

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:)	Case No. 11-20059-SVK
)	
ARCHDIOCESE OF MILWAUKEE,)	Chapter 11
)	
Debtor.)	Hon. Susan V. Kelley
)	

**MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR
LIMITED RELIEF FROM THE AUTOMATIC STAY TO PERMIT TAKING
OF CERTAIN DEPOSITIONS**

The Official Committee of Unsecured Creditors (the "Committee") in the above-captioned case hereby moves (the "Motion") pursuant to section 362 of title 11 of the United State Code (the "Bankruptcy Code") and Rules 4001(a) and 9014 of the Federal Rules of Bankruptcy Procedure for the entry of an order modifying the automatic stay to allow parties in interest to take the depositions of elderly witnesses in state court litigation that is pending against the Archdiocese of Milwaukee (the "Debtor" or the "Archdiocese"), as previously ordered by the Wisconsin Circuit Court. In support of this Motion, the Committee respectfully states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and Rule 9024 of the Federal Rules of Bankruptcy Procedure. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

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2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief requested is section 362(d) of the Bankruptcy Code.

BACKGROUND

3. The Debtor commenced the above-captioned case on January 4, 2011 (the "Petition Date").

4. The U.S. Trustee appointed the Committee on January 24, 2011.

5. As of the Petition Date, the Archdiocese was a defendant in twelve (12) state-court lawsuits (the "State Court Cases") brought by seventeen (17) individuals who were sexually abused within the Archdiocese of Milwaukee.

6. As of the Petition Date, additional survivors of sexual abuse were preparing additional lawsuits against the Archdiocese.

7. The State Court Cases have been pending for years. In a set of cases filed in 2005, the Debtor argued that the claims against it were barred by the statute of limitations because the abuse that triggered these lawsuits had occurred twenty to forty years prior to the cases' commencement.

8. In 2007, the Wisconsin Supreme Court held that allegations of fraud against the Archdiocese, arising from decades of child abuse, were not barred by the statute of limitations. After this ruling, additional lawsuits were brought against the Debtor and then Archbishop Dolan admitted, "I have to admit, these decisions [by the Archdiocese] are a particularly ugly example of how the Church made some dreadful mistakes in its handling of these cases."¹

9. After the survivors overcame the Debtor's statute of limitations arguments, they almost immediately faced another set of litigation obstacles. In October 2007, the Debtor's insurer, OneBeacon Insurance Company (formerly known as Commercial Union

¹ See Letter to the Community, dated January, 2008, which is available online at <http://www.archmil.org/offices/sexual-abuse-prevention/legal-cases.html>, a true and correct copy of which is attached hereto as **Exhibit A**.

Insurance Company), moved to intervene, bifurcate the issues of the Debtor's liability from the issue of the Debtor's insurance coverage, and stay (the "State Court Stay") litigation of the Debtor's liability until the insurance coverage could be resolved.

10. Although the state court granted the insurer's motion, it also acknowledged that the acts at issue had occurred decades ago, and that perpetrators and witnesses were growing infirm and dying. Accordingly, the state court imposed the State Court Stay, but allowed the plaintiff survivors to depose witnesses who were 80 years or older.² Later, in October 2009, the "cut off" age was lowered to 75 years or older.³ The parties treated the State Court Stay and the "cut off" age for depositions as applying to each of the State Court Cases.

11. In the years since the State Court Stay was imposed, additional perpetrators have reached the age of 75 and dozens more have been identified. Additional abuse survivors have also come forward. Therefore, the list of witnesses in the State Court Cases has changed. Since 2007, the plaintiffs have deposed eight aged witnesses.

A. Individuals of Advanced Age Who Should Be Deposed After the Automatic Stay is Modified

(1) Bishop Richard Sklba (born September 11, 1935, 75 years old)

12. As of the Petition Date, the deposition of Bishop Richard Sklba was set for January 6, 2011, but was stayed by the commencement of this case.

² In a scheduling order, the state court stayed all discovery, except to allow the depositions of elderly witnesses to go forward. That scheduling order is attached hereto as **Exhibit B**.

³ Although litigation of liability was stayed pending resolution of insurance coverage issues, the Archdiocese obtained permission in one of the State Court Cases to move for summary judgment on the issue of whether certain claims were time-barred based on their specific facts. In the order denying this motion for summary judgment, included with **Exhibit B**, the state court lowered the deposition "cut off" age to 75 years old. The parties applied this lower "cut off" age to all the State Court Cases.

13. The plaintiffs were unable to depose Bishop Sklba earlier because he did not turn 75 years until last fall. Bishop Sklba is a key witness who should be deposed as soon as possible.

14. From 1979 to 2002, Bishop Sklba “was the auxillary bishop” and then-Archbishop Weakland’s “main go-to guy” on all “sex abuse issues.”⁴

15. Further, Bishop Sklba taught at St. Francis De Sales Seminary from approximately 1965 to 1972, and was its rector from 1972 to approximately 1979. The vast majority of priests who were ordained in the Archdiocese of Milwaukee attended St. Francis De Sales Seminary. Therefore, it is likely that the nineteen Archdiocesan priests who have been publicly accused of molesting children and who were ordained during Bishop Sklba’s tenure at St. Francis De Sales Seminary, also attended St. Francis De Sales Seminary. Thus, Bishop Sklba may know these perpetrators.

16. It is imperative that the plaintiffs have an immediate opportunity to depose Bishop Sklba regarding these issues.

(2) Former Archbishop Rembert Weakland (born April 27, 1927; 84 years old)

17. Archbishop Weakland was the Archbishop of the Debtor from 1979 to 2002. Archbishop Weakland was deposed in June 2008 (when he was 81 years old). However, critical information has emerged since that deposition which entitles the plaintiffs to depose Archbishop Weakland on these new facts.

18. In 2010, the plaintiffs in the State Court Cases finally received documents regarding Fr. Lawrence Murphy, who died in 1998. Murphy sexually abused as many as 200 deaf boys over a 24-year period, from 1950 to 1974, while working at St. John’s School for the Deaf within the Archdiocese. According to the New York Times:

In 1993, with complaints about Father Murphy landing on his desk, Archbishop Weakland hired a social worker

⁴ Transcript of Deposition of Rembert Weakland (“Weakland Deposition”), June 5-6, 2008, p. 259, available online at http://www.bishop-accountability.org/depo/2008_06_05_Weakland_Rembert/#197, relevant excerpts of which are attached hereto as **Exhibit C**.

specializing in treating sexual offenders to evaluate him. After four days of interviews, the social worker said that Father Murphy had admitted his acts, had probably molested about 200 boys and felt no remorse.

However, it was not until 1996 that Archbishop Weakland tried to have Father Murphy defrocked.

NY Times, March 24, 2010, attached hereto as **Exhibit D**.

19. After Archbishop Weakland finally decided to commence laicization proceedings against Murphy, those proceedings were forestalled when Murphy appealed directly to Cardinal Ratzinger, who is now Pope Benedict XVI. Murphy died in 1998, at the age of 72, still a priest. The plaintiffs should depose Archbishop Weakland regarding these events.

20. Since Archbishop Weakland's deposition in 2008, additional survivors have made claims regarding Murphy and other perpetrators. The plaintiffs should depose Archbishop Weakland regarding these additional claims.

21. Archbishop Weakland has played a pivotal role in the trauma imposed on survivors. In his 2008 deposition, he stated that he transferred pedophile priests to new parishes without any disclosure of the danger because "no parish would have accepted a priest unless you could say that . . . he's not a risk to the parish."⁵ This callous disregard for abused children and their families was further reflected in a 1988 column for the Catholic Herald, in which Archbishop Weakland wrote that not all adolescent victims of sexual assault were "so innocent."⁶ Archbishop Weakland has also been quoted as saying, "I have never dealt with a real pedophile. Really, I haven't."⁷

⁵ Weakland Deposition Transcript at p. 199, available at http://www.bishop-accountability.org/depo/2008_06_05_Weakland_Rembert. See **Exhibit C**.

⁶Reported in New Engel Publishing, Weakland's Demons, May 2009, <http://www.newengelpublishing.com/news/1/Archbishop-Weakland-Matt-Abbott-2009.html>, attached hereto as **Exhibit E**.

⁷ Reported in The Sexual Abuse of children in the Archdiocese of Milwaukee, Peter Isley and Jim Smith, February 10, 2004, <http://www.terrenceberres.com/ise-sex.html>, pertinent excerpts attached hereto as **Exhibit F**.

22. Archbishop Weakland finally resigned in 2002 after it was disclosed that he had paid \$450,000 from Church coffers as “hush” money to one of his lovers. The Archdiocese at this time was currently offering an average of \$5,000 per survivor in settlement.

(3) Fr. Daniel Budzynski (born in 1928, 82 or 83 years old)

23. The Archdiocese has identified Fr. Budzynski as having substantiated allegations of sexual abuse of minors made against him. Survivors of Budzynski have only recently come forward with their claims.

(4) Fr. Joseph Janicki (approximately 72 or 73 years old)

24. Fr. Janicki was the former assistant chancellor of the Archbishop of Milwaukee from 1970 to 1975, making him one of the top officials within the Archdiocese. The Committee is informed that he has significant information regarding sex abuse within the Archdiocese.

(5) Other Potential Deponents

25. Other potential deponents include Raymond Adamsky, 79 years old, James Arimond, 72 years old, Jerome Lanser, 78 years old, Gale Leifeld, 82 years old, Michael Neuberger 73 years old and Donald Peters, 86 years.

(6) Many Perpetrators and Witnesses Have Already Died

26. Lawrence Murphy, who abused hundreds of deaf children for decades, died in 1998 at the age of 72. George Neudling, a “notorious pedophile,”⁸ died in 1994. The Committee has not been able to determine his age. Thus, the Committee is concerned that perpetrators and other witnesses are aging and testimony must be preserved in the event of their deaths or incapacity.

⁸ See Bishop Accountability website at http://www.bishop-accountability.org/news3/2004_02_10_Isely_TheSexual_Eldred_Lesniewski_ETC_1.html, excerpts attached hereto as **Exhibit G**.

27. Furthermore, of the nineteen Archdiocesan priests who have been publicly accused of sex abuse and who were ordained during the period 1965 to 1980, four are deceased and an additional perpetrator may be deceased.

RELIEF REQUESTED

28. By this Motion, the Committee seeks entry of an order, in substantially the form of the draft order attached hereto as **Exhibit H**, modifying the automatic stay to allow the plaintiffs in the State Court Cases, the Debtor, and other parties in interest (i) to conduct depositions of witnesses who are 75 years old or older or are dying pursuant to the orders and procedures already in place in the State Court Cases and (ii) to move the applicable courts in which the State Court Cases are pending to modify the State Court Stay to allow the depositions of witnesses who are 70 years old or older or are dying.

29. With respect to filing a motion to modify the State Court Stay to allow depositions of witnesses who are 70 years or older, the Committee proposes that this Court enter an order that allows a party in interest to the State Court Cases relief from the automatic stay to file a motion with the applicable state court(s) to modify the State Court Stay to allow depositions of individuals who are 70 years or older. Any party in interest who opposes this motion would do so in state court.

BASIS OF THE RELIEF REQUESTED

A. Cause Exists To Modify the Stay To Allow Depositions To Go Forward Consistent With the State Court Stay

30. Section 362(d) of the Bankruptcy Code provides in pertinent part as follows:

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section...

(1) for cause, including the lack of adequate protection of an interest in property of such party in interest. . . .

11 U.S.C. § 362(d).

31. Under section 362(g), the Debtor – not the Committee – bears the burden of proof with respect to cause. *See* 11 U.S.C. § 362(g) (stating that party requesting relief from stay bears the burden on equity issues; party opposing relief bears the burden “on all other issues”). *See also Bosben v. J. H. Olsen Construction, Inc. (In re Rapco Foam, Inc.)*, 23 B.R. 692, 695 (Bankr. W.D. Wis. 1982) (noting the parties opposing a motion for relief had “the burden of proving there is not cause to lift the stay.”). Thus, to defeat this Motion, the Debtor will have to affirmatively show that no cause exists to modify the stay. As set forth below, the Debtor will not be able to meet this burden.

32. Bankruptcy courts apply a three-factor test to determine whether cause exists to allow a party to continue a civil suit against a debtor:

A. whether any great prejudice to either the bankruptcy estate or the debtor will result from the continuation of the civil suit;

B. whether the hardship to the movant by the maintenance of the automatic stay considerably outweighs the hardship to the debtor; and

C. whether the creditor has probability of prevailing on the merits.

In re Fernstrom Storage & Van Co., 938 F.2d 731, 735 (7th Cir. 1991); *In re Comdisco, Inc.*, 271 B.R. 273, 276 (Bankr. N.D. Ill. 2002) (same). *Accord In re Rexene Products Company*, 141 B.R. 574, 576 (Bankr. D. Del. 1992) (*citing Fernstrom Storage*, 938 F.2d 731).

33. Recently, in the bankruptcy case of the Catholic Diocese of Wilmington, Inc., the U.S. Bankruptcy Court for the District of Delaware modified the automatic stay so that the parties in state court sex abuse litigation against the debtor could take depositions of elderly witnesses. *See Order Modifying the Automatic Stay to Permit the Taking of De Bene Esse Depositions Subject to Debtor’s Opportunity to Object*, Case No. 09-13560 [Docket No. 282], attached hereto as **Exhibit I**.

34. As in the Catholic Diocese of Wilmington case, cause exists here to modify the automatic stay to allow testimony of aged witnesses to be preserved. Applying the first factor of the *Fernstrom Storage* test, neither the Debtor, nor its estate, will suffer “great prejudice” by allowing the depositions to proceed. These depositions will preserve information that is relevant to insurance coverage and liability. This information, in turn, will facilitate plan negotiation and claims resolution.

35. Further, lifting the stay will not enable any party to pursue any litigation to judgment. It will merely allow parties to conduct depositions to preserve critical testimony that could otherwise be forever lost to the parties and preserve evidence. See *In re Bock Laundry*, 37 B.R. 564, 566 (Bankr. N. D. Ohio 1984) (modifying stay to allow parties to litigate issue of liability, but not to collect any judgment obtained). Cf. *In re Mahurkar Double Lumen Hemodialysis Catheter Patent Litigation*, 140 B.R. 969 (N.D. Ill. 1992) (debtor would be obliged to participate in discovery in litigation pending against non-debtors).

36. The only harm that the Archdiocese can even argue will occur is that it will have to incur legal fees to prepare for, defend and attend the depositions. This clearly does not constitute “great prejudice.” Accordingly, modifying the stay to allow for the perpetuation and preservation of testimony will not “greatly prejudice” the Debtor.

37. The second factor of the *Fernstrom Storage* test also weighs in favor of modifying the automatic stay. The inconvenience to the Debtor of having to prepare for and attend depositions while also managing this bankruptcy case is substantially outweighed by the harm to plaintiffs should testimony be allowed to be lost forever. The plaintiffs were abused as children by adults whom they trusted. In the case of Murphy, the survivors were particularly vulnerable deaf children. These individuals have suffered nearly their entire lives as a result of the Debtor’s indifference and complicity. They have also negotiated with and litigated against the Debtor for years, while many perpetrators have become aged and died, making their difficult task even more challenging.

38. Moreover, if the stay remains in place and the parties are unable to preserve testimony, the survivors may effectively be denied the opportunity to litigate their claims. As the court in *Bock Laundry* stated:

In prior decisions, the Courts have considered a variety of factors which affect the balancing of the interests. Of predominant importance in these decisions have been the hardships to the plaintiff of protracted litigation and the expense of time and money to the Debtor-In-Possession in defending these actions. A number of Courts have attributed a considerable weight to the fact that a plaintiff, by having to wait, may effectively be denied an opportunity to litigate. The aging of evidence, loss of witnesses, and crowded court dockets are factors which contribute to these hardships. The opinions reflect that the Courts have regarded the opportunity to litigate the issue of liability as a significant right which cannot be easily set aside, despite the existence of a bankruptcy proceeding. . . . They have also considered as significant the judicial economy of continuing existing actions rather than beginning the suit anew in another forum.

Id. at 566 (citations and quotations omitted). *See also In re Winterland*, 101 B.R. 547 (Bankr. C.D. Ill. 1988) (quoting this language in lifting automatic stay).

39. The risk of harm to survivors is real and substantial if the stay is not modified. As set forth above, key perpetrators have already died. Many are already elderly. Further, if this case follows in the mold of other diocesan bankruptcy cases, many more months, if not years, will elapse, while the Debtor negotiates with its insurance carriers and attempts to stave off determinations concerning what church property constitutes property of its bankrupt estate. In the meantime, survivors, witnesses, and perpetrators will die and/or grow infirm. Evidence is at risk of being lost and the truth is at risk of staying hidden. Accordingly, the second factor, balance of harm, weighs in favor of granting this Motion.

40. The third prong of the relief from stay test appears inapplicable to this Motion, which seeks only limited relief from the stay relating to discovery, rather than permitting cases to go to trial. In any event, this prong requires only a minimal showing that the claimant

has a likelihood of prevailing on the merits. *See Fernstrom Storage*, 938 F.2d at 737 (finding this prong met because the underlying claim “was not frivolous”). Given the Archdiocese’s admissions regarding its “dreadful mistakes in its handling of these cases,” the survivors’ claim are far from “frivolous.” Moreover, the state courts have already acknowledged that the deposition of aged and infirm witnesses should and must go forward. Therefore, this prong is met.

B. The Stay Should Be Lifted To Allow Parties in Interest To Modify the State Court Stay

41. The Committee also requests relief from the automatic stay so that survivors would be permitted to ask the applicable state courts to modify the State Court Stay so that witnesses who are 70 years old or older may be deposed.

42. The Committee estimates that of the five deceased perpetrators who were ordained during Bishop Sklba’s tenure at St. Francis De Sales Seminary, only one would be older than 70 years old if he were still alive today. The others would only be in their sixties. Thus, a high percentage of perpetrators appear to die at a fairly young age.

43. It is also an unfortunate fact that survivors, whom the Debtor may wish to depose, have higher suicide rates than the general population.

44. Therefore, there is a reasonable basis to ask the state court to set the “cut off” age for depositions to 70 years old or older. Modifying the automatic stay to allow such a motion will not “greatly prejudice” the Debtor because it will not lead to a judgment against the Debtor. It will simply preserve testimony that will likely prove useful in plan formulation and claims resolution in this case. Similarly, the harm to the plaintiffs if the automatic stay is not modified is much greater than the harm to the Debtor if this motion is granted. The loss of testimony can defeat a valid claim. Finally, the survivors’ claims of sex abuse are far from frivolous, as set forth above.

45. For all the foregoing reasons, the Committee requests that this Motion be granted.

CONCLUSION

WHEREFORE, the Committee respectfully requests that the Court enter an order substantially in the form of the order attached hereto as **Exhibit H** (i) modifying the automatic stay to allow parties in interest to conduct depositions of witnesses who are 75 years old or older, or who are dying, pursuant to existing orders and procedures in which the State Court Cases are pending, (ii) modifying the automatic stay to allow parties in interest to move the applicable state court to modify the State Court Stay to lower the “threshold” deposition age to 70 years old or older, and (iii) granting such other and further relief as may be just and proper.

Dated: May 20, 2011

PACHULSKI STANG ZIEHL & JONES LLP

By /s/James I. Stang

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Exhibit A



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Legal Cases and Correspondence

Archbishop Dolan's Letter to the Catholic Community

January 2008

My Brothers and Sisters In Christ:

As you are painfully aware, over the past six years, there has been much horrible news regarding the sexual abuse of minors by priests — both in this archdiocese and across the nation.

Since my arrival as your archbishop, I have promised to try my best to be open and candid with you, the faithful Catholics of the Church in southeastern Wisconsin. Part of that openness has been my commitment to share news with you — even when it's bad.

For example, you'll remember in summer of 2006, I told you about lawsuits facing the Archdiocese of Milwaukee for sexual abuse cases involving former priests Siegfried Widera and Franklyn Becker, and the pending financial consequences of those lawsuits. Those ten cases in California were settled in a multi-million dollar agreement, all of which I made public.

In July of 2007, the Wisconsin Supreme Court handed down a decision directing that cases alleging fraud by the archdiocese about sexual abuse by two accused priests of the archdiocese could proceed, even though the events were 20-to-40-years old.

Those cases have now been returned to the trial judges to go forward through normal court procedures, and we can expect to hear a lot about them. In addition, since July 2007, two other cases have been brought against the Archdiocese of Milwaukee and the Diocese of Sioux Falls, South Dakota, alleging sexual abuse in Wisconsin by a different priest, Bruce MacArthur. While not a priest of our Archdiocese of Milwaukee, he did serve here for several years.

During the next weeks, the records of these three accused priests will be part of court proceedings, and we can expect they will be given to the media. Thus, I am sending you this newsletter to let you know of the sordid information that will be forthcoming. As you have often told me: "Archbishop, when there is bad news coming, we'd prefer to hear it from you." Well, as you will see, this news is nauseating.

There are three priests accused of wrongdoing. None of these three accused individuals are now serving as priests within the Archdiocese of Milwaukee, nor have they done so for many years.

The accused are Siegfried Widera, Bruce MacArthur and Franklyn Becker. Widera is dead; MacArthur, 84, is aged and residing in a controlled nursing home; and Becker was laicized in 2004 and expelled from ministry. I mentioned these three at our four recent meetings regarding the "state of the archdiocese."

However, I want to talk specifically about the case involving Franklyn Becker. As I said, Becker was permanently removed from the priesthood at my request in 2004. Although there could be various explanations for all the decisions that were made or not made, at the end of the day, you will see, I have to admit, these decisions are a particularly ugly example of how the Church made some dreadful mistakes in its handling of these cases. The reports about this ex-priest are very troubling.

Some might argue that since both doctors and civil officials made the same mistakes by recommending reassignments, transfers, or "fresh starts," that the Church should not be held accountable for the decisions made 20 or 30 years ago. Some would say that the Church was simply following the "praxis" of the time, considering the circumstances, the body of knowledge then available to us, and the recommendations that were presented, suggesting offenders could be rehabilitated, moved, and reassigned.

This might all be true, but I need to say that our faith tells us that our Church must acknowledge that poor decisions were made, regardless of how these decisions were reached. And, the Church's decisions about Becker were badly misguided.

So what do we do next? Do we hide in the corner while the scab of this mess is once again picked open? No! The good work of Jesus Christ and His Church continues, despite this mess and despite any of us. The mistakes of the past do not change the needs of our people today, the needs of today's community, or the needs of our world.

Nor, do these things diminish the good work that has been done over the past years as the Archdiocese of Milwaukee has ardently worked with victims/survivors and the wider community to bring healing and resolution. Nothing changes our commitment to continue to work together to ensure that we do everything in our power to protect our children and young people of today and tomorrow.

In the past, people could point and say the Catholic Church is a sad example of what NOT to do, as some of this data will embarrassingly show. Now, however, even outside, objective observers say the Catholic Church is an example of what TO do.

Sexual Abuse Prevention & Response Services

Clergy Sexual Abuse Policy
 Diocesan Review Board Members
 Mandatory Reporting Responsibilities
 Code of Ethical Standards
 Community Advisory Board
 Community Agencies - Where to get help
 Stages of Healing from Childhood Sexual Abuse
 Prayer of Healing for Victims of Abuse
 Restructured Diocesan Priests
 Legal Cases and Correspondence
 Questions and Answers
 Overview: Widera, MacArthur, Becker
 Summary of Franklyn Becker documents
 Lawrence Murphy Chronology
 FAQs
 Resources

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 Secretary
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That is why we insist upon safe environment programs in all of our parishes and schools. That's why all staff and volunteers who work with children and youth participate in safe environment training as a way of recognizing the signs of abuse. That's why we have a full-time victims-assistance coordinator to work with victims/survivors, and why I meet regularly with a community advisory board, whose members include survivors, advocates and experts in the area of sexual abuse. That's why now no one who has ever abused a minor can ever serve in priestly ministry again. It's why I directed the names of offending diocesan priests to be published on our archdiocesan website back in 2004. It is also why I directed an independent mediation system established in 2004 to come to resolution with victims/survivors. To date, we've reached resolution with 170 individuals and have provided spiritual, pastoral and ongoing therapeutic assistance, in addition to a financial consideration.

Some of you might ask, "Why are you telling us this; why can't you just let this be over and move on?" Believe me, part of me would like nothing more, but, I know that the effects of this crisis will never be over. Practically, too, I know that you are better hearing this news from me, all at once.

So that's why I share it with you now. May I ask that you please pray for people who are victims/survivors of sexual abuse, especially for those whose abuse came about by clergy and Church personnel?

May I also ask that you pray for our Church, especially our Church in southeastern Wisconsin, that the Holy Spirit continue to guide us and give us strength to get through this, and that His Church be cleansed, purified and renewed by the agony of this scandal, sin and suffering.

Faithfully In Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

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Exhibit B

STATE OF WISCONSIN

CIRCUIT COURT

COUNTY OF MILWAUKEE

JOHN DOE 1, et al.

Case No.: 05-CV-1351

Plaintiffs,

vs.

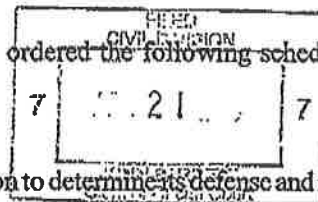
ARCHDIOCESE OF MILWAUKEE,

Defendant.

ORDER ON SCHEDULING CONFERENCE

On April 2, 2008 the Court held a scheduling conference in the above consolidated cases. Appearing on behalf of Plaintiffs were Attorneys Jeff Anderson, Michael Finnegan and Kevin Henderson. Appearing on behalf of Defendant Archdiocese of Milwaukee was Attorney John Rothstein. Appearing on behalf of intervening party and movant, Commercial Union Insurance Company, was Attorney Phillip Tallmadge. Appearing on behalf of other non-party interested persons were Attorneys Pamela Tillman on behalf of TIG Insurance Co., Jason Franckowiak on behalf of Fireman's Fund Ins. Co., and Dale Kurth on behalf of American Motorist Insurance Company. The conference was conducted simultaneously with a scheduling conference in Case No. 2007-CV-8390 which is also pending before this Branch.

After inviting the comments of counsel, the Court ordered the following scheduling and provisions.



1. Intervening party Commercial Union's motion to determine its defense and indemnity insurance obligations for these cases will be orally argued on August 14, 2008 at 10:00 a.m. In connection with the motion, Commercial Union will file its brief and supporting papers on June 9,

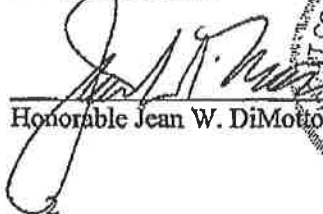
2008. All parties wishing to oppose or comment on the motion shall file their responding briefs and papers on July 9, 2008. Thereafter, Commercial Union shall have until July 31, 2008 to file a final rebuttal brief.

2. Notwithstanding the objections of Commercial Union and the Archdiocese concerning respectively its burden of defense costs and the latter's risk of prejudice, until such time as the Court orders otherwise, plaintiffs shall be given a right to conduct limited discovery on the merits of the underlying cases. Specifically, plaintiffs shall be permitted to depose those witnesses of the Archdiocese of Milwaukee who are 80 years of age or older, to preserve testimony. To avoid the need for repeat depositions later on, during the deposition of any such limited persons, the deponent(s) may be questioned not only as to matters pertaining to plaintiffs' pending claim of fraud, but also on any potentially contingent assertions of negligent failure to warn. The Court is aware that the Wisconsin Supreme Court has already heard arguments on the viability of a theory for negligent failure to warn and is expected to issue a decision on that matter before its normal annual summer recess. Apart from the foregoing approved depositions, no other discovery shall be conducted at this time pending the further order of the Court or by the mutual consent of the parties.

3. Immediately following the hearing on Commercial Union's motion on August 14, 2008, a further scheduling conference will be held with all counsel to discuss the scheduling of the remainder of these cases.

Dated this 21st day of April, 2008.

BY THE COURT:


Honorable Jean W. DiMotto



STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

JANE DOB 2 AND JANE DOB 3,

FILED
CIVIL DIVISION

Plaintiffs,

28

NOV 23 2009

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v.

Case No.: 07-CV-10888

Case Code: 30107

ARCHDIOCESE OF MILWAUKEE AND
DIOCESE OF SIOUX FALLS,

JOHN BARRETT
Clerk of Circuit Court

Defendants.

**ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT AND MOTION FOR RECONSIDERATION**

WHEREAS, Defendants Archdiocese of Milwaukee and Diocese of Sioux Falls filed Motions for Summary Judgment in the above-referenced matter;

WHEREAS, the Court held a hearing on these motions on June 16, 2009, with counsel for all parties and Intervening Defendant Commercial Union Insurance Company present;

WHEREAS, Defendant Diocese of Sioux Falls filed a Motion for Reconsideration that was joined by the Archdiocese of Milwaukee;

WHEREAS, the Court held a hearing on the Motion for Reconsideration on October 27, 2009, with counsel for all parties and Intervening Defendant Commercial Union Insurance Company present;

NOW, THEREFORE, the Court having reviewed the file and pleadings in this matter and being advised of the same, and for the reasons stated on the record on June 16, 2009 and October 27, 2009, it is hereby ordered as follows:

1. Defendants' Motions for Summary Judgment are hereby DENIED.
2. Defendant Sioux Falls' Motion for Reconsideration, joined by Defendant Archdiocese of Milwaukee, is hereby DENIED.

QB\9086443.1


AOM-APP 1

3. Discovery in this matter is stayed pending further order of the Court except that Plaintiffs shall be permitted to depose those witnesses who are 75 years of age or older to preserve testimony.

Dated this 23 day of March, 2009.



BY THE COURT:


The Honorable Thomas R. Cooper
Milwaukee County Circuit Court Judge

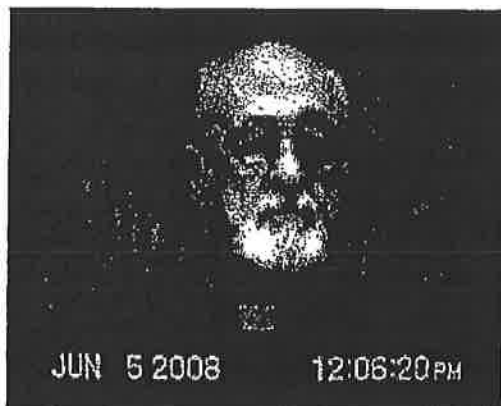
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AOM-APP 2

Exhibit C

BishopAccountability.org



DEPOSITION OF ARCHBISHOP EMERITUS REMBERT G. WEAKLAND, O.S.B.

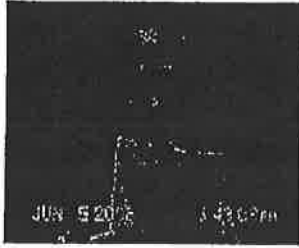
This deposition was taken on June 5-6, 2008. It offers insights into the management of abuse cases by Archbishop William E. Cousins (1958-1977) and Archbishop Rembert G. Weakland (1977-2002). Weakland discusses in detail the cases of convicted abuser Rev. Siegfried Widera (who continued to molest boys in California after Weakland excommunicated him there) and admitted abuser Rev. Franklyn Becker (who molested boys in the Milwaukee parishes and hospitals where Weakland assigned him).

The deposition also examines the Marcoux revelations, which caused the Vatican to accept Weakland's resignation. Weakland talks at length about his attitudes, policies, and programs during 25 years as archbishop, and provides brief assessments of a dozen other abuse cases.

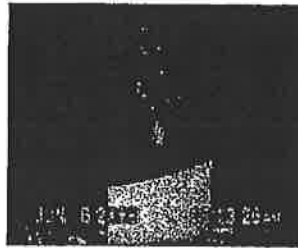
This webpage offers a convenient version of the deposition, designed so that readers can read it easily, do searches, and view exhibits while they read. Below on this page we offer our own table of contents, the list of document exhibits with links to the exhibits added, and the full text of the deposition with added photos and links to all the exhibits. These enhancements are clearly distinguished from the text of the deposition, which was created from the version posted on the website of Jeff Anderson & Associates. You may search the full text of the deposition on this page by using the search function in your browser (in Internet Explorer, type control-F, type the word you wish to search, and click enter).

We occasionally provide links to materials referenced in the text, and we offer additional information on several issues, carefully marking these additions with square brackets. For an alternative history of much that is discussed here by Archbishop Weakland, see Peter Isely and Jim Smith, The Sexual Abuse of Children in the Archdiocese of Milwaukee, February 10, 2004.

Excerpts of the deposition have been posted on YouTube by Jeff Anderson & Associates. Click the images below to view the videos. If you wish to follow along as you watch the videos, we have created a transcript of the video excerpts.



Video excerpts from pages 1 to 199 of the Weakland deposition.



Video excerpts from pages 199 to 312 of the Weakland deposition.

See also PDFs of the original deposition (pp. [1-77](#), [78-157](#), [158-237](#), and [238-321](#)) and of the 43 exhibits (Nos. [101-132](#), [300](#), [301-313](#), [315-410](#), [412](#), [412-A](#), [413-1005](#)).

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IN THE CIRCUIT COURT OF MILWAUKEE COUNTY
STATE OF WISCONSIN

JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3 and CHARLES LINNEMAN,

Plaintiffs,

-vs-

Case No. 05-CV-1351

ARCHDIOCESE OF MILWAUKEE, et
al.,

Defendants.

JANE DOE 1,

Plaintiff,

-vs-

File No. 07-CV-008390

ARCHDIOCESE OF MILWAUKEE and
DIOCESE OF SIOUX FALLS,

Defendants.

JANE DOE 2 and JANE DOE 3,

Plaintiffs,

-vs-

File No. 2007-CV-10888,

ARCHDIOCESE OF MILWAUKEE and
DIOCESE OF SIOUX FALLS,

Defendants.

VIDEOTAPE DEPOSITION OF ARCHBISHOP REMBERT G. WEAKLAND

JUNE 5th AND 6th, 2008 [page 2 begins]

Video examination of ARCHBISHOP REMBERT G. WEAKLAND, taken at the instance of the Plaintiffs, under and pursuant to Section 804.05 of the Wisconsin Statutes, before MELISSA J. STARK, a Certified Realtime Reporter, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin, on June 5 and June 6, 2008, commencing at 9:39 a.m. on June 5th and adjourning at 4:53 p.m. on June 5th and reconvening on June 6th at 9:03 a.m. and concluding on June 6th at 11:13 a.m.

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 appeared on behalf of Commercial Union.

ALSO PRESENT

Mr. John Spohnholtz, Videographer.

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Disposition Of Original Exhibit/s:

All Original Exhibits Were Attached To The Original Transcript. [page 6 begins]

TRANSCRIPT OF PROCEEDINGS

(All exhibits were previously marked.)

THE VIDEOGRAPHER: We are on the record at 9:39 a.m. Today's date is June 5th, 2008. This is disk number one in the deposition of Archbishop Rembert Weakland. This deposition is being taken in the matter of Does, et al., versus Archdiocese of Milwaukee and Archdiocese of Sioux Falls. This matter is pending in the Circuit Court, Civil Division of Milwaukee County, Case No. 05-CV-1351 and File Nos. 07-CV-008390 and 2007-CV-10888.

This deposition is taking place at the offices of Foley & Lardner, located at 777 East Wisconsin Avenue, Milwaukee, Wisconsin. My name is John Spohnholtz, videographer for Brown & Jones Reporting, and the court reporter is Melissa Stark. Will counsel please state their appearances and whom they represent, beginning with plaintiffs' counsel, and then the reporter will swear in the witness.

MR. ANDERSON: For the Does, Jeff Anderson.

MR. FINNEGAN: Mike Finnegan for the Does.

MR. HENDERSON: Kevin Henderson, local [page 7 begins] counsel for the Does.

MR. ROTHSTEIN: For the Archdiocese of Milwaukee, it's John Rothstein.

MR. MUTH: Also for the Archdiocese of Milwaukee, David Muth.

MS. BENEDON: For the Archdiocese of Sioux Falls, Carrie Benedon.

MR. NELSON: For Commercial Union, Mark Nelson.

Q Okay. I'm showing you now Exhibit 309. This is June 23rd, 1980. This is a letter from then Chancellor Sampon to Franklyn Becker. It's CC'd to Hornacek and the Priest Personnel Board. "Dear Father Becker, following the recommendation of the Reverend Joseph Janicki, vicar for priest personnel, the most Reverend Rembert Weakland, O.S.B., herewith appoints you temporary administrator of St. Joseph's Parish, Lyons, with the Mission of St. Kilian, Lyons Township, until a new pastor is appointed." It then goes on to state, "As temporary administrator." It is correct to say that what you did was temporarily place him in a parish to serve in the full care of the souls of that parish?

A Yes, a parish without a school. [According to the 1980 *Official Catholic Directory*, St. Joseph's in Lyons did have a school. Two Sisters of the Third Order of St. Francis of Assisi worked there, and in the 1979-80 school year, 47 pupils attended. In the 1980-81 school year, 53 pupils attended. Becker was administrator of the parish in July and August 1980.]

Q He still was permitted by reason of the faculties conferred him by you at that parish access to youth without restrictions, correct?

A I'm not sure about that in terms of what was said to him privately about -- before accepting this, so [page 198 begins] certainly in the document itself, there are no restrictions listed.

Q And there's no documentation that I've seen that there were restrictions imposed by you upon him. Are you aware of having imposed any restrictions on his faculties to minister to the full care of the souls in this parish and others?

A If there's no document there, it means if there was any, it was oral, verbal.

Q Who did you tell at the parish where you assigned him in 1980 that you had already known and learned that Becker was a child molester or a molester of minors?

A I can't recall that I ever told anybody in the parish this, and in 1980 I don't think it would have been done. Hindsight is easy, knowing how he turned out, but at that time I can't recall that there would have been any.

Q And it's fair to say that you didn't make that warning and/or disclosure to the parishioners because of a variety of things. One of those I heard you say is that you treated priests like family members, right?

A That's true.

Q Another thing is the way the Canons, the Canon Law, [page 199 begins] operated, it made it difficult for you to take action against the priests?

A At least to remove them from priesthood, yes.

Q It didn't impede your ability to assign him to a parish, however, correct?

A No.

Q Beyond that whole family dynamic that you described, treating Becker as a family member, a member of your family not just of faith but like blood, what other explanation do you have for not having told the people at the parish that this guy is a molester?

A I think I can say honestly that if that's -- that was the criterion that had to be used, then there would have been no one assigned at that point because no parish would have accepted a priest, unless you could say that he has gone through the kind of psychological examination and that he's not a risk to the parish, which would have been what was happening here.

Q Okay.

A Otherwise, I don't think you could have. And there still was -- as you noticed in the letters of Archbishop Cousins, there still was the idea that a person, any person, had to be able to control those [page 200 begins] instincts that they had, that this is possible, and we operated under that assumption that people are responsible for their actions and, therefore, could control that kind of an attraction.

Q In any case, you didn't send a clear warning to the parishioners of what you knew, correct?

A No, and I would not have done that then, that's true.

Q And did you represent to the parishioners then by reason of any assignment of this priest, as well

A Right.

Q "It seemed to be a profitable meeting. I was pleased to hear you acknowledge that you reflect on your actions and are beginning to realize and accept that each has consequences." Next paragraph it states, "The Archbishop was clear in pointing out that the insurance risk for your conduct is totally an Archdiocesan responsibility." Now, when [page 258 begins] you pointed that out to Becker, you were basically saying to him look it, if you reoffend, you continue to do what you have done in the past in ministry for us, it is our responsibility, so you were warning him not to do that, right?
A Yes.

Q It goes on to state at the next paragraph, "It was agreed upon that you could continue to do help-out ministry as in the past in the Rubicon area." So he is allowed to continue in ministry with the admonition given, right?

A Yes, I think the Rubicon area because that was near where his mother was living, and she was in her nineties at that point.

Q At this point in time or any point in time, Archbishop, from — until your resignation in 2000 — May of 2002, did you or anybody at your direction from the Archdiocese ever go back or direct that somebody go back to every parish where Becker worked and was assigned to reach out to the multiple victims that are identified in these documents and that may be suffering in those parishes?
A At that time I don't think we did more than a general listing of the phone number where people [page 259 begins] could call with the publicity of Project Benjamin, so it was a general thing for the whole Diocese.

Q And at any time did the Archdiocese under your direction ever go back to those assignments, be it at hospitals, parishes or elsewhere, and notify the parishioners that he had ministered to, that the Archdiocese knew that Becker was a child molester and that they knew that he had posed a danger to children and that they had known it for some time?

A We never made that kind of a statement to my knowledge, and could I say that I gave a wrong name with regard to the permanent deacon, I said McGuire. It's McGulne.

Q Okay. Thank you. Bishop Skiba comes up a number of times here in the Becker documents, as in other instances. Would it be fair to say that in connection with the handling of Becker and other offending priests in the Archdiocese while you were Archbishop, bishop Skiba was your main go-to guy?

A He was the auxiliary bishop, so I would say he was my main go-to guy on many things, yes.

Q And on the sexual abuse issue --

A Certainly he would be involved in all of them, yes.

Q And so Raphael Fliss comes up a number of times, too, and he has served — had served a number of [page 260 begins] positions in the Archdiocese in Milwaukee. Was he also somebody that you turned to for dealing with the offenders that were in ministry?

A Not at all. He left in 1979 for Superior, and so I would not have consulted him.

Q He was — were you aware that he was a key official before you were appointed Archbishop?

MR. ROTHSTEIN: Pardon me. Object. Foundation.

THE WITNESS: In general church structure, an assistant chancellor is not very much.

BY MR. ANDERSON:

Q Okay. Did you ever ask Fliss what he knew about offenders who were serving in the Archdiocese when you were installed as Archbishop?

A No, I didn't.

Q Before your installation as Archbishop in '77, what other officials besides Fliss that you're aware are still alive that had dealings with offenders in the Archdiocese and how they dealt with them under the direction of Archbishop Cousins?

reports of abuse suspected against laypeople to be reported to police. Do you recall that for Project Benjamin?

A Would you give it to me again?

MR. SHRINER: By laypeople, you mean abuse by laypeople?

MR. ANDERSON: Yes.

BY MR. ANDERSON:

Q Let me just ask you this. The people that worked for Project Benjamin, were they required to report any information they received concerning suspicions of sexual abuse by clergy?

A Report to --

Q Civil authorities, law enforcement and prosecutors.

A I don't think the question ever came up. It was never discussed by them. [page 320 begins]

Q It's clear that these names of offenders have been made available publicly. Do you have any information that the files in connection with any of these offenders have ever been released to the public at any time?

A I can't answer that because my successor was in charge.

MR. ANDERSON: That's all I have. Thanks, Archbishop.

THE WITNESS: Thank you.

THE VIDEOGRAPHER: This concludes the deposition of Archbishop Weakland. This is the end of disk number three, volume two. We are off the record at 11:13 a.m.

(Proceedings concluded on June 6, 2008, at 11:13 a.m.) [page 321 begins]

STATE OF WISCONSIN)
) SS:
COUNTY OF MILWAUKEE)

I, MELISSA J. STARK, a Certified Realtime Reporter, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the above deposition of Archbishop REMBERT G. WEAKLAND, was recorded by me on June 5 and June 6, 2008, and reduced to writing under my personal direction.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof I have hereunder set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 16th day of June, 2008.

Notary Public
In and for the State of Wisconsin

My Commission Expires: February 27, 2011.

My Commission Expires: February 27, 2011.

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Exhibit D

The New York TimesFROM THE
DIRECTOR OF
THE JOY LUCK CLUB

March 24, 2010

Vatican Declined to Defrock U.S. Priest Who Abused Boys

By LAURIE GOODSTEIN

Top Vatican officials — including the future Pope Benedict XVI — did not defrock a priest who molested as many as 200 deaf boys, even though several American bishops repeatedly warned them that failure to act on the matter could embarrass the church, according to church files newly unearthed as part of a lawsuit.

The internal correspondence from bishops in Wisconsin directly to Cardinal Joseph Ratzinger, the future pope, shows that while church officials tussled over whether the priest should be dismissed, their highest priority was protecting the church from scandal.

The documents emerge as Pope Benedict is facing other accusations that he and direct subordinates often did not alert civilian authorities or discipline priests involved in sexual abuse when he served as an archbishop in Germany and as the Vatican's chief doctrinal enforcer.

The Wisconsin case involved an American priest, the Rev. Lawrence C. Murphy, who worked at a renowned school for deaf children from 1950 to 1974. But it is only one of thousands of cases forwarded over decades by bishops to the Vatican office called the Congregation for the Doctrine of the Faith, led from 1981 to 2005 by Cardinal Ratzinger. It is still the office that decides whether accused priests should be given full canonical trials and defrocked.

In 1996, Cardinal Ratzinger failed to respond to two letters about the case from Rembert G. Weakland, Milwaukee's archbishop at the time. After eight months, the second in command at the doctrinal office, Cardinal Tarcisio Bertone, now the Vatican's secretary of state, instructed the Wisconsin bishops to begin a secret canonical trial that could lead to Father Murphy's dismissal.

But Cardinal Bertone halted the process after Father Murphy personally wrote to Cardinal Ratzinger protesting that he should not be put on trial because he had already repented and was in poor health and that the case was beyond the church's own statute of limitations.

"I simply want to live out the time that I have left in the dignity of my priesthood," Father Murphy wrote near the end of his life to Cardinal Ratzinger. "I ask your kind assistance in this matter." The files contain no response from Cardinal Ratzinger.

The New York Times obtained the documents, which the church fought to keep secret, from Jeff Anderson and Mike Finnegan, the lawyers for five men who have brought four lawsuits against the Archdiocese of Milwaukee. The documents include letters between bishops and the Vatican, victims' affidavits, the handwritten notes of an expert on sexual disorders who interviewed Father Murphy and minutes of a final meeting on the case at the Vatican.

Father Murphy not only was never tried or disciplined by the church's own justice system, but also got a pass from the police and prosecutors who ignored reports from his victims, according to the documents and interviews with victims. Three successive archbishops in Wisconsin were told that Father Murphy was sexually abusing children, the documents show, but never reported it to criminal or civil authorities.

Instead of being disciplined, Father Murphy was quietly moved by Archbishop William E. Cousins of Milwaukee to the Diocese of Superior in northern Wisconsin in 1974, where he spent his last 24 years working freely with children in parishes, schools and, as one lawsuit charges, a juvenile detention center. He died in 1998, still a priest.

Even as the pope himself in a recent letter to Irish Catholics has emphasized the need to cooperate with civil justice in abuse cases, the correspondence seems to indicate that the Vatican's insistence on secrecy has often impeded such cooperation. At the same time, the officials' reluctance to defrock a sex abuser shows that on a doctrinal level, the Vatican has tended to view the matter in terms of sin and repentance more than crime and punishment.

The Vatican spokesman, the Rev. Federico Lombardi, was shown the documents and was asked to respond to questions about the case. He provided a statement saying that Father Murphy had certainly violated "particularly vulnerable" children and the law, and that it was a "tragic case." But he pointed out that the Vatican was not forwarded the case until 1996, years after civil authorities had investigated the case and dropped it.

Father Lombardi emphasized that neither the Code of Canon Law nor the Vatican norms issued in 1962, which instruct bishops to conduct canonical investigations and trials in secret, prohibited church officials from reporting child abuse to civil authorities. He did not address why that had never happened in this case.

As to why Father Murphy was never defrocked, he said that "the Code of Canon Law does not envision automatic penalties." He said that Father Murphy's poor health and the lack of more recent accusations against him were factors in the decision.

The Vatican's inaction is not unusual. Only 20 percent of the 3,000 accused priests whose cases went to the church's doctrinal office between 2001 and 2010 were given full church trials, and only some of those were defrocked, according to a recent interview in an Italian newspaper with Msgr. Charles J. Scicluna, the chief internal prosecutor at that office. An additional 10 percent were defrocked immediately. Ten percent left voluntarily. But a majority — 60 percent — faced

other “administrative and disciplinary provisions,” Monsignor Scicluna said, like being prohibited from celebrating Mass.

To many, Father Murphy appeared to be a saint: a hearing man gifted at communicating in American Sign Language and an effective fund-raiser for deaf causes. A priest of the Milwaukee Archdiocese, he started as a teacher at St. John’s School for the Deaf, in St. Francis, in 1950. He was promoted to run the school in 1963 even though students had disclosed to church officials in the 1950s that he was a predator.

Victims give similar accounts of Father Murphy’s pulling down their pants and touching them in his office, his car, his mother’s country house, on class excursions and fund-raising trips and in their dormitory beds at night. Arthur Budzinski said he was first molested when he went to Father Murphy for confession when he was about 12, in 1960.

“If he was a real mean guy, I would have stayed away,” said Mr. Budzinski, now 61, who worked for years as a journeyman printer. “But he was so friendly, and so nice and understanding. I knew he was wrong, but I couldn’t really believe it.”

Mr. Budzinski and a group of other deaf former students spent more than 30 years trying to raise the alarm, including passing out leaflets outside the Milwaukee cathedral. Mr. Budzinski’s friend Gary Smith said in an interview that Father Murphy molested him 50 or 60 times, starting at age 12. By the time he graduated from high school at St. John’s, Mr. Smith said, “I was a very, very angry man.”

In 1993, with complaints about Father Murphy landing on his desk, Archbishop Weakland hired a social worker specializing in treating sexual offenders to evaluate him. After four days of interviews, the social worker said that Father Murphy had admitted his acts, had probably molested about 200 boys and felt no remorse.

However, it was not until 1996 that Archbishop Weakland tried to have Father Murphy defrocked. The reason, he wrote to Cardinal Ratzinger, was to defuse the anger among the deaf and restore their trust in the church. He wrote that since he had become aware that “solicitation in the confessional might be part of the situation,” the case belonged at the doctrinal office.

With no response from Cardinal Ratzinger, Archbishop Weakland wrote a different Vatican office in March 1997 saying the matter was urgent because a lawyer was preparing to sue, the case could become public and “true scandal in the future seems very possible.”

Recently some bishops have argued that the 1962 norms dictating secret disciplinary procedures have long fallen out of use. But it is clear from these documents that in 1997, they were still in force.

But the effort to dismiss Father Murphy came to a sudden halt after the priest appealed to Cardinal Ratzinger for leniency.

In an interview, Archbishop Weakland said that he recalled a final meeting at the Vatican in May 1998 in which he failed to persuade Cardinal Bertone and other doctrinal officials to grant a canonical trial to defrock Father Murphy. (In 2002, Archbishop Weakland resigned after it became public that he had an affair with a man and used church money to pay him a settlement.)

Archbishop Weakland said this week in an interview, "The evidence was so complete, and so extensive that I thought he should be reduced to the lay state, and also that that would bring a certain amount of peace in the deaf community."

Father Murphy died four months later at age 72 and was buried in his priestly vestments. Archbishop Weakland wrote a last letter to Cardinal Bertone explaining his regret that Father Murphy's family had disobeyed the archbishop's instructions that the funeral be small and private, and the coffin kept closed.

"In spite of these difficulties," Archbishop Weakland wrote, "we are still hoping we can avoid undue publicity that would be negative toward the church."

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Exhibit E

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Archbishop Weakland Matt Abbott 2009

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May 20, 2009

Weakland's demons

Disgraced Archbishop Rembert Weakland is in the news again. Actually, his autobiography is what's making headlines.

In *A Pilgrim in a Pilgrim Church: Memoirs of a Catholic Archbishop*, due out next month, and in a recent *New York Times* interview, the archbishop officially comes out of the closet and whines about Church teaching on homosexuality, among other things ([click here](#) for the story).

Seeing that he's now seeking publicity, I thought it would be fitting to reprint from Randy Engel's book *The Rite of Sodomy* (www.newengelpublishing.com), published in 2006, a lengthy excerpt about the archbishop and the damage he inflicted on the Archdiocese of Milwaukee in particular and the Church in general. Thanks to Mrs. Engel for granting me permission to reprint the excerpt.

Excerpt from *The Rite of Sodomy*, by Randy Engel (endnotes are not included):

George Weakland was born on April 2, 1927 and grew up in the coal-mining town of Patton in the Allegheny Mountains near Altoona, Pa. He was one of six children born to Basil and Mary Kane Weakland. His father owned a hotel, but it burned down when George was a little tyke, leaving the family in difficult straits.

Like many adult homosexual men, George suffered the loss of his father at a very early age. He was only four when his father died. His courageous mother raised all her children, ages six months to nine years, by herself. George became the proverbial "good little boy" in the family.

George Weakland's parish priest, Father McFadyen, recognized that the young boy had a remarkable aptitude for music and instructed a nun at the parish school to give him piano lessons.

George was thinking about a career as a concert pianist and church organist, but decided to become a monk instead.

Following a visit to the Benedictine Archabbey of St. Vincent's in Latrobe, Pa., and with the encouragement of Father McFadyen, George enrolled at St. Vincent's Preparatory School at the age of 13. In 1945, he pronounced his first vows as a Benedictine brother and took the name Rembert.

His early years at St. Vincent's Seminary were relatively uneventful. He continued his piano and organ playing along with his academic studies. Except for his fellow songbirds in the Music Department, he had few friends and was described by one of his classmates as basically a loner — certainly never one of the boys. His health was said to be delicate and his demeanor effete.

In 1948, at the age of 21, he went to Rome for theological studies at the International Benedictine College of Sant'Anselmo. He was ordained a priest of the Order of St. Benedict on June 24, 1951 at Subiaco, Italy by Bishop Lorenzo S. Salvi, OSB, Abbot Nullius of Subiaco Abbey. At this time he was given permission to continue his musical studies in Europe at the famous Juilliard School of Music in New York. Weakland hoped to complete his doctoral thesis on Ambrosian chant at Columbia University before returning to St. Vincent, but that dream was 60 years away.

One of the turning points in Weakland's clerical career came in 1956 when he met Giovanni Battista Montini, the Archbishop of Milan. Cut from the same temperamental cloth, Montini, the future Pope Paul VI, took a shine to the young Benedictine monk who spoke fluent Italian. Montini mentally earmarked Weakland for advancement when and if he (Montini) became pope.

In June 1963, after serving in the Department of Music at St. Vincent's College for six years, Weakland was elected Coadjutor Archabbot of St. Vincent Archabbey.

<http://www.newengelpublishing.com/news/1/Archbishop-Weakland-Matt-Abbott-2009.html> 5/12/2011

The timetable is such that Weakland would have crossed paths with the infamous pederast David Holley, who was accepted as a seminarian at St. Vincent's Archabbey in the mid-1950s and ordained a Benedictine priest in 1958. Holley is currently serving a 275-year prison sentence for the molestation of adolescent boys.

On May 8, 1964, Montini, now Pope Paul VI, appointed Weakland as Consultant to the Commission for implementing the Constitution on the Sacred Liturgy of the Second Vatican Council. Weakland was a major architect of the final council document on the Sacred Liturgy, *Sacrosanctum Concilium* (1963).

Following the close of the council, Weakland became a major player in international ecclesiastical politics in Rome at the Synods of Bishops in 1969, 1971, 1973, 1987 and 1997 and an important figure in the Liturgical Revolution in the United States and the Vatican.

Pope Paul VI played an important role in the election of Weakland as Abbot Primate of the Benedictine Order, worldwide, on September 29, 1967. Weakland was reelected to a second term as Abbot Primate in September 1973.

On September 20, 1977, Pope Paul VI appointed Weakland to head the Archdiocese of Milwaukee. The consecration took place side by side with Weakland's installation as Milwaukee's ninth archbishop by Archbishop Jean Jadot, Apostolic Delegate to the United States on November 8, 1977, at the Cathedral of St. John the Evangelist in Milwaukee. Without any particularly notable spiritual qualities to recommend him, and despite the fact that he never served a day as pastor or assistant pastor in a parish, Weakland had made it almost to the top of the ecclesiastical ladder.

Liberal Politics and Liberal Sexuality

Rember Weakland quickly became one of the darlings of the liberal hierarchy of the United States.

His most important contributions to AmChurch during his tenure as Archbishop of Milwaukee were in the area of liturgical "reform" as a member of the NCCB Committee on the Liturgy, and ecumenical affairs as Chairman of the NCCB Committee for Ecumenical and Interreligious Affairs. He also served at the Executive Level as a member of the NCCB and USCC Administrative Committees. Weakland was also a member of the controversial Ad Hoc Committee of the Catholic Common Ground Initiative intended to reach a middle ground position on the question — "To Kill or Not to Kill."

Weakland had an acid tongue, especially when it came to condemning Catholic pro-life activists for their lack of "compassion" for mothers with problem pregnancies ignoring the fact that it was pro-lifers, not pro-abortionists, who built a world-wide network of supportive pregnancy centers to help mothers bring their babies to term.

Archbishop Weakland was one of the first supporters of the forays of the Homosexual Collective into the Catholic Church in America. In [Father Enrique] Rueda's *The Homosexual Network*, published in 1982, Weakland's role in assisting the Collective to advance its agenda in AmChurch is well documented.

As reported by Rueda, Weakland's pro-homosexual position including active support for pro-homosexual legislation is a matter of public record and his contribution to the Homosexual Movement has been acknowledged by all major national homosexual groups including the National Gay Task Force, Dignity and New Ways Ministry.

Weakland's notorious homosexual apologia from his *Herald of Hope* column, "The Archbishop Sheres: Who Is Our Neighbor?" that appeared in the *Catholic Herald Citizen*, the diocesan weekly for the Archdiocese of Milwaukee on July 19, 1980, is filled with vintage pro-homosexual Newspeak. Weakland employs pro-homosexualist linguistics throughout the text and defends every tenet of the Homosexual Collective from "homosexuality is inborn and irreversible" to "gay is good."

The archbishop consistently uses the term "gay people" when referring to homosexuals. His essay undermines the Bible's condemnation of sodomy and debunks the idea that homosexuals prey on young boys. The pro-homosexual article appeared the same year that Archbishop Weakland himself engaged in a homosexual affair with a layman.

Archbishop Weakland helped to found and fund the Milwaukee AIDS Project, a 1988 initiative that included condom distribution for "safe" homosexual and "alternatives" to sodomy including mutual masturbation, consensual sadomasochist sex play and the use of "sex toys."

Weakland permitted Dignity Masses at St. Plus X Catholic Church, with the rainbow flag draped on the floor for an altar, for more than ten years. He also permitted pro-homosexual religious orders such as the Salvatorians to reside in the diocese.

Cradle-to-grave sex instruction had been implemented in the archdiocese with Weakland's enthusiastic backing. Young children have been sexualized and desacralized by systematic sex indoctrination through such programs as Wm. Brown's New Creation Series and so-called AIDS education that introduces children to the most perverse of all vices seductively packaged and wrapped in a blanket of compassion and tolerance. The pornographic films Father Untener used to desensitize seminarians at St. John's Seminary in Saginaw were used in the Milwaukee Archdiocese from 1978 to 1988 as part of the Sexual Attitudinal Restructuring Program for Catholic adults.

Weakland is known in AmChurch and in Rome as a prelate who speaks his mind.

Unfortunately, it is not a Catholic mind.

He beat the drums for finding a "common ground" for baby-killing and for a homosexual priesthood. He defended the use of the condom as a prophylactic against AIDS. At the same time he opposed legitimate means of national defense, a primary function of government.

However, it is in his handling of clerical sex abuse cases in the Archdiocese of Milwaukee that Archbishop Weakland reveals his true character.

Playing Hardball in Milwaukee

It can be said of Archbishop Weakland that he never met a clerical sex abuser he didn't like.

In April, 2002, when the *Milwaukee Journal Sentinel* began an extended series on clerical sex abuse in the Archdiocese of Milwaukee, District Attorney E. Michael McCann said his office was flooded with calls from victims, many of whom were molested by priests who were still being recycled from parish to parish.

According to writer-researcher Robert A. Sungenis, "Out of 36 priests who were named as child molesters in the archdiocese, 21 of them are still in the Milwaukee area and 6 of those have active assignments. Not one of the 36 has ever been so much as questioned, and no parishioners, except the victims, knew the names of these priests."

While the archdiocesan public relations department touted Weakland's model program for handling clerical sex offenders, the archbishop was shuffling offenders from parish to parish.

A well-documented case in point was that of Father William Effinger, whose victims number over 150, mainly boys, but also some young girls. In 1993, a judge ordered the opening of heretofore-sealed court records of the case and Weakland was deposed in connection with a lawsuit brought by nine of Effinger's victims.

In April 1978, Effinger told Archbishop Weakland that he abused a 13-year-old altar boy named Joseph Cerniglia during the past Easter Week. The priest had asked Joseph to stay overnight at the parish rectory because of early Mass the next day. That evening, Effinger gave the boy a beer, got him into the only available bed and molested him. Cerniglia told his parents about the molestation. The following morning, after the Easter Sunday Mass, they confronted the criminal priest and shortly thereafter informed Weakland of the abuse. Weakland said the matter should be kept quiet for the child's sake and promised that the priest would never be put in a position where he could harm another boy. At about the same time, Weakland was privy to a second allegation concerning Father Effinger.

Weakland sent the wayward priest away for evaluation and treatment.

That same fall, Weakland reassigned Effinger to Holy Name Parish in Sheboygan where the priest had daily access to parochial school children.

For the next 13 years, Weakland moved Effinger around the archdiocese from parish to parish until 1992 when one of the priest's teenage victims, now grown, confronted the priest, recorded their conversation and took the taped confession to the archdiocese and a television station. Only Weakland's fear of adverse publicity prompted him to act.

Effinger was convicted in 1993 of the sexual assault of a 14-year-old boy. Effinger died in prison in 1996 of cancer.

The real kicker in the Effinger case was that after the priest went to jail, one of the boys he molested sued the archdiocese, but the suit was thrown out because the statute of limitations had expired. Weakland turned around and directed the diocesan lawyers to file a countersuit against the boy's family. The archbishop recovered \$4,000 in court costs from the victim. This vicious and vindictive act is typical of the homosexual personality. It also served to warn other victims of sexual abuse against filing lawsuits against the archdiocese.

Then there is the twice-arrested, twice-convicted boy molester Father Dennis Pecore. "The Pecore Affair" is reported by Margaret Joughin in a two-part online series, "The Weakland File."

In January 1987, Pecore was charged with the sexual abuse of 14-year-old Gregory Bernau, who attended Mother of Good Council School. Pecore performed acts of oral copulation and sodomy on the boy. The molestation began in January 1984 and continued through December 1985. In 1986, Bernau reported Father Pecore to the police for sexual abuse. On July 24, 1987, Pecore pleaded guilty to pedophilia and received a one-year jail sentence. Seven years later, he molested another boy and was given a 12-year sentence.

The saga of Father Pecore began in 1983 when Weakland moved a new three-member "pastoral team" into Good Council Parish in Milwaukee. The "team" consisted of Father Fred Rosling, pastor, and Fathers Dennis Pecore and Peter Schuesler. Parishioners and teachers were put off by the arbitrary actions and financial mismanagement of "the team," but what drew the greatest concern was the fact that Pecore was bringing young boys into his bedroom one at a time. Father Bruce Brentrup, the school principal was aware of the moral turpitude that marked the behavior of the new pastor and his assistants. In 1984, one year after the arrival of Rosling & Company, poor Father Brentrup was history.

Young Greg Bernau became one of Pecore's sex toys.

On at least two occasions, Pastor Rosling entered Pecore's bedroom while the priest was abusing Bernau. Rosling said hello to the boy and left the bedroom — no questions were asked because no answers were needed.

On one occasion, when Greg's mother, distressed by Pecore's unnatural attentions toward her son, called the rectory and was told that her son was not there. Mrs. Bernau got into her car, drove by the rectory and spotted her son's bike parked outside. It wasn't until she knocked on the rectory door that a priest came to the door and acknowledged that Greg was indeed there.

While the molestation of Greg Bernau was underway, Archbishop Weakland had been informed in writing by three teachers from the parish school regarding their concerns about Pecore's pederastic interests, especially in Gregory Bernau. Weakland responded by threatening the whistleblowers. He told them that "any libelous material found in your letter will be scrutinized carefully by our lawyers." Eventually, Weakland saw to it that all of the teachers involved in the confrontation lost their jobs. Their letters of termination were signed by Father Rosing who had also engineered Father Brentrup's dismissal.

After the first arrest and conviction of Father Pecore, Greg Bernau and his family reached an out-of-court settlement with Weakland and the Archdiocese of Milwaukee for \$585,000 and an additional \$200,000 in court fees. Against the wishes of the Bernau family, but at the insistence of the Archdiocese, the court records were sealed. However, on May 2, 1988 at the request of Mr. Bernau, Judge Robert J. Miech ordered the records unsealed and opened to the public. Weakland's complicity in this moral outrage was exposed for all to see. No action was taken against Father Pecore's partner in crime, Father Rosing.

Another interesting case is that of Father James L. Arimond, columnist for the notorious homosexual magazine *The Wisconsin Light*. Arimond considers homosexuality "God's holy gift." Archbishop Weakland permitted Arimond to give pro-homosexual pep rallies at the archdiocesan Cousins Centre. The archbishop repeatedly ignored protests regarding Arimond's pro-homosexual activities and even gave the priest a promotion. Father Arimond was defrocked after he was convicted and jailed in 1990 for a sexual assault on a teenage boy. Arimond later became a licensed professional counselor in the state of Wisconsin.

One subscriber to *The Wisconsin Light* wrote that the Archbishop Weakland's own parish, St. John's Cathedral, is "second only to the homosexual bar district and the shopping mall as a homosexual gathering place."

It seems the list of clerical pederasts and homosexual priests acting out in the Milwaukee Archdiocese, whom Weakland protected, could go on forever.

There was former seminary rector Father Jerome Clifford of the Sacred Heart School of Theology in Milwaukee, who resigned amidst multiple charges of sexual misconduct.

There was Father David Hanser, who molested the sons of Catholic parishioners for three decades, including three brothers in one family.

There was Father Peter Burns, another priest with a long record of young male victims. Even though the priest's superiors knew of his affinity for young boys, he was permitted to have young men sleep overnight at St. Peter Claver's rectory. Burns was also an active member of the Big Brothers and Big Sisters program. Tragically, one of his victims, whose parents decided not to press charges against Father Burns, committed suicide in 1992. Up until the day of his arrest and eventual imprisonment, officials of the Archdiocese of Milwaukee permitted Father Burns to freely roam the archdiocese without anyone being informed of his criminal activities.

There was Father Thomas Walker, who was arrested just one month after Weakland ordained him in 1989 for allegedly having sex with a truck driver, and arrested again in 1999 for prostitution and masturbation.

And there was layman Robert E. Thibault, Weakland's top liaison to the Boy Scouts and a teacher of religion at a Catholic school, who was arrested in an Internet child sex sting.

Down With Squealers

Weakland shares an attitude toward pederasty and homosexuality that is consistent with a "gay" ideology and his own dark secret life.

In a 1988 column in the diocesan paper *The Catholic Herald*, the archbishop wrote, "Not all adolescent victims are so innocent. Some can be very sexually active and aggressive and often quite streetwise." He was later forced to apologize for his loose speech regarding the culpability of teenage victims of pederast priests.

In a 1994 interview with a reporter from the *Milwaukee Journal Sentinel*, Weakland said that true pedophilia among priests was rare. This is a correct statement. Pederast priests are homosexuals looking for fresh, AIDS-free meat. He referred to such relationships as "affairs."

"What happens so often in those cases is that they go on for a few years and then the boy gets a little older and the perpetrator loses interest," Weakland told a reporter. "That is when the squealing comes in and you have to deal with it."

Years later, his verbal indiscretion came back to haunt him. Weakland said he couldn't remember using the "infelicitous word" (squealing). As Dave Umhoefer, staff writer for the *Sentinel*, observed, Weakland's views on teen sex abuse took on new meaning after the Marcoux scandal broke in May 2002.

There have also been recent revelations of past criminal activity involving a minor at Archbishop Weakland's alma mater, St. Vincent's Archabbey in Latrobe, Pa.

A civil lawsuit filed on May 19, 2009 in Westmoreland County Common Pleas Court by Mary Bonson of Port Matilda charges that her son was abused by a priest at her parish and then taken to the Benedictine Archabbey where he was abused by two other monks. The Defendants in the case are the Diocese of Altoona-Johnstown, Bishop Joseph V. Adamec, former Bishop James Hogan; the Benedictine Order in Westmoreland County, and three Benedictine monks including Father Alvin T. Downey a psychiatric nurse and monk at the abbey. Mary Bonson said her son had only revealed

his own abuse when she was talking with him about another sex abuse incident that occurred at their parish St. John's Catholic Church in Bellefonte in Centre County.

Her son, a former altar boy, said he was abused at St. John's by Father Downey, who was serving as a substitute priest from St. Vincent's during the summer of 1980. Her son, who was 16 at the time the alleged molestation was reported to have occurred, said the monk piled him with alcohol and drugs including amyl nitrate capsules used to relax the sphincter muscles in anticipation of sodomy. The lawsuit alleges Downey was eventually removed from St. John's "as a result of some misconduct made known to the Bishop (Hogan) and Benedictine Society" and assigned to the Archabbey, but continued to make visits to Bellefonte to see the plaintiff's son. Unaware of Downey's record as a pederast, Bonson invited the priest to an overnight stay. While she was at work, Bonson said the priest molested her son in her bedroom.

In April, 1981, Downey sent Bonson's son a bus ticket to visit the Archabbey where the Pittsburgh Steelers work out each spring. He told Mary Bonson that he would introduce her son to the famous Steeler quarterback Terry Bradshaw, whom Downey said he knew. In the evenings, the priest took the boy from the seminary where he was staying over to the monastery where Downey lived. The boy claimed that two other monks joined Downey and performed oral sex on him. The lawsuit also charges that Downey abused the youth at a retreat lodge for monks and priests at St. Vincent commonly known as "The Ridge." Before his retirement, Bishop Anthony Bosco, a former auxiliary of Bishop John Wright of Pittsburgh, relieved all three monks of their positions at St. Vincent's pending the outcome of the trial.

Although the alleged abuse took place more than 20 years ago and thus is not prosecutable under the statute of limitations in Pennsylvania, the fact that the suit was filed by the victim's mother who only recently learned of the abuse opened the door to litigation.

On February 6, 2004, Judge Gary B. Caruso ruled that Bonson did have standing and the case against officials of St. Vincent's and the Diocese of Altoona-Johnstown who knew of the abuse and cover-up could move forward. Judge Caruso held that the mother was "deceived" and made into "an unwitting accomplice" in the harm of her own child.

On May 18, 2004, Judge Caruso dismissed the charges against the two monks who were alleged to have participated in the assault on Bonson's son. His ruling, however, kept the suit active against the Altoona-Johnstown Diocese, Bishops Hogan and Adamec, and the Rev. Downey. John Morrison, Bonson's son, also filed a separate lawsuit with the Westmoreland court.

John Morrison, who is not named in Bonson's lawsuit, has suffered severe psychiatric trauma and has been treated for suicidal thoughts and depression. Like many victims of sexual abuse, there may not be a second chance for him in this world, but this writer is confident there will be in the next.

Weakland and the Paul Marcoux Affair

On April 2, 2002, having reached his 75th birthday, Archbishop Rembert Weakland submitted his resignation to the Holy See. Considering Weakland's long track record of dissent and his many contributions to the ruination of Catholic liturgical practices, one would think that the Holy See would have jumped at the opportunity to rid itself of the troublesome prelate. Unfortunately, the Holy See dawdled, so that when the Marcoux scandal broke the following month, Archbishop Weakland was still at his post.

On May 14, 2002, a reporter from the Milwaukee Journal Sentinel received a tip that a man living in San Francisco named Paul Marcoux wanted to go public concerning his sexual abuse at the hands of Archbishop Weakland and the 1998 financial settlement he had reached with Weakland and the Archdiocese of Milwaukee to keep the affair hush hush. The reporter flew out to California to interview Marcoux, but the latter backed out at the last minute. Marcoux's apparent vacillation and his failure to produce a copy of the settlement contract convinced Martin Kaiser, the editor of the *Journal Sentinel*, to drop the story. Kaiser was unaware that Marcoux had also been in touch with ABC officials.

On Thursday, May 23, 2002, ABC News investigative reporter broke the news of the allegations against Archbishop Weakland on the "Good Morning America" television show.

The archdiocese was ready with a prepared statement that very same day.

Jerry Topczewski, Weakland's public relations agent, issued a formal statement on behalf of the archbishop. The statement noted that Archbishop Weakland had asked the Holy Father to accelerate his resignation. In response to the claim of Paul Marcoux that the archbishop had sexually assaulted him 20 years ago and the archdiocese had made a settlement with Marcoux, Weakland responded:

'I have never abused anyone. I have not seen Paul Marcoux for more than 20 years. When I first met him here in Milwaukee, he was a man in his early 30s. Paul Marcoux has made reference to a settlement agreement between us. Because I accept the agreement's confidentiality provision, I will make no comment about its contents. Because I have financial responsibility for the well-being of the archdiocese, I want to let the people of the archdiocese know that through my 25 years as bishop, I have handed over to the archdiocese money obtained by my lectures and writings, together with other honoraria. Cumulatively, those monies far exceed any settlement amount. Given the climate in today's world where the church must regain its credibility, this situation would be an added and continuing distraction from that goal. I do not want to be an obstacle to that search on the part of the church, which I will continue to love with all my heart and which I have served to the best of my abilities for these 51 years. As required by church law, I submitted my resignation as archbishop to the Holy Father on my 75th birthday on April 2nd. I have now asked the Vatican to accelerate its acceptance. I ask for prayers and healing.'

Let us reexamine the main points of the press statement beginning with some biographical data on Paul Marcoux.

Paul Marcoux was born in Michigan in 1949, an only boy with two sisters. His parents and a sister died when Paul was in his early 20s. His surviving sister said that he took the deaths very hard and was in an "emotionally delicate" condition for several years. Paul was a homosexual and lived a homosexual life, although he liked to describe himself as a "bisexual."

Prior to his entering Marquette University in Milwaukee in 1975, he had earned some undergraduate credits in Michigan, at Boston College and at the Sorbonne in Paris where he studied voice. Starting in 1976, Marcoux took some undergraduate courses in philosophy. The following year he attended graduate-level classes in theology. He left Marquette in December 1978 without completing any degree and took a job at an area chemical plant.

One of Marcoux's great passions was the theater. He created a religious psycho-drama program called "Christodrama" in which participants acted out scenes from the Bible and then discussed how these stories relate to their own lives. He had hopes of one day turning his idea into a commercial venture.

While in Milwaukee, Marcoux lived with Father Ken Metz on the eastside of the city. One evening in September 1979, Metz invited Archbishop Weakland to dinner. The new Archbishop had been in office less than two years. Apparently the two men hit it off immediately. Despite their age difference of more than twenty years, the two men shared some common interests. They both had a passion for music. They were both admirers of the Canadian Jesuit philosopher, theologian, and economist, Father Bernard Lonergan.

But the unspoken tie that bound the two men together was their homosexual desires. Shortly before Marcoux met the Archbishop, he had ended an affair with a male professor from the University of Wisconsin at Milwaukee. Marcoux said he was not shopping for another lover when he met Weakland nor was he sexually attracted to the older priest. For his part, Weakland has never even remotely suggested that Marcoux was his "first" love.

The following month, Marcoux called Weakland ostensibly to inquire about entering the diocesan seminary. Weakland suggested they talk over dinner and wine. According to Marcoux, after dinner he drove the Archbishop to his residence. Weakland invited him up for a nightcap. Marcoux accepted. After a few more drinks, Marcoux said Weakland made sexual overtures to him and began to kiss him. When Weakland succeeded in pulling down his pants in an attempt to sodomize him, Marcoux, who was drunk, said he resisted the "attack." In a later interview Marcoux said he did not go to the police because two priests advised against it.

Subsequent events would cast a long shadow over the reliability of Marcoux's alleged "attack" by Archbishop Weakland that night. The evidence suggests that Marcoux saw Weakland as a meal ticket and the Archbishop saw him as a meal.

Following what Marcoux called the equivalent of a "date rape," the two men had at least "three or four other sexualized encounters." Friends of Marcoux said they continued to go out to dinner and cultural events a couple of times a week.

In July 1980, Marcoux traveled to Nantucket, Mass. where Weakland was spending a retreat-vacation. According to Marcoux, Weakland once again pressed him for sexual favors forcing him to leave abruptly. Their "Nantucket dream," as the Archbishop referred to the incident, had gone sour.

By this point Weakland had already given Marcoux \$14,000, money he had received from fellow Benedictines at the time of his elevation to Archbishop of Milwaukee. The ostensible purpose of the gift was to finance Marcoux's Midwest Institute of Christodrama.

On August 25, 1980, the frustrated and jealous Weakland, in the midst of a typical homosexual hissy fit, sat down to write Marcoux a lengthy "Dear John" letter. First, Weakland expressed his "deep love" for Marcoux. He regretted that he could not be the "great patron" that Marcoux was pressing him to be and \$14,000 was his personal limit — threats of suicide notwithstanding. Neither could he afford to keep Marcoux in the life style to which he (Marcoux) had become accustomed. Weakland said he was sorry if he had led Marcoux to think otherwise, but he hoped that their friendship could transcend differences of petty finances.

The Archbishop said it was about time that he took seriously the vow of chastity that he made 34 years ago — a vow that gave him the freedom to fulfill his ministry.

Weakland acknowledged that his relationship with Marcoux had become both financially and emotionally draining. He found himself obsessing over his newfound love to the point that he was neglectful of his duties. The problem was that Marcoux did not reciprocate those feelings. Weakland accused Marcoux of still having an attachment to his former lover, Don, and of hiding those feelings from him in order to retain his favor (and money). "I know now that I can never be to you a Don or anybody else," wrote Weakland.

The Archbishop said he was crying as he concluded his letter. He "felt humiliated, manipulated — a total failure on all counts..." He asked the Lord to help them both, begged Marcoux's forgiveness for having failed him and "for the grace of standing up again and trying to be — not a bishop — just a Christian." He signed off — "I love you, Rember."

Weakland's letter to Marcoux no doubt dampened their relationship, but did not end it entirely. According to Marcoux, he and Weakland went to Chicago that October to visit an art exhibit and have dinner, after which the Archbishop is said to have renewed his amorous intentions. Soon after this incident Marcoux left Milwaukee and did some traveling and promoting of Christodrama. He finally settled down in San Francisco.

For his part, Weakland returned to the business of being a bishop.

In the spring of 1981, Archbishop Weakland wrote a letter to all the priests in the Archdiocese on the subject of celibacy. The Archbishop urged them to uphold their commitment to celibacy, but said lapses were inevitable and should be treated

with compassion. In a quasi-confessional tone he acknowledged that at times *sexuality can become "a pervasive and domineering preoccupation in one's life."* In response to follow-up questions by *Journal Sentinel* reporters on his letter to his priests, Weakland told them that he would not put a gay priest on a "guilt trip," and he proceeded to deliver a lengthy discourse on homosexuality and how society forces "gays into their own subculture."

Ten years later, in an interview with *The New Yorker*, Weakland talked about the "trials" of the celibate life, especially the loneliness, and of his own attraction to women.

"While I see the great merit in celibacy — the freedom it gives you — perhaps there are people who can't make that sacrifice. And yet we continue to demand that they do — if they want to be priests. Across the board, celibacy works to our detriment in the church," Weakland concluded.

Weakland Reaches Settlement with Marcoux

One can only assume that when the Archbishop received a letter from Paul Marcoux dated July 20, 1997 claiming that he now recognized that he had been sexually abused by the Archbishop 20 years before, Weakland found himself in a state of utter panic. Marcoux proposed that the two meet with their legal aides on neutral grounds to discuss the matter. When the Archbishop did not respond, Marcoux retained a Montreal lawyer, Brant T. Tyler, to plead his case of sex abuse against Archbishop Weakland.

On August 29, 1997, Tyler sent Archbishop Weakland a letter making a formal claim for damages. He invited Weakland to instruct the Archdiocesan legal staff to enter into negotiations in order to reach a settlement of said claim. The battle was on.

The lead attorney for the archdiocese, Matthew J. Flynn of the firm Quarles & Brady in Milwaukee, advised Weakland to play hardball. Flynn was confident that Wisconsin's statute of limitation laws would apply to the case. In his lengthy correspondence with Tyler over the next year, Flynn repeatedly warned Tyler against any attempts at extorting money from Archbishop Weakland or the Archdiocese of Milwaukee.

Flynn said that Milwaukee District Attorney E. Michael McCann, in whom Weakland had earlier confided his fears that a former adult sex partner might try to blackmail him, had told Flynn that if Marcoux filed a civil lawsuit it would constitute the felony of extortion. Tyler was not deterred by Flynn's threats. He was betting on Archbishop Weakland's unwillingness to have his secret life publicly exposed. The key issue, he knew, was not sex abuse per se but the archbishop's homosexuality.

Tyler's bet paid off.

On October 6, 1998, the Archdiocese of Milwaukee signed a confidential agreement giving Marcoux \$450,000 in exchange for an agreement not to sue Weakland, the Archdiocese of Milwaukee or the Benedictine Order, his sworn perpetual silence and the return of all his correspondence with the archbishop. Neither the archbishop nor the archdiocese admitted guilt. The money was taken from the Bishop Trust Endowment Fund and the Properties and Building Fund and transferred to a Montreal bank account.

There were only four archdiocesan personnel who knew about the secret settlement with Marcoux: Weakland, Flynn, the archdiocesan financial advisor, and Auxiliary Bishop Richard Skiba, who was consecrated by Weakland in 1979. The Vatican was never informed of the settlement.

According to Jerry Topczewski, spin-doctor for the Archdiocese of Milwaukee, "The Vatican did not know about the payment previously, nor should they have," he said. "The people who needed to know and were authorized to issue a check did," he said. "There was no need for anyone else to know."

Paul Marcoux returned to San Francisco to spend his money....

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Exhibit F

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The Sexual Abuse of Children in the Archdiocese of Milwaukee

Submitted February 10, 2004 by:

Peter Isely

Jim Smith

"After 1985, all churches in the United States were on notice that they cannot put priests who have had incidents of having sexual abuse in parishes or any setting where they would have access to children. For the church authorities to have allowed this to happen was sinful, more than negligent, and I believe they should be held accountable."

Father Thomas Brundage
Judicial Vicar of the Milwaukee Catholic Archdiocese

Introduction

Official history, Camus once observed, is written by those who make history, not those who suffer from it.

A recently published authorized history of the Archdiocese of Milwaukee runs some 800 pages. It is dedicated to the legacy of retired Archbishop Rembert G. Weakland, who served the archdiocese from 1977 to 2002. Exhaustively and meticulously chronicled, the document reviews thousands of events and personalities that have shaped the character and quality of the Church of Milwaukee.

What the reader will not locate within this otherwise comprehensive survey is a single recorded instance of the crime of clergy sexual abuse.* Absent also is any indication of what Milwaukee's Catholic bishops knew or did about these terrible crimes.

This document, drafted on behalf of the victims of childhood sexual abuse by archdiocesan clergy who are currently in group mediation, is an attempt to undo and reverse this official history.

That history has been, and too often continues to be, adversarial to the victims of these crimes and, therefore, the enemy of memory and witness. If there is no place in the history of the church for the affliction that befell so many Catholic children at the hands of clergy sex offenders, how can there be the necessary grief, correction and instruction their testimony demands?

don't realize that the person is as young as they are.

"Affairs" with youngsters

There is a difference, the archbishop insists, between a "real" sex offender and "somebody who has picked up and had an affair with a younger person."

How does the archbishop know this?

"My doctors agree."

"Another story," the archbishop goes on to suggest, "is the large number of gays applying for the seminaries."

"Should we take them into the seminary?"

"Perhaps," the archbishop speculates, "there is a connection between ephophobia and homosexuality?"

Is there a connection between being gay and ephophobia? If you wanted a blunt answer, I would say I think there can be a connection between [homosexual orientation] for a priest and an occasional relationship with a younger person. I think that can happen. Then you would have to make a distinction. In other words, I'm saying somebody who might be gay but whose normal orientation is toward adults might pick up the younger person. I think that can happen.

Never dealt with a "real pedophile"

In his interview with the Milwaukee Journal, the archbishop insisted that clergy who abuse children in the Milwaukee Archdiocese are not "real" pedophiles and therefore not dangerous. Other professions may be dealing with true pedophiles—Boy Scout leaders, teachers, and coaches—but not the Catholic priesthood. "In fact," insisted the archbishop, "I have never dealt with a real pedophile. Really, I haven't."

The archbishop was dealing, however, with "real" pedophiles and he knew it.

Will commit "sexual acts against small children again"

One such indisputable pedophile the archbishop knew about was Fond du Lac county priest and Capuchin friar Father Jude Hahn. Hahn was under the supervision of his religious order superior, Father Kenneth Reinhart, and the Milwaukee Archbishop, his canon law ordinary.

Father Hahn was a diagnosed pedophile in 1992 and in 1993 was refusing treatment. According to confidential church records, the priest was telling both treatment and church officials that he intended to sexually assault "small children" again. Nonetheless, in April of 1993 Archbishop Weakland gave

“mistake” with one priest, Father William Effinger. If he were an abbot he would have put the priest in a monastery. As a bishop, however, he didn’t have that option, at least “back then.” No bishop thought of laicizing these priests; Rome “probably” wouldn’t have allowed it. Anyway, it is he, the archbishop, who would have to take the matter “to his grave.”

Most significant, according to the archbishop, has been his concern for the poor, especially on a global level, which “remains a strong factor in my thinking.” But there has been no “groundswell in that regard among our people.”

Nevertheless, going it alone when need be and living with a few regrets are the price of being a “maverick.”

If the above [achievements] are being a maverick, so be it. One could be called worse things.

Conclusion

In the Republic, Plato’s famous dialogue on the nature of justice, Socrates is found discussing the myth of the Ring of Gyges. The ring, according to the myth, makes its wearer invisible. What, asks Socrates, would happen if one possessed such a ring?

One would become unjust.

To break the link between visibility and invisibility, between corporeality and its effect, between human presence and the limits imposed by the presence of others, would lead one inevitably and inexorably to become a tyrant, which for the ancient Greeks was the most reprehensible and dangerous of human beings.

What is the central quality of a tyrannical character? That one can no longer grasp or, even worse, want to grasp, the singular fact which, Socrates argues, is the essence of the Good, that it is infinitely better to be the victim of an injustice than to be the cause of one.

J.R.R. Tolkien, of course, derived the inspiration for his popular trilogy from Plato’s account. Less well known is the work of Simone Weil, Plato’s greatest modern spiritual heir. Writing in her journal on the eve of World War II, Weil concludes that the myth is about “setting things aside.” When it is somebody else committing wrong we compare the good with the evil. When it is ourselves, we set evil aside.

We set things aside without knowing we are doing so; that is precisely where the danger lies. Or, which is still worse, we set them aside by an act of the will, but by an act of the will that is furtive in relation to ourselves. Afterwards we do not any longer know that we have set anything aside. We do not want to know it, and, by dint of now wanting to know it, we reach the point of not being able to know it.

"The faculty of setting things aside," writes Weil, "opens the door to every sort of crime."

It is particularly dangerous when the prestige and social imperative of a group or a profession endorse the action of setting things aside. Any group is likely to exempt its own member's behavior from the imperative of good and evil. Once firmly placed within the profession or group, the evil one commits in accomplishing the group's goals are set aside because the group's goals are, naturally, vital and necessary: soldiers waging war, business executives waging business, religious leaders waging religion.

What for others might be crimes are for us mistakes, errors, lapses of judgment. The connection between human cause and effect, action and consequence becomes blurred and provisional; unchecked, the line between good and evil, and our moral connection to it, disappears altogether.

That is why, concludes Weil, "We hate the people who try to make us form the connections we do not want to make."

There is always an incentive for most of us to side with the sexual predator and not the victim, as Anna Salter observes in her new book, *Predators: Pedophiles, Rapists and Other Sex Offenders*. The potential disruption caused by discovering one's priest, teacher, or husband is a child molester is much greater than disbelieving or dismissing the victim, who is almost always of less social and psychological value than the predator. The sex offender, after all, usually has all the "connections." But victims, she reminds us (and we cannot be reminded too often) are not the cause but the consequence of these terrible crimes.

And while it may not have set out to silence and shame the victims of clergy sexual abuse by what amounted to the institutional interdiction of their memory and witness, that is exactly what the church, marshalling its vast and considerable resources, accomplished. Why? Because, unknown to the victim, their testimony—almost always, incidentally, confirmed and credible—formed a connection between sexual violence and church power, a connection that church authorities simply do not want to make. It rendered visible what clergy and what church leaders were wearing: the Ring of Gyges.

After all, invisibility, in every major religious tradition, is an attribute and prerogative of the divine.

* Throughout this text "clergy" refers to ordained diocesan and religious order priests, deacons, and vowed religious order nuns and brothers. Pending Wisconsin legislation defines "clergy" as members "of a religious order, and includes brothers, ministers, monks, nuns, priests, rabbis, and sisters."

Hypertext by Terrence Berres
Revised April 24, 2005.

Exhibit G

BishopAccountability.org

The Sexual Abuse of Children in the Archdiocese of Milwaukee

By Peter Isely
Archdiocese of Milwaukee
February 10, 2004

"After 1985, all churches in the United States were on notice that they cannot put priests who have had incidents of having sexual abuse in parishes or any setting where they would have access to children. For the church authorities to have allowed this to happen was sinful, more than negligent, and I believe they should be held accountable."

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That history has been, and too often continues to be, adversarial to the victims of these crimes and, therefore, the enemy of memory and witness. If there is no place in the history of the church for the affliction that befell so many Catholic children at the hands of clergy sex offenders, how can there be the necessary grief, correction and instruction their testimony demands?

In the following pages the reader will find numerous fragments of memory, testimony, records, documents that have been pulled from oblivion, which was to be their destination if the church would have succeeded in its intentions. They are only fragments because many of these crimes have never been and never will be reported to any authority. But it is not with unknown crimes that this document concerns itself, but with ones known to church officials.

That makes this document, with its eyewitness accounts and sampling of church records, the latter obtained through luck and guile, a miracle of moral rescue.

Over the centuries, the church has constructed and perfected an elaborate theology and practice of suppressing words it maintains will damage the faithful, what it calls giving scandal. One extraordinary letter which escaped official history informs the Vatican about a serial child sex offender in the Milwaukee Archdiocese. The word scandal is utilized, almost as a talisman, no less than two dozen times in its one and a half pages. The subject of the letter is a diagnosed pedophile priest who admits to sexually abusing small children in a village near Fond du Lac and confirms that he will do it again. He is also refusing treatment. The archbishop welcomes him

http://www.bishop-accountability.org/news3/2004_02_10_Isely_TheSexual_Eldred_Lesni... 5/16/2011

Bishop Banks had just been appointed the new Green Bay Bishop after serving as Cardinal Law's chief deputy in Boston. Under Law, according to a 2003 Massachusetts Grand Jury report, Bishop Banks was directly responsible for the transfer of known priest sex offenders, including the infamous priest pedophile, John Goeagan. Bishop Banks also enlisted the help of Father John Shannley, another priest at the center of the Boston sexual abuse scandal, to help mediate a case in 1987 with a victim seeking help from the archdiocese.

According to the grand jury, Bishop Banks deliberately kept key information from authorities in criminal investigations.

Just before leaving the Boston Archdiocese, Bishop Banks testified before a Suffolk County judge on behalf of a priest convicted of sexually abusing a minor. Although the priest had a lengthy history of abusing children recorded in archdiocesan files, Bishop Banks allowed the judge to believe it was the priest's first offense. The priest received probation.

Priest will sue

Father Buzinowski was ordained in 1968 and served in six Green Bay parishes, as well as churches in Dykesville and Sturgeon Bay.

The police investigated the 1990 complaint and the Brown County prosecutor believed the boy but it was going to be the boy's word against a priest. No charges were filed.

Diocesan officials offered counseling to the child and promised the parents that Father Buzinowski would be restricted in his work with children but also warned that if the story became public the priest will sue.

Father Buzinowski moved to Milwaukee and took up residence at St. Plus X Catholic Church in Wauwatosa. No longer practicing as a priest, he began a decade-long career working with youth in the Milwaukee County until he plead guilty in 2002 to possession of child pornography. While on an Internet chat room, he told an undercover FBI agent he likes having sex with 14 year-olds and attempted to arrange a meeting for sex.

In 1995, Buzinowski applied for a job as a director of religious education for a Milwaukee Parish. A call from the parish to the Green Bay diocese led the Milwaukee Archdiocese to send an email warning priests and deacons of Buzinowski's history. The archdiocese, however, notified no authorities about the priest's past.

In August 2002, the Milwaukee Journal obtained a letter written by Buzinowski in which he admits to abusing at least fourteen boys while a priest in Green Bay.

Notorious cases kept quiet

The vast majority of assaults, however, never came to the attention of authorities outside the church. Typical among these quiet cases was Father George Nuedling of St. John the Evangelist Parish in Twin Lakes.

Father Nuedling was one of the archdiocese's most visible clerics and a legendary fundraiser. When Father Nuedling arrived in June 1968 to pastor St. John's, he endeared himself quickly to the small, resort town community just north of the Illinois border.

But during a visit to the parish in June 2002 by Project Benjamin Director Dr. Barbara Reinke, Dr. Reinke acknowledged that Father Nuedling was in fact a notorious pedophile. Father Nuedling's abuses predated his arrival in Twin Lakes. While associate pastor of St. Rita's in West Allis he is known to have sexually abused several young boys.

During the Spring of 2002, numerous victims contacted the archdiocese to report abuses by Father Nuedling during the 1960's, 1970's and 1980's.

His total number of victims is difficult to estimate, but at least 50 have made contact with either the archdiocese or victims' organizations.

Legacy of abuse

Father Nuedling lived alone in the parish rectory and would rape, sodomize and otherwise sexually abuse youngsters there, the sacristy and in his car—even in the church parking lot. He could also be physically threatening and abusive.

One victim was invited to the rectory by the priest to watch a baseball game. When he came back from using the bathroom in the priest's bedroom, Father Nuedling tackled the boy, threw him on the bed, and began grabbing my crotch. I could not get him to stop, recalled the victim in recent testimony. He was grabbing me so hard and it hurt and I began yelling. The father of the victim was Father Nuedling's friend and golf partner. I couldn't tell anyone, according to the victim.

Another victim from the parish grade school recalls how the priest would assault several youngsters at once. He would hold so-called parties for his favorite seventh and eighth graders. He would give us beer and alcohol. He would take some of us, one at a time, to the bathroom. That's where he took me the first time and told me to take out my penis. The priest performed oral sex on the boy.

On subsequent occasions, Father Nuedling would bring the boy to the rectory and sodomize him. He would try to give me money, according to the victim, so I would keep coming back.

The priest would sometimes grab a boy's genitals and buttocks in church.

After mass, according to one victim, he would tell my parents he wanted me to come over and help him and he would give me a ride home. He would sit in a chair, pull his pants down, and start playing with his penis. He would make me grab it and play with it. He would undo my pants and stick his finger up my rectum and asked me how it felt.

The priest would frequently order the child to perform oral sex. If the child refused, He would punish me, hitting me and forcing me to bend over and he would pull down my pants. The priest would sodomize the child. Sometimes the boy would cry. Father Nuedling, who could be intoxicated, would yell at the child to shut up. Then I would do what he told me, recalls the victim.

Another victim testified that Father Nuedling seemed to be aroused by physical violence. I was a wild kid and I would hit him. He would call me back to the rectory and let me do it. Later, as an adult, I realized that this was sexually arousing to him.

Abuse witnessed

One victim testified that he was 14 years old in 1980 when Father Nuedling hired him as the church groundskeeper. One afternoon the priest asked the boy to step into the sacristy and get him a cup of water. Before I knew it he was putting his arm around me and pulling down my pants and stroking my penis. His other hand moved down my buttocks and he inserted his finger into my rectum.

The deacon of the church, Tony Martino, however, walked into the room. The priest quickly exited. The deacon told the victim the next day that he had confronted the priest and it would never happen again. Father Nuedling, on next seeing the victim, warned the youngster not to tell anyone and that no one would believe me.

A former church member interviewed by the Milwaukee Journal Sentinel says she witnessed Nuedling molest a boy once on church grounds. Another youth, she said, had to pull the priest off

Pastoral tone, policy sham

A blistering February, 2003 grand jury report from Long Island draws similar conclusions.

The report documents the rape and other sexual abuse of children and youngsters from the diocese of Rockville Centre in churches, rectories, on camping trips and in homes. It details how the diocese received allegations of child sexual abuse and did not report them to police and documents the routine practice of transferring accused priests to other parishes.

As for the diocesan response to victims, the grand jury concluded that:

The response of priests in the diocesan hierarchy to allegations of criminal sexual abuse was not pastoral. In fact, although there was a written policy that set a pastoral tone, it was a sham. The diocese failed to follow the policy from its inception, even at the most rudimentary level.

The diocese had adopted a carefully orchestrated plan by its victim's intervention team to appear to be providing pastoral

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Exhibit H

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:)	Case No. 11-20059-SVK
)	
ARCHDIOCESE OF MILWAUKEE,)	Chapter 11
)	
Debtor.)	Hon. Susan V. Kelley
)	

**ORDER GRANTING THE MOTION OF THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS FOR LIMITED RELIEF FROM THE AUTOMATIC STAY
TO PERMIT TAKING OF CERTAIN DEPOSITIONS**

Upon consideration of the *Motion of the Official Committee of Unsecured Creditors for Limited Relief from the Automatic Stay to Permit Taking of Certain Depositions* (the "Motion"),¹ pursuant to Section 362 of Title 11 of the Bankruptcy Code and Rules 4001(a) and 9014 of the Federal Rules of Bankruptcy Procedure, for the entry of an order modifying the automatic stay, and the Court finding that adequate notice has been given and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefore, it is hereby

ORDERED that:

1. The Motion is granted.
2. The automatic stay arising pursuant to Section 362 of the Bankruptcy

Code is modified and lifted to permit depositions to be taken, pursuant to the terms of this Order.

¹ Unless otherwise defined herein, capitalized terms shall have the meanings ascribed to them in the Motion.

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3. A party to the State Court Cases who wishes to conduct a deposition shall serve a notice of the deposition pursuant to the rules of procedure of the state court in which the applicable State Court Case is pending and pursuant to any applicable order in such State Court Cases.

4. Disputes over the necessity and scope of the deposition shall be resolved by the Court in which the State Court Case is pending.

5. A party to the State Court Cases who wishes to move to modify the State Court Stay to allow depositions of individuals who are 70 years or older, may file such motion with the applicable state court.

6. Any motion to modify the State Court Stay shall be decided by the state court in which the State Court Stay is pending.

Dated: Milwaukee, Wisconsin
May __, 2011

THE HONORABLE SUSAN V. KELLEY
UNITED STATES BANKRUPTCY JUDGE

Exhibit I

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)
) Chapter 11
THE CATHOLIC DIOCESE OF)
WILMINGTON, INC.,) Case No. 09-13560 (CSS)
)
Debtor.) Ref. Docket No. 27

ORDER MODIFYING THE AUTOMATIC STAY TO PERMIT
THE TAKING OF DE BENE ESSE DEPOSITIONS
SUBJECT TO DEBTOR'S OPPORTUNITY TO OBJECT

Upon consideration of the motion (the "Motion")¹ of the Unofficial Committee of Abuse Survivors ("Unofficial Committee"), pursuant to Section 362 of Title 11 of the United States Code (the "Bankruptcy Code"), Rules 4001(a) and 9014 of the Federal Rules of Bankruptcy Procedure, and Rule 4001-1 of the Local Rules of Bankruptcy Procedure, for the entry of an order (this "Order") modifying the automatic stay to permit the taking of *de bene esse* depositions; the Response of the above-captioned debtor and debtor-in-possession (the "Debtor") thereto; the arguments presented by the Unofficial Committee and the Debtor at the Court's November 2, 2009 hearing; notice of the Motion having been adequate and appropriate under the circumstances; and after due deliberation and sufficient cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is granted as set forth herein.
2. A party (the "Requesting Party") who wishes to take the *de bene esse* deposition of a witness in the underlying State Court Litigation whose testimony would otherwise

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

imminently be lost due to death or mental or physical impairment shall provide the Debtor with the following:

- a) A written notice of the intent to take the deposition ("Written Notice");
- b) A written statement of the basis for requesting the deposition ("Statement of Basis"); and
- c) Documents in support of the party's Statement of Basis for requesting the deposition ("Supporting Documents"). The Supporting Documents must evidence the need for the deposition to be taken in order to immediately preserve the witness' testimony.

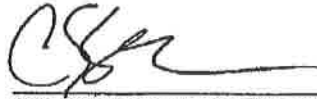
3. The Debtor will respond, in writing, to the Requesting Party no more than 5 business days after receipt of the Supporting Documents. If the Debtor does not respond to the Requesting Party within 5 business days of the receipt of the Supporting Documents, the deposition will go forward as noticed.

4. If the Debtor responds in accordance with the terms prescribed in Paragraph 3 above, but the Requesting Party and the Debtor cannot reach agreement as to whether the requested deposition will go forward, or there is a dispute between the parties as to any other issue with respect to the requested deposition, the parties will contact the Court to seek resolution of the disputed issue(s).

5. Nothing in this Order shall impair the rights of any witness under the applicable law to oppose the taking of his or her deposition, either in this Court, or any other Court where the witness' rights may be implicated.

6. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: Wilmington, Delaware
January 26 2010



THE HONORABLE CHRISTOPHER S. SONTCHI
UNITED STATES BANKRUPTCY JUDGE

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:)	Case No. 11-20059-SVK
)	
ARCHDIOCESE OF MILWAUKEE,)	Chapter 11
)	
Debtor.)	Hon. Susan V. Kelley
)	

**NOTICE OF MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR LIMITED RELIEF FROM THE AUTOMATIC STAY
TO PERMIT TAKING OF CERTAIN DEPOSITIONS**

TO: Interested Parties

PLEASE TAKE NOTICE that Official Committee of Unsecured Creditors (the "Committee") has filed a Motion for Limited Relief From the Automatic Stay to Permit Taking of Certain Depositions. A copy of the Motion is attached to this notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve the application, or if you would like the Court to consider your views on it, then within 14 days of the date of this notice, you or your attorney must:

Prepared By:

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1. File with the court a written objection to the application(s) for compensation and reimbursement of expenses and a request for a hearing at:

Clerk, U. S. Bankruptcy Court
Room 126, Federal Courthouse
517 E. Wisconsin Avenue
Milwaukee, WI 53202

2. If you mail your objection to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

James I. Stang
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd., 11th Floor
Los Angeles, CA 90067

If you mail your Response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the motion and may enter an order approving it without further notice or hearing.

Dated: May 20, 2011.

PACHULSKI STANG ZIEHL & JONES LLP

By /s/James I. Stang

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Creditors