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JAN 23 1998

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January 15, 1998

Wilson D. Rogers, Jr., Esq.
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Dear Mr. Rogers:

This is to notify you that I represent [REDACTED] a former parishioner at St. Margaret's Parish in Dorchester, Massachusetts which is in the Archdiocese of Boston. I am sending this to you in your capacity as the attorney for the Archdiocese.

While [REDACTED] was a parishioner at St. Margaret's, she was repeatedly sexually abused by Father Gerard Creighton who at the time was a priest in St. Margaret's. [REDACTED] suffered sexual abuse at the hands of Father Creighton from the spring through the end of the summer of 1958. I have had [REDACTED] and her statements objectively evaluated by Stuart Grassian, M.D., a renowned expert in the field of child abuse and repressed memories. Dr. Grassian's medical opinion (enclosed herein as Exhibit A) is that [REDACTED] memories are valid and the abuse she endured has caused great suffering. What follows is my analysis of the case and demand for compensation. The purpose of exploring settlement at this early juncture is to spare all parties involved the pain, embarrassment and public scrutiny of litigation.

FACTS

[REDACTED] enjoyed a happy childhood surrounded by family and friends. She was happy and secure and very involved with the church. [REDACTED] was the [REDACTED] children. Her family life was stable and normal. Her father worked steadily and her mother was a homemaker and a very involved parent. The home was busy with family and friends and with very active involvement with the parish church.

[REDACTED] was a cheerful and energetic child who enjoyed dancing and sports. She was also actively involved in her church and with the nuns who taught the children at her parochial school. She and her friends would often walk the nuns from the convent to the school, often carrying their books for them. In the eighth grade, she began a job working [REDACTED] and during high school she was

actively involved in the CYO. [REDACTED] was a good girl. Soon after entering her senior year of high school in September 1957, [REDACTED] decided to become a nun after graduation.

[REDACTED] first came into contact with Father Creighton in 1958 when Father Creighton was assigned to the Parish CYO. At that time, [REDACTED] was only 16 years old. After Father Creighton was placed in charge of the Parish CYO, he recruited [REDACTED] to help in planning CYO events. He quickly assumed a special relationship with her and for her 17th birthday bought her a baseball glove.

Father Creighton began inviting [REDACTED] to join him in his activities. The CYO had record hops. Father Creighton told [REDACTED] to come down to the rectory basement to tape music with him. On one occasion, he just had his cassock on without any pants underneath, and asked her to rub his backside. This happened a few times. Then at another time at a record hop, he brought her into the boiler room and began touching her breasts and genital area and had her touch him.

He began taking [REDACTED] away for sexual encounters. He would take her to the beach in his car and would touch her breasts as they drove. Then he would touch her in the water including her genital area. During the summer of 1958, he took her to Cohasset and to Nantasket Beach several times. Along the way, he would pull off the road and tell her to go into the back seat. Then he would tell her to pull on his penis.

On the way back to Dorchester, he would stop at St. William's Parish Church to visit Father Peter Hart who apparently was a friend of his. First, Father Creighton would speak privately with Father Hart and then Father Hart would call [REDACTED] in to confess the sins she had committed with Father Creighton. She remembers that her impression was that Father Hart already knew what she was telling him before she told him. His only response was to tell her not to do it again.

After confessing twice to Father Hart in this manner after sexual encounters, Father Creighton told her to go to the Arch Street Shrine in downtown Boston to confess their further sexual encounters. [REDACTED] recalls going into the confessional at the Arch Street Shrine and telling the priest that she had touched another priest and saying that she was sorry.

In addition to Cohasset and Nantasket, Father Creighton also took her to Cape Cod. They visited some friends of her family along the way. While on an encounter at Cape Cod, Father Creighton took [REDACTED] to a cottage to which he had access. To this day, [REDACTED] has scattered memories of what happened in that cottage. She remembers Father Creighton coming over to her while she was sitting on a couch and suggesting that the bed in the other room would be more comfortable, but her remaining memories of what happened in that cottage are still repressed. She is working on that with her psychiatrist.

Father Creighton felt the need to control [REDACTED]. She had originally intended to join and had been accepted into the Sisters of Charity in Halifax, Nova Scotia. But, Father Creighton started pressuring her to instead join the Sisters of St. Joseph in Framingham, Massachusetts. It was the Order to which his Aunt belonged. Ultimately, she could not resist him and agreed to his plans - a change which would also mean she was not joining the same convent as her small circle of close friends. I have enclosed a photocopy of a newspaper photo of [REDACTED], her family and Father Creighton at the time. With what we now know of Father Creighton's actions, this photograph becomes repulsive.

In late August as that fateful summer was ending, and shortly before she was to enter the convent, [REDACTED] told Father Creighton that she had a toothache and needed to see her dentist before she entered the convent. He insisted instead that she go to a dentist whom he knew in Dorchester. She complied. That dentist told her that she must have all of her upper teeth pulled so that her dental problems would not delay her entrance into the convent of the Sisters of St. Joseph to which Father Creighton was anxious for her to enter. She complied. When she woke up in the hospital, a helpless 17-year old girl with no upper teeth, Father Creighton came to visit her and touched her sexually beneath the sheets. This was the state in which she entered the convent.

As a result of this abuse, [REDACTED] entered the convent grieving and broken in spirit, seized in emotional pain and grief. She felt as though the shame of her deeds was transparent and visible. She was terrified that she was pregnant. She was grief stricken and her lack of teeth and her mutilation was like a badge of shame. She was seventeen years old, and without her dentures she looked like an old lady. Her agony was very acute and very intense. She felt a deep sense of shame and loss and could share it with no one. Dr. Grassian, her psychiatrist, in his report states that "inevitably she became severely depressed." She could not eat, or sleep, and cried almost daily.

[REDACTED] remained a nun for the next ten years but she never recovered from the agony of shame and grief with which she had entered the convent. She lived with an overpowering sense of shame, fear and defectiveness and she suffered from a pervasive and, at times, immobilizing depression. Fleeting thoughts and images of herself with Father Creighton and of her mutilation plagued her daily but she could not tell a soul about these demons. She was entirely alone, unforgiven without consolation or reconciliation.

There were days when she did not know how she could go on. She lived in constant fear that there was something visibly bad in her - some defect, some dirtiness.

Eventually in 1968, she left the convent and returned to her family home in Dorchester. One year later, she married [REDACTED]. But, even this brought [REDACTED] little relief from her feelings of depression and defectiveness. She reported to Dr. Grassian that "It was very bad to [REDACTED]"

She could never tell her husband about her history of sexual abuse. She cried all the time, but hid it from her husband. She reported to Dr. Grassian: "With this (the abuse) hanging over me, I couldn't share myself. Since the abuse, my life has always been secret. I felt just so tired and old and blue."

She never told her husband about her difficulties with her sexuality and when she is in a sexual situation with him, her sexual feelings freeze. She feels nothing. It became just the ordeal of feeling that she had an obligation to satisfy him. As things had been with her sexual abuse, she expected and received nothing. [REDACTED] does not fly because she is afraid that if she dies while in this state, she will be damned.

In the summer of 1995, after having read many news accounts for years of priests accused of sexual abuse, she, for the first time, began wondering about herself - Was she a victim? Is that why she was so depressed? At that time, she spoke about it for the first time to a priest who had become her

confessor. She had a growing feeling that she needed to find Father Creighton and confront him and to understand this thing that had happened in her life. The priest supported her in doing so.

She found out that Father Creighton is no longer a priest and is now living on Cape Cod running a small furniture business. She found him there and confronted him. He accused her of knowing what she was doing and being an adult. She reminded him that she was sixteen and seventeen when the abuse occurred and that he had been thirty-two years old and that he was her priest.

Nothing she said could make a difference. He denied all responsibility. If he denies the many encounters, we have witnesses. She then told her husband about some of her abuse and also contacted the Archdiocese. After some time, the Archdiocese began paying for [REDACTED] psychotherapy.

[REDACTED] received physiotherapy from [REDACTED] for ten sessions, then began treatment with Stuart Grassian, M.D. who specializes in these matters. When [REDACTED] began treatment with Dr. Grassian in March 1997, he reports that she clearly suffered from severe depression. He continues to report (see Dr. Grassian's complete written evaluation of [REDACTED] which is attached hereto) that upon [REDACTED] first seeing him, the guilt and shame about her sexual abuse were entirely palpable and emotionally raw. He reports that after a few weeks he also started her on an antidepressant medication, Zoloft, which he says has seemed to help ease the raw intensity of her pain. Attorney Rogers, can you imagine living for thirty-nine years with continuing, intense raw pain? That was (and to a somewhat lesser degree continues to be) [REDACTED] life as a result of the abuse by Father Creighton, and the disregard of [REDACTED] welfare by Father Peter Hart, by the priest at the Arch Street Shrine and by all of their trainers and supervisors and the Archdiocese.

As a result of the weekly psychotherapy sessions with Dr. Grassian, [REDACTED] depression has lifted moderately. Dr. Grassian reports that she has worked extremely hard to break the patterns of guilty, self-destructive behavior. She is working towards self-acceptance and away from self-hatred and constant self-punishment.

Dr. Grassian in his psychiatric evaluation of [REDACTED] concludes to a reasonable degree of medical certainty that she suffered profound and continuing psychiatric harm as a result of the sexual abuse perpetrated by Father Gerard Creighton. Dr. Grassian states that he has extensive experience in evaluating victims of child and sexual abuse, but he does not believe he has seen anyone for whom the abuse was more sharply delineated and still so raw.

Dr. Grassian also concludes to a reasonable degree of medical certainty that [REDACTED] did not recognize, and that a reasonable person in her position would have not recognized, the causal connection between the sexual abuse and her physical and psychological debility until sometime after she first began speaking of it with her priest confessor in 1995, confronted the perpetrator, and then told her husband what had happened to her. That all occurred in August, 1995.

Dr. Grassian reports that her prognosis is guarded. He reports that the course of her life has been profoundly altered by the decades of guilt and shame which she has suffered as a result of her sexual abuse. These are issues which she and her husband have still not fully confronted together. Dr. Grassian concluded to a reasonable degree of medical certainty that [REDACTED] will continue to need weekly psychotherapy along with anti-depressant medication for many years to come.

ACCRUAL OF ACTION

As is set forth in the report of Dr. Grassian, he has concluded that [REDACTED] did not recognize, and that a reasonable person in her position would have not recognized, the causal connection between the sexual abuse and her physical and psychological debility until the events of August 1995.

LIABILITY OF THE DEFENDANTS

A. Father Gerard Creighton

Father Creighton, as the person who committed the abuse against [REDACTED] is liable to [REDACTED] for the damages she has suffered as a result of the abuse. Also, as a priest, he had a duty to all parishioners to exercise reasonable care and adhere to the standards of the Catholic Church. Father Creighton breached his duty to [REDACTED] by deviating from the accepted standard of behavior of a Roman Catholic priest, by teaching a sixteen/seventeen year old girl that it was acceptable to allow an older man to engage in sex with her and subject her to sexual abuse.

B. Pastor Father Ralph W. Farrell of St. Margaret's

Pastor Farrell is liable to [REDACTED] as Pastor of St. Margaret's, and the person responsible for the operation of the Church. Included in Pastor Farrell's responsibilities was the duty to ensure that invitees and persons lawfully on the Church property were safe from the criminal acts of others. Maunsey v. Ellard, 363 Mass. 693, 707; Mullins v. Pine Manor, 297 NE2d 43, 51 (1973). Moreover, as Pastor of St. Margaret's, Pastor Farrell had a duty to ensure that the other priests including Father Creighton, carried out their priestly duties in a manner consistent with the tenets and principles of the Roman Catholic Church. Pastor breached this duty by failing to properly supervise Father Creighton.

Pastor Farrell's breach of his duty to properly supervise Father Creighton was a proximate cause of [REDACTED] injury for, but for Pastor Farrell's lack of supervision of Father Creighton, Father Creighton would not have been able to abuse [REDACTED] with impunity.

Moreover, as Pastor of St. Margaret's, Pastor Farrell had a duty to insure the priests at the Parish carried out all of their pastoral duties with reasonable care and in accord with the teachings of the Roman Catholic Church. Pastor Farrell failed to meet his duty with Father Creighton, and to properly train Father Creighton and supervise him. Pastor Farrell is liable for failing to properly train and supervise the priests serving under him.

C. Father Peter Hart

Father Hart was a priest at St. William's in Dorchester during the time Father Creighton was abusing [REDACTED]. [REDACTED] made Father Hart aware of Father Creighton's sexual abuse during more than one confession.

When [REDACTED] revealed the abuse to Father Hart in confession, Father Hart merely told her to not do it again. Father Hart never counseled [REDACTED] to talk to her parents or anyone else about the matter. Father Hart never attempted to find out why [REDACTED] would say that she had been molested. Father Hart, as a priest, had a duty to counsel [REDACTED] properly. When hearing of the abuse, Father Hart had a duty to counsel [REDACTED] to talk to someone about her victimization and to reveal what was happening to her so she could stop it and obtain the help she so desperately needed. In failing to do so, Father Hart breached the duty he owed to [REDACTED] and the standard of care expected of priests. Except for Father Hart's negligence, [REDACTED] would have sought and received help when she needed it most, which would have ended the abuse from Father Creighton. Father Hart's negligence permitted the abuse to continue, and contributed to [REDACTED] injuries, for which Father Hart is liable.

D. Priest to Whom [REDACTED] Confessed at the Arch Street Shrine, His Pastor and Father Hart's Pastor

The liability of the priest to whom [REDACTED] confessed at the Arch Street Shrine and his Pastor is the same as that of Father Hart's Pastor and Father Hart. We expect to learn of the names and locations of those priests through discovery, if this case does not settle prior to filing the Complaint.

E. The Archdiocese of Boston

As the employer of Father Creighton, Pastor Farrell, Father Hart, Father Hart's Pastor and the priests at the Arch Street Shrine, the Archdiocese is liable for the negligence of its employees pursuant to the legal concept of respondent superior. All of the acts and omissions set forth herein occurred while the priests were acting as clergymen, ministers to the congregations of St. Margaret's, St. William's and the Arch Street Shrine, and [REDACTED] in particular. As the employer of these five priests, the Archdiocese of Boston is liable for the acts and omissions of the priests and the injuries suffered by [REDACTED] as a result of such acts and omissions.

As the employer of the above-named priests, the Archdiocese of Boston is responsible for the negligence of its employees. Father Creighton, Pastor Farrell, Father Hart, and the other priests committed negligence. Pastor Farrell failed to properly train and/or supervise Father Creighton. Father Hart and the confessional priest at the Arch Street Shrine breached the standard of care priests owe to parishioners when they failed to properly counsel [REDACTED] during confession. Father Creighton used his position as a priest to gain the trust of [REDACTED] and then misused that trust and his priestly authority by abusing [REDACTED]. As clergy of the Roman Catholic Church, those priests owed a duty to their parishioners to carry out their functions in a manner consistent with the standard of care recognized within the profession. Each of the priests breached that duty to [REDACTED]. The Archdiocese of Boston, the employer of the priests, is liable under the theory of respondent superior for the negligence of its employees. The nature of the control that the Archdiocese had over these priests makes it quite evident that the relationship between them was that of employer-employee.

DAMAGES

[REDACTED] psychological and emotional problems, which Dr. Stuart Grassian causally linked to the sexual abuse perpetrated on her by Father Creighton, has resulted in [REDACTED] being severely depressed, self-destructive, ridden with guilt and self-hatred, unable to feel pleasure or to even seek

pleasure for herself, and without relief or hope, unable to share her burden with anyone, deprived of an intimate and a meaningful sexual relationship with her husband. This has been plaguing her for over forty years and Dr. Grassian predicts it will go on for many years to come. The suffering brought on by the abuse perpetrated on [REDACTED] had these effects on her. [REDACTED] continues to incur significant expenses seeking treatment for her injuries. I have calculated [REDACTED] damages below:

A. Special Damages

The following sets forth the special damages suffered by [REDACTED] to date:

1. a) Therapy to date: Until the Archdiocese of Boston had begun paying for [REDACTED] psychotherapy, she had incurred bills totalling \$819.00 with Stuart Grassian, M.D. Earlier, [REDACTED] had paid approximately \$1,000 to [REDACTED] for therapy.

Amount: \$1,819.00

b) Future therapy: One session per week at \$120.00 per session = \$120 per week x [REDACTED] expected life expectancy of 26.7 years = \$153,792.00

3. Pharmacology

a) [REDACTED] has been prescribed Zoloft since April 1997 as a treatment for her depression. [REDACTED] medication costs \$66.69 per month. To date that is \$600.21. For future prescription expenses for the total for her life expectancy of 26.7 years it is \$21,367.48.

Amount: \$21,967.69

Summary of Special Damages:

| | |
|--|--------------|
| Therapy to date Dr. Stuart Grassian | \$ 819.00 |
| Therapy to date [REDACTED] | 1,000.00 |
| Future Therapy | \$153,792.00 |
| Pharmacology | |
| Medicals to Date (April, 1997 to December, 1997) | \$ 600.21 |
| Future Medicals | \$ 21,367.48 |
| | <hr/> |
| Total: | \$177,578.69 |

B. Law

As [REDACTED] requires continuing medical care and treatment, the law of this Commonwealth as set forth in Cassidy v. Constantine, 269 Mass. 56, 168 HE 169 (1929), and Thibeault v. Poole, 283 Mass. 180, 186 NE 632 (1932) is that a personal injury plaintiff is entitled to recover a reasonable sum for unascertained medical expenses likely to arise in the future.

You and I have already discussed your anticipated constitutional defenses in a prior case. As then, I suggest you read Alberts v. Devine, 395 Mass. 59, 479 N.E.2d 113 (1985) wherein the Supreme Judicial Court stated that:

"Although the freedom to believe is absolute, the freedom to act cannot be. Conduct remains subject to regulation for the protection of society."

Please also read the 1989 case of Comm. v. Nissenbaum, 404 Mass. 575, 536 N.E.2d 592, wherein the Supreme Judicial Court adopted the three-part test used by the First Circuit in U.S. v. Rush, 738 F.2d 497 (1st Cir. 1984), cert. denied. 470 U.S. 1004, 105 S.Ct. 1355, 84 L.Ed.2d 378 (1985), which is:

1. Whether the civil law interferes with the exercise of religion;
2. Whether the civil law is essential to accomplish an overriding governmental objective (such as preventing the continuing sexual abuse of children in our case), and
3. Whether accommodating the religious practice would unduly interfere with fulfillment of the governmental interest.

In the Nissenbaum case, the SJC determined that the government objective of preventing the smoking of marijuana did not unduly interfere with Mr. Nissenbaum's good faith act of communion with his God. I do not think a jury will hesitate one moment to decide that the governmental objective to prevent the continuing sexual abuse of a child is even more important than preventing the smoking of marijuana. I think it is therefore clear that the governmental interest in preventing the continuing sexual abuse of children overwhelmingly overrides any claims of Father Hart or the priest at the Arch Street Shrine that to do or say anything as a result of the information learned in the confessional would have violated their First Amendment religious rights. I doubt that the jury would believe the priests if they were to claim that instructing the child to tell her parents or the police, would have violated any religious right of hers or theirs.

Please note that the clergyman privileged communications statute M.G.L. c. 233 § 20A states that with the consent of the person making the confession, the priest can disclose or testify as to the conversation. [REDACTED] hereby waives pursuant to c233, §20A, the priest penitent privilege of Father Peter Hart and the priest to whom she confessed at the Arch Street Shrine.

C. General Damages

As a result of the abuse suffered by [REDACTED], she has been diagnosed with Severe Depression with Self-Destructive Behavior, as manifested in [REDACTED] by the following: An overpowering sense of shame, fear and defectiveness; pervasive and immobilizing depression; continuing thoughts of Father Creighton's acts and her mutilation; inability to be consoled; a profound sense of unworthiness, dirtiness and defectiveness; constant fear of being exposed for her deeds; disillusionment with her religion; inability to confide in, share herself with, or be intimate with her husband; inability to have the satisfaction, enjoyment and feeling of unity with her husband in their marital intimacies; emotionally raw feelings of guilt and shame; self-hatred and constant self-punishment; and the grotesque mutilation of her face. The severity of the abuse suffered by [REDACTED] has affected almost every aspect of her life, and will continue to do so.

As a result of the psychological damage [REDACTED] bears, it is my belief that, at a minimum, a jury would award her damages for pain suffering in the amount of \$100,000 but perhaps as much as \$500,000 if it is especially outraged or sympathetic.

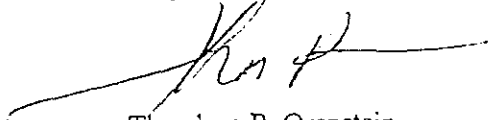
Thus, the damages suffered by my client are as follows:

| | | |
|-----------------------|--------------|--------------|
| Total Specials | \$177,578.69 | \$177,578.69 |
| Total General Damages | \$100,000.00 | \$500,000.00 |
| | <hr/> | <hr/> |
| TOTAL DAMAGES: | \$277,578.69 | \$677,578.69 |

If the defendants would prefer to settle this matter at this time without having to go through a lawsuit, [REDACTED] would be willing to receive only \$100,000 for her pain and suffering, plus the special damages of \$177,578.69, for a total of \$277,578.69. If you would like to discuss this matter and attempt to settle it prior to a lawsuit being filed, it is necessary that you present me with a suitable offer.

This offer is made for settlement purposes only. Accordingly, it is not to be disclosed or used at trial. Please review this proposal carefully and contact me with your response.

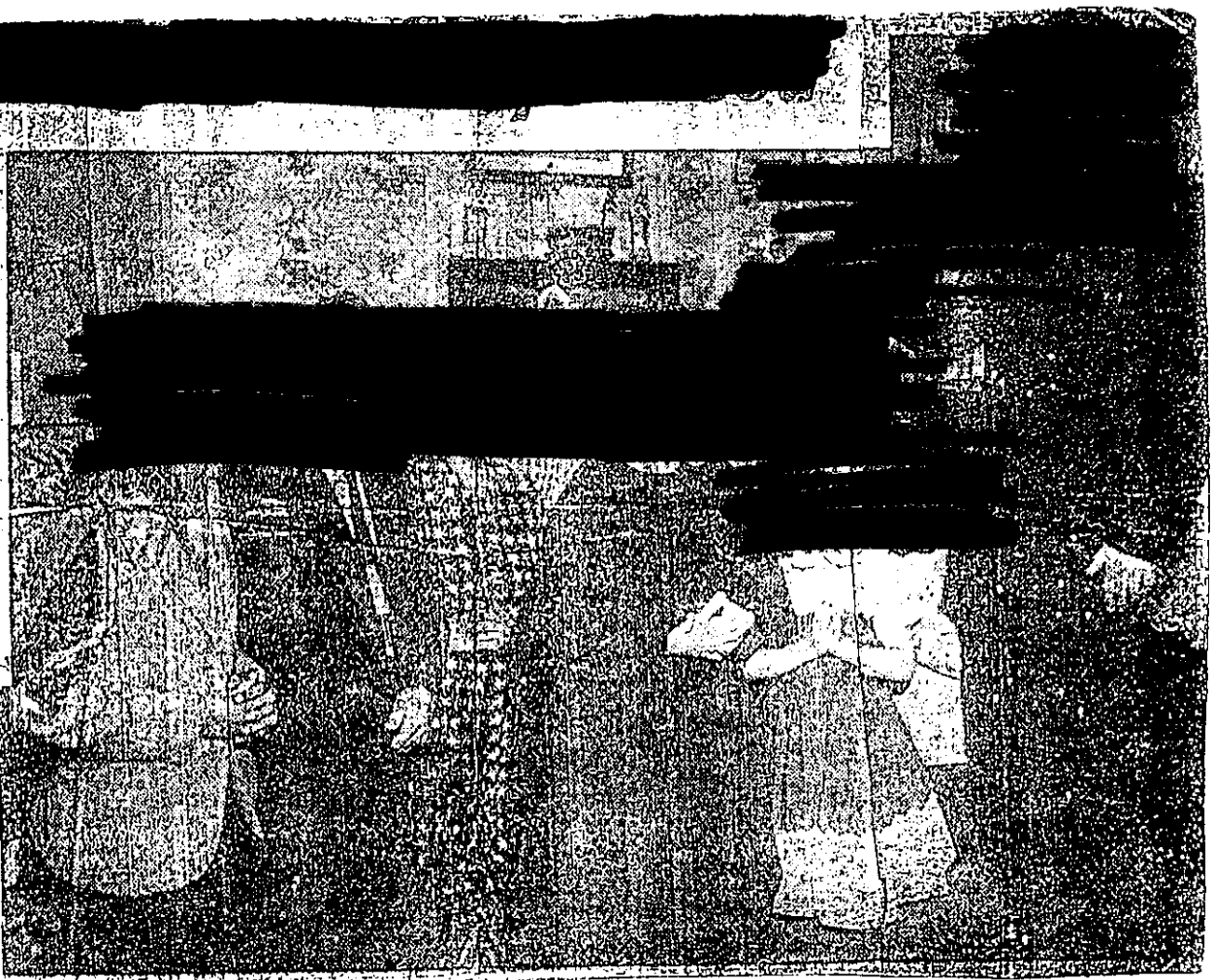
Very truly yours,



Theodore P. Orenstein

TPO/fm

(lawdocs\clients\ [REDACTED] \settldem.doc)



(Reprint American Photo
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