke with seemed very balanced, understanding, non-vindictive. I believe they were very honest. The young man especially seems to have put the incident in proper perspective in his life, and does not seem to be wounded by it.

[App'x LFW#8, Memo of Fr. Frederick Kawka Re: Father Leonard Wilkuski, dated August 20, 1990, pp 1–2.]

By letter dated August 24, 1990, Bishop Untener placed the following restrictions on Fr. Wilkuski:

- (1) No one is to stay overnight at the rectory of St. Brigid's except priests, or your relatives. In the latter case, no one under 21.
- (2) You are not to stay overnight elsewhere with any parishioner of St. Mary's, Parisville, or St. Brigid's, Midland.
- (3) You are not to have contact with any youngster under 21, or group of youngsters under 21[,] unless it is in a public setting.
- (4) No one under 21 is ever to be in the rectory when you are present, i.e.[,] past the reception area of the rectory.

[App'x LFW#9, Letter from Bishop Kenneth Untener to Fr. Len Wilkuski, dated August 24, 1990.]

On March 7, 1994, the VAC wrote the following in a letter to Detective Mark Krebs of the Michigan State Police (MSP):

Dear Detective Krebs,

Recently, I spoke with you on the phone regarding a concern expressed to you by the Prosecuting Attorney in Bad Axe about the behavior of Fr. Len Wilkuski. I believe that you said the people who expressed the concern to the State Police were inquiring whether anything had been done to address their concerns with Fr. Wilkuski. Following is information that I hope will be of help to your inquiry into this matter.

In early January, 1987, someone called the Bishop from the Thumb area. This caller was acting as a "middle person" in order to communicate concerns to the Bishop by some others in the Thumb area regarding some of the behaviors of Fr. Len Wilkuski. The Bishop listened carefully to the concerns being expressed and then asked me to contact this 'middle person' in order to set up a time to meet with the people who were expressing the concerns.

On January 14, 1987, I met with the four people expressing concerns in a church in Bad Axe. The persons asked that their names be held in confidence because of the delicacy of the issues and because the Thumb is such a small area and an area that talks a lot. Confidentiality was assured. None of the four persons at the gathering had had any specific experience themselves that were of concern to them regarding Fr. Wilkuski. Rather, they were reporting what they "had heard."

One person went first because that person was unable to stay for the entire meeting. A student told this person that "Fr. tried to put the moves on me." This adult called the mother of the student who was aware of the possible sexual aspect of the "move" in question. The person reporting it felt that the mother knew of the [alleged] incident and the 'sexual' overtone[,] and the mother did not take it further. This person, at the meeting in Bad Axe, then left the meeting; nothing more explicit than what was said by that person was developed.

The remaining three people at the meeting in Bad Axe then expressed their concerns. These included: "general talk" among the kids in the parish that Fr. Wilkuski could be gay; Fr. Wilkuski was "different" than Fr. Surman; there is a different "feeling" with Fr. Wilkuski; Fr. Wilkuski seemed to be "different" with the boys; some of the boys would say: "The way he looked at me made me uncomfortable." Or "the way he would touch them on the shoulder was different;" another young man was said to report an incident that occurred when he was

in the hospital and Fr. Wilkuski visited with him and put his hand on the sheets over his private area; another report was that Fr. Wilkuski asked one of the young men if he wanted to see his scars (it was reported that the young man said “no”).

The people at the meeting who were reporting their concerns also kept repeating that what they had heard was “talk;” they did not have any specific experience themselves. Also, they were concerned for the children and the need to protect the children. It could be that the incidents that they had heard about were just “talk” and not true. The people also thought that Fr. Wilkuski may be sending out “signals” and he was not aware of what he might be doing, but he should know about it.

So, in summary, four people in the thumb area asked for a meeting in order to express what they had heard as “talk” from some of the young people in the area. They felt they had to report it, yet were concerned that it might not all be true, but in any case they did want to protect the children. They expressed gratitude for having been listened to. I assured the people that the matter would be pursued.

I reported the information from the meeting to the Bishop, and I met with Fr. Wilkuski on January 21, 1987. I reported to him about the phone call to the Bishop and then my meeting with some people from the thumb area and what they had said about him.

Fr. Wilkuski was quite surprised and very concerned. It was quite apparent that he in no way meant harm to anyone and was not aware of his behavior or of ‘signals’ he might be sending out, if he was indeed doing any of the reported concerns. We talked for a long time and talked quite explicitly and clearly. Fr. Wilkuski was open to hearing what I was saying, even though the information was not pleasant to hear. He stayed with the conversation the entire time. I strongly urged Fr. Wilkuski to get some professional help in order to follow up on his thoughts and feelings and what might or might not be occurring in his behavior.

My sense was that Fr. Wilkuski wanted to take care of these concerns by himself – that indeed he had meant no harm and would try to monitor his own behavior. The Bishop also talked with Fr. Wilkuski and kept contact with him. To my knowledge, no further incidents were reported to the diocese regarding Fr. Wilkuski’s behavior from that time through his change to a parish in Midland in July, 1990. Just about that time (summer, 1990), however, a Sister who worked in a parish in the Thumb, called the Bishop to tell him about some “talk”

that she had heard about Fr. Wilkuski. At that point (summer, 1990), Fr. Fred Kawka met with this Sister and then together they went to the home of the woman expressing the concern. It appeared from their visit, that the concern of this woman was a concern that had been expressed earlier (in one of the incidents from 1987) involving Fr. Wilkuski and her son. Fr. Kawka and Sister also met with the son. It seemed that the mother's main concern was whether or not anything had been expressed to Fr. Wilkuski about the incident.

Following this meeting with the mother and the son and Fr. Kawka and Sister, the Bishop met with Fr. Wilkuski and told him that he was going to see someone professionally about all of this. Fr. Wilkuski did go to Ann Arbor in, I believe, November, 1990. I know that he was seen there for an assessment by [a physician.]

Following her assessment of Fr. Wilkuski, [the physician] referred Fr. Wilkuski for further follow-up . . . at Lutheran Child and Family Services in Bay City. Fr. Wilkuski did follow through on this referral and was seen by Luke Stephan from March, 1991[,] through December, 1992. I believe that Fr. Wilkuski was seen on the average of once or twice a month throughout that time period. Specific dates can be verified if you would like them.

If you would like more information about anything else with regard to this concern, please let me know. I was not sure how much detail you wanted regarding all of this. We are very willing to cooperate in whatever way we can.

Very sincerely,
[The VAC]
Licensed Psychologist

PS I could add that, to my knowledge, no new concerns have been expressed to the diocese regarding Fr. Wilkuski.

[App'x LFW#10, Letter from the VAC to Detective Mark Krebs, dated March 7, 1994, pp 1-3.]

By letter dated April 3, 2002, an attorney wrote to Bishop Untener and alleged that her client, John Doe #80, "was sexually abused by Fr. Leonard Wilkowsi [sic.] ("Father Leo") sometime between 1966 and 1968 at the St. Mark's church building in Augres [sic.], Arenac, County, Michigan." (App'x LFW#11, Letter from an attorney to Bishop Kenneth Untener, dated April 3, 2002, p 1.) The attorney wrote that John Doe #80 could not recall the exact date of the alleged sexual abuse, but he did recall "that he may have been between 10 to 12 years old at the time of the [alleged] incident." (*Id.*) The attorney also wrote that, at the time, Fr. Wilkuski

was “the presiding priest of the St. Mark’s parish.” (*Id.*) John Doe #80 “had been employed as part of a youth program by the parish to clean the building after church activities.” (*Id.*) The alleged sexual abuse during an evening while John Doe #80 “was working at the church building.” (*Id.*) John Doe #80 felt that “there may be records of his employment and wages received which in turn may help pinpoint more accurately the time period in which the incident occurred.” (*Id.*) The attorney further wrote that John Doe #80 told her that “his older brother, [John Doe #81,] has confirmed that he was also sexually abused in the same manner by Father Wilkowski [sic.] sometime in the same approximate time period[,]” and both John Doe #80 and John Doe #81 “are able to give very factually specific accounts as to the circumstances leading to the incident as well as the exact location of the incident within the church building.” (*Id.*) The attorney further wrote that the men were also “able to give a very specific description of the acts of Father Wilkowski [sic.]” (*Id.* at 1–2.) John Doe #80 was “willing to come forth with these specific details when requested to do so and at an appropriate time and place.” (*Id.* at 2.) The attorney wrote that, by her letter, John Doe #80 was making a “formal complaint for sexual abuse” against the Catholic Church, the Saginaw Diocese, and Fr. Wilkuski. (*Id.*) John Doe #80 also believed that other children were sexually abused by the priest, and, therefore, wished “to take all steps necessary to ensure that Father Wilkowski [sic.] is immediately removed or suspended from his duties with the Church [,] pending further investigation of this matter.” (*Id.*)

On April 10, 2002, Bishop Untener suspended Fr. Wilkuski’s priestly faculties. (App’x LFW#12, Letter from Bishop Kenneth Untener to Fr. Wilkuski, dated April 10, 2002.) Bishop Untener also directed Fr. Wilkuski to “restrict [his] other activities so that they do not involve minors.” (*Id.*) On April 22, 2002, a decree was issued to open a preliminary investigation into the “[a]llegations of sexual abuse . . . made against Reverend Leonard F. Wilkuski” under canon law. (App’x LFW#13, Diocese of Saginaw, Decree Opening the Preliminary Investigation, Case re: Reverend F. Wilkuski, dated April 22, 2002.)

In response to a suggestion made by diocesan legal counsel, the attorney wrote a demand letter on May 6, 2002, on behalf of John Doe #80, requesting a “monetary settlement for the psychological trauma that he has suffered as a result of being sexually abused by Father Wilkowski [sic.]” in the amount of \$300,000.00. (App’x LFW#14, Letter from John Doe #80’s attorney, dated May 6, 2002, pp 1 and 7.) In her letter, the attorney wrote the following alleged “Description [o]f [t]he Incident:”

Although [John Doe #80] cannot recall the specific date of the incident, he recalls that [he] was between 10 to 12 years old at the time of the incident. This means the incident would have occurred sometime between 1966 and 1968. Father Wilkowski [sic.] was the presiding priest of the St. Mark’s parish at that time. [John Doe #80], his two brothers and two sisters were members of the St. Mark’s parish in Augres [sic.], Michigan.

[John Doe #80] had been acting as an alter [sic.] boy in the parish. Also, [John Doe #80] had been employed by the parish [John Doe #80] was paid for his services to the Church. The incident occurred on an evening while he was working at the church building. [John Doe #80] feels that there may be records of his employment and wages received which in turn may help pinpoint more accurately the time period in which the incident occurred.

[John Doe #80] recalls that the incident occurred on an evening when he was in the church alone with Father Wilkowski [sic.]. He thinks that the incident took place in the fall or winter months because he was [sic.] vividly recalls wearing a long bulky knit white or beige sweater on the evening of the incident.

[John Doe #80] recalls that Father Wilkowski [sic.] approached him and asked him to come into his office. Upon arriving in the office, Father Wilkowski [sic.] told [John Doe #80] to go behind his desk and sit in his chair. Father Wilkowski's [sic.] office was very small with just enough room for the small desk, a chair that fit behind the desk, another chair for visitors, and perhaps a filing cabinet.

The desk was located in the room with the back of the desk several feet in front of the back wall of the office and one side up against the side wall of the office. The desk was positioned so that a person seated at the desk would have their back to the rear wall, the desk in front of them and a wall to one side of the desk blocking movement around that side of the desk. This left only one side of the desk for ingress and egress.

Being a young boy, [John Doe #80] was excited to be asked to sit in Father Wilkowski's [sic.] chair behind his desk. He felt i[t] was quite an honor to be allowed to do so. After he went behind the desk and sat down in the chair, Father Wilkowski [sic.] pulled up another chair and positioned it in front of the only opening to [sic.] space at the rear of the desk where [John Doe #80] was seated. This effectively trapped [John Doe #80] behind the desk. Father Wilkowski sat down in his chair facing [John Doe #80] with their knees almost touching.

After sitting down and trapping [John Doe #80] behind the desk, Father Wilkowski [sic.] asked him if he knew how babies were created. Of course, [John Doe #80] did not and stated so. Father Wilkowski [sic.] then started describing in graphic detail about sexual intercourse between a male and a female. Then Father Wilkowski [sic.] instructed [John Doe #80] to stand up and pull his pants down. [John Doe #80] was taken aback by this request and was understandably reluctant to

do so. But Father Wilkowski [sic.] reassured [John Doe #80] that it was okay and again instructed him to pull down his pants. [John Doe #80] was trapped behind the desk and felt that he had no choice but to do as Father Wilkowski [sic.] asked. Therefore, he stood up, unfastened his pants and let them fall to the floor. [John Doe #80] had on a long bulky sweater which fell below the waist and covered his pelvic area. Father Wilkowski [sic.] instructed [John Doe #80] to pull his sweater up with both hands and hold it there so as to reveal his naked genital area. Then, with [John Doe #80] trapped behind the desk with no avenue of escape, his pants around ankles and his genital area exposed, Father Wilkowski [sic.] began to stroke [John Doe #80's] testicles and the underside of his penis. At the time, [John Doe #80] was not sure of what Father Wilkowski [sic.] was doing but knew that it was not appropriate and became increasingly more alarmed and frightened by the minute. In hindsight, [John Doe #80] thinks that Father Wilkowski [sic.] was attempting to arouse him to the point of erection. This continued for quite a while, before [John Doe #80] became extremely frightened and started to cry. At that point, Father Wilkowski [sic.] allowed [John Doe #80] to pull his pants up and leave.

[John Doe #80] has recently learned that his older brother, [John Doe #81,] was also sexually molested in the same fashion by Father Wilkowski [sic.] sometime in the same approximate time period.

Also, sometime after Father Wilkowski [sic.] sexually molested [John Doe #80] and his brother, Father Wilkowski [sic.] was suddenly and without forewarning transferred out of St. Mark's Parish. No one in the Parish was given advanced notice of this transfer nor any explanation for why he was transferred from St. Mark's so suddenly. [John Doe #80] recalls coming to Church one Sunday and being told that Father Wilkowski [sic.] was gone.

[*Id.* at 1–3.]

In a letter to “My Dear Parishioners,” published in the *The Bay City Times* on May 11, 2002, Fr. Wilkuski wrote the following:

This is a letter I had hoped never to write. However, events being as they are, I am addressing these words to you today.

An allegation of sexual misconduct has been made against me. It concerns an incident which occurred much earlier in my ministry.

The bishop met with me[,] and we reviewed the diocesan policies which govern such situations. As a result of that discussion, I have submitted my resignation as your pastor, and the bishop has accepted

it. It is effective on this date, so I will no longer be serving as your pastor.

I am very sad to have to share this with you. You have been a loving and supportive parish, and I have found much joy while here at Holy Trinity. My preference would have been to tell you this personally at each of the three weekend Masses. But upon further reflection, I thought it would be better if you all received this information at the same time.

I have many regrets. I regret the hurt I have caused others in the past, and I regret the hurt I am causing you now. I am truly sorry. I want you to know that this was part of my past, and I moved beyond this years ago.

This is a magnificent parish, a community with a strong and deep faith. Please don't let my past failures destroy your love of the Lord and of the church. I have every confidence that you will continue to be a faith-filled parish and support your new leadership with enthusiasm and trust.

My future is uncertain at the moment. Please pray for me. I will continue to pray for you.

Sincerely yours,
Fr. Len Wilkuski

[App'x LFW#15, *The Bay City Times*, "PRIEST acknowledges past indiscretion, resigns from parish," dated May 11, 2002.]

The Diocese of Saginaw issued a public statement – that was undated but appears to be released at about the same time as Fr. Wilkuski's above-quoted letter – that reported Fr. Wilkuski's resignation as pastor of Holy Trinity Parish, Bay City, as a result of "a recent allegation of sexual misconduct arising from the early years of Fr. Wilkuski's ministry." (App'x LFW#16, Office of Communications, Diocese of Saginaw, News Release, Undated.) The News Release also included a statement from Bishop Untener that read, in part:

To remove a 65 year old pastor from his parish and to tell him that because of past misconduct he can no longer serve as a priest is a very severe action. But we priests must stand before our people as good shepherds. If our past gets in the way of the present, we have to step down to serve the greater good, namely, the trust of our people.

[*Id.*]

On October 27, 2004, Fr. Thomas Sutton, then acting as Diocesan Administrator after the passing of Bishop Untener, issued a decree that closed the preliminary investigation into the allegations against Fr. Wilkuski that was started on April 26, 2002, under the direction of Bishop Untener. (App'x LFW#17, Diocese of Saginaw Decree Closing the Preliminary Investigation, Case re: Reverend Leonard F. Wilkuski, dated October 27, 2004.) Consistent with the findings and conclusion in the Assessment prepared by the appointed canon law experts in Fr. Wilkuski's canonical case, Fr. Sutton determined that the case, "with all its pertinent *acts*, be transmitted to the Congregation for the Doctrine of the Faith." (*Id.*) The Assessment, also dated October 27, 2004, set forth the following statement of facts:

In 1985, Bishop Untener received a call of concern from a mother and her son. The mother indicated to Bishop Untener and his delegate that[,] when the boy was approximately fourteen, in the rectory of St. Mary's, Parisville, Michigan, Rev. Wilkuski offered to show the boy his circumcision. The boy asserted that Rev. Wilkuski insisted that he would show him the circumcision. However, the boy got up and left.

At the same time, the fourteen year old reported two other incidents. Rev. Wilkuski took a boy, named [John Doe #82], camping where they stayed in a lodge with a sauna. When the boy was alone with Rev. Wilkuski, Rev. Wilkuski exposed himself. According to the boy, it was important for the boy to set limits with his relationship with Rev. Wilkuski. Another incident reported by the boy was a time when Rev. Wilkuski visited an adolescent in the hospital[,] and he put his hands on the boy's genitals. As a result of these reports, Rev. Wilkuski was sent for psychological assessment. In 1990, Rev. Wilkuski went to [a physician] at the University of Michigan for an assessment/evaluation. The results of that evaluation are included in this preliminary investigation. Suffice it to say that[,] in that evaluation, Rev. Wilkuski reveals a history of sexual relationships with males; some of whom were young men, others who were adolescents; others who were younger/prepubescent.

Rev. Wilkuski was also accused of inappropriate sexual behavior in a letter written to Bishop Kenneth Untener on September 5, 1986. In that letter, Rev. Wilkuski was accused of having inappropriate genital contact with a thirty-year-old man. Rev. Wilkuski denied any sexual relationship with the gentleman; however, he did admit that in a counseling session he requested to examine the man's genitals. At that time, the accuser stated that Rev. Wilkuski had touched his scrotum[,] and the gentleman saw that Rev. Wilkuski was having an erection. At that time, it was recommended that Rev. Wilkuski enter into therapy[.] In 1987, Bishop Kenneth Untener received a call from a pastoral minister expressing concern over rumors concerning the

behavior of Rev. Wilkuski. Upon investigation of these concerns, it was indicated that[,] while there were many “rumors” about Rev. Wilkuski’s inappropriate, there were no specifics.

In all of this activity, Rev. Wilkuski states that he was attempting to teach young boys about sexuality; that masturbation is wrong. However, in doing this, Rev. Wilkuski touched the genitals of many adolescents.

In addition, Bishop Untener issued the following restrictions on Rev. Wilkuski on August 24, 1990: 1) No one is to stay overnight at the rectory[,] except priests or relatives; never is anyone under the age 21 to stay overnight; 2) Rev. Wilkuski is not to stay overnight elsewhere with any parishioner from his previous two parishes; 3) Rev. Wilkuski is not to have contact with any youngster under the age 21 or group of youngsters under age 21[,] except in a public setting; and 4) No one under 21 is to be in the rectory when Rev. Wilkuski is present.

In April 2002, Bishop Untener received a letter indicating that [John Doe #80] was making a sexual complaint against the Diocese of Saginaw. [John Doe #80] alleged to a civil attorney that he had been sexually abused by Rev. Wilkuski at St. Mark’s Church, AuGres [sic.], Michigan[,] when he was between 10 and 12 years of age. [John Doe #80] also alleged that Rev. Wilkuski sexually abused an older teen brother at about the same time, 19[6]6-1968. [John Doe #80] alleges that Rev. Wilkuski had [John Doe #80] pull down his pants and Rev. Wilkuski stroked [John Doe #80’s] genital areas. In the allegation, [John Doe #80] alleged that this behavior caused severe emotional trauma for him as a child[,] including fear of priests, the Catholic Church and all religious activities, at least until Rev. Wilkuski left the parish. [John Doe #80] states that he has continued to have an aversion to religious activities to this day because of this experience with Rev. Wilkuski.

While nothing came of this proposed law suit [sic.], Rev. Wilkuski resigned his pastorate May 8, 2002. The Bishop indicated to the public that he was removed. He now resides in East Tawas, Michigan[,] at his family home. He lives by himself.

In this case under investigation, it is manifestly clear that Rev. Wilkuski has had a history of inappropriate sexual activity with males; specifically, although not exclusively, with adolescents and even boys. It is noteworthy that all the victims who came forward indicated they had a high degree of respect for the priesthood; and in particular for Rev. Wilkuski. It should also be noted that Rev. Wilkuski has a high

degree of respect among his brother priests. The motivation for the accusations against Rev. Wilkuski was a concern on the part of the accusers that Rev. Wilkuski was continuing to abuse young men. It should be noted that Rev. Wilkuski indicated during the investigation that this was something he had put behind him “years ago.”

[App’x LFW#18, Diocese of Saginaw, Assessment by Experts in the Law in the case of Reverend Leonard Wilkuski, dated October 27, 2004, pp 1–3.]

When Fr. Wilkuski’s case was sent to the Congregation for the Doctrine of the Faith in 2004 (exact date unknown), Fr. Sutton wrote the following in his October 27, 2004 *votum*:

Because the facts of the case are clear, i.e.[,] the numerous allegations of a similar nature and the provisions of the *Essential Norms* quoted above are so clear, and because I am not convinced that Rev. Wilkuski will cease committing these crimes against the sixth commandment of the Decalogue, it is my recommendation that Rev. Wilkuski be dismissed from the clerical state by Administrative Summary Disposition. I recognize from the Advocate’s brief that Rev. Wilkuski may voluntarily request removal from the clerical state. However, this recommendation seems the only fitting penalty given the seriousness of the allegations and the consistency of this behavior throughout much of Rev. Wilkuski’s priesthood.

[App’x LFW#19, *Votum* of Fr. Thomas Sutton, Diocesan Administrator, the Case of Fr. Leonard Wilkuski, dated October 27, 2004.]

In a letter dated July 18, 2005, Archbishop Angelo Amato, SDB, Secretary of the Congregation for the Doctrine of the Faith, wrote the following to then newly installed Diocese of Saginaw Bishop Robert Carlson:

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the Reverend Leonard F. Wilkuski, a priest of your Diocese who has been accused of sexual abuse of minors.

After a careful study of the present case, I wish to inform you that this Congregation, while recognizing the grave nature of the cleric’s past offences, has nevertheless taken into consideration the fact that he is already in retirement and that the events of which he is accused have fallen into prescription. This Dicastery has therefore decreed that it

will not be necessary to present this case to the Holy Father for dismissal from the clerical state *ex officio*.

However, Your Excellency is authorized to apply n. 8 b of the *Essential Norms* and the cleric is hereby directed to live a life of prayer and penance with the possibility of celebrating Mass privately. These measures are to be imposed on the cleric by means of a penal precept. If the cleric is unwilling to observe this precept, recourse to further penal action may be made, including dismissal from the clerical state.

I take this opportunity to offer Your Excellency my sincere respect and I remain,

Sincerely yours in Christ,

/s/

Angelo Amato, SDB
Titular Archbishop of Sila
Secretary

[App'x LFW#20, Letter from Archbishop Angelo Amato to Bishop Robert Carlson, dated July 18, 2005.]

Consistent with the above authorization from the CDF, on August 30, 2005, Bishop Carlson issued a "Decree Imposing a Penal Precept" on Fr. Wilkuski – that the latter received and accepted – directing the following:

Given the gravity of your lewd conduct and improper touching of minors and of adults and other compromising situations, including giving alcohol to minors, this Decree obliges Reverend Leonard Wilkuski to specific behavior in keeping with the obligations of the clerical state, as provided in canon 277§2, "Clerics are to behave with due prudence in relation to persons whose company can [b]e a danger to their obligation of preserving continence or can lead to scandal of the faithful." Canons 1919 and 277§3 provides [sic.] that I, as the Bishop of Saginaw, have the authority to 'issue more detailed rules concerning this matter, and to pass judgment on the observance of the obligation in particular cases.'

By this Decree, I oblige the following of you:

1. You are to abstain from any involvement in pornography or any sexually explicit media.
2. You are to avoid sexual contact with minor and adults, and refrain from any forms of counseling or advice pertaining to sexuality.
3. You are to refrain from serving alcohol to minors.

4. While you are to live a life of prayer and penance with the possibility of celebrating Mass privately, you are neither to celebrate the sacraments[,] nor to provide spiritual care of the faithful in the Diocese of Saginaw and in all other dioceses, with the exception of celebrating the sacrament of penance for one in grave danger of death (canon 976). This specifically prohibits prayer services or like celebration in which you would provide spiritual guidance.

5. You are not to wear clerical garb and are not to represent yourself as one in good standing or authorized to act on behalf of the Roman Catholic Church.

Failure to follow the requirements of the Penal Precept will involve the application of the penal process of increasing severity, potentially leading to dismissal from the clerical state.

[App'x LFW#21, Decree Imposing a Penal Precept, Fr. Leonard Wilkuski, dated August 30, 2005.]

In a letter from Bishop Carlson to Fr. Wilkuski, dated August 30, 2005, and ecclesiastically notarized on September 7, 2005, the former acknowledged the latter's request to petition for laicization and advised that they would "proceed with instruction of the case." (App'x LFW#22, Letter from Bishop Robert Carlson to Fr. Leonard Wilkuski, dated April 30, 2005, and ecclesiastically notarized on September 7, 2005.) The bishop also suspended Fr. Wilkuski "from the exercise of the sacred ministry of priesthood." (*Id.*) In Fr. Wilkuski's petition for laicization, also dated August 30, 2005, he wrote the following to Pope Benedict XVI, in part relevant:

In 1986, an adult man who had come to me for counseling made an accusation of my improper touching his genitals. In 1987, further accusations came forward from individuals associated with the Parisville Parish. A representative of Bishop Untener met with individuals and then discussed these accusations with me. I admitted these indiscretions, and I had the opportunity to meet with Bishop Untener in early 1987. Further concerns involving improper touching of children were addressed in the 1990's with threatened litigation of sexual abuse against the Diocese of Saginaw in 2002. I received therapeutic assistance and recognize that I have difficulties with sexual fixations, which date back to my early adult years. There were also like incidents in my early years of priesthood. While I deny that I intended any harm, I recognize the impropriety of my acts and an impaired judgment.

[App'x LFW#23, Letter petitioning for laicization from Fr. Leonard Wilkuski to Pope Benedict XVI, dated August 30, 2005, pp 1-2.]

Fr. Wilkuski also wrote the following in his August 30, 2005 petition to the pope:

I recognize that I should have addresses these issues of sexual interest at a young age. I did not address these issues; I hoped that I could simply ignore my difficulties. In fact, I entered priesthood without the requisite freedom and responsibility to live the ascetical life proper to priesthood. Needless to say, I never sought counsel from any formators during my years in the seminary, and did not disclose subsequent sexual improprieties. I ask that you grant my request, as I am not able to function as a priest.

[*Id.* at 2.]

In a letter dated September 2, 2005, Bishop Carlson advised Diocese of Gaylord Bishop Patrick Cooney that Fr. Wilkuski was residing in the latter's diocese in Tawas, Michigan. (App'x LFW#24, Letter from Robert Carlson, Bishop of Saginaw, to Bishop Patrick Cooney, Bishop of Gaylord, dated September 2, 2005.) Bishop Carlson also advised that Fr. Wilkuski had "been permanently removed from Ministry" and "requested to be laicized after receiving a response from the Congregation for the Doctrine of the Faith with regard to the reasons for his removal from ministry permanently." (*Id.*) Bishop Carlson further wrote that Fr. Wilkuski "cannot function in any capacity whatsoever" and "[a]pparently, he had been going to the prison and may have even functioned in some other capacities at the parish in Tawas." (*Id.*) Consequently, Bishop Carlson wrote that Bishop Cooney "might also want to share this letter with the pastor in Tawas." (*Id.*)

By letter dated March 1, 2006, Archbishop Angelo Amato notified Bishop Carlson that the CDF, "after having carefully examined the documents of the present case and in light of the *votum* expressed by Your Excellency, has decided to forward the petition to the Holy Father for his decision." (App'x LFW#25, Letter from Archbishop Angelo Amato to Bishop Robert Carlson, dated March 1, 2006.) Archbishop Amato further wrote: "In an audience granted on 17 February 2006 **Pope Benedict XVI granted the Rev. Wilkuski the grace of a dispensation from all priestly obligations including that of celibacy** [i.e., the pope granted Fr. Wilkuski's petition for laicization]." (*Id.*) (Empasis in original.)

On May 13, 2024, legal counsel for the Diocese of Saginaw emailed the Department of the Attorney General a spreadsheet that the Diocese received from a New York law firm with "preliminary claim information for 6 claimants who were [allegedly] abused within the Diocese of Saginaw." (App'x LFW26, Email from legal counsel to the Department of Attorney General, dated May 13, 2024, p 1, and attached spreadsheet.) The second "claimant," John Doe #83, alleged that "sometime between 1970–1973," John Doe #83 was sexually abused by Fr. Wilkuski, when the latter was the pastor of St. Andrew Catholic Parish in Saginaw. (*Id.* at 3 and 5.) In the column titled "Abuse Description," the following was specifically alleged:

[John Doe #83's] family was very close with Father Wilkuski. [John Doe #83] was [an] altar boy at St. Andrew, where Father Wilkuski was the pastor. Father Wilkuski told [John Doe #83] he wanted to teach [John Doe #83] about how sex worked. Father Wilkuski took his clothes off and made [John Doe #83] take his clothes off. Father Wilkuski fondled [John Doe #83's] penis while they stood there naked. This lasted for 15 minutes; [John Doe #83] felt incredibly afraid and never went back to the rectory again.

[Id. at 7.]

The Diocese requested permission from the Department to conduct an internal investigation regarding the claims made by John Doe #83. Authorization to proceed with an investigation was granted by the Department. The Diocese indicated that it attempted to obtain permission from John Doe #83's legal counsel to interview John Doe #83; however, no response was received from his counsel. The Diocese of Saginaw Review Board subsequently determined there was insufficient information to determine whether the allegations by John Doe #83 were credible. The Review Board indicated it would reassess the allegations should more information become available.

A LETTER FROM BISHOP KENNETH UNTENER

Bishop Kenneth Untener, who served as the fifth bishop of Diocese of Saginaw from 1980 to 2004, wrote the following undated letter – but likely written in or about 2002 – to the parishioners of all the parishes within the Saginaw Diocese:

My Brothers and Sisters in the Lord,

Two weeks ago[,] I asked the priests if they thought I should write a brief pastoral letter about the sexual misconduct we've all been reading about. We talked it over[,] and they felt it would be best if pastors spoke about it in their own parishes. However, the problem goes on and on, and I feel I must add some words of my own.

We are dealing with sexual misconduct by a small percentage of Catholic priests. This misconduct may have involved one person, or many persons, and it may have taken place at any time over the past 50 years.

Sexual misconduct includes improper actions[,] whether heterosexual or homosexual, whether it involves adults, minors or young children. This behavior may be the result of a serious pathological condition, under-developed sexuality, or simply human weakness.

The first thing to say, and say clearly, is that sexual misconduct is sinful. We need to call it what it is, without astericks [sic.] or footnotes. It is sinful. In some cases[,] it is also a crime.

The second thing to say is that sin has consequences. Remorse and forgiveness do not resolve the consequences of every sin. And these consequences have to be dealt with.

While the Church must be concerned about the sinner, our most immediate concern must be for the person sinned against. Equally important, the Church must take decisive steps to prevent the guilty party from harming others in the future.

The Diocese of Saginaw has been in existence for 64 years [since 1938]. Over this time, we have experienced within our diocesan family just about every imaginable human failure. Priests are by no means immune from this, and I'm sure this does not come as news to you. I think that people are disappointed and angry not because such sins occur, but because of the way some of these cases have been handled.

There are 182 Catholic Dioceses in the United States. These dioceses are not interconnected administratively or financially. While we are

all part of the Church Universal and in communion with one another, each diocese is totally independent administratively and financially. No bishop or archbishop has jurisdiction over any diocese other than his own.

It is my understanding that every diocese in the United States has a written policy on the abuse of children by anyone employed by the diocese. There is now evidence that in some dioceses these policies were not always well administered. I want you to know that we have had a written policy in place here in the Diocese of Saginaw since 1989. We follow this policy carefully. We have no intention of putting people at risk.

Along with you, I have been greatly embarrassed and deeply saddened by what has taken place. During Holy Week, as the Passion was being proclaimed, all this was very much on my mind.

Our Christian symbol is the cross. We all experience sufferings in our lives[,] and they represent our “crosses.” But *the* cross is when we face something and say, “[a]nything but that. Anything but that.” This is reflected in the agony of Jesus when he begged his Father that he might be spared *this* cup. I can tell you that these same feelings are in my heart as I write to you.

We followers of Christ have brought all sorts of trouble and embarrassment upon ourselves in these past 20 centuries – starting with the disciples who abandoned Jesus at his arrest, and Peter who denied him three times. At first it may seem strange that such failures were included in the Gospels. But the early Christians took heart from these failures. Embarrassing as they were, these memories constantly reminded them that sin and failure could be overcome by God’s grace. They learned that[,] by honestly acknowledging our sinfulness, and turning to God, we can learn to walk even more faithfully in the footsteps of the Lord.

May these memories, and God’s grace, help all of us do the same today.

Sincerely,
Ken Untener
Bishop of Saginaw.

[App’x Misc#1, Letter from Bishop Kenneth Untener to My Brothers and Sisters in the Lord, undated, pp 1–2.]

CONCLUSION

The AG work on the clergy abuse investigation continues. All paper documents have been reviewed. All electronic documents have been reviewed.

To date, eleven cases have been brought by the Department of Attorney General for all seven dioceses. Nine have resolved with convictions. Of these eleven cases, **none of them** related to priests ministering in the Diocese of Saginaw.

1. *People v. Vincent DeLorenzo* – He pled guilty to attempted criminal sexual conduct, first degree, and was sentenced on June 13, 2023, to five years of probation, with the first year in the Genesee County Jail, sex-offender counseling and registration. He died on January 24, 2024, midway through his jail sentence.
2. *People v. Joseph “Jack” Baker* – He was found guilty at a jury trial of one count of criminal sexual conduct, first degree. He was sentenced on March 1, 2023, to 3-to-15 years in the Michigan Department of Corrections and to lifetime sex-offender registration.
3. *People v. Neil Kalina* – He was found guilty at a jury trial of two counts of criminal-sexual conduct in the second degree in June of 2022. He was sentenced to 7-to-15 years in the Michigan Department of Corrections.
4. *People v. Gary Berthiaume* – In October of 2021, he pled guilty to two counts of criminal sexual conduct in the second degree and no contest to one count of gross indecency. He was sentenced in January 2022 to 17 months to 15 years and 17 months to 5 years to be served concurrently in the Michigan Department of Corrections.
5. *People v. Gary Jacobs* – In April of 2021, he pled guilty to one count on each of his four Ontonagon County cases, with a total of three counts of criminal sexual conduct, first degree, and one count of criminal sexual conduct, second degree. He was sentenced on these cases to 8-to-15 years in the Department of Corrections, along with lifetime sex-offender registration and counseling. In Dickinson County, in May 2021, Jacobs pled guilty to criminal sexual conduct, second degree. He was sentenced on this case in July 2021 to 8-to-15 years in prison, with lifetime sex-offender registration to be served concurrently.
6. *People v. Joseph Comperchio* – In June 2021 he pled guilty to one count of criminal sexual conduct in the first degree and three counts of criminal sexual conduct in the second degree. These represented complaints made by four separate victims. He was sentenced to 10-to-20 years in the Michigan Department of Corrections. He died while serving his prison sentence in 2022.

7. *People v. Brian Stanley* – He pled guilty to attempted false imprisonment, and, in January of 2020, was sentenced to 60 days in jail and probation.
8. *People v. Patrick Casey* – He was charged with one count of criminal-sexual conduct in the third degree. While a jury was deliberating, he pled guilty to aggravated assault. In November 2019 he was sentenced to 45 days in the Wayne County Jail and one year of probation.
9. *People v. Timothy Crowley* – He pled guilty to two counts of criminal sexual conduct in the second degree. He was sentenced to five years of probation with the first year in the Washtenaw County Jail, sex-offender registration, and counseling.
10. *People v. Roy Joseph* – He was charged in January 2020 with one count of criminal sexual conduct in the first degree. He is awaiting extradition from India.
11. *People v. Jacob Vellian* – He was charged in May 2019 with two counts of rape under the old criminal sexual conduct statute. He is awaiting extradition from India. It has been reported that Vellian died in December 2022, but this has not been independently confirmed by the United States Department of Justice.

It should be again noted that a criminal complaint is merely an allegation unless and until the defendant is found guilty.