This file contains material on Kolar litigation etc 1992-95 from the Chancellor's Office

restricted

[redacted]

Michael Kolar

1992-95

- corresp. + memos
- newspaper clippings

DATE: January 6, 1992

TO: Fr. Kevin McDonough

FROM: Fr. Austin Ward

SUBJECT: **MICHAEL KOLAR AGREEMENT**

I have had a chance to examine the Kolar agreement drafted by Ted Collins that you forwarded to me. The difficulty with the proposal is that it implies a "disability" pension based on being "unable to function as a religious person and unable to be employed in the secular world".

The current priest's pension plan states that "a participant whose service terminates other than disability, death or retirement shall be entitled to a vested interest in the pension credits, which he has earned to date of termination and should be entitled to receive a deferred monthly pension commencing at his normal retirement date (age 70) in such an amount that should be accrued to date of service" (paragraph 2.4 in the Plan). This is the case of Mike Kolar who is considered on a leave of absence and whose termination falls under this paragraph.

Kevin, this means that Mike Kolar could not be considered disabled under the priest's plan because he has left active ministry, but he does continue to be a vested participant in the plan and would receive a monthly pension beginning at age 70 based on his years of service. We do not include vested terminated participants as eligible for disability in the plan. Leo Dehler is really the expert in interpretation of our plan and, therefore, he and Tom Wieser should probably examine this paragraph regarding our obligation in this instance.

ATW:ab

Aus

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop Saint Paul, Minnesota 55102-2197

January 9, 1992

Reverend and dear Fathers and Deacons,

Greetings of peace and good will to you in the New Year.

During the month of January several matters of importance to our local Church will be discussed in court. It is possible that they will receive press attention. Whether they do or not, I want you to be apprised of what is involved in each.

On January 13, oral arguments will be heard in the Minnesota Supreme Court concerning the unionization issue at Hill-Murray High School. A decision will follow in that case after several months. The Archdiocese is involved only indirectly, but supportively. I want you to understand that this is not a "union-busting" action on the school's part. Rather, there are serious issues of religious liberty and government entanglement at stake. This is reflected in the earlier decision of a state agency, which separated about half of the school staff from the bargaining unit. It did so in an attempt to respect religious freedoms, but what resulted was a division of the staff into "secular" and "religious" camps, clearly a false demarcation in a Catholic school.

Later that same week the Minnesota Court of Appeals will hear oral arguments in the Mroska case, the well-known lawsuit against the Archdiocese and others based on the misconduct of Father Thomas Adamson. As you recall, a court assessed $50,000 in punitive damages against us. We have appealed to have all punitive damages eliminated, while the plaintiff has asked that the original jury award of two million dollars be reinstated. I believe our appeal is justified both morally and legally. When the appeals were first filed, however, there were some few people who wrote that the Church ought to "be quiet and take its medicine". You may run into this objection; please call us if you want assistance in answering it.

Finally, sometime this month we anticipate the hearing of a procedural motion in a lawsuit concerning Father Michael Kolar. The motion itself is of secondary importance, but our experience is that plaintiffs' attorneys sometimes use such motions as the forum for obtaining press coverage of their cases. I have written to you concerning Michael Kolar in the past, including notification of his resignation from active ministry last fall. If you need assistance in addressing concerns about this case in your pastoral setting, please call.

I regret that so many issues of church life are being addressed in the legal forum. This is, of course, a sign of our society's litigiousness, but it is also a continuing challenge to us to provide genuine justice within our own structures. I ask your prayers and assistance as we continue to answer that challenge in the new year.

Sincerely yours in Christ,

+ John R. Roach

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

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Kolar File

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William J. Yaeger
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January 16, 1992

Mr. John R. Hoffman
Murnane, Conlin, White, Brandt
1800 Meritor Tower
444 Cedar Street
St. Paul, MN 55101

Mr. Theodore J. Collins
Collins, Buckley, Sauntry & Haugh
W-1100 First National Bank Bldg
332 Minnesota Street
St. Paul, MN 55101

Re: ABC and XYZ vs. Archdiocese of St. Paul/Minneapolis and Father Michael Kolar

Gentlemen:

Mr. Hoffman indicated some weeks ago that it was his intention to discuss settlement of this case with his principal and advised me that a cogent letter outlining the facts, claims, and my view of the damage exposure might well be of assistance in the evaluation process. I am mindful that a good deal of work remains to be done in this case, which I will touch upon later in this letter, but I believe sufficient information is known to provide you with my preliminary views concerning both liability and damages. There is no question but that as further work is done the value of this case will be increased.

FACTUAL BACKGROUND

[redacted] was [redacted] years old when she first met Father Michael Kolar in the fall of 1972 at the Catholic Youth Center in St. Paul. [redacted] Dep., p. 86. She was on a retreat organized through her church in St. Edward's Parish. She was then beginning the [redacted] grade.

In describing her youth, [redacted] has noted that she came from a very devout Catholic home with very caring parents and [redacted] brothers and sisters. She has described herself as being very

naive. Indeed, she had never been on a date alone with a boy at the time of her initial involvement with the Catholic Youth Center.

Prior to coming in contact with Father Kolar, [redacted] had been very active in athletics in her school, actually lettering in track and had been a cheerleader. She discontinued her athletic activities because of her involvement with Father Kolar and the Catholic Youth Center.

Prior to her experience with Father Kolar, [redacted] and her family had been closely, if not zealously, involved in the Catholic Church. [redacted] has described her family as being a religious one possessing a deep faith which her grandfather had initially imparted to them.

, [redacted]'s father had been a member of a Catholic brotherhood, but had not taken his final vows, and her mother had gone to Catholic schools all of her life. The family always went to church, always prayed, and her mother always blessed [redacted]'s father and the children when they went out the door. [redacted] Dep., p. 46.

Instead of engaging in normal, healthy activities like varsity athletics, cheerleading, and developmentally appropriate, routine dating, this trusting and innocent [redacted]-year-old girl began going to the St. Paul Catholic Youth Center. She went there to see and listen to the dashing and handsome, articulate and inspirational 30-year-old Father Michael G. Kolar. At that point in time, Kolar was the Director of the St. Paul Catholic Youth Center, where he remained until March of 1988, when he was finally removed from that position by the Archdiocese of St. Paul and Minneapolis.

[redacted] was invited to come back to the CYC by Kolar for prayer meetings and to talk with Father Mike if there was anything that was on her mind that she wanted to talk about. [redacted] Dep., p. 88. After a period of regular and frequent contact through prayer meetings and other retreats sponsored by the CYC, the first physical contact occurred between [redacted] and Kolar when [redacted] was [redacted] years old coming back from camp. At that time, Kolar kissed [redacted] on the lips. There had been a slow progression of physical contact initiated by Kolar after he had gained her trust and confidence as a priest. Kolar's physical attention to [redacted] increased over time as he took advantage of this vulnerable young girl.

This progressive conduct included leaves stuffed inside [redacted]'s shirt by Kolar in the course of a co-ed touch football game; back rubs on retreats, first above [redacted]s clothing and then underneath her nightshirt; good morning kisses when [redacted] was alone, all of which occurred before she was [redacted] [redacted]

Dep., p. 93. [redacted]'s boundaries were eroded and reduced on a gradual, very patient and calculated basis by Kolar by such acts as loaning his pajamas when she stayed overnight at the CYC.

Prior to her [redacted] birthday in September of 1975, [redacted] had attended prayer meetings, retreats, Masses, and confession, at all of which events Father Mike was the presiding priest. At the same time, prior to her [redacted] birthday, Kolar had invited [redacted] to use his private quarters at the CYC to change clothes and shower after jogging. Even though [redacted] would lock the door, Kolar would unlock it and come in. Kolar seduced this young girl into greater and greater physical intimacy, culminating in sexual intercourse that occurred in his private quarters within the St. Paul Catholic Youth Center. Kolar wanted to know at that time whether or not [redacted], then still a minor, was a virgin and she confirmed that, indeed, she was. In fact, evidence in this case is clear that the only men with whom [redacted] has ever been sexually and emotionally intimate have been Father Michael Kolar and [redacted]'s husband,

[redacted] was convinced that Kolar loved her. [redacted]'s feelings toward Kolar were so consuming that [redacted] would have done anything and everything that Kolar requested of her through this period of time. Of course, Kolar reinforced at all times the fact that their intimate relationship had to be a secret one and that no one must know. Kolar's deception involved convincing [redacted] that he was hopelessly confused and incapable of choosing between the two loves in his life: the Church and her.

Kolar used his priesthood and priestly duties to maintain the secrecy of their affair and to provide opportunities for physical intimacy. He took [redacted] to many speaking engagements such as to Grand Forks, Montreal, Steubenville and other locations outside of Minnesota.

Ultimately, in 1982, this relationship resulted in a pregnancy. This was confirmed in May, subsequent to which Kolar made arrangements to bring her to Chicago where she would stay until the baby was born. Kolar, working in clandestine fashion with a Chicago priest, Father Tom Door, arranged for letters to be postmarked from Bolivia such that [redacted]'s parents would think she was in that South American country doing missionary work. [redacted] Dep., p. 209. This whole arrangement was established to protect Kolar from discovery.

En route to Chicago, while she was 10½ weeks pregnant, [redacted] suffered a miscarriage in Lansing, Michigan. She was registered at the hospital by Kolar under the name of Mrs. Michael Kolar. [redacted] Dep., p. 214. Those records have been provided to you.

This abusive relationship ended in 1983 after Kolar returned from sabbatical at Notre Dame. [redacted] believed then that Kolar's choice had been made and his love for the Church and priesthood had ultimately prevailed over his love of her. Instead, the truth is that Kolar continued at that time with a series of other abusive relationships that began very shortly after Kolar was ordained as a priest in 1969 and which persisted over at least a 16 year period of time. The evidence is abundantly clear that Kolar preyed upon his young and vulnerable female parishioners, rather than pray for them as his vows should have dictated.

Michael Kolar became ordained in June of 1969 as a diocesan Catholic priest. After a short stint at St. Raphael's Parish in Crystal, where he began his first sexually abusive affair with a University of Minnesota co-ed, he was re-assigned to the St. Paul Catholic Youth Center as its Associate Director in June of 1970. He was Associate Director until 1973 when he became Director, and remained there until March of 1988 when he was removed in what he calls the "St. Patrick's Day Massacre." (This was a reference to the fact that he had been sued by two other abused, vulnerable young women, [redacted]; yet he was the one who was "massacred").

In 1973, Mike Kolar hired his younger brother, Jim, as Associate Director of the St. Paul Catholic Youth Center. This organization was funded, at least in part, by the Archdiocese of St. Paul and Minneapolis. Both Kolars reported to Archbishop Roach relative to their functioning as paid and/or salaried officials of the CYC. Michael Kolar Dep., pp. 9-10, 15-16 and 27-28.

Michael Kolar has admitted that he is a sexual abuser, the type of individual who takes advantage of vulnerable people. Michael Kolar Dep., p. 44. Kolar has also admitted that over the course of time he developed a position of trust with certain parishioners, which made vulnerable women more susceptible to an abuse of his power as a priest. He developed a bond of love, trust and admiration with female parishioners which he utilized to manipulate and/or sexually abuse them. Michael Kolar Dep., p. 53. Kolar began to develop and utilize his abusive techniques of seduction with the University of Minnesota co-ed from St. Raphael's Parish, his second assignment after ordination. Michael Kolar Dep., p. 83.

In the course of his deposition in this case, Kolar admits to sexually abusing [redacted]. In fact, there are many others. Either they simply are too numerous or inconsequential for Kolar to remember them all, or Kolar is lying

about his many conquests. Kolar acknowledges that all of these relationships, whether prolonged or single instances, constitute sexual abuse. Michael Kolar Dep., p. 95.

Christina Smith was employed as a staffer on a retreat organized by Kolar through the St. Paul Catholic Youth Center going back to 1974. At that time, two separate young girls came to Smith and described how they had been kissed in the confessional by Kolar. Smith has testified under oath that she was in a position of leadership for that retreat at that time. Christina Smith Dep., p. 122. Nevertheless, she did nothing about a situation which was obviously wrong and which clearly indicated Kolar's predatory tendencies. Christina Smith Dep., p. 123.

Ms. Smith progressed in responsibility at the St. Paul Catholic Youth Center to the point where she was the coordinator for volunteer staff. During this period of time, she repeatedly secured information about the inappropriate relationship going on between [redacted] and Kolar, and yet did nothing about it.

Another paid employee of the St. Paul Catholic Youth Center, [redacted] had much of this same information as early as 1981 and yet, according to Smith, did nothing about it. Christina Smith Dep., p. 64. Fairly obviously, if these agents/employees of the St. Paul Catholic Youth Center had acted reasonably and responsibly, in all likelihood [redacted] would have been spared a large portion of the damage that she has sustained in this case, by virtue of her pregnancy, miscarriage and otherwise.

Jim Kolar, the Assistant Director of the St. Paul Catholic Youth Center since 1973, went to work at the CYC with his brother every day. In all probability, Jim idolized and revered Mike, which might serve to explain, at least in part, why Jim failed to do his job. Clearly, Jim Kolar, as a salaried official of the St. Paul Catholic Youth Center, had an obligation to report his brother's misconduct. Their close fraternal relationship is the only conceivable explanation for Jim Kolar's failure to see and hear that which was apparent to all around him, including his wife.

In 1979, Ann Kolar, Jim's wife, confronted [redacted] about the inappropriate relationship that she saw going on between her brother-in-law and this young girl. If Ann saw it and recognized it, is it even remotely possible to believe that Jim should not have seen it and reported it?

Father Gregory Skrypek, a diocesan priest, knew of Michael Kolar's sexually abusive relationship with [redacted] in the early 1970s. When [redacted] came to him for advice (not in the confessional) in 1978, disclosing her sexual relationship with

Father Michael Kolar, Skrypek simply responded that he was incapable of helping her at that time. The reason for that statement by Skrypek was that he had just seen Kolar's first victim through a difficult time and was emotionally incapable of dealing with another such problem. There is no question but that Father Skrypek had an obligation to report this information to his superiors in the Archdiocese, but it appears that he did not do so.

[redacted] went to another diocesan priest, Father Tim Power, in 1977 and told Power that a sexual relationship had been going on with Michael Kolar for some number of years. Power had more than sufficient information from which to conclude that the sexual relationship had begun while [redacted] was a very young girl, and he probably should have realized that it began when [redacted] was a minor. Again, Power did nothing about this situation even though it did not come to him in the form of any confession.

Father Kevin McDonough addressed a concerned group of Catholics as Chancellor of the Archdiocese of St. Paul and Minneapolis on February 28, 1990. At that time, McDonough, obviously speaking for and on behalf of the Archdiocese, admitted that Kolar had engaged in a 15 year pattern of inappropriate intimacy with vulnerable, young women. He also admitted that Kolar had used his ministerial position and authority and power in order to obtain sexual intimacy:

> But what was going on, and you'll get a lot more information about what this means, is that Father Kolar was using a ministerial position and the authority and power that comes with it. He was using that to meet other needs in his life that were not directly related to what the person he was dealing with really needed.
>
> * * *
>
> But what we must say again, that Father Kolar used his role to gain proximity and access to vulnerable, young women, and in doing so, established inappropriate intimacy with them. In some cases with a lot of physical, sexual and emotional intertwining . . . .

In an admirably candid acknowledgement, the Chancellor of the Archdiocese also admitted at that time that these women who had been victimized by Kolar were in no way responsible themselves for what had happened: "How much fault do any of these women have? Zero. Zero."

Based upon the February 28, 1990 statements of Chancellor McDonough, who was specifically speaking for the Archdiocese at that time, it would be my intention to present Judge Danielson with a motion for summary judgment relative to any claim of contributory negligence or fault on the part of [redacted]. I have no doubt but that the issue will be eliminated from this case based upon Chancellor McDonough's statements.

Throughout the course of Chancellor McDonough's comments he acknowledges time and time again that the Archdiocese "messed up" in its handling of Father Kolar and in its responsibilities to these young, vulnerable women. The statements of McDonough have been previously provided to both of you in the course of discovery in this case. McDonough's comments as Chancellor may be sufficient, in and of themselves, to establish responsibility on the part of the Archdiocese either as admissions against interest by a party or under a respondeat superior theory.

There are, in fact, a variety of legal principles through which the Archdiocese could be held liable for the tortious sexual conduct of Father Kolar. Each of these principles provides an independent basis for imposition of liability against the Archdiocese. The first principle which will be addressed is the doctrine of respondent superior.

LIABILITY UNDER A RESPONDEAT SUPERIOR THEORY

Minnesota is a jurisdiction which "takes a broader view of an employer's responsibility under respondeat superior and does not require that the employee have been motivated by a desire to further the employer's business." Thatcher v. Brennan, 657 F. Supp. 6, 10 (S.D. Miss. 1986). Prior to 1973, in order for a plaintiff to prevail on a respondeat superior theory in Minnesota, he or she needed to establish that the improper conduct was incidental to the employment, foreseeable and brought about by a desire to serve the employer or principal. That requirement was abrogated by the Minnesota Supreme Court in Lange v. National Biscuit Co., 211 N.W.2d 783 (Minn. 1973) (cookie salesman attack on a grocery store owner).

Traditional limitations upon application of the doctrine of respondent superior were eroded further by the 1983 Minnesota Supreme Court decision in Marston v. Minneapolis Clinic of Psychiatry, 329 N.W.2d 306 (Minn. 1982), in situations involving intentional torts of the sort engaged by Father Kolar. Marston involved two adult female plaintiffs who were sexually victimized

by the sexual advances of a therapist who was a member of the Minneapolis Clinic of Psychiatry and Neurology.

The Marston court held that an employee's motivation in furthering the interests of his employer is irrelevant in cases involving intentional torts. Supra at 311:

> We conclude, therefore, that the Lange rule should apply here and that the employee's motivation should not be a consideration for imposition of vicarious liability. . . . [I]t is both unrealistic and artificial to determine at which point the acts leave the sphere of the employer's business and become motivated by personal animosity -- or, as in this case, an improper, personal benefit. . . .
>
> We hold, therefore, that it was reversible error, in giving JIG 257 to the jury, to include the phrase 'and was brought about, at least in part, by a desire by the agent to serve the principal.'

Under Marston, very little is needed to proceed to the jury under the doctrine of respondent superior. Indeed, under the Marston decision, to prevail at trial, I need only establish:

(1) That Kolar committed the misconduct while within the scope of his employment or while doing something related or incidental to his employment. Obviously, this is easily satisfied as Kolar was invariably saying Mass, hearing confession, leading retreats or camping outings, as well as bringing on specific church business, at the time he engaged in this misconduct.

(2) The conduct must have been foreseeable. There is no question but that there will be testimony presented in this case that sexual relations between psychologists and patients, as well as between priests and parishioners are well known hazards and a totally foreseeable risk of employment. There are numerous individuals well known to both of you who have so testified in other cases such as Gary Schoener. Indeed, in the case at hand, Kolar's inappropriate sexual conduct was not simply foreseeable in an abstract sense, but numerous church employees had actual knowledge of Kolar's improper conduct toward young girls, but did not act to stop it.

(3) Inappropriate conduct occurring within work-related limits of time and place. Again, both Kolar's deposition as well as that of [redacted] make this criterion easy to satisfy.

The Marston case presents almost insurmountable difficulties to the defense and yet it is, of course, the law of the State of Minnesota. The decision has been acknowledged by the Minnesota Court of Appeals in May of 1991 in Semrad v. Edina Realty, Inc. 478 N.W.2d 135 (Minn. Ct. App. 1991). See, also, Opatz v. John G. Kinnard & Co., Inc., 454 N.W.2d 471 (Minn. Ct. App. 1990) (citing Marston).

It is submitted that Chancellor McDonough's comments to the Community of Christ the Redeemer on February 26 and 28, 1990 establish liability under the Marston decision as against both the St. Paul Catholic Youth Center and Archdiocese of St. Paul and Minneapolis. Even if the court should deny a motion for summary judgment based upon McDonough's comments, extraordinarily strong issues are raised for the jury's resolution.

There are a number of published decisions from other jurisdictions which recognize the applicability of the respondeat superior theory of liability in the context of sexual abuse. See, e.g., Simmons v. United States, 805 F.2d 1363 (9th Cir. 1986), Doe v. Samaritan Counseling Center, 791 P.2d 344 (Ala. 1990), Rita M. v. Roman Catholic Archbishop of Los Angeles, 232 Cal. Rptr. 685 (Cal. Ct. App. 1986) and Erickson v. Luther Memorial Church, 781 P.2d 383 (Or. Ct. App. 1989). Most recently, the Episcopal Diocese of Colorado was held liable under a respondeat superior theory for the sexually abusive acts of one of its clerics resulting in a verdict substantially in excess of $1 million in Denver. I will discuss this decision in more detail, infra.

NEGLIGENT HIRING, RETENTION AND SUPERVISION OF KOLAR

Minnesota recognizes a cause of action for negligent hiring of an employee, and this provides a second, independent basis for imposition of liability upon the Archdiocese. Under Minnesota law, an employer has a duty to exercise reasonable care "in view of all of the circumstances in hiring individuals who, because of the employment, may pose a threat of injury to members of the public." Pontiacs v. KMS Investments, 331 N.W.2d 907 (Minn. 1983). In a footnote in that decision, the court states:

> It should be noted that this is a direct duty running from the employer to those members of the public whom the employer might reasonably

> anticipate would be placed in a position of risk of injury as a result of the hiring. Thus, it is distinguishable from liability imputed to an employer as a result of the doctrine of respondeat superior.
>
> * * *
>
> Although an employer will not be held liable for failure to discover information about the employee's incompetence that could not have been discovered by a reasonable investigation, the issue is whether the employer did make a reasonable investigation. The scope of the investigation is directly related to the severity of risk third parties are subjected to by an incompetent employee.

Id. at 911-913, N. 5.

Kolar has testified that he was abused as a child by a babysitter. He was also verbally and emotionally abused by his own grandfather. Finally, while in the seminary, he was sexually abused by Monsignor Boxleitner. It is well known that individuals who have been sexually abused in the past are much more likely to become abusers themselves. Further, any kind of reasonable evaluation of Kolar done while in the seminary and prior to his ordination would have revealed emotional and/or psychological character that would have been highly inappropriate in any priest, most particularly one charged with responsibility for young and vulnerable women. I am given to understand that this kind of testing is being done now prior to the taking of final vows. Clearly, these procedures and evaluations could and should have been implemented years ago were the Archdiocese truly interested in curtailing or eliminating the kinds of problems presented by this case.

A cause of action for negligent supervision of an employee has existed in Minnesota since 1913. See, Travelers Indemnity Co. v. Fawkes, 130 Minn. 353, 139 N.W.2d 703 (1913). It is clear that in Minnesota an employer will be liable for negligent supervision if that employer has notice that an employee has propensities which would endanger others, and that employee then engaged in tortious conduct in the course of his employment. This liability extends to supervising employees for failure to report or prevent the tort. See, Morgan v. Eaton's Dude Ranch, 307 Minn. 280, 239 N.W.2d 761 (Minn. 1976). Supervisors such as James Kolar and Christina Smith knew, or obviously should have known, of Kolar's predatory proclivities. Other employees such as Father Skrypek and Father

Power knew what was going on many years ago and yet failed to do anything about it.

Significantly, courts in other states have noted that the Roman Catholic Church bears a particularly high duty of responsibility over its priests due to the unusual scope of the relationship which exists between them. As noted by the Court, in Does 1-9 v. Compcare, Inc., 763 P.2d 1237,1242 (Wash. App. 1988), "The duty of obedience which Father Fontenot owed the Diocese encompassed all phases of his life and correspondingly the Diocese's authority over its cleric went beyond the customary employer/employee relationship."

In this regard, it should perhaps be noted that the court in Does 1-9, recognized that, due to the special relationship which exists between the Church and its young parishioners, tort liability may lie not only for negligent hiring, retention, and supervision of an employee-priest, but for failure to warn a foreseeable victim of the dangerous propensities of that priest. Does 1-9, supra at 1241. In light of the knowledge possessed by various employees of the Archdiocese in this case, there is little reason to believe that the State of Minnesota would not also recognize a legitimate cause of action in this regard.

We are in the process of drafting a motion to amend plaintiffs' Complaint to add as parties defendant James Kolar, Christina Smith and the St. Paul Catholic Youth Center. The knowledge and information of these supervisory employees will surely be imputed to the Catholic Youth Center which, in all likelihood, has its own insurance coverage or, alternatively, would have been an additional insured under coverage available to the Archdiocese for the time period in question. Perhaps both of you could advise me as soon as possible as to whether or not you will stipulate to an amendment to plaintiff's Complaint so as to avoid the expense and inconvenience of a motion.

It seems apparent that, in view of Chancellor McDonough's comments of February 26 and 28, 1990, the Archdiocese will ultimately be responsible for damages to [redacted] under both respondeat superior and negligence theories of recovery. It also appears manifestly clear that no fault exists on the part of , who fell prey to this monster at age and was helpless thereafter to extricate herself from this abusive relationship to which she was so naively and innocently committed.

DAMAGES

Ironically, one of plaintiff's better witnesses concerning the damages sustained by [redacted] will be Michael G. Kolar. As you no doubt recall, Kolar described emotional, physical and sexual abuse that he incurred as a young boy at the hands of a babysitter and his grandfather, as well as while he was in the seminary at the hands of Monsignor Boxleitner. In his deposition, Kolar testified that the abuse he suffered has left scars on him, that he has had nightmares about it for years and has experienced waking flashbacks of the abuse he suffered which continue to cause him pain and anger. He has lost sleep over the experience, lived in fear over the experience, and suffered dread over the experience. The emotional experience of this abuse has continued long after the physical events ceased.

Kolar has testified that he is still treating for the experience of his childhood and youth by virtue of the aftercare program in which he is involved through St. Luke's Institute. He has said that he is still treating for those experiences and will be for the rest of his life. This abuse in Kolar's past has had a severe impact on his relationships with both men and women in that it has affected his ability to be close to anyone and to develop appropriate relationships with members of either sex. See, Michael Kolar Dep., pp. 79-82.

While we can all empathize with Kolar and feel sadness for him, his experience pales into insignificance compared to that of [redacted]. Nevertheless, his testimony concerning the permanent impacts of sexual abuse are elucidating.

[redacted] suffered during many of her years of involvement with Kolar, but was incapable of understanding the origin of this pain: she was blinded by her love for Kolar. This pain was immeasurably worsened by the physical and emotional catastrophe of the pregnancy and miscarriage. She brought all of this to her marriage to in 1984.

Neither [redacted] realized, of course, that [redacted] had been emotionally, psychologically and physically abused by Kolar until the summer of 1990, when [redacted] met with [redacted]. It was at that time that [redacted] learned that her experience with Kolar overlapped with [redacted] and that at the same time Kolar was supposedly grieving for the loss of his child by virtue of [redacted]'s miscarriage, he was physically abusing [redacted], singing her the same songs, reading her the same poetry, and taking her to the same locations to achieve physical intimacy as he had with [redacted]. One wonders how many individuals will surface bearing the same scars as these young women. As the Archdiocese is well aware, [redacted]

[redacted] will testify that the emotional and physical abuse she sustained at the hands of Kolar began when she was [redacted].

Fortunately, both [redacted] are now receiving counseling to help them understand the abuse to which they have been subjected and are attempting to cope with it and get on with their lives. Enclosed as Tabs 1 and 2 you will find the two reports of [redacted] Ph.D., Licensed Consulting Psychologist. Dr. [redacted] began seeing [redacted] in the latter part of 1990 and continued his therapy through the time that [redacted] moved to [redacted] such that could obtain employment.

[redacted] is a Licensed [redacted] and was employed for many years at [redacted] Most recently [redacted] worked between January 7, 1991 and April 28, 1991 at [redacted] where she earned $9.80 per hour. [redacted] was incapable of continuing this employment because of her psychological and emotional condition. On an annual

basis, her wage loss would project to $20,384.00 per year. Assuming a trial date in December, 1992, I will be able to demonstrate a wage loss of approximately $30,450.00 due to the abuse of Kolar which was allowed to occur and persist by the Archdiocese. Without any increases for inflation, wage increases, or the like, to the extent she is incapable of gainful employment in her chosen field because of the emotional scarring involved here, over a 30-year career this would project out to an impairment of earning capacity claim in excess of $600,000.00.

You have available to you the medical expense figures that have been incurred to date. If you do not have them, surely Mr. Eisenzimmer can provide them to you. The Archdiocese has agreed to make these payments and, of course, I will honor the agreement that we have reached and make no suggestion that this agreement is some acknowledgment of responsibility on the part of the Archdiocese. I am sure, however, that the current total must be several thousands of dollars. Given the high cost of anti-depressant medication, I am certain that I will be able to demonstrate a minimum of $1,000.00 per year of necessary future medical care. As [redacted] has in excess of a 50-year life expectancy, this will not be a small number.

Far and away the greatest exposure to the Archdiocese lies in the area of past and future pain and suffering and emotional distress. These items of damage will obviously be submitted to the jury separately, along with a claim for [redacted]s significant loss of enjoyment of life. You heard [redacted] describe her damages at the time of her deposition on August 8, 1991 and I urge you to view the videotape along with your principal when you set reserves and begin to evaluate this claim for settlement purposes. At that time [redacted] said:

I think what [redacted] was trying to say here was that, at a minimum, she lost 10 years of her life as a result of the abuse to which she has been subjected. Her development was arrested for these 10 years and she is just now beginning to understand that, accept it, and attempt to replace it. Further, what memories she does have are all painful. The distress is so bad that she suffers physical symptoms

Every aspect of her being as a woman, wife and mother has been scarred, distorted and damaged, and all of this is permanent.

I see my jury "blackboard" argument shaping up something like this:

(1) What sum of money will fairly and adequately compensate [redacted] for damages up to the date of this verdict for:

(a) Loss of earnings? (assuming a trial date in December, 1992). $30,450

(b)	Medical expenses?	$ 5,000
(c)	Embarrassment and emotional distress?	$ 500,000
(d)	Pain, disability and disfigurement?	$ 500,000
(e)	Loss of enjoyment of life?	$ 250,000

(2) What sum of money will fairly and adequately compensate [redacted] for such future damages as are reasonably certain to occur for:

(a)	Loss of earnings?	$ 600,000
(b)	Medical expenses?	$ 50,000
(c)	Embarrassment and emotional distress?	$1,000,000
(d)	Pain, disability and disfigurement?	$1,000,000
(e)	Loss of enjoyment of life?	$ 500,000

(3) What sum of money will fairly and adequately compensate [redacted] for loss of her services and companionship which he would have received in the usual course of their married life up to the date of trial? $500,000.

(4) What sum of money will fairly and adequately compensate [redacted] for loss of her services and companionship which he is reasonably certain to lose in the future? $1,000,000

The totals here are rather staggering, but will [redacted] adequately supported by the evidence. You have met [redacted] and know what wonderful, attractive and intelligent people they are. Asking a jury to set aside the very natural sympathy that any reasonable human would have for these two young people will be asking the almost impossible.

You also know that there is absolutely nothing in either of these individuals' past with which the defense will somehow be able to distract the jury. There are no prior marriages, no affairs, no prior abuse, no emotional distress or disorders in either family -- absolutely nothing to reduce the impact or lessen the extent of damages that the jury will award in this case. I could not be

prouder to represent these two people and I am sure I will have no difficulty communicating this when we get to trial.

You know on a firsthand basis how inflammatory these cases are and what can happen when a jury starts assessing damages. I have in my possession the adverse report of [redacted] M.D., Ph.D., of July 2, 1990 done at your request regarding [redacted] Suffice it to say that [redacted]s emotional and psychiatric past was convoluted and tortured at best even without the abuse he suffered at the hands of Father John Adamson. I see total compensatory damages in the [redacted] case far exceeding the total damages awarded in [redacted] even including [redacted]s punitive award.

I also have in my possession an adverse report by Dr. [redacted] pertaining to [redacted]. Of course, this exam was also set up at the request of your office and the claims involved sexual abuse by Father Kapoun and Father Wadja, both of whom, as I recall, were at St. Raphael's Church in Crystal, where Father Kolar started his career. I do not know if this is any more than a coincidence, but it certainly seems more than a little ironic. I also do not know the specific dollar amounts paid by you to compromise the Dearing case, but I have to believe that it was very substantial and more than likely far in excess of $1 million.

Most recently, [redacted] was awarded more than $1,200,000 by a jury in Denver as a result of sexual abuse that she sustained at the hands of an Episcopal priest. The Diocese of Colorado was specifically found responsible for this abuse under a respondeat superior theory. Enclosed as Tab 4 is a copy of the Special Verdict Form in the [redacted] case.

I have the testimony in the [redacted] case and I can tell you that prior to the abuse by the Episcopal priest, she had been hospitalized four or five times for depression, including attempted suicides There had been multiple extramarital relationships, and she had been diagnosed as having depressive neurosis and hysterical personality many years before the abuse at issue. There also was a substantial familial history of depression involving the plaintiff's grandfather and paternal great-grandmother. She had also had "horrendous experiences" in her childhood with the occult and abusive uses of the occult. There was evidence in the case that the plaintiff's father had forced her to have sex with a corpse. She has also had fairly extensive substance abuse beginning at age 13 or 14. All in all, [redacted] was hardly a "clean" case. Nevertheless, you see what kinds of dollars the jury awarded by virtue of the special verdict.

I suspect you both are well aware of the awards in Louisiana against the Catholic Church, all of which were well in excess of

$1 million. If you are not, let me know and I will provide you with the details I have.

CONCLUSION

There is a large amount of work that remains to be done on this case. We have motions that need to be made to amend the Complaint against James Kolar, Christina Smith and the St. Paul Catholic Youth Center, as well as to amend the Complaint to assert claims of punitive damages against Kolar, the CYC and the Archdiocese. I need to depose Archbishop Roach, Bishop Carlson and Chancellor McDonough. I also need to engage consultants regarding the respondeat superior issue and the foreseeability of Kolar's abuse, and there are other projects that need to be accomplished before this case will be ready for trial. Accomplishing these tasks will do nothing but increase the value of this case from what I see at the present time and increase my expense, making it more difficult to settle this case.

I can tell you that at this point I am authorized to settle all claims against the Kolars, the St. Paul Catholic Youth Center and the Archdiocese of St. Paul and Minneapolis for $2.8 million ($2,800,000). I will also need a written acknowledgement by Father Kolar similar to what he signed in the [redacted] case.

I certainly cannot tell you that this demand will remain in force and effect forever. I see no down side to the plaintiff's case and the possibility of a significant increase in the top side potential in terms of damage exposure due to the various motions that plaintiffs will bring.

I look forward to hearing from you with regard to this demand. I can assure you that we will cooperate with you in every respect

in getting this matter resolved as quickly as possible in the best interests of all concerned.

Very truly yours,

YAEGER, JUNGBAUER, BARCZAK
& ROE, LTD.

Roger R. Roe, Jr.

RRR/nms
Enclosures
cc: Mr. Andrew J. Eisenzimmer

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2

3

4

William J. Yaeger
William G. Jungbauer
Ronald J. Barczak
Roger R. Roe, Jr.
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January 16, 1992

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Re: ABC and XYZ vs. Archdiocese of St. Paul/Minneapolis and Father Michael Kolar

Gentlemen:

Mr. Hoffman indicated some weeks ago that it was his intention to discuss settlement of this case with his principal and advised me that a cogent letter outlining the facts, claims, and my view of the damage exposure might well be of assistance in the evaluation process. I am mindful that a good deal of work remains to be done in this case, which I will touch upon later in this letter, but I believe sufficient information is known to provide you with my preliminary views concerning both liability and damages. There is no question but that as further work is done the value of this case will be increased.

FACTUAL BACKGROUND

[redacted] was [redacted] years old when she first met Father Michael Kolar in the fall of 1972 at the Catholic Youth Center in St. Paul. [redacted] Dep., p. 86. She was on a retreat organized through her church in St. Edward's Parish. She was then beginning the .

In describing her youth, has noted that she came from a very devout Catholic home with very caring parents and six brothers and sisters. She has described herself as being very

naive. Indeed, she had never been on a date alone with a boy at the time of her initial involvement with the Catholic Youth Center.

Prior to coming in contact with Father Kolar, [redacted] had been very active in athletics in her school, actually lettering in track and had been a cheerleader. She discontinued her athletic activities because of her involvement with Father Kolar and the Catholic Youth Center.

Prior to her experience with Father Kolar, [redacted] and her family had been closely, if not zealously, involved in the Catholic Church. [redacted] has described her family as being a religious one possessing a deep faith which her grandfather had initially imparted to them.

, [redacted]s father had been a member of a Catholic brotherhood, but had not taken his final vows, and her mother had gone to Catholic schools all of her life. The family always went to church, always prayed, and her mother always blessed [redacted]s father and the children when they went out the door. [redacted] Dep., p. 46.

Instead of engaging in normal, healthy activities like varsity athletics, cheerleading, and developmentally appropriate, routine dating, this trusting and innocent [redacted] year-old girl began going to the St. Paul Catholic Youth Center. She went there to see and listen to the dashing and handsome, articulate and inspirational 30-year-old Father Michael G. Kolar. At that point in time, Kolar was the Director of the St. Paul Catholic Youth Center, where he remained until March of 1988, when he was finally removed from that position by the Archdiocese of St. Paul and Minneapolis.

[redacted] was invited to come back to the CYC by Kolar for prayer meetings and to talk with Father Mike if there was anything that was on her mind that she wanted to talk about. [redacted] Dep., p. 88. After a period of regular and frequent contact through prayer meetings and other retreats sponsored by the CYC, the first physical contact occurred between [redacted] and Kolar when [redacted] was [redacted] years old coming back from camp. At that time, Kolar kissed [redacted] on the lips. There had been a slow progression of physical contact initiated by Kolar after he had gained her trust and confidence as a priest. Kolar's physical attention to [redacted] increased over time as he took advantage of this vulnerable young girl.

This progressive conduct included leaves stuffed inside [redacted] shirt by Kolar in the course of a co-ed touch football game; back rubs on retreats, first above [redacted]s clothing and then underneath her nightshirt; good morning kisses when [redacted] was alone, all of which occurred before she wa . [redacted]

Dep., p. 93. [redacted]s boundaries were eroded and reduced on a gradual, very patient and calculated basis by Kolar by such acts as loaning [redacted] his pajamas when she stayed overnight at the CYC.

Prior to her [redacted] birthday in September of 1975, [redacted] had attended prayer meetings, retreats, Masses, and confession, at all of which events Father Mike was the presiding priest. At the same time, prior to her [redacted] birthday, Kolar had invited [redacted] to use his private quarters at the CYC to change clothes and shower after jogging. Even though [redacted] would lock the door, Kolar would unlock it and come in. Kolar seduced this young girl into greater and greater physical intimacy, culminating in sexual intercourse that occurred in his private quarters within the St. Paul Catholic Youth Center. Kolar wanted to know at that time whether or not [redacted] then still a minor, was a virgin and she confirmed that, indeed, she was. In fact, evidence in this case is clear that the only men with whom [redacted] has ever been sexually and emotionally intimate have been Father Michael Kolar and [redacted]'s husband, [redacted]

[redacted] was convinced that Kolar loved her. [redacted]s feelings toward Kolar were so consuming that [redacted] would have done anything and everything that Kolar requested of her through this period of time. Of course, Kolar reinforced at all times the fact that their intimate relationship had to be a secret one and that no one must know. Kolar's deception involved convincing [redacted] that he was hopelessly confused and incapable of choosing between the two loves in his life: the Church and her.

Kolar used his priesthood and priestly duties to maintain the secrecy of their affair and to provide opportunities for physical intimacy. He took [redacted] to many speaking engagements such as to Grand Forks, Montreal, Steubenville and other locations outside of Minnesota.

Ultimately, in 1982, this relationship resulted in a pregnancy. This was confirmed in May, subsequent to which Kolar made arrangements to bring her to Chicago where she would stay until the baby was born. Kolar, working in clandestine fashion with a Chicago priest, Father Tom Door, arranged for letters to be postmarked from Bolivia such that [redacted] parents would think she was in that South American country doing missionary work. [redacted] Dep., p. 209. This whole arrangement was established to protect Kolar from discovery.

En route to Chicago, while she was 10½ weeks pregnant, [redacted] suffered a miscarriage in Lansing, Michigan. She was registered at the hospital by Kolar under the name of Mrs. Michael Kolar. [redacted] Dep., p. 214. Those records have been provided to you.

This abusive relationship ended in 1983 after Kolar returned from sabbatical at Notre Dame. [redacted] believed then that Kolar's choice had been made and his love for the Church and priesthood had ultimately prevailed over his love of her. Instead, the truth is that Kolar continued at that time with a series of other abusive relationships that began very shortly after Kolar was ordained as a priest in 1969 and which persisted over at least a 16 year period of time. The evidence is abundantly clear that Kolar preyed upon his young and vulnerable female parishioners, rather than pray for them as his vows should have dictated.

Michael Kolar became ordained in June of 1969 as a diocesan Catholic priest. After a short stint at St. Raphael's Parish in Crystal, where he began his first sexually abusive affair with a University of Minnesota co-ed, he was re-assigned to the St. Paul Catholic Youth Center as its Associate Director in June of 1970. He was Associate Director until 1973 when he became Director, and remained there until March of 1988 when he was removed in what he calls the "St. Patrick's Day Massacre." (This was a reference to the fact that he had been sued by two other abused, vulnerable young women, [redacted]; yet he was the one who was "massacred").

In 1973, Mike Kolar hired his younger brother, Jim, as Associate Director of the St. Paul Catholic Youth Center. This organization was funded, at least in part, by the Archdiocese of St. Paul and Minneapolis. Both Kolars reported to Archbishop Roach relative to their functioning as paid and/or salaried officials of the CYC. Michael Kolar Dep., pp. 9-10, 15-16 and 27-28.

Michael Kolar has admitted that he is a sexual abuser, the type of individual who takes advantage of vulnerable people. Michael Kolar Dep., p. 44. Kolar has also admitted that over the course of time he developed a position of trust with certain parishioners, which made vulnerable women more susceptible to an abuse of his power as a priest. He developed a bond of love, trust and admiration with female parishioners which he utilized to manipulate and/or sexually abuse them. Michael Kolar Dep., p. 53. Kolar began to develop and utilize his abusive techniques of seduction with the University of Minnesota co-ed from St. Raphael's Parish, his second assignment after ordination. Michael Kolar Dep., p. 83.

In the course of his deposition in this case, Kolar admits to sexually abusing [redacted] In fact, there are many others. Either they simply are too numerous or inconsequential for Kolar to remember them all, or Kolar is lying

about his many conquests. Kolar acknowledges that all of these relationships, whether prolonged or single instances, constitute sexual abuse. Michael Kolar Dep., p. 95.

Christina Smith was employed as a staffer on a retreat organized by Kolar through the St. Paul Catholic Youth Center going back to 1974. At that time, two separate young girls came to Smith and described how they had been kissed in the confessional by Kolar. Smith has testified under oath that she was in a position of leadership for that retreat at that time. Christina Smith Dep., p. 122. Nevertheless, she did nothing about a situation which was obviously wrong and which clearly indicated Kolar's predatory tendencies. Christina Smith Dep., p. 123.

Ms. Smith progressed in responsibility at the St. Paul Catholic Youth Center to the point where she was the coordinator for volunteer staff. During this period of time, she repeatedly secured information about the inappropriate relationship going on between [redacted]nd Kolar, and yet did nothing about it.

Another paid employee of the St. Paul Catholic Youth Center, Mary Wilke, had much of this same information as early as 1981 and yet, according to Smith, did nothing about it. Christina Smith Dep., p. 64. Fairly obviously, if these agents/employees of the St. Paul Catholic Youth Center had acted reasonably and responsibly, in all likelihood [redacted] would have been spared a large portion of the damage that she has sustained in this case, by virtue of her pregnancy, miscarriage and otherwise.

Jim Kolar, the Assistant Director of the St. Paul Catholic Youth Center since 1973, went to work at the CYC with his brother every day. In all probability, Jim idolized and revered Mike, which might serve to explain, at least in part, why Jim failed to do his job. Clearly, Jim Kolar, as a salaried official of the St. Paul Catholic Youth Center, had an obligation to report his brother's misconduct. Their close fraternal relationship is the only conceivable explanation for Jim Kolar's failure to see and hear that which was apparent to all around him, including his wife.

In 1979, Ann Kolar, Jim's wife, confronted [redacted] about the inappropriate relationship that she saw going on between her brother-in-law and this young girl. If Ann saw it and recognized it, is it even remotely possible to believe that Jim should not have seen it and reported it?

Father Gregory Skrypek, a diocesan priest, knew of Michael Kolar's sexually abusive relationship with [redacted] in the early 1970s. When [redacted] came to him for advice (not in the confessional) in 1978, disclosing her sexual relationship with

Father Michael Kolar, Skrypek simply responded that he was incapable of helping her at that time. The reason for that statement by Skrypek was that he had just seen Kolar's first victim through a difficult time and was emotionally incapable of dealing with another such problem. There is no question but that Father Skrypek had an obligation to report this information to his superiors in the Archdiocese, but it appears that he did not do so.

[redacted] went to another diocesan priest, Father Tim Power, in 1977 and told Power that a sexual relationship had been going on with Michael Kolar for some number of years. Power had more than sufficient information from which to conclude that the sexual relationship had begun while [redacted] as a very young girl, and he probably should have realized that it began when [redacted] was a minor. Again, Power did nothing about this situation even though it did not come to him in the form of any confession.

Father Kevin McDonough addressed a concerned group of Catholics as Chancellor of the Archdiocese of St. Paul and Minneapolis on February 28, 1990. At that time, McDonough, obviously speaking for and on behalf of the Archdiocese, admitted that Kolar had engaged in a 15 year pattern of inappropriate intimacy with vulnerable, young women. He also admitted that Kolar had used his ministerial position and authority and power in order to obtain sexual intimacy:

> But what was going on, and you'll get a lot more information about what this means, is that Father Kolar was using a ministerial position and the authority and power that comes with it. He was using that to meet other needs in his life that were not directly related to what the person he was dealing with really needed.
>
> * * *
>
> But what we must say again, that Father Kolar used his role to gain proximity and access to vulnerable, young women, and in doing so, established inappropriate intimacy with them. In some cases with a lot of physical, sexual and emotional intertwining . . . .

In an admirably candid acknowledgement, the Chancellor of the Archdiocese also admitted at that time that these women who had been victimized by Kolar were in no way responsible themselves for what had happened: "How much fault do any of these women have? Zero. Zero."

Based upon the February 28, 1990 statements of Chancellor McDonough, who was specifically speaking for the Archdiocese at that time, it would be my intention to present Judge Danielson with a motion for summary judgment relative to any claim of contributory negligence or fault on the part of [redacted] I have no doubt but that the issue will be eliminated from this case based upon Chancellor McDonough's statements.

Throughout the course of Chancellor McDonough's comments he acknowledges time and time again that the Archdiocese "messed up" in its handling of Father Kolar and in its responsibilities to these young, vulnerable women. The statements of McDonough have been previously provided to both of you in the course of discovery in this case. McDonough's comments as Chancellor may be sufficient, in and of themselves, to establish responsibility on the part of the Archdiocese either as admissions against interest by a party or under a respondeat superior theory.

There are, in fact, a variety of legal principles through which the Archdiocese could be held liable for the tortious sexual conduct of Father Kolar. Each of these principles provides an independent basis for imposition of liability against the Archdiocese. The first principle which will be addressed is the doctrine of respondent superior.

LIABILITY UNDER A RESPONDEAT SUPERIOR THEORY

Minnesota is a jurisdiction which "takes a broader view of an employer's responsibility under respondeat superior and does not require that the employee have been motivated by a desire to further the employer's business." Thatcher v. Brennan, 657 F. Supp. 6, 10 (S.D. Miss. 1986). Prior to 1973, in order for a plaintiff to prevail on a respondeat superior theory in Minnesota, he or she needed to establish that the improper conduct was incidental to the employment, foreseeable and brought about by a desire to serve the employer or principal. That requirement was abrogated by the Minnesota Supreme Court in Lange v. National Biscuit Co., 211 N.W.2d 783 (Minn. 1973) (cookie salesman attack on a grocery store owner).

Traditional limitations upon application of the doctrine of respondent superior were eroded further by the 1983 Minnesota Supreme Court decision in Marston v. Minneapolis Clinic of Psychiatry, 329 N.W.2d 306 (Minn. 1982), in situations involving intentional torts of the sort engaged by Father Kolar. Marston involved two adult female plaintiffs who were sexually victimized

by the sexual advances of a therapist who was a member of the Minneapolis Clinic of Psychiatry and Neurology.

The Marston court held that an employee's motivation in furthering the interests of his employer is irrelevant in cases involving intentional torts. Supra at 311:

> We conclude, therefore, that the Lange rule should apply here and that the employee's motivation should not be a consideration for imposition of vicarious liability. . . . [I]t is both unrealistic and artificial to determine at which point the acts leave the sphere of the employer's business and become motivated by personal animosity -- or, as in this case, an improper, personal benefit. . . .
>
> We hold, therefore, that it was reversible error, in giving JIG 257 to the jury, to include the phrase 'and was brought about, at least in part, by a desire by the agent to serve the principal.'

Under Marston, very little is needed to proceed to the jury under the doctrine of respondent superior. Indeed, under the Marston decision, to prevail at trial, I need only establish:

(1) That Kolar committed the misconduct while within the scope of his employment or while doing something related or incidental to his employment. Obviously, this is easily satisfied as Kolar was invariably saying Mass, hearing confession, leading retreats or camping outings, as well as bringing on specific church business, at the time he engaged in this misconduct.

(2) The conduct must have been foreseeable. There is no question but that there will be testimony presented in this case that sexual relations between psychologists and patients, as well as between priests and parishioners are well known hazards and a totally foreseeable risk of employment. There are numerous individuals well known to both of you who have so testified in other cases such as Gary Schoener. Indeed, in the case at hand, Kolar's inappropriate sexual conduct was not simply foreseeable in an abstract sense, but numerous church employees had actual knowledge of Kolar's improper conduct toward young girls, but did not act to stop it.

(3) Inappropriate conduct occurring within work-related limits of time and place. Again, both Kolar's deposition as well as that of make this criterion easy to satisfy.

The Marston case presents almost insurmountable difficulties to the defense and yet it is, of course, the law of the State of Minnesota. The decision has been acknowledged by the Minnesota Court of Appeals in May of 1991 in Semrad v. Edina Realty, Inc. 478 N.W.2d 135 (Minn. Ct. App. 1991). See, also, Opatz v. John G. Kinnard & Co., Inc., 454 N.W.2d 471 (Minn. Ct. App. 1990) (citing Marston).

It is submitted that Chancellor McDonough's comments to the Community of Christ the Redeemer on February 26 and 28, 1990 establish liability under the Marston decision as against both the St. Paul Catholic Youth Center and Archdiocese of St. Paul and Minneapolis. Even if the court should deny a motion for summary judgment based upon McDonough's comments, extraordinarily strong issues are raised for the jury's resolution.

There are a number of published decisions from other jurisdictions which recognize the applicability of the respondeat superior theory of liability in the context of sexual abuse. See, e.g., Simmons v. United States, 805 F.2d 1363 (9th Cir. 1986), Doe v. Samaritan Counseling Center, 791 P.2d 344 (Ala. 1990), Rita M. v. Roman Catholic Archbishop of Los Angeles, 232 Cal. Rptr. 685 (Cal. Ct. App. 1986) and Erickson v. Luther Memorial Church, 781 P.2d 383 (Or. Ct. App. 1989). Most recently, the Episcopal Diocese of Colorado was held liable under a respondeat superior theory for the sexually abusive acts of one of its clerics resulting in a verdict substantially in excess of $1 million in Denver. I will discuss this decision in more detail, infra.

NEGLIGENT HIRING, RETENTION AND SUPERVISION OF KOLAR

Minnesota recognizes a cause of action for negligent hiring of an employee, and this provides a second, independent basis for imposition of liability upon the Archdiocese. Under Minnesota law, an employer has a duty to exercise reasonable care "in view of all of the circumstances in hiring individuals who, because of the employment, may pose a threat of injury to members of the public." Pontiacs v. KMS Investments, 331 N.W.2d 907 (Minn. 1983). In a footnote in that decision, the court states:

> It should be noted that this is a direct duty running from the employer to those members of the public whom the employer might reasonably

> anticipate would be placed in a position of risk of injury as a result of the hiring. Thus, it is distinguishable from liability imputed to an employer as a result of the doctrine of respondeat superior.
>
> * * *
>
> Although an employer will not be held liable for failure to discover information about the employee's incompetence that could not have been discovered by a reasonable investigation, the issue is whether the employer did make a reasonable investigation. The scope of the investigation is directly related to the severity of risk third parties are subjected to by an incompetent employee.

Id. at 911-913, N. 5.

Kolar has testified that he was abused as a child by a babysitter. He was also verbally and emotionally abused by his own grandfather. Finally, while in the seminary, he was sexually abused by Monsignor Boxleitner. It is well known that individuals who have been sexually abused in the past are much more likely to become abusers themselves. Further, any kind of reasonable evaluation of Kolar done while in the seminary and prior to his ordination would have revealed emotional and/or psychological character that would have been highly inappropriate in any priest, most particularly one charged with responsibility for young and vulnerable women. I am given to understand that this kind of testing is being done now prior to the taking of final vows. Clearly, these procedures and evaluations could and should have been implemented years ago were the Archdiocese truly interested in curtailing or eliminating the kinds of problems presented by this case.

A cause of action for negligent supervision of an employee has existed in Minnesota since 1913. See, Travelers Indemnity Co. v. Fawkes, 130 Minn. 353, 139 N.W.2d 703 (1913). It is clear that in Minnesota an employer will be liable for negligent supervision if that employer has notice that an employee has propensities which would endanger others, and that employee then engaged in tortious conduct in the course of his employment. This liability extends to supervising employees for failure to report or prevent the tort. See, Morgan v. Eaton's Dude Ranch, 307 Minn. 280, 239 N.W.2d 761 (Minn. 1976). Supervisors such as James Kolar and Christina Smith knew, or obviously should have known, of Kolar's predatory proclivities. Other employees such as Father Skrypek and Father

Power knew what was going on many years ago and yet failed to do anything about it.

Significantly, courts in other states have noted that the Roman Catholic Church bears a particularly high duty of responsibility over its priests due to the unusual scope of the relationship which exists between them. As noted by the Court, in Does 1-9 v. Compcare, Inc., 763 P.2d 1237,1242 (Wash. App. 1988), "The duty of obedience which Father Fontenot owed the Diocese encompassed all phases of his life and correspondingly the Diocese's authority over its cleric went beyond the customary employer/employee relationship."

In this regard, it should perhaps be noted that the court in Does 1-9, recognized that, due to the special relationship which exists between the Church and its young parishioners, tort liability may lie not only for negligent hiring, retention, and supervision of an employee-priest, but for failure to warn a foreseeable victim of the dangerous propensities of that priest. Does 1-9, supra at 1241. In light of the knowledge possessed by various employees of the Archdiocese in this case, there is little reason to believe that the State of Minnesota would not also recognize a legitimate cause of action in this regard.

We are in the process of drafting a motion to amend plaintiffs' Complaint to add as parties defendant James Kolar, Christina Smith and the St. Paul Catholic Youth Center. The knowledge and information of these supervisory employees will surely be imputed to the Catholic Youth Center which, in all likelihood, has its own insurance coverage or, alternatively, would have been an additional insured under coverage available to the Archdiocese for the time period in question. Perhaps both of you could advise me as soon as possible as to whether or not you will stipulate to an amendment to plaintiff's Complaint so as to avoid the expense and inconvenience of a motion.

It seems apparent that, in view of Chancellor McDonough's comments of February 26 and 28, 1990, the Archdiocese will ultimately be responsible for damages to [redacted] under both respondeat superior and negligence theories of recovery. It also appears manifestly clear that no fault exists on the part of [redacted], who fell prey to this monster at age [redacted] and was helpless thereafter to extricate herself from this abusive relationship to which she was so naively and innocently committed.

DAMAGES

Ironically, one of plaintiff's better witnesses concerning the damages sustained by [redacted] will be Michael G. Kolar. As you no doubt recall, Kolar described emotional, physical and sexual abuse that he incurred as a young boy at the hands of a babysitter and his grandfather, as well as while he was in the seminary at the hands of Monsignor Boxleitner. In his deposition, Kolar testified that the abuse he suffered has left scars on him, that he has had nightmares about it for years and has experienced waking flashbacks of the abuse he suffered which continue to cause him pain and anger. He has lost sleep over the experience, lived in fear over the experience, and suffered dread over the experience. The emotional experience of this abuse has continued long after the physical events ceased.

Kolar has testified that he is still treating for the experience of his childhood and youth by virtue of the aftercare program in which he is involved through St. Luke's Institute. He has said that he is still treating for those experiences and will be for the rest of his life. This abuse in Kolar's past has had a severe impact on his relationships with both men and women in that it has affected his ability to be close to anyone and to develop appropriate relationships with members of either sex. See, Michael Kolar Dep., pp. 79-82.

While we can all empathize with Kolar and feel sadness for him. his experience pales into insignificance compared to that of . Nevertheless, his testimony concerning the permanent impacts of sexual abuse are elucidating.

[redacted] suffered during many of her years of involvement with Kolar, but was incapable of understanding the origin of this pain: she was blinded by her love for Kolar. This pain was immeasurably worsened by the physical and emotional catastrophe of the pregnancy and miscarriage. She brought all of this to her marriage to in 1984.

Neither [redacted] realized, of course, that [redacted] had been emotionally, psychologically and physically abused by Kolar until the summer of 1990, when [redacted] met with [redacted]. It was at that time that [redacted] learned that her experience with Kolar overlapped with [redacted] and that at the same time Kolar was supposedly grieving for the loss of his child by virtue of [redacted] miscarriage, he was physically abusing [redacted] singing her the same songs, reading her the same poetry, and taking her to the same locations to achieve physical intimacy as he had with [redacted]. One wonders how many individuals will surface bearing the same scars as these young women. As the Archdiocese is well aware, [redacted]

will testify that the emotional and physical abuse she sustained at the hands of Kolar began when she was [redacted].

Fortunately, both [redacted] are now receiving counseling to help them understand the abuse to which they have been subjected and are attempting to cope with it and get on with their lives. Enclosed as Tabs 1 and 2 you will find the two reports of [redacted] Ph.D., Licensed Consulting Psychologist. Dr. [redacted] began seeing [redacted] in the latter part of 1990 and continued his therapy through the time that [redacted] moved to [redacted] such that could obtain employment.

[redacted] is a Licensed [redacted] and was employed for many years at [redacted]. Most recently [redacted] worked between January 7, 1991 and April 28, 1991 at [redacted] where she earned $9.80 per hour. [redacted] was incapable of continuing this employment because of her psychological and emotional condition. On an annual

basis, her wage loss would project to $20,384.00 per year. Assuming a trial date in December, 1992, I will be able to demonstrate a wage loss of approximately $30,450.00 due to the abuse of Kolar which was allowed to occur and persist by the Archdiocese. Without any increases for inflation, wage increases, or the like, to the extent she is incapable of gainful employment in her chosen field because of the emotional scarring involved here, over a 30-year career this would project out to an impairment of earning capacity claim in excess of $600,000.00.

You have available to you the medical expense figures that have been incurred to date. If you do not have them, surely Mr. Eisenzimmer can provide them to you. The Archdiocese has agreed to make these payments and, of course, I will honor the agreement that we have reached and make no suggestion that this agreement is some acknowledgment of responsibility on the part of the Archdiocese. I am sure, however, that the current total must be several thousands of dollars. Given the high cost of anti-depressant medication, I am certain that I will be able to demonstrate a minimum of $1,000.00 per year of necessary future medical care. As [redacted] has in excess of a 50-year life expectancy, this will not be a small number.

Far and away the greatest exposure to the Archdiocese lies in the area of past and future pain and suffering and emotional distress. These items of damage will obviously be submitted to the jury separately, along with a claim for significant loss of enjoyment of life. You heard [redacted] describe her damages at the time of her deposition on August 8, 1991 and I urge you to view the videotape along with your principal when you set reserves and begin to evaluate this claim for settlement purposes. At that time [redacted] said:

I think what [redacted] was trying to say here was that, at a minimum, she lost 10 years of her life as a result of the abuse to which she has been subjected. Her development was arrested for these 10 years and she is just now beginning to understand that, accept it, and attempt to replace it. Further, what memories she does have are all painful. The distress is so bad that she suffers physical symptoms [illegible] Every aspect of her being as a woman, wife and mother has been scarred, distorted and damaged, and all of this is permanent.

I see my jury "blackboard" argument shaping up something like this:

(1) What sum of money will fairly and adequately compensate [redacted] for damages up to the date of this verdict for:

(a) Loss of earnings? (assuming a trial date in December, 1992). $30,450

(b) Medical expenses? $ 5,000

(c) Embarrassment and emotional distress? $ 500,000

(d) Pain, disability and disfigurement? $ 500,000

(e) Loss of enjoyment of life? $ 250,000

(2) What sum of money will fairly and adequately compensate [redacted] for such future damages as are reasonably certain to occur for:

(a) Loss of earnings? $ 600,000

(b) Medical expenses? $ 50,000

(c) Embarrassment and emotional distress? $1,000,000

(d) Pain, disability and disfigurement? $1,000,000

(e) Loss of enjoyment of life? $ 500,000

(3) What sum of money will fairly and adequately compensate [redacted] for loss of her services and companionship which he would have received in the usual course of their married life up to the date of trial? $500,000.

(4) What sum of money will fairly and adequately compensate [redacted] for loss of her services and companionship which he is reasonably certain to lose in the future? $1,000,000

The totals here are rather staggering, but will be more than adequately supported by the evidence. You have met [redacted] and know what wonderful, attractive and [redacted] people they are. Asking a jury to set aside the very natural sympathy that any reasonable human would have for these two young people will be asking the almost impossible.

You also know that there is absolutely nothing in either of these individuals' past with which the defense will somehow be able to distract the jury. There are no prior marriages, no affairs, no prior abuse, no emotional distress or disorders in either family -- absolutely nothing to reduce the impact or lessen the extent of damages that the jury will award in this case. I could not be

prouder to represent these two people and I am sure I will have no difficulty communicating this when we get to trial.

You know on a firsthand basis how inflammatory these cases are and what can happen when a jury starts [redacted]ages. I have in my possession the adverse report of [redacted], M.D., Ph.D., of July 2, 1990 done at your request regarding [redacted] Suffice it to say that [redacted]'s emotional and psychiatric past was convoluted and tortured at best even without the abuse he suffered at the hands of Father John Adamson. I see total compensatory damages in the [redacted] case far exceeding the total damages awarded in [redacted], even including [redacted]'s punitive award.

I also have in my possession an adverse report by Dr. [redacted] pertaining to [redacted]. Of course, this exam was also set up at the request of your office and the claims involved sexual abuse by Father Kapoun and Father Wadja, both of whom, as I recall, were at St. Raphael's Church in Crystal, where Father Kolar started his career. I do not know if this is any more than a coincidence, but it certainly seems more than a little ironic. I also do not know the specific dollar amounts paid by you to compromise the Dearing case, but I have to believe that it was very substantial and more than likely far in excess of $1 million.

Most recently, [redacted] was awarded more than $1,200,000 by a jury in Denver as a result of sexual abuse that she sustained at the hands of an Episcopal priest. The Diocese of Colorado was specifically found responsible for this abuse under a respondeat superior theory. Enclosed as Tab 4 is a copy of the Special Verdict Form in the [redacted] case.

I have the testimony in the [redacted] case and I can tell you that prior to the abuse by the Episcopal priest, she had been hospitalized four or five times for depression, including attempted suicides There had been multiple extramarital relationships, and she had been diagnosed as having depressive neurosis and hysterical personality many years before the abuse at issue. There also was a substantial familial history of depression involving the plaintiff's grandfather and paternal great-grandmother. She had also had "horrendous experiences" in her childhood with the occult and abusive uses of the occult. There was evidence in the case that the plaintiff's father had forced her to have sex with a corpse. She has also had fairly extensive substance abuse beginning at age 13 or 14. All in all, [redacted] was hardly a "clean" case. Nevertheless, you see what kinds of dollars the jury awarded by virtue of the special verdict.

I suspect you both are well aware of the awards in Louisiana against the Catholic Church, all of which were well in excess of

$1 million. If you are not, let me know and I will provide you with the details I have.

CONCLUSION

There is a large amount of work that remains to be done on this case. We have motions that need to be made to amend the Complaint against James Kolar, Christina Smith and the St. Paul Catholic Youth Center, as well as to amend the Complaint to assert claims of punitive damages against Kolar, the CYC and the Archdiocese. I need to depose Archbishop Roach, Bishop Carlson and Chancellor McDonough. I also need to engage consultants regarding the respondeat superior issue and the foreseeability of Kolar's abuse, and there are other projects that need to be accomplished before this case will be ready for trial. Accomplishing these tasks will do nothing but increase the value of this case from what I see at the present time and increase my expense, making it more difficult to settle this case.

I can tell you that at this point I am authorized to settle all claims against the Kolars, the St. Paul Catholic Youth Center and the Archdiocese of St. Paul and Minneapolis for $2.8 million ($2,800,000). I will also need a written acknowledgement by Father Kolar similar to what he signed in th[redacted] case.

I certainly cannot tell you that this demand will remain in force and effect forever. I see no down side to the plaintiff's case and the possibility of a significant increase in the top side potential in terms of damage exposure due to the various motions that plaintiffs will bring.

I look forward to hearing from you with regard to this demand. I can assure you that we will cooperate with you in every respect

in getting this matter resolved as quickly as possible in the best interests of all concerned.

Very truly yours,

YAEGER, JUNGBAUER, BARCZAK
& ROE, LTD.

Roger R. Roe, Jr.

RRR/nms
Enclosures
cc: Mr. Andrew J. Eisenzimmer

1

2

3

4

Randy Mueller
Community of Christ the Redeemer
1196 Oakdale Avenue
W. St. Paul, MN 55118

451-6114

MEIER, KENNEDY & QUINN
CHARTERED
ATTORNEYS AT LAW

ANDREW J. EISENZIMMER
LEO H. DEHLER
THOMAS B. WIESER
NANCY GOERING REILLY
JOHN C. GUNDERSON
CHARLES M. BICHLER

SUITE 2200, NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
SAINT PAUL, MINNESOTA 55101-2100
TELEPHONE (612) 228-1911
FACSIMILE (612) 223-5483

WILLIAM C. MEIER
(1920-1981)
TIMOTHY P. QUINN
(1921-1991)
ALOIS D. KENNEDY, JR.
(OF COUNSEL)

January 17, 1992

Ms. Jill Flaskamp Halbrooks
Attorney at Law
2000 Lincoln Centre
333 South Seventh Street
Minneapolis, MN 55402

Mr. Roger R. Roe, Jr.
Attorney at Law
701 4th Avenue South
Suite 1400
Minneapolis, MN 55415

Re: [redacted] vs. The Archdiocese of Saint Paul and Minneapolis, et al

Dear Ms. Halbrooks and Mr. Roe:

Enclosed and served upon you by U.S. Mail please find an unexecuted copy of Defendant Archdiocese Answers to Set II of Plaintiff's Interrogatories and an executed copy of Defendant Archdiocese Answers to Set II of Plaintiffs' Requests For Production of Documents in connection with the above-referenced matter.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

Andrew J. Eisenzimmer

AJE:crb
Enclosures

bcc: The Most Reverend John R. Roach, D.D.
Reverend Kevin M. McDonough
Reverend Thomas H. Vowell
Mr. John R. Hoffman
Mr. Daniel A. Haws

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

January 21, 1992

CASE: KOLAR, Michael G.
PR. NUM: 1235/92

The Most Rev. John R. Roach, D.D.
The Archbishop's Office
226 Summit Avenue
St. Paul, MN 55102

Dear Archbishop Roach,

After consultation with Father Michael Kolar and Father Jim Zusy, I have decided to take over the canonical work in Michael's laicization petition. To do so, I need a formal authorization from you. I have had prepared a copy of the mandate for your signature. Would you please sign it?

Thank you for your response to this request.

I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, JCD
Delegated Priest

RJB:le

Enclosure

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

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January 21, 1992

CASE: KOLAR, Michael G.
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Thank you for your response to this request.

I remain,

Yours sincerely,

to: Ronald J. Bowers

The Very Rev. Ronald J. Bowers, JCD
Delegated Priest

RJB:le

Enclosure

file, please

MEIER, KENNEDY & QUINN
CHARTERED
ATTORNEYS AT LAW

ANDREW J. EISENZIMMER
LEO H. DEHLER
THOMAS B. WIESER
NANCY GOERING REILLY
JOHN C. GUNDERSON
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WILLIAM C. MEIER
(1920-1981)
TIMOTHY P. QUINN
(1921-1991)
ALOIS D. KENNEDY, JR.
(OF COUNSEL)

January 22, 1992

Reverend Kevin M. McDonough
Moderator of the Curia and Vicar General
The Archdiocese of Saint Paul and Minneapolis
226 Summit Avenue
St. Paul, MN 55102

Re: ABC & XYZ vs. The Archdiocese of Saint Paul and Minneapolis, et al + Christina Smith

Dear Father McDonough:

Enclosed is a copy of Mr. Michael Fetsch's statements dated December 1, 1991 and January 1, 1992 for his representation of Ms. Christina Smith in connection with the above-referenced matter. Please immediately forward me a check payable to the Meier, Kennedy & Quinn trust account in the amount of $976.75 so that I can reimburse Ms. Smith for these fees.

Also enclosed is a copy of a statement dated December 6, 1991 from Jardine, Logan & O'Brien law firm, the attorneys for Mr. Jack Quesnell, who was also a witness called to testify in the above-referenced matter. If I recall correctly, Father O'Connell had suggested to Mr. Quesnell earlier that the Archdiocese would reimburse him for his fees. Mr. Quesnell had declined that offer but has now apparently reconsidered. I would ask, therefore, that you also immediately forward me a check payable to the Meier, Kennedy & Quinn trust account in the amount of $886.00 so we can similarly reimburse Mr. Quesnell for his fees.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

Andrew J. Eisenzimmer

AJE:crb
Enclosures

Angie Blee
paid above
2-12-92

MICHAEL F. FETSCH
ATTORNEY AT LAW
2004 AMERICAN NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101-1808

TELEPHONE: (612) 227-3236

December 1, 1991

Christina Smith
796 Ashland Ave.
St. Paul, MN. 55104

FOR PROFESSIONAL SERVICES RENDERED

08/15/91	Phone conf. with A. Eisenzimmer left message	.1
08/26/91	Phone conf. with client	.3
	Letter to Halbrooks	.25
10/06/91	Phone conf. with client.	.15
10/15/91	Preparation - Review of file notes	1.00
	Phone conf. with Eisenzimmer	.45
	Phone conf. with client	.8
10/16/91	To and from Mpls. for deposition	1.1
	Depositions 11-2:30	3.5
10/17/91	Phone conf. with client	.25
		7.90/hours

7.90 hours X $125.00 =	$987.50
Previous Credit Balance	$ 92.00
BALANCE NOW DUE	$895.50

MICHAEL F. FETSCH
ATTORNEY AT LAW
2004 AMERICAN NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101-1808

TELEPHONE: (612) 227-3236

January 1, 1992

Christina Smith
796 Ashland Ave.
St. Paul, MN. 55104

FOR PROFESSIONAL SERVICES RENDERED

11/19/91	Phone conf. with client - no ans.	.1
12/23/91	Letter to counsel	.25
01/06/92	Phone conf. with Maher	.1
	Phone conf. with Hoffman left message	.1
01/06/92	Phone conf. with client	.1
		.65/hr.
	.65 hours X $125.00 =	$ 81.25
	Previous Balance	$895.50
	BALANCE NOW DUE	$976.75

IN CAUSA PR. NUM.: 1235/92

AUTHORIZATION TO DISCLOSE COMPLETE INFORMATION FOR DISPENSATION PROCEDURES

1. I, the undersigned, Michael G. Kolar, hereby authorize St. Luke's Institute to disclose complete information to any representative of the Metropolitan Tribunal of the Archdiocese of Saint Paul and Minneapolis pertinent to their preparation of a dispensation petition from the obligations attached to Sacred Orders.

2. Further, I hereby waive on behalf of myself and of any persons who may have interest in the matter all the provisions of law relating to the disclosure to parties by me of confidential lawyer-client information.

Michael G. Kolar

Michael G. Kolar

Signed at St. Paul, Minnesota

on this 24th day of January, 1992.

CHANCERY INTEROFFICE MEMO

† †

ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS

1. TO: Austin/Angie

2. TO:

3. TO:

4. TO:

5. TO:

- ☐ approval
- ☐ action
- ☐ signature
- ☐ see me
- ☐ coordination
- ☐ prepare reply
- ☐ research
- ☐ recommendation
- ☐ circulate
- ☐ comment
- ☐ note & return
- ☐ information
- ☐ as requested
- ☐ per conversation
- ☐ file

REMARKS:

Please pay the attached invoices in regard to the Kolar case, through MK+Q. Please keep copies and return originals to me. Thanks.

K.

FROM:

DATE 1/24/92

PHONE

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

January 27, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

The Rev. Thomas Vowell, C.PP.S., J.C.D., Chancellor
The Chancery
226 Summit Avenue
St. Paul, MN 55102

Dear Father Vowell,

When the Archbishop signed the Mandate which empowers me to instruct Father Michael Kolar's petition for a dispensation from the obligations attached to sacred orders, he forgot to present it to you for your signature and notarization. Would you please remedy that and return the form to me?

Your assistance on this matter is deeply appreciated. With best wishes, I remain,

Yours sincerely,

RJB

The Very Rev. Ronald J Bowers, J.C.D.
Delegated Priest

RJB:le

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

FILE

January 27, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

The Rev. Thomas Vowell, C.PP.S., J.C.D., Chancellor
The Chancery
226 Summit Avenue
St. Paul, MN 55102

Dear Father Vowell,

Father Michael Kolar, a priest of the Archdiocese of St. Paul and Minneapolis, has begun preparation of a petition for a dispensation of the obligations attached to sacred orders. The Archbishop has delegated me to assist Father Kolar in preparing this petition.

Among the documentation needed for such a petition is a report by the Chancellor of the contents of his chancery file. Consequently, I am requesting of you a review of his file. I would ask that you comment specifically on any matters which might speak to or against the granting of such a dispensation.

In advance, let me thank you for your assistance in this matter. Michael joins me in offering this expression of gratitude to you. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated priest

RJB:le

cc: Michael G. Kolar

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

January 27, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

The Rev. Charles L. Froehle, Rector
The St. Paul Seminary School of Divinity
2260 Summit Avenue
St. Paul, MN 55105

Dear Father Froehle,

Father Michael Kolar has begun preparation of a petition to be presented to the Sacred Congregation for the Discipline of the Sacraments for a dispensation from the obligations attached to sacred orders. I have been delegated by the Archbishop to assist him in the preparation of that petition.

Michael Kolar was ordained to the priesthood for the Archdiocese of St. Paul and Minneapolis on May 24, 1969. He was a student at the St. Paul Seminary from 1963 until 1969. Prior to that, he was a student at Nazareth Hall from 1957 until 1963. In light of his petition, I am coming to you once again to request your very competent assistance. As in cases of the past, I would ask that you would review the seminary records and comment on how the seminary administration and faculty viewed his progress in formation and ultimately his readiness for ordination. As you know, current norms call for as much detail as possible concerning faculty votes on progress in formation.

I want to thank you in advance for your assistance in this matter. Michael joins me in offering this expression of gratitude to you. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.

RJB:le

cc: Michael G. Kolar

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

The Tribunal
328 West Kellogg Boulevard
Saint Paul, Minnesota 55102-1997
612-291-4466

January 27, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

Dr. Frank Valcour
St. Luke's Institute
2420 Brooks Drive
Suitland, Maryland 20746

Dear Dr. Valcour,

As you already know, Father Michael Kolar, a priest of the Archdiocese of St. Paul and Minneapolis, has begun preparation of a petition for a dispensation from the obligations attached to sacred orders. The Archbishop has delegated me to assist him in the preparation of this petition.

Father Kolar was in treatment at St. Luke's Institute from June until December of 1988. It is my understanding that you directed his treatment. Michael has agreed to allow me to contact you to gain your insights and those of his treatment records. To provide further documentation of his willingness that I contact you and to make it legally possible for you to provide any information, I am enclosing a copy of an authorization form, addressed to St. Luke's Institute, and signed by Michael Kolar.

Would you kindly provide the following information:

1. What is the date of Michael's admission to the St. Luke's Institute? What precipitated his coming there for treatment?

2. While in treatment, were any psychological tests administered and what did they reveal?

3. What did ongoing treatment reveal about Michael's personality?

4. With this data in mind, what conclusions can you draw about his readiness for ordination at the time of his reception of Holy Orders (May 24, 1969?)

5. What is your evaluation of his current state?

6. Is there anything else you wish to add?

Please let me assure you that your responses to these questions will be treated with complete confidentiality. They will be used

only in conjunction with the petition for dispensation that is being prepared.

I also want to thank you for your assistance in this matter. Michael joins me in expressing gratitude to you. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael G. Kolar

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

January 27, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

The Rev. Thomas Vowell, C.PP.S., J.C.D., Chancellor
The Chancery
226 Summit Avenue
St. Paul, MN 55102

Dear Father Vowell,

Father Michael Kolar, a priest of the Archdiocese of St. Paul and Minneapolis, has begun preparation of a petition for a dispensation of the obligations attached to sacred orders. The Archbishop has delegated me to assist Father Kolar in preparing this petition.

Among the documentation needed for such a petition is a report by the Chancellor of the contents of his chancery file. Consequently, I am requesting of you a review of his file. I would ask that you comment specifically on any matters which might speak to or against the granting of such a dispensation.

In advance, let me thank you for your assistance in this matter. Michael joins me in offering this expression of gratitude to you. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated priest

RJB:le

cc: Michael G. Kolar

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

(COPIES OF THIS LETTER WAS SENT TO MSGR. JOHN SWEENEY, FR. MICHAEL O'CONNELL AND FR. GILBERT GUSTAFSON)

CASE: KOLAR, Michael G

PR. [redacted]

January 28, 1992

The Rev. Msgr. John Sweeney
179 North McKnight Road
Suite 210
St. Paul, MN 55119

Dear Msgr. Sweeney,

As you may already know, Michael Kolar has entered into a process preparing a petition for a dispensation from the obligations attached to Sacred Orders. As a part of that process, the Petitioner has requested that I contact you and ask for your assistance in sharing your reflections and insights regarding his ordination and ministry. To assist you in this regard, I am enclosing a copy of the routine questionnaire that we send out to priests and deacons to offer this personal response. Please be assured of the total confidentiality with which your reflections will be treated.

Because of the sensitivities involved in these petitions, it would be helpful to the Petitioner if you could return this information at your earliest convenience. Please let me thank you in advance for your assistance. Michael joins me in offering this expression of gratitude to you.

With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

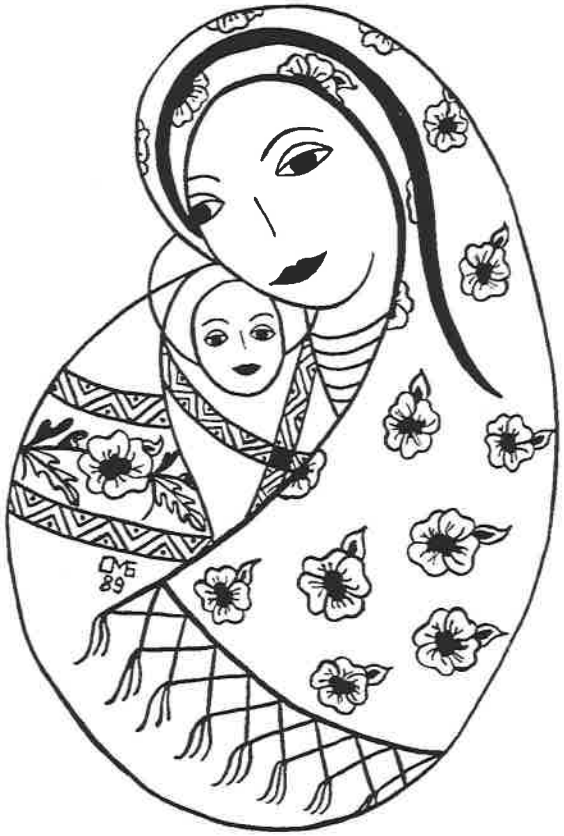
RJB/le
Enc.
cc: Michael Kolar
Files

Dear Ron,

I am relieved that you will be directing the process of hair-growth in the days ahead. I appreciated Jim Zuzy's personal interest; I am also in need of the process to end... ecclesiastical and civil.

I know that coming back to work after a time away can be a whiplash experience and so I write to say "thank you" for adding me onto an already full glass.

See you on January 24th at 10 AM on the bowels of the United States Satellite division of the Roman Rota. Michael Kelly



The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

CASE: KOLAR, Michael G

PR. NUM.: S.P.A.M. 1235/92

January 28, 1992

The Rev. Michael J. O'Connell
The Basilica of St. Mary
88 North 17th Street
Minneapolis, MN 55403

Dear Father O'Connell,

As you may already know, Michael Kolar has entered into a process preparing a petition for a dispensation from the obligations attached to Sacred Orders. As a part of that process, the Petitioner has requested that I contact you and ask for your assistance in sharing your reflections and insights regarding his ordination and ministry. To assist you in this regard, I am enclosing a copy of the routine questionnaire that we send out to priests and deacons to offer this personal response. Please be assured of the total confidentiality with which your reflections will be treated.

Because of the sensitivities involved in these petitions, it would be helpful to the Petitioner if you could return this information at your earliest convenience. Please let me thank you in advance for your assistance. Michael joins me in offering this expression of gratitude to you.

With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB/le
Enc.
cc: Michael Kolar
Files

CONFIDENTIAL

January 31, 1992

Reverend Ronald J. Bowers
The Tribunal
328 West Kellogg Boulevard
St. Paul, Minnesota 55102

Dear Father Bowers,

As chancellor of the Archdiocese of Saint Paul and Minneapolis, I thoroughly reviewed the file of Father Michael Kolar, a priest of this archdiocese, who is seeking dispensation and laicization. It is with great regret that his file presents no documents which would detract from the granting of the requested dispensations. The file of Father Kolar presents a history of sexual misconduct, beginning in June, 1988. In spite of repeated attempts by the archdiocese to rehabilitate Father Kolar through professional treatment, his behavior consistently reverted back to sexual misconduct.

Taken together, the file indicates that Father Kolar lacked the necessary volition to faithfully live out his commitment to celibacy. These repeated failures on his part have ultimately endangered the well-being of a number of the faithful of this archdiocese, as well as the reputation and good name of both the archdiocese and the Catholic Church.

I hope this brief, but accurate, summary of the file of Michael Kolar can be of assistance to you in seeking the decree of laicization from the Holy See. As previously stated, the file indicates nothing which would stand in the way of the granting of this dispensation.

If I can be of further clarification as to the contents of Father Kolar's file, please feel free to contact me.

Sincerely in Christ,

Reverend Thomas H. Vowell, C.PP.S.
Chancellor
Episcopal Vicar

THV:ggr

CASE: **MICHAEL G. KOLAR** PR. NUM.: **S.P.A.M. 1235/92**

DISPENSATION FROM THE OBLIGATIONS OF SACRED ORDERS

WITNESS QUESTIONNAIRE

(Please add more paper if you need more space for the following questions.)

A. Please describe your relationship to the Petitioner.

B. Insofar as it is possible, please describe his family background (its social, economic and religious conditions).

C. What influences did this family background have on the Petitioner's decision to enter priestly formation and on his subsequent priestly ministry?

D. Previous to his ordination, was anything said or done which would cause you to doubt the future success of his priestly ministry? Did you observe any behaviors which would indicate a lack of suitability for a priestly vocation?

E. How would you describe his motivation for seeking priestly ordination? Did the Petitioner seem settled and at peace with his decision?

F. What is your estimation of his basic maturity and readiness for ministry at the time of his ordination? To your knowledge, were there any external influences on his decision to be ordained?

G. Following ordination, did the Petitioner find priestly ministry enjoyable and rewarding? Was he able to meet the needs of the people on whose behalf he ministered?

H. How well did he seem to cope with the responsibilities of priestly ministry?

I. Did the Petitioner work well with others in ministry: pastors, lay ministers, co-workers?

J. How early in his priestly ministry did serious problems arise? What were they? How did you become aware of them?

K. What is your estimation of his ability to live a life-long commitment to celibacy? Why do you state this?

L. Were there occasions where the Petitioner did not fulfill priestly responsibilities? What were they?

M. Is there anything else you wish to add?

I swear before God that in the foregoing testimony, I have told the truth, the whole truth, and nothing but the truth. I swear also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

_____
Signature of Recipient

_____
Date of Signature

_____
Place of Signature

Typed

CASE: MICHAEL G. KOLAR PR. NUM.: S.P.A.M. 1235/92

DISPENSATION FROM THE OBLIGATIONS OF SACRED ORDERS

WITNESS QUESTIONNAIRE

(Please add more paper if you need more space for the following questions.)

A. Please describe your relationship to the Petitioner.

As fellow seminarians (2 years apart), as fellow priests for 23 years, as Vicar General of the Archdiocese from 1986–'91 in charge of sex abuse and clergy. I worked very closely with Fr. Kolar and his case.

B. Insofar as it is possible, please describe his family background (its social, economic and religious conditions).

I know relatively little of Fr. Kolar's family background except for the biographical facts I have seen.

C. What influences did this family background have on the Petitioner's decision to enter priestly formation and on his subsequent priestly ministry?

No comment

D. Previous to his ordination, was anything said or done which would cause you to doubt the future success of his priestly ministry? Did you observe any behaviors which would indicate a lack of suitability for a priestly vocation?

No comment

E. How would you describe his motivation for seeking priestly ordination? Did the Petitioner seem settled and at peace with his decision?

I had a casual relationship with him through out our seminary years and years in ministry.

F. What is your estimation of his basic maturity and readiness for ministry at the time of his ordination? To your knowledge, were there any external influences on his decision to be ordained?

At the time I knew of no inhibiting influences on his decision to be married.

G. Following ordination, did the Petitioner find priestly ministry enjoyable and rewarding? Was he able to meet the needs of the people on whose behalf he ministered?

From all public appearances (before I became aware of his sexually exploitive behavior as Vicar General) he was admired as a very effective youth minister.

H. How well did he seem to cope with the responsibilities of priestly ministry?

His history of sexually exploitive and at times concurrent sexual relationships would seem to indicate that he was not coping very well.

I. Did the Petitioner work well with others in ministry: pastors, lay ministers, co-workers?

My own evaluation of the management environment of the St. Paul Catholic Youth Center, The Community of Christ the Redeemer and the Camp which were all entwined and based in a charismatic ideology is that it was endemic to fostering the sexually exploitive behavior which Fr. Michael Kolar practiced. He was the central locus of the ministry and because it practiced headship practically subjugating women to men his acting out was organizationally all the more insidious.

J. How early in his priestly ministry did serious problems arise? What were they? How did you become aware of them?

In 1988, as Archdiocesan Vicar General, I became aware of Michael Kolar's sexually exploitive relationship with with an year old woman (1973-74) who was his counselee.

He admitted to me having sexual intercourse with her at least once and other sexual contact on other occasions.

K. What is your estimation of his ability to live a life-long commitment to celibacy? Why do you state this?

I cannot make the estimation; however from an early age as an adult he admits having had multiple sexual relationships and often more than one coincidentally with young women and at times women under the age of 18. He went through 8 months of intensive inpatient sexual addiction treatment and as far as I know has remained celibate since he got out in the Fall of '90.

L. Were there occasions where the Petitioner did not fulfill priestly responsibilities? What were they?

Apart from his long history of breech of celebacy and sexually exploitive behavior I am not aware of his not fulfilling priestly responsibilities

M. Is there anything else you wish to add?

As public record and his own personal Testimony will show Michael was a seriously sexually addicted person throughout most of his adult life. He admits that his first sexual encounter was a rape like event when he was a 22 yrs. old seminarian. A Trusted priest entered his bed and tried to forcefully have sex with him. He admits that this was a most Traumatic event for him and could explain his subsequent sexual behavior.

I swear before God that in the foregoing testimony, I have told the truth, the whole truth, and nothing but the truth. I swear also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

Rev. Michael J. O'Connell
Signature of Recipient

2/5/92
Date of Signature

Basilica of St. Mary, Minneapolis, Mn. 55403
Place of Signature

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

February 5, 1992

CASE: KOLAR, Michael G.
PR. NUM.: [redacted]

Frank Valcour, M.D.
St. Luke's Institute
2420 Brooks Drive
Suitland, Maryland 20746-5294

Dear Dr. Valcour,

Thank you for your response to my request for your review of Father Michael Kolar's evaluation and treatment file and your clear and concise reporting on its contents. I have no outstanding questions, and I state again that the clarity of your report is refreshing. Michael joins me in offering this expression of gratitude to you.

With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael J. Kolar
File

CV

Document #2:

Diocese of St. Paul/Minneapolis

Curriculum Vitae:

Michael G. KOLAR was born on October 1, 1943, in St. Paul, Minnesota, to Neil William Kolar and Dorothy Mae Cooke, both Catholic. He is the middle of three children.

He received his education within the Diocese of St. Paul/Minneapolis at the following schools:

1949-1957 : St. Columba Grammar School, St. Paul, MN.
1957-1963 : Nazareth Hall Seminary, St. Paul, MN
1963-1969 : St. Paul Seminary, St. Paul, MN

Orders Received: * Joan Chandler, Univ of St. Thomas 647-5715
2260 Summit Avenue
St. Paul, MN 55105

Ceremonies took place at the St. Paul Seminary Chapel, the Cathedral of St. Paul and the Co-Cathedral of St. Paul and Mpls.

5) Priestly Ministry:

① Parochial Vicar
St. Raphael's Church
Minneapolis, Minn
June, 1969 to June, 1970

② Assistant Director/and Director 4/73 → 6/88
St. Paul Catholic Youth Center
St. Paul, MN
June, 1970 to, June 1988
Joined 1973

ARCH-018598

6) Employment history after leaving active ministry.

June to December, 1988: Treatment for Sexual addiction at St. Luke's Institute in Suitland, Maryland.

Marquette L. Jr. Sch. 12/60 — 8/605 Cochran Cochran Bl.

January, 1989 to August, 1991: Legal issues and legal climate prohibit an assignment

Sept, 1991 Departure from the active ministry and entry into a two year Masters program at Hamline University, St. Paul, MN

(Coch?) Attending Hamline University, living in a private residence and continuing involvement with 12 step program in Sexual Addiction.

18) Give Names, addresses, relationships of witnesses who can support the grounds.

A. Richard Jeub 458-3919
8694 80th St.
Cottage Grove, MN 55016
High School classmate

B. Gilbert J. Gustafson 452-9497 h, 340-7681 w.
1405 Sibley Memorial Highway
Mendota Minnesota 55150
Personal Confidant

C. Kevin T. Clinton 452-4550 office
P.O. Box 50679 452-4030 residence
Mendota, Minn 55150
FRIEND

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

February 11, 1992 - FILE

CASE: KOLAR, Michael
PR. NUM.: S.P.A.M. 1235/92

The Rev. Thomas Vowell, C.PP.S., J.C.D., Chancellor
The Archdiocese of St. Paul and Minneapolis
226 Summit Avenue
St. Paul, MN 55102

Dear Father Vowell,

Thank you for your prompt response to my request that you review Father Michael Kolar's chancery file and provide a report on its contents in conjunction with his petition for a dispensation from the obligations attached to Sacred Orders. I am also grateful for the clarity and conciseness of your review. These qualities make any further questions on my part unnecessary.

Michael joins me in offering you this expression of gratitude. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael G. Kolar
File

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

February 11, 1992

CASE: KOLAR, Michael
PR. NUM.: S.P.A.M. 1235/92

The Rev. Thomas Vowell, C.PP.S., J.C.D., Chancellor
The Archdiocese of St. Paul and Minneapolis
226 Summit Avenue
St. Paul, MN 55102

Dear Father Vowell,

Thank you for your prompt response to my request that you review Father Michael Kolar's chancery file and provide a report on its contents in conjunction with his petition for a dispensation from the obligations attached to Sacred Orders. I am also grateful for the clarity and conciseness of your review. These qualities make any further questions on my part unnecessary.

Michael joins me in offering you this expression of gratitude. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael G. Kolar
File

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

February 11, 1992

CASE: KOLAR, Michael.
PR. NUM.: S.P.A.M. 1235/92

The Rev. Michael J. O'Connell
The Basilica of St. Mary
88 North 17th Street
Minneapolis, MN 55403

Dear Father O'Connell,

Please let me thank you for your prompt response to the request I made, asking for your assistance in the preparation of Michael Kolar's petition for a dispensation from the obligations attached to Sacred Orders. As I noted earlier, your response will be used only in conjunction with Michael's petition for dispensation and will be treated with the highest degree of confidentiality.

Michael joins me in offering this expression of gratitude to you. With best wishes, I remain,

Your sincerely,

Rev. Ronald Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael G. Kolar
File

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue
Saint Paul, Minnesota 55102

Office of the Archbishop

CASE: KOLAR, Michael G.

PR. NUM.: S.P.A.M. 1235/92

MANDATE

I hereby appoint the Reverend Ronald J. Bowers, J.C.D. to instruct the petition of the Reverend Michael J. Kolar for a dispensation from all obligations arising from Sacred Orders, including that of celibacy. The instruction of this Case is to be carried out in accordance with the Procedural Norms issued by the Congregation for Divine Worship and the Discipline of the Sacrments.

_____
Archbishop of Saint Paul and Minneapolis

Given at Saint Paul, Minnesota
on this day of , 1992

_____
Chancellor/Notary

[redacted]

Legal
Dis[redacted] KOLAR M. 1988-1989

ARCH-018604

Typed

CASE: MICHAEL G. KOLAR PR. NUM.: S.P.A.M. 1235/92

DISPENSATION FROM THE OBLIGATIONS OF SACRED ORDERS

WITNESS QUESTIONNAIRE

(Please add more paper if you need more space for the following questions.)

A. Please describe your relationship to the Petitioner.

I first knew him as a seminarian. I was teaching music at the seminary and he was in the choir. When he was ordained he came to work at the Catholic Youth Center in St Paul where I was director. We were there together for 3 years. We have been friends ever since.

B. Insofar as it is possible, please describe his family background (its social, economic and religious conditions).

Middle class I suppose, good Catholic family. Mike Kolar's father died when he was a pre school child. His mother was an R.N. He has a younger brother and a sister. They were good practicing Catholics.

C. What influences did this family background have on the Petitioner's decision to enter priestly formation and on his subsequent priestly ministry?

I don't know, precisely. But his mother is a very good practicing Catholic, Mike attended Catholic schools all his life. His brother is a strong conservative Catholic.

D. Previous to his ordination, was anything said or done which would cause you to doubt the future success of his priestly ministry? Did you observe any behaviors which would indicate a lack of suitability for a priestly vocation?

I know of nothing here

E. How would you describe his motivation for seeking priestly ordination? Did the Petitioner seem settled and at peace with his decision?

Michael was a man of prayer. He was an inspirational preacher. He made a deep impression for good upon people. He seemed settled.

F. What is your estimation of his basic maturity and readiness for ministry at the time of his ordination? To your knowledge, were there any external influences on his decision to be ordained?

I have no knowledge of this

G. Following ordination, did the Petitioner find priestly ministry enjoyable and rewarding? Was he able to meet the needs of the people on whose behalf he ministered?

He certainly gave that impression

H. How well did he seem to cope with the responsibilities of priestly ministry?

Very well, to my knowledge

I. Did the Petitioner work well with others in ministry: pastors, lay ministers, co-workers?

Yes, as far as I know

J. How early in his priestly ministry did serious problems arise? What were they? How did you become aware of them?

I became aware only when they became of public record and Father Kolar was away for treatment. We corresponded.

K. What is your estimation of his ability to live a life-long commitment to celibacy? Why do you state this?

If the allegations about his problems are true, there would seem to be a reason for concern here.

L. Were there occasions where the Petitioner did not fulfill priestly responsibilities? What were they?

I am not aware of any

M. Is there anything else you wish to add?

Michael Kalar has always seemed to to me as a priest to be an unusually good one. Most people I know who know him would say the same - that is his reputation; the surprising of his alleged problems came as a complete surprise

I swear before God that in the foregoing testimony, I have told the truth, the whole truth, and nothing but the truth. I swear also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

John M Sweeney
Signature of Recipient

Feb 29 1992
Date of Signature

St. Paul, MN
Place of Signature

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

CASE: KOLAR, Michael G.
PR. NUM.: [redacted]

March 2, 1992

The Rev. Msgr. John Sweeney
179 North McKnight Road
Apt. 210
St. Paul, MN 55119

Dear John,

Thank you for your response to the questionnaire which I sent you in conjunction with Michael Kolar's petition for a dispensation from the obligations attached to Sacred Orders. It was also kind of you to hand deliver it. Michael joins me in offering this expression of gratitute to you.

With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael Kolar
Files

S.C.D.S — 289/92/S

Michael Kolar
204 Laurel Avenue
St Paul Minnesota 55104
292-0418

Seminary Contact: Vice Rector of St. Paul Seminary

Msgr. John A. Sweeney
179 N. McKnight Road Suite 210
St. Paul, MN 55119
phone: 739-4268 answering machine.

(W)

DR. Frank Valcour
St. Luke's Institute
2420 Brooks Drive
Suitland, Maryland 20746
phone: 301-967-3700

Psychiatrist

Rev. Michael J. O'Connell, Rector.
Basilica of Mary

Contact for leaving the active ministry.

Dil Gustafson
Kevin Clinton
Nick Jerb

Questionnaires to go to:

Msgr. John Sweeney
179 North McNight Road
Suite 210
St. Paul, MN 55119

Fr. Michael J. O'Connell
The Basilica of St. Mary
88 North 17th Street
Minneapolis, MN 55403

Fr. Gilbert Gustafson
P. O. Box 50679
Mendota, MN 55150

Prepare a copy of that letter and the questionnaire and type across th
e top
of it (For Michael Kolar's benefit) copy of letter and questionnaire s
ent
to Msgr. Sweeney, Fr. Michael O'Connell and Fr. Gilbert Gustafson.

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

March 23, 1992

The Rev. Gilbert Gustafson
P.O. Box 50679
Mendota, MN 55150

Dear Gil,

On January 28, 1992, I contacted you requesting your assistance in Michael Kolar's petition for a dispensation from the obligations attached to Sacred Orders. I would like to bring the work on this case to a close reasonably soon. I know that that is important to Michael. For this reason, could I ask you to complete the questionnaire in the near future. Your prompt response to this request is deeply appreciated.

With best wishes, I remain,

Yours sincerely,

Rm

Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael J. Kolar
File

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

March 23, 1992

The Rev. Charles L. Froehle, Rector
The St. Paul Seminary School of Divinity
2260 Summit Avenue
St. Paul, MN 55105

Dear Father Froehle,

Thank you for your careful study of the seminary records of and the rector's file on Michael Kolar and for your careful report on their contents. As always, your report is complete and does a good job of analyzing details. The fact that it is filled with such positive comments will be reassuring to Michael and also will demonstrate to Rome that those of us who gather documentation for such petitions actually do approach this task in an unbiased manner.

Once again, thank you for your assistance. Michael joins me expressing gratitude to you. With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Michael J. Kolar
File

CATHOLIC CHARITIES
THE ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS

Exodus Division

404 South 8th Street
Minneapolis
MN 55404-1015
612/340-7500
Fax 612/340-7694

Michael J. Coty
Administrator

Allison C. Boisvert
Associate Administrator

March 30, 1992

Rev. Ronald J. Bowers
The Tribunal
328 West Kellogg Boulevard
St. Paul, MN 55102-1997

Dear Ron:

I am writing in response to Michael Kolar's request that I be a witness on his application for laicization. I apologize for my delay in submitting this information. I will use the questions in order from the Dispensation From The Obligations Of Sacred Orders Witness Questionnaire form which you sent me.

I would be more than happy to talk with you in person if you have any questions about my responses or would like to discuss them further. I can be reached at Catholic Charities at 340-7681 or at home [redacted]

Many thanks for your ministry to Michael. He has told me of how helpful and caring you have been.

Sincerely,

Rev. Gilbert J. Gustafson

STRICTLY CONFIDENTIAL

M E M O

DATE: April 2, 1992

MEMO TO: MEMBERS OF ARCHBISHOP'S COUNCIL
RANDY MUELLER, Community of Christ the Redeemer

FROM: Fr. Kevin McDonough

SUBJECT: The [redacted] Lawsuit

We have received notice in the last few days that the attorney for the [redacted] will bring a motion on April 10 (Friday) asking to amend his complaint so that a punitive damages claim can be heard. The attorney told us several months ago that he did not think he had sufficient evidence to do that. Now, however, he has decided to go ahead and ask for that motion.

I want you to be aware of this because we can anticipate that there may be some publicity about the case at that time. Although settlement negotiations have continued in the case, it has been quiet publicly. Now, however, it will enter formally into a public part of the legal process.

I want to alert Joan Bernet to this particularly, so that we can be prepared to respond to questions as they arise. I also want to alert Randy Mueller, so that he can let members of the Community of Christ the Redeemer know that this is in the works.

April 7, 1992

Dear Ron,

I am seeking some advice from you and am putting my questions in writing. Please give me a call at 292-0419 as you have some time to talk with me about them.

① Since I began the process of laicization seven months ago I have been going out with a woman I intend to marry sometime in the "near future." The earliest I would consider is August of this year - or sometime after that. She has never been married, is 36 years old, and is a Ukranian Catholic. My understanding is that we could be married in either church. Both of us are practicing Catholics attending Sacred Heart parish on the East side of St. Paul; that was her parish before I become involved with her. Both of us intend to be married in the Catholic Church. Thus the timing of the laicization process is important to us (presuming there will be a "favorable" response to this legal fiction).

② Would you recommend getting started with the official process as soon as possible?

③ Is August realistic or would that be frustrating to "hope" the decree comes back before that time?

(4) In your experience, Ron, are there considerations that a laicized priest would do well to keep in mind in preparing for the sacrament of matrimony ... special areas of sensitivity or cautions / red flags or "don't be so foolish as to"...

(5) I remember leaving a section of the "papers" I filled out in September blank because this woman was not such a "particular friend of" ... to use Msgr. Louis J. McCarthy's expression. Would it be helpful in moving the process along if this information were to be in the papers?

I am deeply grateful for your guidance in the above questions as well as this entire process. I have a deep love for the Church in all it's beauty and imperfections. Certainly, I have contributed some of both the agonies and some ecstasy myself.

I look forward to hearing from you.

Your brother in Christ,

Richard Kolar

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

April 10, 1992

Case: KOLAR, Michael
Pr. Num.: SPAM 1235/92

Reverend Gilbert J. Gustafson
P.O. Box 50679
Mendota, MN 55150

Dear Gil:

Thank you for responding so promptly to my most recent letter. Also, an even greater word of thanks is addressed to you for the very candid way in which you respond to the questions that I raised in the questionnaire. The insights that you share both about your relationship to Michael and your insights into him are valuable. Michael joins me in offering this expression of gratitude to you.

With best wishes, I remain,

Yours sincerely,

Reverend Ronald J. Bowers, J.C.D.
Delegated Priest

cc: files
Rev. Michael Kolar

File, please

MEIER, KENNEDY & QUINN
CHARTERED
ATTORNEYS AT LAW

ANDREW J. EISENZIMMER
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WILLIAM C. MEIER
(1920-1981)
TIMOTHY P. QUINN
(1921-1991)
ALOIS D. KENNEDY, JR.
(OF COUNSEL)

April 13, 1992

Mr. Roger R. Roe, Jr.
Attorney at Law
701 Fourth Avenue South
Suite 1400
Minneapolis, MN 55415

Re: ABC and XYZ [redacted] vs. The Archdiocese of Saint Paul and Minneapolis, et al

Dear Mr. Roe:

I need to reschedule the depositions of Father Kevin McDonough, Bishop Robert Carlson, and Archbishop John R. Roach which you have scheduled for May 20 and May 21, 1992 in connection with the above-referenced matter. I am scheduled to be out of town that week. In addition, Archbishop Roach's schedule will not allow for the scheduling of the deposition as currently planned.

What I would propose is that we discuss the topic of deposition scheduling at the time we meet for the deposition of [redacted] scheduled for Friday, April 17, 1992. At that time, I believe we also may need to look at the depositions scheduled for May 5, 1992.

Finally, I have not heard from you in response to my letter of March 13, 1992 regarding your motion to amend the complaint in this matter. That also is a subject which I assume we can discuss at the deposition on Friday.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED
/s/ ANDREW J. EISENZIMMER

Andrew J. Eisenzimmer

AJE:crb
cc: Mr. Daniel A. Haws
Ms. Jill Flaskamp Halbrooks
bcc: The Most Reverend John R. Roach, D.D.
The Most Reverend Robert J. Carlson, D.D.
Reverend Kevin M. McDonough

COPY

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

IN CAUSA

Ordinationis Sacrae PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael G.

VOTUM OF THE DELEGATED PRIEST

Most Holy Father,

I received delegation to instruct the Petition of Father Michael G. Kolar from the Archbishop of St. Paul and Minneapolis, John R. Roach, D.D., on January 21, 1992. The Petition centers around a complete lack of readiness for priestly ministry on Father Michael Kolar's part. This lack of readiness is rooted in the fact that he possesses an inability to commit himself to celibacy which the Church sees as essential to priestly ministry. As a review again the Acts of the Case, I see such an inability to be well-established. Father Michael Kolar testifies in his deposition to his own problems of compulsive masturbation during his seminary days. He also possessed a distorted view of sexual conduct, namely, as long as any sexual misconduct was hidden, it was acceptable. This mind-set gave him the "permission" he needed to become sexually involved with seven different women during the course of his priestly ministry. The director of the St. Luke Institute describes him as substantially impaired for a commitment to priestly celibacy at the time of his making such a commitment.

I am personally saddened by the history of this case. Like so many priests of the Archdiocese of St. Paul and Minneapolis, I knew only the "professional persona" Michael exhibited throughout his twenty years of priestly ministry. That public persona made him a highly respected priestly minister. The details of his personal life, however, denied that public persona. The details of his ongoing sexual misconduct are now public fact where they have appeared in the daily newspaper of both St. Paul and Minneapolis on a consistent basis. His credibility as a priestly minister is thus destroyed.

In addition to seeing the case as one that is well-established according to the norms of congregations of the Roman Curia, I also see it as one which will demonstrate profoundly the Church's mercy and forgiveness. For both reasons, therefore, I encourage a favorable response to the Petition so that Michael can continue his desire to remain a faithful member of the Church. In a telephone conversation which I had with Michael Kolar on this very day, (April 24, 1992), he indicated to me that his plans to marry have moved from a vague and general plan to a rather specific one. He has proposed marriage to his Catholic fiance

and wishes to have this marriage celebrated in the Church so that he and his future spouse can remain faithful members of the Church.

Respectfully submitted,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

4/24/92

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102

Office of the Archbishop

IN CAUSA

Ordinationis Sacrae PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael G.

VOTUM OF ORDINARY

Most Holy Father,

It is with considerable sadness that I submit the Petition for laicization of FATHER MICHAEL G. KOLAR, a priest of the Archdiocese of St. Paul and Minneapolis. Michael Kolar was born on October 1, 1943 in St. Paul, Minnesota. He was baptized that same month at the Church of St. Columba, in St. Paul, Minnesota. He is the second of three children. His father died when he was three years old. He was raised by a doting mother, who, because she was the sole source of support for the family, had to work outside the home full time. She employed an adult, full-time babysitter to care for the children, but this woman sexually abused Michael over a long period of time. Michael's alcoholic, paternal grandfather was also present in the home, but he had little emotional involvement with the family. The household, however, was forced to take into account always his grandfather's moods. After graduating from St. Columba Grade School, Michael attended Nazareth Hall Preparatory Seminary for high school and the first two years of college. He, then, went on to The St. Paul Seminary to complete two years of college (Philosophy Department) and for his theological formation. Michael was ordained to the priesthood of the Archdiocese of St. Paul and Minneapolis on May 24, 1969.

From June of 1969 until June of 1970, Michael was the Parochial Vicar at the Church of St. Raphael in Crystal, Minnesota, a suburb of Minneapolis, Minnesota. He then was assigned by the Archdiocese to the St. Paul Catholic Youth Center where he served first as an assistant director and then as director for a twenty-year period of time. Because of legal questions arising as a consequence of sexual misconduct, he was forced to leave the Catholic Youth Center and enter into treatment for sexual addiction at St. Luke Institute in Suitland, Maryland. The public nature of his sexual misconduct and the legal issues involved prohibited an assignment. Consequently, he resigned from active ministry in September of 1991.

This Petition, which I now present to you, is difficult because Michael's priestly ministry was very good. He loved the celebration of the sacraments and preaching, and this love was self-evident. He was a good administrator. He was a renowned leader in the area of ministry to young adults. His personal life, however, was the exact opposite. It was a shamble to say the very least. In his letter of Petition, Michael appropriately summarizes his priestly ministry by observing that he appeared well-integrated externally, yet emotionally and inwardly was frozen (Page 8). In his deposition, he observes that professionally he

exhibited a "priestly persona;" while personally his life was disastrous for he struggled with sexual addiction. He describes a "spiral of guilt," by which he means that there was a pattern of sexual misconduct which was addressed by intense involvement in work, which in turn developed a sense of exhaustion and frustration, which then led to further sexual misconduct. (Page 17, #6) Dr. Frank Valcour, the medical director at the renowned St. Luke Institute, who directed Michael's therapy, observes that he presented a "polished and competent facade to the world" while inwardly lacking any self-esteem (Page 20).

Father Michael Kolar's personal history clearly demonstrates an inner total lack of readiness for priestly ordination. I have already noted that he was sexually abused as a child. This left its own lasting scars which were not healed until he entered into therapy at St. Luke Institute in 1988. The seminary records show him to be an almost model student. The faculty never doubted his readiness for ordination (Page 23-24). This was so because already then Michael had developed this competent, professional exterior. He confesses, however, that throughout the days of his seminary formation, he struggled with compulsive masturbation. Attempts were made to deal with this severe problem in the internal forum, but unsuccessfully. He notes that the pattern of compulsive masturbation continued throughout his priestly ministry. In his deacon year at the seminary, he was sexually abused by a priest of this archdiocese. This attempted rape left, again, its own scars. The pastor of the parish where he was first assigned was an alcoholic; the associate pastor was guilty of sexual misconduct. The earlier attempted rape by a priest and the example of this more experienced fellow associate pastor gave Michael the "permission" he needed to act out sexually. In his own testimony, he reveals that he concluded that sexual acting out was acceptable behavior as long as it remained hidden. Consequently, through the years of his priestly ministry, he was sexually involved with seven women. His sexual misconduct ranged from mere fondling to sexual intercourse. He actually fathered a child with one of these women, but she suffered a miscarriage. Two of these women eventually brought public and scandalous lawsuits against him and against the Archdiocese of St. Paul and Minneapolis. It was only then, as the priest witnesses in this case testify, that people really saw the deeply-troubled man Michael was.

Dr. Frank Valcour testifies that Father Michael Kolar was referred to St. Luke Institute on March 25, 1988. Initial psychological testing led to a diagnosis of dysthymic disorder with major depression in remission, impulse disorder, dependent personality disorder and narcissistic disorder. Intensive psychotherapy was recommended and Michael was admitted to the in-patient program where he remained from June 1, 1988 until December 20, 1988. He continues in a structured after-care program (Page 20). Concerning his readiness for ordination, Dr. Valcour writes, "My understanding of his personal history leads me to conclude that he was substantially impaired in his readiness for Holy Orders in May of 1969. Denial of so much of himself and his psychological motivation is likely to have seriously distorted his perception of his candidacy for priesthood. This denial and lack of personal awareness led to troublesome behavior inconsistent with his priestly vows (Page 21).

"In spite of repeated attempts by the archdiocese to rehabilitate Father Kolar through professional treatment, his behavior consistently reverted back to sexual misconduct." (Page 22.) "Taken together, the file indicates that Father Kolar lacked the necessary volition to faithfully live out his commitment to celibacy.

Because of the very public nature of this case and of other cases involving sexual misconduct, I am prohibited from offering Father Kolar a priestly assignment. But I am convinced, after reviewing the Acts of the Case, that the Petition does not rest on current legal problems or recent sexual misconduct, but rather on a true lack of readiness for Sacred Orders. While Father Michael Kolar readily attempted to commit himself to priestly ministry, his personal history reveals a total lack of an ability to live the celibate life that is seen by the Church as so essential to priestly ministry. It is only as a result of the civil law suits that Father Kolar was able to enter into the therapy needed to provide him with the beginnings of a true and healthy sexuality. It is also obvious that there was not a true commitment to priestly celibacy as is demonstrated by his conclusion that sexual acting out was acceptable as long as it remained hidden. This was a conclusion he reached shortly after priestly ordination.

I wish to assure Your Holiness of Michael's personal commitment to leave active ministry. He has begun training for another profession. He has also entered into a personal relationship with a woman, with the hope of eventually entering into marriage with her. Not only will he not choose to return to active ministry, it is impossible to conceive of such a return in light of the public nature of his sexual misconduct.

I also wish to assure your Holiness that there would be no scandal should a favorable response to the Petition be offered. Those who know of his decision and of his case encouraged him to present this Petition to you. They wish to see him remain as a faithful member of the Church. I join them in this, for I see a favorable response to the Petition as a rich sign of the Church's mercy and compassion. Consequently, I add my personal endorsement to the Petition. I present it to you and thank you for your thoughtful consideration of it. I remain

Your obedient and humble servant in Christ,

+ John R. Roach

The Most Rev. John R. Roach, D.D.
Archbishop of St. Paul and Minneapolis

4/27/92

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102

Office of the Archbishop

IN CAUSA

Ordinationis Sacrae PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael G.

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+ John R. Roach

The Most Rev. John R. Roach, D.D.
Archbishop of St. Paul and Minneapolis

4/27/92

(Re)
Sent
to Abp. Roach
7/13/92
with changes.

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102

Office of the Archbishop

IN CAUSA

Ordinationis Sacrae PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael G.

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Father Thomas Vowell, C.PP.S., J.C.D., the Chancellor of the Archdiocese of

St. Paul and Minneapolis, has reviewed Father Michael Kolar's chancery file. Father Vowell indicates that the file reveals a history of sexual misconduct. "In spite of repeated attempts by the archdiocese to rehabilitate Father Kolar through professional treatment, his behavior consistently reverted back to sexual misconduct." (Page 22.) "Taken together, the file indicates that Father Kolar lacked the necessary volition to faithfully live out his commitment to celibacy. These repeated failures on his part have ultimately endangered the well-being of a number of the faithful of this archdiocese, as well as the reputation and good name of both the archdiocese and the Catholic Church." (Page 22.)

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Your obedient and humble servant in Christ,

The Most Rev. JOhn R. Roach, D.D.
Archbishop of St. Paul and Minneapolis

4/27/92

Final Copy

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

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Saint Paul, Minnesota 55102

Office of the Archbishop

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Ordinationis Sacrae **PR. NUM.: S.P.A.M. 1235/92**

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From June of 1969 until June of 1970, Michael was the Parochial Vicar at the Church of St. Raphael in Crystal, Minnesota, a suburb of Minneapolis, Minnesota. He then was assigned by the Archdiocese to the St. Paul Catholic Youth Center where he served first as an assistant director and then as director for a twenty-year period of time. Because of legal questions arising as a consequence of sexual misconduct, he was forced to leave the Catholic Youth Center and enter into treatment for sexual addiction at St. Luke Institute in Suitland, Maryland. The public nature of his sexual misconduct and the legal issues involved prohibited an assignment. Consequently, he resigned from active ministry in September of 1991.

This Petition, which I now present to you, is difficult because Michael's priestly ministry was very good. He loved the celebration of the sacraments and preaching, and this love was self-evident. He was a good administrator. He was a renowned leader in the area of ministry to young adults. His personal life, however, was the exact opposite. It was a shamble to say the very least. In his letter of Petition, Michael appropriately summarizes his priestly ministry by observing that he appeared well-integrated externally, yet emotionally and inwardly was frozen (Page 8). In his deposition, he observes that professionally he

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Father Michael Kolar's personal history clearly demonstrates an inner total lack of readiness for priestly ordination. I have already noted that he was sexually abused as a child. This left its own lasting scars which were not healed until he entered into therapy at St. Luke Institute in 1988. The seminary records show him to be an almost model student. The faculty never doubted his readiness for ordination (Page 23-24). This was so because already then Michael had developed this competent, professional exterior. He confesses, however, that throughout the days of his seminary formation, he struggled with compulsive masturbation. Attempts were made to deal with this severe problem in the internal forum, but unsuccessfully. He notes that the pattern of compulsive masturbation continued throughout his priestly ministry. In his deacon year at the seminary, he was sexually abused by a priest of this archdiocese. This attempted rape left, again, its own scars. The pastor of the parish where he was first assigned was an alcoholic; the associate pastor was guilty of sexual misconduct. The earlier attempted rape by a priest and the example of this more experienced fellow associate pastor gave Michael the "permission" he needed to act out sexually. In his own testimony, he reveals that he concluded that sexual acting out was acceptable behavior as long as it remained hidden. Consequently, through the years of his priestly ministry, he was sexually involved with seven women. His sexual misconduct ranged from mere fondling to sexual intercourse. He actually fathered a child with one of these women, but she suffered a miscarriage. Two of these women eventually brought public and scandalous lawsuits against him and against the Archdiocese of St. Paul and Minneapolis. It was only then, as the priest witnesses in this case testify, that people really saw the deeply-troubled man Michael was.

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"In spite of repeated attempts by the archdiocese to rehabilitate Father Kolar through professional treatment, his behavior consistently reverted back to sexual misconduct." (Page 22.) "Taken together, the file indicates that Father Kolar lacked the necessary volition to faithfully live out his commitment to celibacy.

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Archbishop of St. Paul and Minneapolis

4/27/92

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102

Office of the Archbishop

IN CAUSA

Ordinationis Sacrae PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael G.

VOTUM OF ORDINARY

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4/27/92

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

April 27, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92

The Most Rev. John R. Roach, D.D.
The Archbishop's Office
226 Summit Avenue
St. Paul, MN 55102

Dear Archbishop Roach,

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With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

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RJB:le
Enclosure

cc: File

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4/27/92

file, please.

MEIER, KENNEDY & QUINN
CHARTERED
ATTORNEYS AT LAW

ANDREW J. EISENZIMMER
LEO H. DEHLER
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SUITE 2200, NORTH CENTRAL LIFE TOWER
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FACSIMILE (612) 223-5483

WILLIAM C. MEIER
(1920-1981)
TIMOTHY P. QUINN
(1921-1991)
ALOIS D. KENNEDY, JR.
(OF COUNSEL)

May 18, 1992

Mr. Jeffrey R. Anderson
Attorney at Law
E-1400 First National Bank Building
332 Minnesota Street
St. Paul, MN 55102

Mr. Theodore J. Collins
Attorney at Law
W-1100 First National Bank Building
332 Minnesota Street
St. Paul, MN ~~55101-1379~~

COPY

Re: Jane Doe v. Father Michael Kolar, The St. Paul Catholic Youth Center and The Archdiocese of St. Paul and Minneapolis
Our File No: 3841.65

Dear Mr. Anderson and Mr. Collins:

Enclosed and served upon you please find the following:

1. Notice of Motion and Motion;
2. Memorandum in Support of Defendants The Saint Paul Catholic Youth Center and The Archdiocese of Saint Paul and Minneapolis Motion for Summary Judgment;
3. Affidavit of John C. Gunderson; and
4. Order.

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED

John C. Gunderson

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JCG:jml
Enclosures

bcc: The Most Reverend John R. Roach
The Most Reverend Robert J. Carlson
Reverend Kevin McDonough
Reverend Thomas Vowell
Mr. Richard Johnson
Ms. Nancy Agin
Mr. H.J. Proball
Mr. Stephen J. Henne

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May 18, 1992

HAND DELIVERED

Court Administrator
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COPY

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Court File No: C7-90-5709

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2. Memorandum in Support of Defendants The Saint Paul Catholic Youth Center and The Archdiocese of Saint Paul and Minneapolis Motion for Summary Judgment;
3. Affidavit of John C. Gunderson; and
4. Order.

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED

John C. Gunderson

John C. Gunderson

JCG:jml
Enclosures

[redacted]

FILE
Michael Kolar
6-15-92
DA

June 15, 1992

Reverend Ronald Bowers
Tribunal
328 W. Kellogg Blvd.
St. Paul, MN 55102

Dear Father Bowers,

~~I think~~ I had better read the full acts of the case on Michael Kolar. I have not signed the letter to Rome as yet ~~and I think it was~~ largely because new things keep developing, but I want to get that sent in and perhaps I'll be more comfortable if I read the full acts. Please forward that to me and then I'll get going on this.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

Sent 6/16/92

Copy of file
sent to Bob Rooch
per attached
letter.

Lois

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

June 15, 1992

Reverend Ronald Bowers
Tribunal
328 W. Kellogg Blvd.
St. Paul, MN 55102

Dear Father Bowers,

I think I had better read the full acts of the case on Michael Kolar. I have not signed the letter to Rome as yet and I think it was largely because new things keep developing, but I want to get that sent in and perhaps I'll be more comfortable if I read the full acts. Please forward that to me and then I'll get going on this.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

DATE: June 16, 1992

MEMO TO: Father Kevin McDonough

FROM: Patrick Anzelc; Assistant to Archives

SUBJECT: CYC FILE RESARCH

I have received the request for information on the appointment by the Archdiocese of James Kolar (a layman) as Associate Director of the Catholic Youth Center of St. Paul. The search has been completed and there has been nothing found on this person. Thank you for contacting the Archives.

cc: Mr. Andrew Eisenzimmer

file, please

THIS IS A PRIVILEGED COMMUNICATION

DATE: August 5, 1992

MEMO TO: Archbishop Roach and Fr. McDonough

FROM: Bill Fallon

SUBJECT: [redacted] vs. Archdiocese, et al

Rather than burden you with a lengthy report on nearly two days of intensive mediation (and I have prepared such a report for the file) I will capsulize those proceedings in this shorter memo.

At the outset, the plaintiffs renewed their demand for 2.7 million dollars. The defendants offered $150,000. At the conclusion of the mediation, the plaintiff's demand had been reduced to $725,000 and the defendant's offer increased to $250,000. The three insurance companies involved, after a careful analysis of the verdicts across the country in similar cases, feel that this case is worth no more than that offer.

The plaintiff has serious problems in overcoming several statute of limitations. [redacted] and Mike K. parted amicably after a approximate seven year romantic relationship and within a year [redacted] married and thereafter had [redacted] children. Seven years later, for the first time, she discovered that their relationship had not been "monogamous" but rather that Mike had been involved with at least one other woman, a fact which Mike denies.

There is also a serious question as to the genuineness of her emotional/psychological damages. Theirs apparently was not an abusive relationship but rather a romantic one involving, for the most part, two intelligent adults.

After the mediation had concluded the mediator, who has been involved in about 500 of these cases, indicated to me that he felt this case could be settled for about $500,000.

The case will not be reached for trial until sometime next year during which time negotiations could continue although the defendants indicated that $250,000 was their final offer.

August 10, 1992

Most Reverend Archbishop John Roach
Chancery
226 Summit
St. Paul, Mn. 55102

Archbishop Roach,

My husband and I request a meeting with Bishop Robert Carlson to discuss some sexual abuse I have experienced by Mike Kolar.

We have both dealt well with the whole situation. It seems to us, however, that meeting with someone in the Church authority would be a helpful step in our healing process.

Thank you and may our Lord give you His grace and blessings.

Sincerely,

[redacted]

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The Tribunal (Lois)

328 West Kellogg Boulevard

St. Paul, MN 55102-1997

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The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

August 11, 1992

CASE: KOLAR, Michael George

PR. NUM.: S.P.A.M. 1235/92

His Excellency Archbishop Agostino Cacciavillan
Apostolic Delegate to the United States
3339 Massachusetts Avenue N.W.
Washington, D.C. 20008

Dear Archbishop Cacciavillan,

Enclosed is the original and two copies of the Votum of Ordinary and other supporting documents concerning the reduction to the lay state of Michael George Kolar. Please forward these on to His Eminence Antonio Maria Javierre Cardinal Ortas.

Thank you .

Sincerely yours,

Lois H. Eckstein

Lois H. Eckstein
Secretary

Enc.

REGISTERED MAIL

THE CURIA

THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

IN CAUSA

Ordinationis Sacrae PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael George

INDEX

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

December 5, 1991

Reverend James B. Zusy, O.P.
The Tribunal
328 West Kellogg Boulevard
St. Paul, Minnesota 55102

Dear Father Zusy,

With this letter, I hereby appoint you as the instructor to the case of Father Michael Kolar. As you are aware, Father Kolar is seeking laicization, and I ask that you properly instruct this case and bring it to its conclusion.

I thank you in advance for accepting this appointment.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

December 23, 1991

CONFIDENTIAL

Reverend James B. Zusy, O.P.
Tribunal
328 West Kellogg Boulevard
St. Paul, Minnesota 55102-1997

Dear Father Zusy,

As instructor of the case concerning Father Michael Kolar, I want to respond to your request of November 27, 1991.

In the process of evaluating the decisions and choices of Father Kolar in leaving priesthood, I have done all within my power to dissuade him from taking that sort of action. There have been a number of occasions in which the Archdiocese has acted to prevent such an event from taking place. For example, we have done all we can to supply him with adequate professional therapy and counseling in order that a sense of rehabilitation could take place in his life. Unfortunately, those efforts have not been successful.

I am sad to see Father Kolar applying for laicization. He has excellent qualities, but has consistently failed to live up to the commitments of celibacy.

I want to thank you for assisting in this process. May God continue to bless you in this ministry.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

PERSONAL AND CONFIDENTIAL

DATE: October 23, 1991

MEMO TO: ARCHBISHOP ROACH, FR. JAMES ZUSY

FROM: FR. KEVIN McDONOUGH

SUBJECT: MICHAEL KOLAR

I met with Michael Kolar on October 22nd to review a proposed formal letter of resignation and release of all claims with him. This settlement was designed by Tom Wieser from our firm of attorneys. Kolar has taken the proposed settlement and will be consulting with his attorney about it. I expect that he will sign it fairly soon and return it to us.

Kolar is concerned that we be able to move ahead with his request for laicization in a timely fashion. I pointed out to him that I felt that his laicization would move along quickly, particularly if we were able to emphasize the issues of sexual misconduct which have led to his ministerial difficulties. It is my understanding that the Holy See acts more quickly on requests for laicization when misconduct is involved.

Kolar was not aware that his history might actually be a positive factor in speeding up his laicization. He is open to having us emphasize that element of our concern when the documents are prepared. I am writing this memo to both of you to request that you consider giving some prominence to that in the reports that you prepare to the Holy See. Obviously, our intention is not to defame or embarrass Michael Kolar, but to assist him in moving ahead as quickly as possible to regularize his status with the Church.

cc: Fr. Tom Vowell

Document #2

ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS

CURRICULUM VITAE:

Michael G. Kolar was born on October 1, 1943, in St. Paul, Minnesota, to Neil William Kolar and Dorothy Mae Cooke, both Catholic. He is the middle of three children.

He received his education within the Archdiocese of St. Paul and Minneapolis at the following schools:

1949-1957: St. Columba Grammer School, St. Paul, Minnesota
1957-1963: Nazareth Hall Seminary, St. Paul, Minnesota
1963-1969: The St. Paul Seminary, St. Paul, Minnesota

ORDERS RECEIVED:

Tonsure	September 23, 1966	Archbishop Leo Binz
Porter and Lector	September 24, 1966	Archbishop Leo Binz
Acolyte and Exorcist	September 23, 1967	Archbishop Leo Binz
Subdiaconate	March 30, 1968	Archbishop Leo Binz
Diaconate	June 1, 1968	Archbishop Leo Binz
Priesthood	May 24, 1969	Archbishop Leo Byrne

The ceremonies took place at the St. Paul Seminary Chapel, the Cathedral of St. Paul and Minneapolis and the Co-Cathedral of St. Paul and Minneapolis.

PRIESTLY MINISTRY:

1. Parochial Vicar
   St. Raphael's Church
   Minneapolis, Minnesota
   June 1969 to June 1970

2. Assistant Director/and Director
   St. Paul Catholic Youth Center
   St. Paul, Minnesota
   June 1973 to June 1988

EMPLOYMENT AFTER LEAVING ACTIVE MINISTRY:

June to December, 1988: Treatment for sexual addiction at St. Luke's Institute in Suitland, Maryland

January 1989 to August 1991: Legal issues and legal climate prohited an assignment.

July 1990 to December 1990: Maryknoll language school in Cochabomba, Bolivia

September 1991: Departure from the active ministry and entry into a two-

year masters program at Hamline University, St. Paul, Minnesota.

Presently: Attending Hamline University, living in a private residence and continuing involvment with 12-step program in sexual addiction.

SPECIFIC GROUNDS:

Lack of Freedom; Lack of Due Discretion; Lack of Due Competence; Superiors lacked sufficient time to assess ability of Petitioner to live out celibacy.

REASONS IN SUPPORT OF THE GROUND:

Sexual abuse in childhood and during diaconate; death of father; coming from dysfunctional alcoholic family.

I am humbly requesting from you a dispensation from the obligations connected with the priesthood and from celibacy. I ask to be returned to the lay state.

Michael G Kolar

Rev. Michael G. Kolar
November 27, 1991

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

September 20, 1991

His Holiness, Pope John Paul II
Vatican City State

Dear Holy Father,

Michael G. Kolar
904 Laurel Avenue
St. Paul, Minnesota 55104

Birth Date: October 1, 1943
Place: St. Paul, Minnesota
Baptized: October 1943
St. Columba Church
1327 Lafond Avenue
St. Paul, MN 55104

Father's Name: Neil William Kolar, Catholic
Mother's Name: Dorothy Mae Cooke, Catholic

I attended grade school from 1949 - 1957 at St. Columba grade school in St. Paul, Minnesota. During the final three years of grade school, I became good friends with the priest who was the associate at St. Columba. I was an altar boy those three years and admired the person he was and the kind of work that he did as a priest.

When I was in the eighth grade, I took a test to get into Cretin High School. Because my father had graduated from this school "I automatically was accepted." However, I received a letter of rejection with no reason given. Twenty years later I was told by my eighth grade teacher that she had written a letter to Cretin explaining that I was going to the seminary so "take someone else that intends to go there." When I read my notice of rejection I was troubled. From that time, I decided to go into the seminary and "talked" two of my friends into going with me. My mother encouraged me to wait until after high school to go into the seminary.

I attended Nazareth Hall Minor Seminary from 1957 until 1963 and The St. Paul Seminary from 1963 until 1969. From the first week upon entering the seminary I talked with a series of confessors, spiritual directors and retreat masters about a masturbating problem. This compulsion began after a series of incidents of sexual abuse by a baby sitter at a young age and in response to the alcoholic environment I lived in with my grandfather. Through therapy I have recently been able to make the connection in the last sentence. The twelve seminary years of trying to

deal with this continual confessional matter were fought with guilt, frustration, despair and denial. From my perspective now, I am aware that I used masturbation as a "narcotic" to cover up the pain in my past and in that way anesthetized my ability to employ my normal faculties in making a free decision for or against priesthood. I drifted from year to year appearing well-integrated on the outside, yet emotionally frozen on the inside.

On May 24, 1959 at the St. Paul Cathedral I was ordained a priest by Archbishop Leo Binz. My first assignment was at St. Raphael's in Crystal. I felt right at home since the pastor was an alcoholic like my grandfather. The associate was a "budding" sex addict who demonstrated the lack of sexual boundaries for me in his relationship with women in the basement of the rectory. I was at St. Raphael's for eight months.

In June of 1970, I was assigned to the St. Paul Catholic Youth Center. I worked in this ministry for twenty years. I thrived in this environment in the area of youth ministry. However in my personal life, I experienced a deep loneliness and continued my past practice of compulsive masturbation. This practice was compounded by an experience of sexual abuse by a priest in my deacon year of the seminary. The priest was a person I had admired and worked with for over three years, from second theology until ordination. This experience at his lake cabin was traumatic for me. I buried the experience as I did the experience of sexual abuse in my childhood and never revealed this to anyone else or "to myself." This experience, however, "gave me permission" to act out what had been only in the fantasy state for the entirety of my life. I was "given permission" by a powerful Church figure to get my needs met through sexually acting out. I knew I was not homosexually oriented so as opportunities arose, I acted out my fantasy life on seven women over the period of my ordained life. These women were all adults. The activity ranged from one incident of fondling their breasts to a relationship with one woman that lasted eight years and led to a pregnancy and subsequently a miscarriage.

In March of 1988, I received notice from the Chancery that a lawsuit for sexual exploitation was to be filed the next day. I wrote a letter of resignation to Archbishop John R. Roach to use whenever he deemed this necessary and proceeded to undergo a series of psychological exams at St. Luke's Institute in Suitland, Maryland. The results of that testing was a recommendation that I become involved in an inpatient treatment program for sexual addiction.

Thus, from June 1988 until December 1988, I was a patient at St. Luke's Institute. During the course of treatment, I became aware of the childhood sexual abuse as well as my deaconate experience of sexual abuse. Also, the alcoholic environment of my childhood compounded by the death of my father at age three.

During the course of treatment, I was encouraged to explore my need for intimacy and the issues precipitating my sexual abuse of women. A very sound program of recovery was developed and I was sent back to my diocese with the recommendation that I be returned to active ministry as soon as possible.

During the following three and a half years from my release from St. Luke's Institute on December 16, 1988, a number of incidents have taken place to make a return to the active ministry an impossibility. Two more lawsuits were filed by two other women. Each lawsuit brought with it an article in the local newspapers. Even with the treatment center's recommendation and that of the Archbishop, I was not able to find a parish that would take the risk of inviting a priest to work there with my history of sexual exploitation.

Finally, in June of 1990, I was assigned to our Archdiocese's mission parish in Venezuela. In January of 1991, I was asked to return to the United States permanently because of the rage of two of my victims and the pressure of the legal climate in the Church today. The Archbishop shared with me that he would be unable to assign me to any public ministry for two to six years and possibly longer.

It is with this background that in August of 1991, after intense consultation with the Archdiocese, my spiritual director, the treatment center and my family and friends, I have made a decision to leave the active ministry and to ask for laicization. I am planning to enter the married state in the future, am living in St. Paul, Minnesota, and am attending Hamline University doing graduate work in Public Administration. Because of the public nature of my priesthood a large number of people are aware of my legal issues involving the sexual exploitation of adult women. Now, gradually, these same people are learning of my departure from the active ministry.

I ask to be released from the responsibilities of the priestly state, including that of celibacy that I might be free to enter the married life. Many of my family and friends are deeply saddened by me leaving the active ministry. However, they also are aware that any ministry in the Church as a priest in the present and for years to come would be severely limited and/or prohibited because of my legal issues. The deeper issue for me is the need to move on with a life that will enable me to live a life of intimacy with my Lord, myself and others outside the stigma of a "lifelong, potentially dangerous, sexually abusive priest."

I, therefore, ask to be dispensed from the obligations of the priestly state, including that of celibacy. I furthermore promise to cooperate as fully as is possible in all the conditions expressed in the dispensation

Michael G. Kolar
904 Laurel AVenue
St. Paul, Minnesota 55104

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

904 Laurel Avenue
St. Paul, MN 55104
November 27, 1991

His Holiness, Pope John Paul II
Vatican City State

Dear Holy Father,

I am humbly requesting from you a dispensation from the obligations connected with the priesthood and from celibacy. I ask to be returned to the lay state.

My father died when I was three years old. I subsequently lived with my alcoholic grandfather. Between the ages of four and seven years old, I experienced a series of sexual abuse incidents by a female babysitter. From these incidents and the pressures of living in an alcoholic environment, I became a compulsive masturbator.

While in the seminary, I experienced a deep loneliness and continued my compulsive masturbation. This was compounded by a experience of sexual abuse by a priest in my deacon year of the seminary.

During my first assignment at St. Raphael's, I felt right at home. The pastor was alcoholic, like my grandfather. The associate was a "budding sex addict" who demonstrated the lack of sexual boundaries for me in his relationship with women.

I buried these experiences as I did the experience of sexual abuse in my childhood and never revealed this to anyone. The experience of sexual abuse by a powerful Church figure, a priest during my deaconate year in the seminary, and the experience of living with a priest who lacked sexual boundaries in my first assignment, gave me the model of getting my needs met through sexual acting out.

I acted out my fantasy life on seven women over the period of my ordained life. All were adults. Three lawsuits, because of my sexual exploitation, were filed against me. Each was accompanied by an article in the local newspaper.

During the latter half of 1988, for six months, I was in an inpatient sexual addiction treatment program in St. Luke's Institute, Suitland, Maryland. Since treatment, because of civil litigation and the legal climate in society and the Church today, Archbishop Roach has been unable to assign me.

I am requesting a dispensation from the obligations connected with the priesthood and from celibacy. Since March 17, 1988, I have been

unable to function as a priest. The legal issues and the high degree of publicity involved in my civil law suits have made it impossible for me internally and externally to function as a priest.

I experience a great deal of anger towards the civil legal system and towards the press for the publicity I have endured. I also experience a great deal of sadness in being unable to function in the priesthood I have so loved.

I really wish to get on with my life. I want to be free to marry. I desire to be a good Catholic in the lay state.

Respectfully,

Michael G. Kolar

(Rev.) Michael George Kolar

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue
Saint Paul, Minnesota 55102

Office of the Archbishop

CASE: KOLAR, Michael G.

PR. NUM.: S.P.A.M. 1235/92

MANDATE

I hereby appoint the Reverend Ronald J. Bowers, J.C.D. to instruct the petition of the Reverend Michael G. Kolar for a dispensation from all obligations arising from Sacred Orders, including that of celibacy. The instruction of this Case is to be carried out in accordance with the Procedural Norms issued by the Congregation for Divine Worship and the Discipline of the Sacrments.

t [signature]
Archbishop of Saint Paul and Minneapolis

Given at Saint Paul, Minnesota
on this 21st day of January, 1992

[signature]
Chancellor/Notary

THE CURIA

THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

IN CAUSA
ORDINATIONIS SACRAE

PR. NUM.: S.P.A.M. 1235/92

KOLAR, Michael George

PERSONAL DEPOSITION OF:

Rev. Michael G. Kolar
904 Laurel Avenue
St. Paul, MN 55104

ADMINISTRATION OF OATH ACCORDING TO USUAL FORM

1. In your letter of petition, you share some details regarding your family background. Would you tell me more about it?

I believe that the significant aspect of my background is the fact that our whole family's life was dominated by my grandfather. Even before I was born, my grandmother had died and so our family moved into my grandfather's home. This was my father's father. My grandfather was an alcoholic and demonstrated all kinds of alcoholic behaviors, but the most predominant was his intense anger. So he always seemed like a nine-foot giant who dominated everything. Whenever we got up in the morning, we would immediately have to ask ourselves, "What mood is grandpa in?" because everything depended on his mood. My father died when I was three years old. So I never really got to know him. It is only recently that I have even felt related to him. Recently, for example, I discovered a whole pack of photos and one of the photos is of my father holding me. And seeing this photograph was the first time that I ever felt that he loved me. I was just so young when he died that I don't have a a profound sense of relationship to him. (What was your relationship to your mother like?) Well, my mother had to work everyday and so she would go to work at 3:00 in the afternoon and work until 11:30 in the evening. She had to work hard and so she really had little time for us. She saw to it that we were well cared for and that we had decent meals and clean clothes. She was very concerned about externals. She wanted us always to appear as good kids, despite the fact that we did not have a father. And so now as I look back on her behavior, I can say that much of her behavior was manipulative. She was manipulating us into good behavior. And so as a consequence, I can say now that as a child I could never be "Michael." (Are you an only child?) No, I have a sister who is older and a brother who is younger. In a sense, though, I became my mother's "little husband." I see myself as the one who was always the peacemaker in the family. I also, probably because I was the oldest boy, felt that I was really the one who had to help my mother whether I wanted to or not. So, for example, I would always be the one who would unload the groceries. I was there to help her. (Did your grandfather even attempt to take your father's place?) No. I can honestly say that my grandfather never attempted to become my father. Really, there was no affection there. And that was my grandfather's choice. He was a very unaffectionate man.

He lived only with concern for having his needs met. He did not have any friends. He did not want us to have any friends. He did not want us to bring people into the house or to go out from the house. He always wanted us to be kind of a closed unit.

2. In your letter of petition, you mentioned a teacher who seems to have had a profound influence on your decision to enter the seminary. Would you comment on that?

First of all, I would have to say that I did not learn about her intrusion into my life until after I was ordained. I remember visiting her once after my ordination and it was then that she "proudly" told me what she had done when I was in the eighth grade. I had spoken in some general fashion about wanting to be a priest. As a consequence of that, she would actually tell girls not to talk to me because I had a vocation to the priesthood. There was one girl I had a normal eighth-grade-boy crush on. All of a sudden, she stopped talking to me and it wasn't until years later that I found out why. It was because this teacher had told her that I had a vocation to priesthood and, therefore, she was not to talk to me. She was the principal of St. Columba School and also the eighth grade teacher and so she carried a lot of weight. When I applied for admission to Cretin High School, I expected that I would be readily admitted because my father was a graduate of Cretin and it was Cretin's policy that sons of graduates were automatically accepted. As I mentioned a moment ago, she informed me that after my ordination that she had sent a subsequent letter to Cretin High School telling them not to accept me because I was going on to the seminary. I had not made that decision and the decision was not made until after I was rejected by Cretin High School. Not knowing the circumstances behind that rejection, I felt that it said to me that I was not acceptable. I carried that feeling around for a long period of time. In fact it was only after I learned of her intrusion into my life that I was able to begin dealing with it. Thus, it was only after I received that rejection from Cretin High School that I thought about going to Nazareth Hall, which was then our high school seminary. I would have to admit that that was my second choice. I really wanted to go to Cretin. I wanted to follow in my father's footsteps. And as I look back on all of that now, I would have been better off had I gone to Cretin. There I would have gotten into normal sports activities which I enjoy immensely and I would have had normal dating experiences. I would then have been in a better position to make a decision about my life regarding entering the seminary or not. Going to Nazareth Hall was, as I look at it now, a disaster. The seminary counseled me to fear women. I can still remember as a freshman in high school, the first day off, the night before we got this long lecture from the Dean of Discipline about not hanging around with girls our age. They were a threat to our vocation. And so that developed a real fear of women. You know also the strong position of the seminary in our day about particular friendships. We could not enter another student's room. To do so would have meant expulsion. And, of course, that fear of particular friendships was nothing more than a fear of homosexuality. So the seminary fostered within me a fear

of relationships. I became afraid of women and I became afraid of men. I constantly avoided closeness. And so there was at the seminary a very poor opportunity for building relationships. Also, while we were in the seminary, it was difficult to build relationships because, for example, people would simply leave the seminary in the middle of the night. That is the way it was done in those days. So, this left me with a real fear of getting close to anybody because I would wake up in the morning and I would find that that person wasn't there. (How did your mother react to the rejection by Cretin High School?) I can still remember talking to her about it. She was folding clothes in the basement. She said that she thought it would have been better for me to go to Cretin. In fact she wanted me to go to Cretin. She was willing to make the sacrifices. But, then, that was the end of it. (So, she never intervened on your behalf?) No, she never did.

3. I want to focus now on the experiences that you had of sexual abuse. In your letter of petition, you mentioned that on two different occasions you were the victim of sexual abuse. Would you provide details?

The first one was when I was a small child. As I mentioned before my mother had to work from 3:00 until 11:30 everyday. Because of my grandfather's alcoholism, she would never trust us in his care and so she had a babysitter, a woman who came into the house. This babysitter would come into my room at night and she would occasionally fondle me. I learned to hate her and to fear her. I use to cringe at the thought of her even coming into our house, much less coming into my room. But, I never was able to tell anyone about this. I feared that nobody would believe me. And so I buried the feelings that were connected with it until I went into treatment. It was only in treatment that I began to look at myself as being also a victim of sexual abuse. (And the second experience came during your seminary days, is that not correct?) That is true. Three summers during my theology years, I did an internship at Catholic Charities office here in the Archdiocese. This was at the request of the Archbishop and of the seminary faculty. I worked very closely with the head of that office, Msgr. Jerome Boxleitner. He became very much like a father to me. I respected him greatly. During the summer of my deacon year, I was again doing an internship in Catholic Charities and he took me one day up to his lake cabin. At his cabin, he tried to rape me. Again it was an experience that I simply buried. I never talked about it with anyone until I went into therapy. I was just so shocked because I had so much respect for him. As I look back on that experience now in light of my therapy, I see it as having a profound affect on me. What it did was give me permission to take care of my sexual problems provided that I did it covertly. That is the way he handled his sexuality; I was, thus, taught that that was the way I could handle mine. It was probably as a consequence of that lesson learned right after my ordination, I became involved in a sexual relationship with a woman. I felt that as long as I was doing something covertly, I was not affecting anybody and so it was okay. That was also a lesson that I learned from the other assistant at my first

assignment. He was acting out sexually all of the time. I was aware of it because of the fact that we were living together and, therefore, it was impossible not to be aware of it. And so there, too, I learned that if one does something covertly, then it is okay.

4. Over the years, did you get any counseling?

No, I did not. In 1983, I began a three-year counseling relationship with Virgil Burns. While he was a good counselor, neither he nor I knew anything about sexual addiction. As a consequence, as I look back on it now, in light of my experience at St. Luke's Institute, we never really got to the root of the sexual problems that I was having. Neither of us had the awareness necessary to do so and he did not have the tools. So these civil lawsuits brought against me and the Archdiocese which forced me into treatment at St. Luke's Institute have turned out to be a blessing in disguise. Through my therapy at St. Luke's, I have entered into a great process of being born. I hated every moment that I was there and I detested the therapy, but I still entered it as completely as I did and as a consequence, I have come to insights which otherwise would have been impossible to come to. I no longer was able to deal with my problems on the surface only, but really had to get at the root of them and that is why I refer to it as a marvelous process of being born once again.

5. You mentioned in your letter of petition that you had problems with masturbation all during your seminary career. At any point did anybody advise you to leave the seminary?

I was only advised once to leave the seminary and it had nothing to do with my sexual fantasies. It was my second year in the seminary, my sophomore year in high school. Father Ed Flahavan was on the faculty at Nazareth Hall at the time. He noted that many of the people that I chummed around with were leaving the seminary. They were all considered to be "disciplinary problems" because of the fact that they did normal teenage boy things. Father Flahavan thought that since I hung around with that crowd so much I was probably pretty much like them. Thus, he suggested, but didn't mandate, that I leave the seminary. (When you would talk about your problems of masturbation with your spiritual director or with your confessor, would they take that problem as a sign of a serious underlying problem and advise you to leave?) No, that never happened. They tried to help me by providing me advice about ascetical practices, but they never suggested that I leave the seminary.

6. In light of all of your experiences, how would you answer the question: "Why did you become a priest?"

I became a priest because I wanted to be like Father O'Connor, who was the assistant at my home parish. He was a very good man. He was very good to me. He was very good to all the young men my age. He would go with the boys to sports events. Every once in a while, my mother would have him over for dinner. I remember him

taking me down to his parents' farm. He was just very good to me and he was a good model for me. I wanted to be like him and I wanted to do what he did. As I look at my life, I was always very attracted to ministry. I still love ministry. I enjoyed preaching. I enjoyed studying. I enjoyed celebrating sacraments. I enjoyed ministering to people. I was always very good at what I did. (As you look back now, I am sure you see that the personal side of your life was not in accordance with the professional or priestly side of your life. How did you live with all of that?) I suppose the only way to answer that question is to say that I developed a "persona." As a priest or on the professional side, I was highly respected as a public minister. As I just said, I enjoyed immensely doing what I was doing and I was good at it. When I would attempt to wrestle with the personal side of my life, I could not even begin to understand the intense fantasy life that I had and the serious problems with masturbation that I had consistently. I could never grasp why that was happening. I know that I attemped to deal with it. I would make thirty-day retreats with the hope that somehow this would straighten me out. As I said before, I did not know then that there was such a thing as sexual addiction. What happened in reality was that my private life forced me to become a real workaholic. I lived in kind of a vicious cycle. I would get involved in a relationship and I would have some sexual relationship ranging from fondling to actual sexual intercourse. Having an experience like this would only generate intense shame. To manage that shame, I would work hard and so I became a real workaholic however, that would only cause me to become tired, exhausted, and frustrated and so as a consequence, my fantasy life was exacerbated and then when I would act out my fanaties to kind of make up for it, I would involve myself in work and so it just kept going round and round and getting deeper and deeper. So, my private life did nothing more than fuel my workaholism and my workaholism did nothing more than fuel my fantasy life, which in turn fueled my sexual acting out. Also, by being involved, I avoided people. I did not want to get close to anyone because I feared that they would find out about me and once they found out about me, they would not like me. So, this only led to more intense lonliness and, of course, the lonliness added to my problems. And meanwhile I justified all kinds of things by going back to my good old philosophy of as long as I was doing it covertly, I was not hurting anybody and, therefore, it was okay.

7. Did the sexual experiences cover most of the years of your priestly ministry?

   Yes. As I mentioned before, very early in my priestly life, I got involved with a woman. As I look back on all of that now, I see that I was simply using them. I could no longer call them relationships. It was a matter of me using them because of my sexual needs.

8. Is there anything else that you wish to add?

   I guess I still want to say that I do deeply love the priesthood.

I see what a gift it is. And, I appreciate that now especially in my loss. I am no longer able to function as a priest. I am aware of that. It is a great loss.

IMPRESSIONS OF THE DELEGATED PRIEST:

I have known Father Michael Kolar all the years of his public ministry. I can readily attest to the fact that his public ministry was indeed excellent. Michael enjoyed a good reputation in the Archdiocese. It was a reputation that was well-earned and quite correct. It was only when the stories of the lawsuits against him and the Archdiocese began to emerge in the public press that I became aware of the fact that there were any problems in his life. I would never have guessed it. I'm sure that there are countless other priests of this Archdiocese who would say the same thing. Because Michael has gone through extensive therapy at St. Luke's Institute, a highly respected institute offering therapy to priests who are guilty of sexual misconduct, he is quite able and willing to talk about himself. He responded to my questions with considerable ease. He spoke calmly and directly. I believe also that it is an essential part of his therapy that he be honest. To fail to do so would be to disrupt his own therapy. All of this comes together to say to me that his responses to the questions that I raised are indeed honest and truthful responses.

/s/ Michael G. Kolar
Signature of Petitioner

/s/ The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

January 24, 1992
Date of Signature

Archdiocesan Tribunal
Place

I, the undersigned, hereby state that I have no further changes, additions, or deletions to make in my testimony. I furthermore swear to the truth of the replies which I have given, and to m y intention of keeping both them, and the questions asked of me, completely within my confidence.

1. Michael G. Kolar
Signature of Person Interviewed

2. Ronald J Bowers
Signatuer of Auditor

3. January 24, 1982
Date of Signature

4. The Archdiocesan Tribunal
Place of Signature

The Auditor is asked to indicate here his/her impressions of the credibility, accuracy, and trustworthiness of the person interviewed and his/her evaluation of the replies that have been given.

Saint Luke Institute

January 30, 1992

Very Reverend Ronald J. Bowers, J. C. D.
The Tribunal
Archdiocese of St. Paul and Minneapolis
328 West Kellogg Boulevard
Saint Paul, Minnesota 55102-1997

Re: Kolar, Michael G.
SLI #11785

Dear Monsignor Bowers:

Thank you for your inquiry regarding our evaluation and treatment of Father Michael Kolar. I have reviewed our records and will attempt to answer the questions you posed. If anything further is needed please don't hesitate to contact me.

Reverend Michael Kolar is a 48 year old man who was referred to us for evaluation on March 25, 1988. Diagnoses of Dysthymic Disorder with major depression in remission, impulse disorder, dependent personality disorder and narcissistic personality disorder were made. Intensive psychotherapy was recommended and he was eventually admitted to our in-patient program on June 1, 1988. He completed his in-patient treatment on December 20, 1988. He then participated in a structured aftercare program which lasted several years.

His psychological testing included neuro-cognitive studies, an MMPI, an MCMI and a full Rorschach protocol. Important findings clarified perceptual problems, depression, impulse control issues, marked dependency needs and a tendency to distorted and disorganized thinking when emotionally aroused through confrontation. He had bolstered self-esteem by presenting a polished and competent facade to the world.

2420 Brooks Drive • Suitland, Maryland 20746-5294 • (301) 967-3700 • FAX: (301) 967-3953
Affiliated with the Daughters of Charity, National Health System

On-going treatment helped Michael see himself more clearly and to accept the exploitive nature of his behavior with dependent women. He experienced significant healing of the elements of deprivation and abuse in his developmental background. He came to see how a variety of personal needs got expressed through sexual channels.

My understanding of his personal history leads me to conclude that he was substantially impaired in his readiness for Holy Orders in May of 1969. Denial of so much of himself and his psychological motivation is likely to have seriously distorted his perception of his candidacy for priesthood. This denial and lack of personal awareness led to troublesome behavior inconsistent with his priestly vows. With extensive professional help and great effort and commitment on his part he was able to see all of this many years after the fact.

Michael Kolar was here for an aftercare workshop in 1990 and I have had phone contact with him since then. He is in much improved psychological health and continues activities aimed at promoting that health. He enjoys a sober sense of peace despite continuing uncertainties about his future.

In considering the above comments and opinion it might be appropriate to note that I am a board certified psychiatrist. I have served for eight years as the Medical Director of the Saint Luke Institute which is a licensed and accredited psychiatric hospital devoted to serving the mental health needs of priests and religious. In my role as medical director I worked closely with the treatment team as well as having personal contact with Father Kolar.

I hope these comments are helpful in dealing with Tribunal matters related to Father Kolar.

Respectfully,

Frank Valcour, M.D.

Frank Valcour, M.D.
Medical Director and
Vice President for Medical Affairs

FV/bt

CONFIDENTIAL

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102-2197

The Chancery

January 31, 1992

Reverend Ronald J. Bowers
The Tribunal
328 West Kellogg Boulevard
St. Paul, Minnesota 55102

Dear Father Bowers,

As chancellor of the Archdiocese of Saint Paul and Minneapolis, I thoroughly reviewed the file of Father Michael Kolar, a priest of this archdiocese, who is seeking dispensation and laicization. It is with great regret that his file presents no documents which would detract from the granting of the requested dispensations. The file of Father Kolar presents a history of sexual misconduct, beginning in June, 1988. In spite of repeated attempts by the archdiocese to rehabilitate Father Kolar through professional treatment, his behavior consistently reverted back to sexual misconduct.

Taken together, the file indicates that Father Kolar lacked the necessary volition to faithfully live out his commitment to celibacy. These repeated failures on his part have ultimately endangered the well-being of a number of the faithful of this archdiocese, as well as the reputation and good name of both the archdiocese and the Catholic Church.

I hope this brief, but accurate, summary of the file of Michael Kolar can be of assistance to you in seeking the decree of laicization from the Holy See. As previously stated, the file indicates nothing which would stand in the way of the granting of this dispensation.

If I can be of further clarification as to the contents of Father Kolar's file, please feel free to contact me.

Sincerely in Christ,

Thomas H. Vowell, CPPS

Reverend Thomas H. Vowell, C.PP.S.
Chancellor
Episcopal Vicar

THV:ggr

Mail #5010
2260 Summit Avenue
St. Paul, Minnesota
55105-1096

School of Divinity
The Saint Paul Seminary
612 647-5715

UNIVERSITY OF
St.Thomas

March 18, 1992

Reverend Ronald J. Bowers
The Tribunal
328 West Kellogg Boulevard
Saint Paul MN 55102-1997

PR. NUM.: S.P.A.M. 1235/92

Dear Fr. Bowers:

I would like to respond to your request for information regarding Fr. Michael Kolar. I understand that he is seeking a dispensation from the obligations attached to sacred orders.

Michael Kolar was a student at The Saint Paul Seminary from September 5, 1963, through May 24, 1969. I have reviewed the confidential minutes of the faculty meeting which include faculty comments on his progress toward priesthood as well as the personal file in the rector's office. I would like to comment on those records.

His first two years at the seminary were years of undergraduate study. He was regarded as a hard worker, likable and companionable. Although he was uneven in his class work, he showed himself to be organized in his studies and a person who tried very hard. He was consistently seen as respected, affable, and very honest. Because of his poor academic response, he was not awarded the bachelor of arts degree in philosophy for which he was enrolled. Some years later he requested that he be granted the degree, but there is no record that this was actually done.

During his theological studies he continued to be an average student academically. He was recognized as dependable, loyal and friendly and a "good man." He was recognized as someone who associated easily and well with his peers and with superiors and generally seemed well adjusted in spite of a kind of tentativeness of manner. Faculty remarked that he seemed mature and knew his limitations and was genuinely pious. Others described him as a manly candidate who carried out assigned responsibilities at the seminary in a good manner. Some identified a kind of "heroic streak" in him. He was judged to be very good with people, kind, and gentle. He worked with Catholic Charities during one summer and did well in that work. As he continued in his theological studies he showed positive development. He was judged to be truly apostolic minded and enthusiastic about the priesthood.

Enthusiasm was recognized as something which would make him an attractive priest. In the seminary setting he was judged to be an excellent preacher. Generally speaking he was considered to be a person who could work well with a variety of people.

Each summer his pastor made a report to the seminary regarding his behavior during the summer months. The pastor consistently described him as conducting himself well and being proper in all his relationships.

Judging from the material that is in the file at the seminary Michael Kolar was considered to be a good candidate for the priesthood. There is nothing in those files that would indicate any conduct unbefitting his candidacy or any hesitancy about his desire to move toward priesthood. The evaluations are uniformly positive and supportive.

Sincerely,

Reverend Charles Froehle
Rector and Vice President

CF:jg

CASE: MICHAEL G. KOLAR PR. NUM.: S.P.A.M. 1235/92

DISPENSATION FROM THE OBLIGATIONS OF SACRED ORDERS

WITNESS QUESTIONNAIRE

(Please add more paper if you need more space for the following questions.)

A. Please describe your relationship to the Petitioner.

As fellow seminarians (2 years apart), as fellow priests for 23 years, as Vicar General of the Archdiocese from 1986 - 91 in charge of sex abuse and clergy, I worked very closely with Fr. Kolar and his case.

B. Insofar as it is possible, please describe his family background (its social, economic and religious conditions).

I know relatively little of Fr. Kolar's family background except for the biographical facts I have seen.

C. What influences did this family background have on the Petitioner's decision to enter priestly formation and on his subsequent priestly ministry?

No comment.

D. Previous to his ordination, was anything said or done which would cause you to doubt the future success of his priestly ministry? Did you observe any behaviors which would indicate a lack of suitability for a priestly vocation?

No comment

E. How would you describe his motivation for seeking priestly ordination? Did the Petitioner seem settled and at peace with his decision?

I had a casual relationship with him throughout our seminary years and years in ministry.

F. What is your estimation of his basic maturity and readiness for ministry at the time of his ordination? To your knowledge, were there any external influences on his decision to be ordained?

At the time I knew of no inhibiting influences on his decision to be married.

G. Following ordination, did the Petitioner find priestly ministry enjoyable and rewarding? Was he able to meet the needs of the people on whose behalf he ministered?

From all public appearances (before I became aware of his sexually exploitive behavior as Vicar General) he was admired as a very effective youth minister.

H. How well did he seem to cope with the responsibilities of priestly ministry?

His history of sexually exploitive and at times concurrent sexual relationships would seem to indicate that he was not copying very well.

I. Did the Petitioner work well with others in ministry: pastors, lay ministers, co-workers?

My own evaluation of the management enviornment of the St. Paul Catholic Youth Center, the Community of Christ the Redeemer and the camp which were all entwined and based in a charismatic ideology is that it was endemic to fostering the sexually exploitive behavior which Fr. Michael Kolar practiced. He was the central focus of the ministry and because it practiced headship practically subjugated women to men his acting out was organizationally all the more insidious.

J. How early in his priestly ministry did serious problems arise? What were they? How did you become aware of them?

In 1988, as Archdiocesan Vicar General, I became aware of Michael Kolar's sexually exploitive with an 18 year old woman (1973-74) who was his courselee.

He admitted to me having sexual intercourse with her at least once and other sexual contact on other occasions.

K. What is your estimation of his ability to live a life-long commitment to celibacy? Why do you state this?

I cannot make the estimation, however, from an early age as an adult he admits having had multiple sexual relationships and often more than one coincidentally with young women and at times women under the age of 18. He went through 8 months of intensive inpatient sexual addiction treatment and as far as I know has remained celibate since he got out in the Fall of 1990.

L. Were there occasions where the Petitioner did not fulfill priestly responsibilities? What were they?

Apart from his long history of breech of celibacy and sexually exploitive behavior I am not aware of his not fulfilling priestly responsibilities.

M. Is there anything else you wish to add?

As public record and his own personal testimony will show Michael was a seriously sexually addicted person throughout most of his adult life. He admits that his first sexual encournter was a rape like event when he was a 22 year old seminarian. A trusted priest entered his bed and tried to forcefully have sex with him. He admits that this was a most traumatic event for him and could explain his subsequent sexual behavior.

I swear before God that in the foregoing testimony, I have told the truth, the whole truth, and nothing but the truth. I swear also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

/S/ Rev. Michael J. O'Connell
Signature of Recipient

2/5/92
Date of Signature

Basilica of St. Mary, Minneapolis, MN 55403
Place of Signature

CASE: MICHAEL G. KOLAR PR. NUM.: S.P.A.M. 1235/92

DISPENSATION FROM THE OBLIGATIONS OF SACRED ORDERS

WITNESS QUESTIONNAIRE

(Please add more paper if you need more space for the following questions.)

A. Please describe your relationship to the Petitioner.

I first knew him as a seminarian. I was teaching music at the seminary and he was in the choir. When he was ordained he came to work at the Catholic Youth Center in St. Paul where I was director. We were there together for three years. We have been friends ever since.

B. Insofar as it is possible, please describe his family background (its social, economic and religious conditions).

Middle class I suppose, good Catholic family. Mike Kolar's father died when he was a pre-school child. His mother was an R.N. He has a younger brother and sister. They were good practicing Catholics.

C. What influences did this family background have on the Petitioner's decision to enter priestly formation and on his subsequent priestly ministry?

I don't know, precisely, but his mother is a very good practicing Catholic. Mike attended Catholic schools all his life. His brother is a strong conservative Catholic.

D. Previous to his ordination, was anything said or done which would cause you to doubt the future success of his priestly ministry? Did you observe any behaviors which would indicate a lack of suitability for a priestly vocation?

I know of nothing here.

E. How would you describe his motivation for seeking priestly ordination? Did the Petitioner seem settled and at peace with his decision?

Michael was a man of prayer. He was an inspirational preacher. He made a deep impression for good upon people. He seemed settled.

F. What is your estimation of his basic maturity and readiness for ministry at the time of his ordination? To your knowledge, were there any external influences on his decision to be ordained?

I have no knowledge of this.

G. Following ordination, did the Petitioner find priestly ministry enjoyable and rewarding? Was he able to meet the needs of the people on whose behalf he ministered?

He certainly gave that impression.

H. How well did he seem to cope with the responsibilities of priestly ministry?

Very well, to my knowledge.

I. Did the Petitioner work well with others in ministry: pastors, lay ministers, co-workers?

Yes, as far as I know.

J. How early in his priestly ministry did serious problems arise? What were they? How did you become aware of them?

I became aware only when they became of public record and Father Kolar was away for treatment. We corresponded.

K. What is your estimation of his ability to live a life-long commitment to celibacy? Why do you state this?

If the allegations about his problems are true, there would seem to be a reason for concern here.

L. Were there occasions where the Petitioner did not fulfill priestly responsibilities? What were they?

I am not aware of any.

M. Is there anything else you wish to add?

Michael Kolar has always seemed to me as a priest to be an unusually good one. Most people I know who know him would say the same. That is his reputation; the surfacing of his alleged problems came as a complete surprise.

I swear before God that in the foregoing testimony, I have told the truth, the whole truth, and nothing but the truth. I swear also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

/S/ John A. Sweeney
Signature of Recipient

2/29/92
Date of Signature

St. Paul, Minnesota
Place of Signature

DISPENSATION FROM THE OBLIGATIONS OF SACRED ORDERS

WITNESS QUESTIONNAIRE

A. I have known Michael Kolar for a little over 20 years. I first met him when I was a college seminarian and he was the director of the St. Paul Catholic Youth Center. I was a member of the volunteer staff at the Center and in this capacity assisted Michael with some retreats and evenings of reflection. At this time I did not have a particularly close relationship with him.

In January 1989 Michael Kolar took up residence at the rectory of the Church of St. Peter where I also lived. We developed a very powerful and positive relationship based on our common experience of dealing with sexual dysfunction in our lives. Michael had just completed therapy and I had more than five years of therapy under my belt.

We were able to share deeply and honestly about our pasts, including our abuse/exploitation of those to whom we were assigned to minister. We shared prayer and processed the every day events in our lives often acting as a catalyst for each other's continuing growth. I feel that I know Michael extremely well. He is a very dear friend.

B. Michael is the oldest of three children. His father died when he was quite young. His family moved in with his maternal grandfather who was alcoholic and abusive. Michael's mother worked outside of the home as a nurse to support the family. Michael, I believe, took on the role of the care taker, looking out for his brother and sister and trying to please his mother. He was the "saint" and "star" of the family. His religious upbringing was very strongly Catholic. Given his mother's piety today, I would presume that there was a high value given to religious practice.

C. Since I did not know Michael prior to his ordination I am answering this question on what I can surmise after the fact. I believe that the religiosity of Michael's mother would have had a great deal to do with his choice to enter priesthood. I am not saying that there was any coercion, but given Michael's great desire to respond to his mother's needs I could see where her desire to have her son be a priest would have influenced him. I believe that Michael had a genuine and personal desire to be a priest, but his mother's approval of priestly vocation would have been an influence.

Michael's role as the caretaker of his family carried over to his ministry. I believe that he exhausted himself in trying to care for everyone who was in his charge. One of the effects of this depletion of his self was to look for comfort. One of the ways in which he was able to find comfort was through sexual involvement with women. This was clearly antithetical to his ordination and promise of celibacy.

D,E,&F

I am not able to respond to these questions because I did not know Michael prior to his ordination.

G. Michael was a model priest in many ways. He thoroughly enjoyed his priestly ministry and was very capable. He was a national leader in Youth Ministry and his services were sought around the country. There was a tremendous spirit and energy among the staff and volunteers of the Youth Center. Michael was clearly the center of the ministry. He also founded a faith community still in existence today which exhibited a great vitality.

Michael did share with me that there was a time in the late 1970's when he considered leaving ministry because of the love he felt for a women with whom he was sexually involved. He felt a great struggle in himself whether he should stay in ministry or marry the women. He chose to stay in ministry. From that time on I believe he was quite committed to priestly ministry.

H. On the surface Michael coped very well with the responsibilities of priestly ministry. He was very successful at the ministry given him and he provided fine leadership. I am sure he never shirked any responsibilities.

I. Michael worked well with many people and created a fine team of people to carry out youth ministry in St. Paul and the region. He was perceived by other priests as a great minister.

J. The serious problem in Michael's ministry was that he engaged in inappropriate sexual encounters with women. To the best of my knowledge these encounters began in the early 1970's. I am aware of them because Michael revealed them to me.

K. I believe that Michael does have the capacity live out a life long commitment to celibacy. The therapy that he has undergone has helped him to recognize the forces and situations which would put him in danger of violating his commitment. I know that he was able to live chastely from January 1989 until he resigned ministry in October 1991.

I can make this statement because Michael and I have regularly spoken openly of the difficulties of living the call to celibacy. If he were not able to be true to his commitment, I think it would have been very difficult for him to keep that knowledge from me since we shared with each other on a very deep level.

L. I am not aware of any occasions when Michael did not fulfill his priestly responsibilities.

M. I would like to add that the reason that Michael chose to leave ministry was that there was no viable ministry available to him because of his history of sexual acting out. If there had been the option for a reasonably fulfilling ministry I believe that Michael would still be in ministry today. Since this is not so, I would hope that Michael can be dispensed from the obligations of Sacred Orders and be able to pursue a new Christian vocation.

I swear before God that in the foregoing testimony, I have told the truth, the whole truth and nothing but the truth. I swear also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

Signature of Recipient

Date of Signature

Place of Signature

THE CURIA

THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

CASE: KOLAR, Michael G.

PROT. NUM.: 1235/92

CERTIFICATE AUTHENTICATING THE ACTS OF THE CASE

By my signature, I certify that the Acts of the Case named above, are either original writings and documents or exact duplicates of them. They form the complete and authentic Acts of the Case to be transmitted to the Apostolic Tribunal of the Roman Rota.

Given this 11th day of August, 92, at Saint Paul, Minnesota.

Michael V Tegeler

NOTARY

SEAL

Kolar, Michael H.

ARCHDIOCESE OF ST. PAUL & MINNEAPOLIS
Pr. Num.: S.P.A.M. 1235/92
KOLAR, Michael George
Ordinationis Sacrae
COPY THREE

S.P.A.M. 1235/92

Kolar file, please
Call up for
Monday evening 8/24,
please

August 12, 1992

[redacted]

Dear [redacted],

Father Kevin McDonough, Vicar General for the Archdiocese of Saint Paul and Minneapolis, has served as my representative in meeting with people to discuss the issues you raise in your letter. I am sending a copy of this letter to Father McDonough and I assure you that he will give you a most gracious hearing.

In the meantime, please know that I pray for you. My heart goes out to people who are victims of abuse.

Father McDonough is going to be out of town for a few days and let me give you his telephone number and I would ask that you give him a call. In the meantime he will have received a copy of your letter. His telephone number is 291-4434.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

bcc- Fr. McDonough

3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008-3687

APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

No. 9307/7

This No. Should Be Prefixed to the Answer

August 17, 1992

Ms. Lois H. Eckstein
Secretary, The Tribunal
Archdiocese of St. Paul & Minneapolis
328 West Kellogg Boulevard
St. Paul, MN 55102-1997

Dear Ms. Eckstein:

I acknowledge your letter of August 11, 1992 and enclosures destined for the Congregation for Divine Worship and the Discipline of the Sacraments on behalf of the Reverend Michael George Kolar.

Please rest assured that the correspondence will be duly forwarded.

With cordial regards and very best wishes, I am,

Sincerely yours in Christ,

+ Alacciah

Apostolic Pro-Nuncio

File, please

MEIER, KENNEDY & QUINN
CHARTERED
ATTORNEYS AT LAW

ANDREW J. EISENZIMMER
LEO H. DEHLER
THOMAS B. WIESER
NANCY GOERING REILLY
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WILLIAM C. MEIER
(1920-1981)
TIMOTHY P. QUINN
(1921-1991)
ALOIS D. KENNEDY, JR.
(OF COUNSEL)

August 31, 1992

HAND DELIVERED

Mr. Jeffrey R. Anderson
Attorney at Law
E-1400 First National Bank Building
332 Minnesota Street
St. Paul, MN 55102

Mr. Theodore J. Collins
Attorney at Law
W-1100 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101-1379

Re: Jane Doe v. Father Michael Kolar, The St. Paul Catholic Youth Center and The Archdiocese of St. Paul and Minneapolis
Our File No: 3841.65

Dear Mr. Anderson and Mr. Collins:

Enclosed and served upon you please find the following:

1. Notice of Motion and Motion to Suppress Testimony and Motion in Limine;
2. Memorandum in Support of Motion to Suppress Testimony and Motion in Limine
3. Affidavit of John C. Gunderson, and
4. Proposed Order.

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED

John C. Gunderson

John C. Gunderson

JCG:jml
Enclosures

bcc: The Most Reverend John R. Roach
The Most Reverend Robert J. Carlson
Reverend Kevin McDonough
Mr. William S. Fallon
Mr. Richard Johnson
Ms. Nancy Agin
Mr. H.J. Proball
Mr. Stephen J. Henne
Mr. William Jamnik

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(OF COUNSEL)

August 31, 1992

HAND DELIVERED

Court Administrator
Ramsey County Courthouse
15 West Kellogg Boulevard
St. Paul, MN 55102

Re: [redacted] v. Kolar, The St. Paul Catholic Youth Center and The Archdiocese of Saint Paul and Minneapolis
Court File No: [redacted]

Dear Sir or Madam:

Enclosed for filing please find the following:

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2. Memorandum in Support of Motion to Suppress Testimony and Motion in Limine
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4. Proposed Order.

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED

John C. Gunderson

JCG:jml
Enclosure

bcc: [redacted]

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August 31, 1992

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E-1400 First National Bank Building
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Attorney at Law
W-1100 First National Bank Building
332 Minnesota Street
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Our File No: 3841.65

Dear Mr. Anderson and Mr. Collins:

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4. Proposed Order.

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED

John C. Gunderson

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JCG:jml
Enclosures

bcc: The Most Reverend John R. Roach
The Most Reverend Robert J. Carlson
Reverend Kevin McDonough
Mr. William S. Fallon
Mr. Richard Johnson
Ms. Nancy Agin
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(OF COUNSEL)

August 31, 1992

HAND DELIVERED

C
O
P
Y

Court Administrator
Ramsey County Courthouse
15 West Kellogg Boulevard
St. Paul, MN 55102

Re: Jane Doe v. Kolar, The St. Paul Catholic Youth Center and The Archdiocese of Saint Paul and Minneapolis
Court File No: C7-90-5709

Dear Sir or Madam:

Enclosed for filing please find the following:

1. Notice of Motion and Motion to Suppress Testimony and Motion in Limine;
2. Memorandum in Support of Motion to Suppress Testimony and Motion in Limine
3. Affidavit of John C. Gunderson, and
4. Proposed Order.

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED

John C. Gunderson

John C. Gunderson

JCG:jml
Enclosure

bcc: The Most Reverend John R. Roach
The Most Reverend Robert J. Carlson
Reverend Kevin McDonough
Mr. William S. Fallon
Mr. Richard Johnson
Ms. Nancy Agin
Mr. H.J. Proball
Mr. Stephen J. Henne
Mr. William Jamnik

File, please

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CHARTERED
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ALOIS D. KENNEDY, JR.
(OF COUNSEL)

September 10, 1992

Mr. Roger R. Roe, Jr.
Attorney at Law
701 Fourth Avenue South
Suite 1400
Minneapolis, MN 55415

Re: ABC and XYZ [redacted] vs. The Archdiocese of Saint Paul and Minneapolis [redacted]

Dear Mr. Roe:

I received your letter of September 8, 1992 wherein you indicated that you had not received the information requested in the demand for production of documents served July 24, 1992. You asked me to turn my attention to these matters so as to avoid a motion to compel.

I note, however, that the demand you served required inspection or production of the documents on September 24, 1992. Since that date is still some two weeks away, I am puzzled by your letter. I am making every effort to produce the documents by the date indicated. I can only assume that somehow you have not been attentive to the deadline you set for production or have somehow confused the date.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

/s/ ANDREW J. EISENZIMMER
Andrew J. Eisenzimmer

AJE:crb
cc: Ms. Jill Flaskamp Halbrooks
Mr. Daniel A. Haws
[redacted]

COPY

MEIER, KENNEDY & QUINN
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(OF COUNSEL)

September 10, 1992

HAND DELIVERED

The Honorable Charles A. Flinn, Jr.
Judge of District Court
1321 Ramsey County Courthouse
15 West Kellogg Boulevard
St. Paul, MN 55102

Re: [redacted] - Jane Doe v. Archdiocese, et al
Court File No. C7-90-5709

Dear Judge Flinn:

Enclosed please find The Archdiocese of Saint Paul and Minneapolis and The St. Paul Catholic Youth Center's Special Verdict Form, Notice of Motion and Motion in Limine, and Defendants Archdiocese of Saint Paul and Minneapolis and St. Paul Catholic Youth Center Memorandum in Support of Motion in Limine in connection with the above-referenced matter. By a copy of this letter, this material is also being served on counsel for Plaintiff and Defendant Kolar.

You should be receiving from Plaintiff's counsel a Juror Questionnaire and a Joint Statement of the Case to which we have agreed. You will also receive from Plaintiff's counsel Proposed Jury Instructions which designate the few items which are in dispute. This should include all the material you asked be submitted to you prior to trial on Monday. I look forward to seeing you then.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

Andrew J. Eisenzimmer

AJE:crb
Enclosures

cc: Mr. Jeffrey R. Anderson
Mr. Mark Wendorf
Mr. Theodore J. Collins
bcc: The Most Reverend John R. Roach, D.D.
Reverend Kevin M. McDonough
Mr. William S. Fallon
Mr. H. J. Proball
Mr. Richard Johnson
Ms. Nancy Agin
Mr. Stephen Henne
Mr. William Jamnik

TO: Father Kevin McDonough
Archbishop John Roach

KOLAR CASE

General Comments:

Little has changed since we last issued a statement on Kolar. At that time, in 1990, the media reported that two lawsuits had been filed; the SN case was one of those. We issued a statement.

A letter was sent to priests, and after consideration of the best way to communicate to NET, it was suggested (by letter of K.McD) that Mark Bercham handle that. (See sample letter.)

We prepared a statement in 1991 that was never used (see attached).

Recommendation

Left message with Carlson

1. Mark Bercham be apprised of present situation, and asked to communicate this to NET team members in training. (Bishop Carlson said he would contact Mark if desired.)

2. We work from the attached in dealing with the media.

3. I question the need to notify all parishes, **unless** there is new information we can give them. On the other hand, people forget a lot in a year, and we might want to remind them that this was **an adult** woman, that others were present with them at the time, and anything more that seems appropriate. Also, the Archdiocese cannot act when it has no reason to act--when it has no information suggesting that it should do so. The other item would be to restate that **Kolar did resign.** (There might be religious order priests in the diocese now, as well as Catholics and others, who would not know that.)
If letter is to go out, it should be mailed on Friday or Monday.

sent Friday

done

4.I do suggest that we send a memo to the Full Staff.
(I can prepare that.)

Prepared 1991 not used

KOLAR

Until 1986, information coming to the Archdiocese about Father Michael Kolar was exceptionally positive. He was a key figure in the area of youth ministry, developing a program which has had great results locally, and well beyond Minnesota. His preaching drew many who were profoundly affected spiritually. There was no clue from the many people he served that he may have been misusing his position.

When the first indication of a problem surfaced in 1986, we immediately investigated and took appropriate remedial steps to address the situation. When other information came to light about a 1973 involvement with an adult woman, it was agreed that Father Kolar resign his post. Consistent with archdiocesan policy on inappropriate behavior several remedial steps were taken to help both the woman and Father Kolar. All clergy and communities with which Father Kolar was involved were notified of the situation.

Without a doubt, the essence of priestly ministry is damaged whenever the trust placed in a priest is violated. Despite the few, very widely communicated violations of that trust, Catholics can continue to expect priests to be trustworthy, caring and compassionate ministers. If and when they are not, archdiocesan policy calls for quick action such as was taken when the report about Father Kolar was received.

Father Kolar has acknowledged that he misused his position. He is not in active ministry, nor do we foresee him in that role in the future.

Prepared 1991 not used

KOLAR

Until 1986, information coming to the Archdiocese about Father Michael Kolar was exceptionally positive. He was a key figure in the area of youth ministry, developing a program which has had great results locally, and well beyond Minnesota. His preaching drew many who were profoundly affected spiritually. There was no clue from the many people he served that he may have been misusing his position.

When the first indication of a problem surfaced in 1986, we immediately investigated and took appropriate remedial steps to address the situation. When other information came to light about a 1973 involvement with an adult woman, it was agreed that Father Kolar resign his post. Consistent with archdiocesan policy on inappropriate behavior several remedial steps were taken to help both the woman and Father Kolar. All clergy and communities with which Father Kolar was involved were notified of the situation.

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He has not held an assignment since 1988. He formally resigned in 1991.

5/1998

[redacted]

STATEMENT REGARDING FATHER MICHAEL KOLAR

Allegations of an incident of inappropriate sexual touching (in [redacted]) by Father Michael Kolar with an adult woman came to the attention of the Archdiocese in 1986. A review was made of available information, remedial measures were taken, and on the basis of professional consultation it was determined that Father Kolar continue his ministry.

Two years later, another allegation was brought to the attention of the Archdiocese--this one dating back to [redacted] ([redacted] years earlier). It was then determined that Father Kolar leave his position at the [redacted] The situation was reviewed in light of Archdiocesan policy and Father Kolar was referred to a counseling program. That information was shared with the faith communities directly affected, and with the priests of the Archdiocese.

At this time, several placement options in ministry are being considered for Father Kolar, but no final decision has been made.

The Archdiocese continues to be very concerned about victims of inappropriate sexual behavior, and responds with the best advice it can obtain from counseling professionals. In the case of Father Kolar, the Archdiocese denies that it was negligent or that it failed to take appropriate action.

Many in our community have been affected by the inappropriate behavior of doctors, ministers, lawyers, other professionals and even parents. Unfortunately, our Church has not been exempt from

from this reality. But Archdiocesan leadership continues to work actively within its own structure, and with other health, legal and civic professionals to learn all it can about these matters, and about the care most appropriate for all involved. The Archdiocese also continues efforts to work at development and careful administration of proactive policies which reflect the growing understanding in our society of all forms of misconduct.

File, please

TO: Father Kevin McDonough
Archbishop John Roach

KOLAR CASE

General Comments:

Little has changed since we last issued a statement on Kolar. At that time, in 1990, the media reported that two lawsuits had been filed; the [redacted] case was one of those. We issued a statement.

A letter was sent to priests, and after consideration of the best way to communicate to [redacted], it was suggested (by letter of K.McD) that [redacted] handle that. (See sample letter.)

We prepared a statement in 1991 that was never used (see attached).

Recommendation

1. [redacted] be apprised of present situation, and asked to communicate this to [redacted] team members in training. (Bishop Carlson said he would contact [redacted] if desired.)

2. We work from the attached in dealing with the media.

3. I question the need to notify all parishes, **unless** there is new information we can give them. On the other hand, people forget a lot in a year, and we might want to remind them that this was **an adult** woman, that others were present with them at the time, and anything more that seems appropriate. Also, the Archdiocese cannot act when it has no reason to act--when it has no information suggesting that it should do so. The other item would be to restate that **Kolar did resign.** (There might be religious order priests in the diocese now, as well as Catholics and others, who would not know that.)
If letter is to go out, it should be mailed on Friday or Monday.

4. I do suggest that we send a memo to the Full Staff.
(I can prepare that.)

P.S. 9/11/92 1:00 p.m. from Joan Bernet

Archbishop Roach and I have already met to discuss this material and related issues. The Archbishop decided to send a letter to priests which he has dictated and which will go out today. (cf. attached)

Also, Bp. Carlson has been in contact with [redacted]

GUIDELINES FOR DEALING WITH THE MEDIA ON KOLAR/[redacted]

-- This involves the first incident of inappropriate behavior that became known to the Archdiocese. The incident occurred in 1984; the Archdiocese learned of it in 1986. The complaint suggests inappropriate touch.

-- Professional consultation occurred, remedial measures taken, Kolar was allowed to continue ministry at the then [redacted] (We need more information on remedial measures.)

-- Archdiocese cannot be considered negligent in this case -- officials did take steps at this first suggestion of any trouble in what to that point had been a dynamic, effective, highly praised career.

-- Kolar has not held an assignment in the Archdiocese since 1988. (Some substitute weekend work.) He resigned from the priesthood in 1991.

-- The second case referred to in 1990 newspaper stories was settled about a year ago.

Can we say:

Seems unnecessary that this go to trial. Consider added costs. Archdiocese, even though it acted as soon as information came forward, is still considered liable by the law, and for that reason has made efforts to settle this in what seems a reasonable manner.

Also see attached

KOLAR

Until 1986, information coming to the Archdiocese about Father Michael Kolar was exceptionally positive. He was a key figure in the area of youth ministry, developing a program which has had great results locally, and well beyond Minnesota. His preaching drew many who were profoundly affected spiritually. There was no clue from the many people he served that he may have been misusing his position.

When the first indication of a problem surfaced in 1986, we immediately investigated and took appropriate remedial steps to address the situation. When other information came to light about a 1973 involvement with an adult woman, it was agreed that Father Kolar resign his post. Consistent with archdiocesan policy on inappropriate behavior several remedial steps were taken to help both the woman and Father Kolar. All clergy and communities with which Father Kolar was involved were notified of the situation.

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He has not held an assignment since 1988. He formally resigned in 1991.

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

September 11, 1992

All Priests of the Archdiocese

Dear Father,

In 1988 I wrote to you to tell you that there was the possibility of legal action charging Michael Kolar with sexual misconduct.

One of those cases will be coming to trial [redacted]

I won't review the whole situation with you but I did want to alert you to this development which we were just informed of in the last few days. The case involves an incident which occurred in [redacted] with an adult woman and it was a one time incident of inappropriate touch. Michael Kolar, I think you know, has resigned from priesthood.

I do ask that you keep everyone involved in prayer.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

September 11, 1992

Sexual abuse

Sexual Abuse
9-14-92
PA

All Priests of the Archdiocese

Dear Father,

In 1988 I wrote to you to tell you that there was the possibility of legal action charging Michael Kolar with sexual misconduct.

One of those cases will be coming to trial September 14th.

I won't review the whole situation with you but I did want to alert you to this development which we were just informed of in the last few days. The case involves an incident which occurred in 1984 with an adult woman and it was a one time incident of inappropriate touch. Michael Kolar, I think you know, has resigned from priesthood.

I do ask that you keep everyone involved in prayer.

Sincerely yours in Christ,

John R. Roach

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

September 11, 1992

To: Kolar, Michael former priest
9-14-92
PA

All Priests of the Archdiocese

Dear Father,

In 1988 I wrote to you to tell you that there was the possibility of legal action charging Michael Kolar with sexual misconduct.

One of those cases will be coming to trial [redacted]

I won't review the whole situation with you but I did want to alert you to this development which we were just informed of in the last few days. The case involves an incident which occurred in [redacted] with an adult woman and it was a one time incident of inappropriate touch. Michael Kolar, I think you know, has resigned from priesthood.

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Sincerely yours in Christ,

John R. Roach

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

Sexual Abuse

September 11, 1992

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Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Office of the Archbishop

Saint Paul, Minnesota 55102-2197

September 11, 1992

All Priests of the Archdiocese

Dear Father,

In 1988 I wrote to you to tell you that there was the possibility of legal action charging Michael Kolar with sexual misconduct.

One of those cases will be coming to trial [redacted] 14th.

I won't review the whole situation with you but I did want to alert you to this development which we were just informed of in the last few days. The case involves an incident which occurred in [redacted] with an adult woman and it was a one time incident of inappropriate touch. Michael Kolar, I think you know, has resigned from priesthood.

I do ask that you keep everyone involved in prayer.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.
Archbishop of Saint Paul and Minneapolis

DATE: September 14, 1992

MEMO TO: Full Staff

FROM: Father Kevin McDonough

In 1988 Archbishop Roach sent information about charges that were being made about then Father Michael Kolar, and possible legal action against him by women claiming sexual misconduct.

One of those cases will be going to trial this coming week, so you may be hearing about it from public sources. The case involves a one-time incident of inappropriate touch which occurred in 1984 with an adult woman.

Michael Kolar has not been in active ministry since 1988 and has since resigned from priesthood.

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102-2197

The Chancery

DATE: September 14, 1992

MEMO TO: Full Staff

FROM: Father Kevin McDonough

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One of those cases will be going to trial [redacted], so you may be hearing about it from public sources. The case involves a one-time incident of inappropriate touch which occurred in [redacted] with an adult woman.

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1176 D16 E
REV KEVIN MCDONOUGH 161
VICAR GENERAL
226 SUMMIT AVE
ST PAUL MN 55102-2197

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

226 Summit Avenue

Saint Paul, Minnesota 55102-2197

The Chancery

DATE: September 14, 1992

MEMO TO: Full Staff

FROM: Father Kevin McDonough

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Michael Kolar has not been in active ministry since 1988 and has since resigned from priesthood.

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

September 21, 1992

Dear Mike:

I want to apologize for the mix-up that led to an appointment that had to be cancelled. Sister Dominica Brennan, the new vice-Chancellor, had called me at my seminary office to tell me that a response to your case had arrived. Trusting that she knows latin documents, I advised Lois to set up the appointment. This morning when I saw the document for the first time I noted that it was simply the routine document that states the case has arrived in Rome and providing a protocal number.

I know that at this time you do not need to have such ups and downs and that is why I want you to know that I am sorry for the mistake. I accept responsibility because I should have looked at the document before taking any action.

You are in my prayers.

Rm

The Tribunal

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

328 West Kellogg Boulevard

Saint Paul, Minnesota 55102-1997

612-291-4466

September 21, 1992

CASE: KOLAR, Michael G.
PR. NUM.: S.P.A.M. 1235/92
S.C.D.S. 289/92/S

The Most Rev. John R. Roach, D.D.
The Archbishop's Office
226 Summit Avenue
St. Paul, MN 55102

Dear Archbishop Roach,

Recently, you forwarded to me by way of Sr. Dominica's office, a document thought to be the granting of a dispensation from the obligations attached to sacred orders. The Latin document only announced that the case had arrived in Rome and that a Roman protocol number had been applied to it. I mention this to you because there might be some thought of using the granting of the dispensation in the civil proceedings that are about to take place.

With best wishes, I remain,

Yours sincerely,

Ronald J. Bowers

The Very Rev. Ronald J. Bowers, J.C.D.
Delegated Priest

RJB:le

cc: Sr. Dominica Brennan
File

Kolar, Michael J.

S.P.A.M. 1235/92

File, please

MEIER, KENNEDY & QUINN
CHARTERED
ATTORNEYS AT LAW

ANDREW J. EISENZIMMER
LEO H. DEHLER
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WILLIAM C. MEIER
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TIMOTHY P. QUINN
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ALOIS D. KENNEDY, JR.
(OF COUNSEL)

September 24, 1992

Mr. Roger R. Roe, Jr.
Attorney at Law
701 Fourth Avenue South
Suite 1400
Minneapolis, MN 55415

Re: [redacted] vs. The Archdiocese of Saint Paul and Minneapolis, et al

COPY

Dear Mr. Roe:

Enclosed and served upon you please find Defendant Archdiocese's Response to Set III of Plaintiffs' Demand for Production of Documents in connection with the above-referenced matter. Once you have completed your review of the Vatican Council II documents, I would ask that you return those two books to me.

In the past, you sought to notice depositions pursuant to Rule 30.02(f). I indicated in response that I would attempt to designate the person or persons who might be able to testify as to testing or evaluation of seminarians and/or candidates for ordination during the time Michael Kolar was there. In my review of these matters, I did not find any psychological testing data or materials related to Father Kolar other than the usual academic records.

For your information, Michael Kolar was at [redacted] Father Louis McCarthy, who is deceased, was rector there until about 1958. Father James Cecka, who is also deceased, was then rector until 1961. Father John Sankovitz was then rector through the time that Kolar left [redacted] Father Sankovitz could be available for a deposition.

Michael Kolar was at the St. Paul Seminary from 1963 to 1969. Father Louis McCarthy, who is deceased, was rector there until 1968. Monsignor William Baumgaertner was rector from 1968 to 1980. Father Charles Froehle, who is the present rector, has been rector since 1980 and has been on the Seminary faculty from 1968 to the present. Monsignor Baumgaertner or Father Froehle could be available for deposition.

If you wish to schedule the deposition of any of these individuals, I would ask that you contact me to arrange for such scheduling. They are each educators and it will be necessary to accommodate their schedules.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

Andrew J. Eisenzimmer

AJE:crb
cc: Ms. Jill Flaskamp Halbrooks
Mr. Daniel A. Haws
Mr. Robert T. White
bcc: The Most Reverend John R. Roach, D.D.
Reverend Kevin M. McDonough
Mr. William S. Fallon

Aug 6
10^00 a
Cathedral Rectory

Michael Kelly

MEIER, KENNEDY & QUINN
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WILLIAM C. MEIER
(1920-1981)
TIMOTHY P. QUINN
(1921-1991)
ALOIS D. KENNEDY, JR.
(OF COUNSEL)

September 30, 1992

BY FACSIMILE

Mr. Jeffrey R. Anderson
Attorney at Law
E-1400 First National Bank Building
332 Minnesota Street
St. Paul, MN 55102

Re: Jane Doe [redacted] vs. Archdiocese, et al

Dear Mr. Anderson:

This letter will confirm that we have agreed to the amount of the collateral source reduction in connection with the above-referenced matter in accordance with my letter of September 29, 1992. This matter, accordingly, will be resolved without the necessity of having judgment entered on the jury verdict, by payment of the sum specified in my letter and by execution of the appropriate stipulation of dismissal and release.

Based upon this agreement, I have arranged for a check to be mailed out of Chicago today and we will not make a motion requesting determination of the collateral sources.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

Andrew J. Eisenzimmer

AJE:crb
cc: Mr. Theodore J. Collins (by facsimile)
Honorable Charles A. Flinn, Jr. (by facsimile)
Mr. William Fallon (by facsimile)

File, please

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October 5, 1992

HAND-DELIVERED

Mr. Jeffrey R. Anderson
Attorney at Law
E-1400 First National Bank Building
332 Minnesota Street
St. Paul, MN 55102

Re: Jane Doe [redacted] vs. Archdiocese, et al

Dear Mr. Anderson:

Enclosed please find The Archdiocese of Saint Paul and Minneapolis' check number [redacted] dated September 30, 1992, in the amount of $[redacted]. Also enclosed is a Full and Final Release of All Claims and a Stipulation of Dismissal With Prejudice and Order. Please sign the Stipulation and have your client sign the Release and return both executed documents to me.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

/s/ ANDREW J. EISENZIMMER

Andrew J. Eisenzimmer

AJE:crb
cc: Mr. Theodore J. Collins
Mr. William S. Fallon
Reverend Kevin M. McDonough

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October 5, 1992

HAND-DELIVERED

Mr. Jeffrey R. Anderson
Attorney at Law
E-1400 First National Bank Building
332 Minnesota Street
St. Paul, MN 55102

Re: Jane Doe [redacted] vs. Archdiocese, et al

Dear Mr. Anderson:

Enclosed please find The Archdiocese of Saint Paul and Minneapolis' check number [redacted], dated September 30, 1992, in the amount of $[redacted]. Also enclosed is a Full and Final Release of All Claims and a Stipulation of Dismissal With Prejudice and Order. Please sign the Stipulation and have your client sign the Release and return both executed documents to me.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

/s/ ANDREW J. EISENZIMMER

Andrew J. Eisenzimmer

AJE:crb
cc: Mr. Theodore J. Collins
Mr. William S. Fallon
Reverend Kevin M. McDonough

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(OF COUNSEL)

October 6, 1992

Mr. Thomas A. Rayer
Attorney at Law
1412 Pere Marquette Building
New Orleans, LA 70112-2385

Re: Dr. L. Mulry Tetlow

Dear Mr. Rayer:

Back in August, I contacted you by telephone to determine what you might know about Dr. L. Mulry Tetlow who is being utilized as a plaintiff's expert in connection with some sexual misconduct cases filed here in Minnesota. You were very helpful in directing me to the fact that Dr. Tetlow was denied tenure by Loyola University and had sued Loyola and lost.

I was successful in keeping Dr. Tetlow from testifying in connection with a case which I had scheduled on September 14, 1992, largely on the basis that he was not timely identified as an expert witness. In connection with another case, however, Dr. Tetlow has been timely identified as an expert witness and it will be necessary for us to attempt to defend and refute certain portions of his testimony.

In reviewing these matters, we are seeking to determine matters relating to reasons why Dr. Tetlow is no longer a Jesuit priest. In that regard, I had my client contact the Jesuits and they, in turn, referred my client to you. I am wondering, therefore, whether you might confer with the Jesuits and determine upon what basis Dr. Tetlow left the Order and whether any of that information which is related to that question might be helpful to me in seeking to somehow discredit Dr. Tetlow as a witness against Catholic Church organizations in sexual misconduct cases.

I would appreciate your time and effort in looking into these issues and if you have any questions, please do not hesitate to contact me.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

/s/ ANDREW J. EISENZIMMER

Andrew J. Eisenzimmer

AJE:crb
bcc: Reverend Kevin M. McDonough
Mr. William S. Fallon

Done

[redacted]

October 7, 1992

Mrs. Jenifer Steffel
4409 Denton Way
Inver Grove Heights, MN 55075

Dear Mrs. Steffel,

Thank you for your recent letter concerning Michael Kolar. "Fr. Mike" is no longer active as a priest of the Archdiocese of Saint Paul and Minneapolis. The revelations about some wrongdoing in his past, I am sorry to say, have overwhelmed the great good that he also accomplished for people like yourself.

Although our contact now is limited, I will hold onto your letter and pass on your greetings to him and assure him of your prayers when the opportunity presents itself.

I want to encourage you not to lose heart at this news. During his years in the priesthood, Fr. Kolar accomplished many good things. Sadly, he also harmed some people. St. Paul reminds us that we hold God's treasure in earthen vessels. I wish you the continued fullness of God's treasure.

Sincerely yours in Christ,

Reverend Kevin M. McDonough
Vicar General
Moderator of the Curia

KMM:jd

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(OF COUNSEL)

October 29, 1992

Mr. Rodney J. Mason
Attorney at Law
1607 Pioneer Building
336 N. Robert Street
St. Paul, MN 55101

Re: ABC & XYZ [redacted] vs. The Archdiocese of Saint Paul and Minneapolis, et al

Dear Mr. Mason:

I assume you have received a copy of a letter by Mr. Richard Jensen, Claims Supervisor for Aetna Insurance, indicating that Aetna will respond to the Amended Complaint in connection with the above-referenced matter on behalf of Mr. James Kolar's interests. I believe this responds to your letter of September 24, 1992 in connection with this matter. If you have any other questions or concerns, please do not hesitate to contact me.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

/s/ ANDREW J. EISENZIMMER

Andrew J. Eisenzimmer

AJE:crb
bcc: The Most Reverend John R. Roach, D.D.
Reverend Kevin M. McDonough
Mr. William S. Fallon

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October 30, 1992

Mr. Theodore J. Collins
Attorney at Law
W-1100 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101

Re: Jane Doe [redacted] vs. Archdiocese, et al

Dear Mr. Collins:

Enclosed please find a photocopy of the Full and Final Release of All Claims which has been executed by the plaintiff, [redacted] in connection with the above-referenced matter [redacted] enclosed is an original and three copies of a Stipulation of Dismissal With Prejudice and Order.

Please execute the Stipulation of Dismissal With Prejudice and Order and return the original and two copies to me. The other copy is for your file. I will proceed to file the original with the court after having Judge Charles Flinn execute the Order.

Thank you.

Best regards,

MEIER, KENNEDY & QUINN, CHARTERED

/s/ ANDREW J. EISENZIMMER

Andrew J. Eisenzimmer

AJE:crb
Enclosures
cc: The Most Reverend John R. Roach, D.D.
Reverend Kevin M. McDonough
Mr. William S. Fallon

October 30, 1992

Joseph J. McHugh
President
Hill-Murray High School
2625 Larpenteur Ave. E.
St. Paul, MN 55109

Dear Joe:

I had a chance to talk briefly with Fr. McDonough concerning the method of communicating the decision not to petition the United States Supreme Court for review of the Minnesota Supreme Court decision. He wishes to give further consideration to this and perhaps consult with others.

Depending on what we decide, I will be in touch with you. If you have anymore input I would be glad to hear from you. My own opinion is that before any kind of an announcement can be made the Board should be involved, but I am looking at it from a strictly legal standpoint and not from a PR standpoint.

In the meantime, I would ask you just to sit tight and let's see how things develop.

Very truly yours,

William S. Fallon
Chancellor