

---

**From:** Eva Soeka [REDACTED]  
**Sent:** Monday, January 24, 2005 7:46 PM  
**To:** Barbara Anne Cusack  
**Cc:** 'Muth, David P.'; Rothstein, John  
**Subject:** Re: Mediation concer

Barbara Anne,

I am sorry I did not respond sooner, but I did not return until early Sunday morning due to the weather. The trip was absolutely perfect.

I am not terribly concerned about the latest news. As you know, mediation is a completely voluntary process. As we discussed, you negotiated each case based on the individual circumstances; while you may have used "ranges" as guides in your bargaining based on the amount of funding available to you (\$4M), you did not establish "classes" of victims/survivors based on the nature of the injury as the dispute resolution process did in Louisville. You have treated each case as unique--with unique facts that may have raised or lowered the amount of compensation you were willing to offer a particular victim/survivor.

With respect to the mediation agreements, I am sure that they were drafted carefully. Any victim/survivor could have terminated the process at any point prior to affixing his or her signature to the document. I am not sure what evidence would demonstrate "bad faith."

I would like to meet with you and Kathleen sometime early next week, if you are available, to review the family facilitation process. I am going to concentrate on developing more structure for that process this week. Please call if you have any questions; it would be a welcome relief from the 178 emails I found waiting for me. How does that happen? And how did we all survive without email in our earlier years? I hope you have a chance to get away at some point during the winter months. Hope all is well. Eva

----- Original Message -----

**From:** Barbara Anne Cusack  
**To:** Eva Soeka  
**Cc:** Muth, David P. ; Rothstein, John  
**Sent:** Monday, January 17, 2005 6:41 PM  
**Subject:** Mediation concer

Eva-

I hope your time away was restful and rejuvenating!

has been in contact with Amy. He is claiming that people who went through mediation are now getting attorneys because we mediated in bad faith. They say because we claimed we couldn't go above certain amounts with some individuals but then went higher with others, they have the right to cancel the agreement and sue us. I think he is being fed some of this from Jim Smith.

If this is the case, I'm not sure I'll survive another round of all of this!!!!

Ideas??

Barbara Anne

5/16/2011

Ex. 66

ADOM002931

---

**From:** Barbara Anne Cusack [mailto:cusackb@archmil.org]  
**Sent:** Saturday, September 03, 2005 1:54 PM  
**To:** 'Diane Knight'  
**Subject:** RE: Questions for You

Diane –  
I replied quickly yesterday because it was such a swamped day. Although I turned the message over to Wayne, I will be advocating that we offer some form of response. I know Wayne will have all of the liability questions at hand so if you hear from others how they are handling those matters or if CCUSA has a plan, let me know. I will forward to you what I have seen in this regard from the list serves I am on.  
Have a good weekend.

BAC

P.S. Thanks, also, for the mediation. Sorry it was such a difficult one. I spoke with Eva about the concern that Jim Smith will now start using \$200K as the new "standard" he will be claiming for clients (that's how we got to all of the \$50K "lump sum for therapy" clauses). I will prepare a cover letter to him that says this agreement is to be considered a rare exception and not constituting some new benchmark for settlements. I will run it past Dave Muth and Eva first. I hope to do so on Tuesday. I did not plan on coming in today but yesterday was such a zoo – and I couldn't stay too late because I was taking Bill Kohler out to supper at 6:30 to celebrate his pastorate. We had a great time – he is doing well. But now I want to go home!

-----Original Message-----

**From:** Diane Knight [mailto:DKnight@ccmke.org]  
**Sent:** Thursday, September 01, 2005 5:09 PM  
**To:** cusackb@archmil.org  
**Subject:** Questions for You

Barbara Anne,

Related to hurricane relief efforts, I received a message from CCUSA this afternoon about a number of things. One of them asks us to send information about church-owned buildings that might be used to temporarily house refugees. So, I have two questions for you, mostly because I don't know who else to go to first:

1. Would "we" consider offering the retreat center here for this purpose? If so, who should be asked, and what would be the decision-making process?
2. Could we send a message out to all parishes asking if they have any such facilities available?
3. Do we have e-mail addresses for the religious order owned facilities in the diocese, so that such a message could also go out to them?
4. A related question that occurs to me is, what about asking parishes to ask their parishioners if any could open their homes to a family, couple or individual?

From the message I received, it seems they are looking to "resettle" people all over the country, due to the high numbers of people who are now homeless.

Diane

5/25/2011

ADOM003601

---

**From:** Barbara Anne Cusack [mailto:cusackb@archmil.org]  
**Sent:** Friday, June 16, 2006 9:35 AM  
**To:** 'John Nesseth'  
**Subject:** Mediation

John -

For the mediation on Monday, we have come up with a pretty "standard" offer in the cases. There is the usual \$50,000. Then, given the need for specialized counseling with either a counselor who can sign or an interpreter, \$10,000 per year for three years, the first annual payment to be made a year after the agreement is signed. We do not "track" their use of those funds nor do they have to submit any proof of payments. Again, none is taxable income.

If you have any questions, let me know.

Thanks!

BAC

5/24/2011

ADOM003245