

DIOCESE OF GAYLORD

A Complete Accounting

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

This report contains detailed descriptions of allegations of sexual abuse or assault and other sexual misconduct (including grooming and misuse of authority) by priests or deacons who are current or former clergy for the Diocese of Gaylord that occurred in the Diocese from January 1, 1950, to the present. However, the Diocese of Gaylord was not established until 1971. Should you need assistance, please call 855-VOICES4.

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

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SUMMARY

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

This is the second of what will eventually be seven separate reports, one regarding each of the seven Dioceses. On October 27, 2022, the AG released its report regarding the Diocese of Marquette. It is our intent to share what was learned during the investigation as to ensure that any past failure to report sexual abuse will never happen again.

On October 3, 2018, a search warrant was simultaneously executed on the Archdiocese and all six Dioceses in order to seize any information and records each Diocese had regarding reports of sexual abuse. A search warrant is an order signed by a judge that allows for the search and seizure of specified items when probable cause exists to establish that a crime has occurred and that the place sought to be searched is likely to yield the information. The search warrant was executed in tandem with multiple police agencies, which included 42 Michigan State police detectives and troopers, two Midland police officers, two Saginaw Township police officers, one Grand Blanc police officer, and 15 special agents. It lasted 8 hours and more than 220 boxes of documents were seized. In total, an estimated 1.5 million paper documents were seized.

At the beginning of the investigation, a tip line was created and staffed from 8 am–5 pm, Monday through Friday, to collect information on sexual abuse within the church from the community at large. To date, this tip line has generated a total of 1,015 tips throughout the State of Michigan related to abuse. That number is 844-324-3374. We encourage anyone with information related to sexual abuse by a member of the clergy to contact the Department.

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

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

In connection with the adoption of the Charter, the Diocese of Gaylord further refined its existing procedures for the intake and investigation of reports of sex abuse by members of the clergy. The Diocese of Gaylord hired/appointed a Victim Assistance Coordinator (VAC) responsible for speaking with people who wish to make a report of abuse. The VAC for the Diocese of Gaylord carefully documents the details of the report, promptly reports to local law enforcement if the allegations involve a minor or advises an adult that the adult has the right to file a criminal complaint with local law enforcement and offers counseling services to those who are determined to have credible and substantiated claims of abuse.¹

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

To ensure communication with the Dioceses, the core team staff has attempted to meet quarterly with diocesan lawyers to discuss processes and procedures to streamline the investigation. All seven Dioceses have cooperated with the AG’s investigation.

In an effort to cooperate with the AG’s investigation, in addition to the required reports that they were already providing to local law enforcement, the seven

¹ The policies, procedures and protocols for the Diocese of Gaylord can be found at https://dioceseofgaylord.org/protection-policies-and-review-board#call_protocols. (Last accessed January 6, 2024.)

Dioceses have agreed to also provide the AG with reports of possible sexual abuse that they received during the course of the investigation. The Dioceses agreed to allow the AG's office first to conduct a criminal investigation into the report and wait to conduct any internal investigation until the AG concluded its investigation and determined that it would not file charges. Experience indicates that victims of sexual abuse wait many years before they disclose the abuse to others. In this investigation, victims continue to report sexual abuse to the Dioceses and the Archdiocese. The AG does not wish to interfere in the victim's spiritual relationship with the victim's church or Diocese and encourages victims to cooperate in any subsequent canonical investigation. Finally, if the victim is interested in counseling services, the AG victim advocate works to obtain services for the survivor.

To date, the AG has received 184 referrals from the Dioceses, including the Diocese of Gaylord. For those reports that involve a priest in active ministry, an investigation is initiated immediately. The Dioceses have agreed to give the AG's office appropriate time before they initiated an internal investigation. This time provides the investigators an ability to make contact with the victim, and in some cases the suspect priest. The Dioceses have typically refrained from commencing their investigation until cleared by AG staff.

Law enforcement is required to file criminal charges within a certain amount of time after the crime has been committed, commonly referred to as the statute of limitations (SOL). If the SOL has expired, Michigan law does not permit the AG or local prosecutors to pursue criminal charges. Prior to 2001, the SOL for criminal sexual conduct in the first degree (CSC 1) was six years from the date of offense, or the victim's 18th birthday day. In 2001, the Legislature eliminated the SOL for first-degree criminal sexual conduct (CSC 1), making it possible to bring criminal charges at any time. The crime of CSC 1 can be charged under a number of different theories. The most common theories are when sexual penetration occurred and the victim was under 13 years old, or the victim was forced/coerced into the sexual activity and the victim suffered from personal injury including mental anguish. For cases where the allegations are outside the SOL, the AG team members interviewed those who were reporting sexual abuse and were willing to discuss their victimization using a trauma-informed interview style. The AG/MSP conducted an investigation if the SOL had not expired, or if the alleged perpetrator appeared to have been outside of Michigan before the SOL expired which would "stop the clock" for that period of time. Where appropriate, criminal charges were brought. For the vast majority of cases in all six Dioceses and the Archdiocese, a criminal prosecution has simply not been possible either because the priest who engaged in the sexual abuse of minors was dead, the SOL had expired, the conduct did not violate Michigan law, or the person who was allegedly sexually abused by the priest did not wish to pursue criminal charges.

For Gaylord, the investigation yielded 10 tips to the AG tipline. Four of those were provided directly from the Diocese of Gaylord. Of the 220 boxes of paper documents that were seized from the Archdiocese and the six Dioceses, 21 boxes containing approximately 52,500 documents were reviewed related to the Diocese of Gaylord. Of the 3.5 million electronic documents seized, 786,882 documents were reviewed related to the Diocese of Gaylord.

Some information contained in this report comes from the website <https://www.bishop-accountability.org/>. It defines itself as follows:

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

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

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

The list of priests for which there were allegations of sexual misconduct against either children or adults since January 1, 1950, for the Diocese of Gaylord that was established in 1971 is derived from information gleaned from a search warrant that was executed against the Diocese of Gaylord on October 3, 2018, and from the tip line operated by the Department of Attorney General since 2018. There are 28 entries on this list, which includes 26 priests and 2 deacons; 18 were ordained or incardinated by the Diocese of Gaylord.

The allegations are summarized here, and their inclusion does not reflect a determination by the Department that the allegations are credible or otherwise substantiated nor indicative of a crime. The majority of reported allegations of sexual abuse or assault or other sexual misconduct (including grooming conduct) were against either boys or girls under the age of 16 and also under the age of 18, but there were also allegations against twelve priests and a deacon only related to adults (18 years or older). The John Jay College research team defined grooming as a premeditated behavior intended to manipulate the potential victim into complying with possible subsequent sexual abuse. Some of the claims allege actions by priests against adults in which there is a claim that the

priests relied on their authority to engage in sexual misconduct or attempt to do so. Not all the files that were retrieved by search warrant are complete; as with the priest list, the information here is a reporting of the allegations either found in the seized, non-privileged documents or gleaned from the tips received. The report does not suggest that the Diocese has additional information that has not been provided. This report reflects the documents that were obtained, in some instances many years after the original documents would have been generated.

For the 28 priests and deacons of whom 18 were incardinated in the Diocese of Gaylord, the Diocese identifies nine diocesan priests who were “credibly accused of sexual abuse of minors” on its list of “credibly accused” as follows: (1) Fr. Patrick Barrett; (2) Fr. Ronald Gronowski; (3) Fr. Lionel Harnish; (4) Fr. James Holtz; (5) Fr. Benedict Marciulionis; (6) Fr. Raymond Pilarski; (7) Fr. Terrence Raymond; (8) Fr. Robert Gordon Smith; and (9) Fr. John Tupper. For non-diocesan priests, there are five priests listed: (10) Fr. Theophane (William) Goett, OFM; (11) Fr. Denis (Joseph) Hall, OFM; (12) Fr. Wilbert (Norbert) Hegener, OFM; (13) Fr. Leo Olschaysken, O. Praem; and (14) Fr. Laurus (Raymond) Rhode, OFM.²

The Department’s report includes allegations against 12 of the 14 priests listed on the diocesan report related to minors, but it does not include an entry for Fr. Goett, as the allegations related to his role as a priest in the Diocese of Grand Rapids, and the Department has no information about Fr. Hall, OFM.

The bishop accountability list of credibly accused priests – which includes allegations against children and adults – identifies 13 priests for the Diocese, all the same 12 priests above except Frs. Goett and Hall, but also includes an additional priest, Fr. Bryan Medlin. The Department’s list also includes Fr. Medlin.

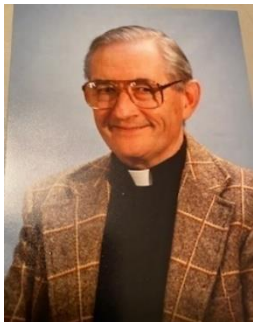
For the 28 priests and deacons, 16 are known or presumed to be dead. For the 12 who are living or presumed to be living, three are in active ministry for the Diocese of Gaylord; one as a pastor and the others in retired ministry.

For the three priests in active ministry, the allegations against them related to allegations involving adults. The AG has not filed criminal charges against any of these priests.

For the 26 priests and two deacons, the vast majority of conduct as alleged that may have violated Michigan criminal law occurred before 2002.

² See <https://dioceseofgaylord.org/clergy-credibly-accused-sexual-abuse-minors-diocese-gaylord>. (Last accessed January 6, 2024.)

**(1) FR. PATRICK JOHN BARRETT
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**



Born: January 5, 1934

Ordained: June 6, 1959

Faculties Revoked: June 1, 2002

Died: March 30, 2006

Fr. Patrick John Barrett was born on January 5, 1934, in Hubbardston, Michigan, and was ordained to the priesthood on June 6, 1959, at St. Andrew Cathedral in Grand Rapids, Michigan. (App'x PJB#1, Priest appointment and information sheet; App'x PJB#2, Obituary of Reverend Patrick J. Barrett.) His priestly faculties were revoked on June 1, 2002, within weeks of when the Diocese first received a report alleging that he sexually abused minors. Fr. Barrett died on March 30, 2006. (*Id.*)

In a letter dated April 30, 2002, Jane Doe 1, sent a letter to the Diocese of Gaylord addressed to “[t]o whom it may concern,” alleging that Fr. Barrett sexually molested her when she was a child. (App'x PJB#3, April 30, 2002, letter signed by Jane Doe 1; App'x PJB#4, five-page report by Bishop Patrick Cooney of Gaylord to Cardinal Joseph Ratzinger, Congregation for the Doctrine of Faith, August 26, 2003, p. 1.) Enclosed with Jane Doe 1's letter was a copy of a letter, addressed to “Pat,” which she indicated that she had sent to Fr. Barrett on April 18, 2002. (App'x PJB#5, undated letter signed by Jane Doe 1 addressed to “Pat.”) In her letter sent to Fr. Barrett on April 18, 2002, she stated that she wrote him the letter “to give him a chance to come forward himself,” hoping “to protect any children he may come in contact with by coming forward.” (*Id.*)

According to Bishop Cooney's report of allegations against Fr. Barrett, “Father Barrett did not contact me about the letter,” apparently referring to Bishop Patrick Cooney, and thus “I asked a professional counselor to meet with Fr. Barrett.” (App'x PJB#4, Bishop Cooney's report, p. 2.) On May 9, 2002, an investigator hired by the Diocese, interviewed Fr. Barrett at St. Joseph Church in Mapleton, Michigan, regarding Jane Doe 1's allegations. (App'x PJB#6, Interview summary prepared by Diocese investigator, May 9, 2002, p. 1.) During the interview, Fr. Barrett acknowledged that he had received a letter from Jane Doe 1 “in this regard,” but that no other allegations were ever made against him by her or anyone else. (*Id.*)

In this May 9, 2002, interview, Fr. Barrett said that Jane Doe 1 wanted him to admit that he was guilty of the alleged abuse, but he refused, claiming to “have no recollection of anything like this.” (App’x PJB#6, Interview summary, p. 1.) Rather, he asserted that “I won’t. I can’t because I’m not guilty. I have no recollection of anything like this.” (*Id.*) Fr. Barrett said he asked his victim’s mother about the allegations, and she told him “nothing like that ever happened.” (*Id.*) He said she thought it was delusional, and asserted that it was either related to the family’s history of schizophrenia or to sibling rivalry. (*Id.*) The Diocese’s investigator also reported that Fr. Barrett “was very cooperative and said he will assist and respond in any way that he is asked to in this matter.” (*Id.* at 2.) He further noted that Fr. Barrett wasn’t “real upset about the allegation,” nor was he “defensive or angry[.]” (*Id.*)

On May 15, 2002, the Diocesan investigator met with the parent of Fr. Barrett’s alleged victims at the home regarding the allegations made by their children. (App’x PJB#7, Interview summary of [Parent] of Alleged Victims, signed by Diocesan investigator; App’x PJB#4, Bishop Cooney’s report, p. 4.) [Parent] stated: “I guess it could have happened, but I do not know that it happened.” (App’x PJB#7, Interview summary at p. 1.) [Parent] also recalled “having too much to drink a couple of times when he was there[.]” (*Id.*) They said that one of the other daughters, Jane Doe 2, said “something had happened[,] and she had been molested by [him]” too. (*Id.*) And they explained that “[a]ll the girls say this has happened except Witness 2, but they give me no details.” (*Id.*) [Parent] responded that “I was in shock and said it is impossible.” (*Id.*) They also stated that they did not witness any abuse, and that “I don’t think it did” happen. (*Id.*)

But Jane Doe 1 provided the investigator with a copy of a 1991 handwritten letter her [parent] wrote to her, acknowledging that they asked for the daughter’s forgiveness. (App’x PJB#8, handwritten two-page letter “from [parent] to Jane Doe 1,” dated January 23, 1991.) In the letter, apparently referring to Fr. Barrett, “I have done many wrong things in my life that I deeply regret but molests children or in any way cooperate is not one of them.” (*Id.* at 1.)

On May 16, 2002, the Diocese’s investigator interviewed Jane Doe 1, in which she alleged the following:

On about 12 different occasions [Fr. Barrett], when visiting [Jane Doe 1’s family member] . . . around 1968 and after, fondled me while I was sitting on his lap[,] and he was visiting [Jane Doe 1’s family member] across the table in the kitchen. He had his hands up my shirt and shorts and under my underwear and he touched me in the process, including the genital area. They had been/were drinking at the time when he fondled me.

[App'x PJB#9, Interview summary by the Diocese's investigator, dated May 16, 2002.]

Jane Doe 1 told the Diocese's investigator that she told one priest, six years earlier, and another priest, ten years earlier, about the alleged sexual abuse, but nothing resulted. (*Id.* at 2.)

Also on May 16, 2002, the Diocese's investigator interviewed Jane Doe 2. (App'x PJB#10, Interview summary prepared by the Diocese's investigator.) Jane Doe 2 alleged that, while taking marriage-preparation classes in 1980, she remembered Fr. Barrett, molested her, the memories having been repressed before that time. (*Id.*) More memories were recovered through hypnosis. (*Id.*) Jane Doe 2 specifically alleged that Fr. Barrett "touched my genital areas, labia, etc. – there was lubrication – he played with my clitoris – I had an orgasm." (*Id.*) Jane Doe 2 said that, in 1996 or 1987, she told her sisters, Jane Doe 4, Jane Doe 5, Jane Doe 3 and Jane Doe 1 about the sexual abuse, and they told her they were all (individually) molested by Fr. Barrett. As a result of her memory having been repressed, Jane Doe 2 said she was not aware of the sexual abuse prior to that time. (*Id.*) Jane Doe 2 also told [a family member], who asked her not to bring it up until a later event occurred. (*Id.*) After that occurred, Jane Doe 2 reported the alleged sexual abuse to a priest of the Diocese of Lansing, who referred her to Bishop Cooney. (*Id.*)

On May 18, 2002, Jane Doe 3 called the Diocese and alleged that she was also sexually abused by Fr. Barrett. (App'x PJB#4, Bishop Cooney's report, p. 5.) Jane Doe 3 alleged that the sexual abuse occurred in the early 1970s when she was 5-to-11-years old. (*Id.*) Jane Doe 3 stated that there was "lots of touching, but no sodomy or anything like that." (*Id.*)

On May 24, 2002, the Diocese' investigator met with Fr. Barrett. Fr. Barrett continued to insist that he was innocent:

He did not think it necessary for him to retain legal counsel. He said he would cooperate with an evaluation and/or treatment plan as planned by the bishop, and he requested that such take place in Michigan for ease of travel. Father Barrett continued to say he was innocent, and he requested that he be allowed to stay at the parish until after an evaluation of him was complete and a report furnished.

The counselor asked Father Barrett why he hadn't mentioned before about the letter he received from Jane Doe 4, about ten years ago accusing him of molestation of her. Father Barret[t] said he thought we were only concerned about the allegation made by Jane Doe 1. Father Barrett asked for some "think time."

[*Id.* at 5 (paragraph break added).]

After May 18, 2002, the Diocese of Gaylord Sexual Misconduct Committee found the allegations made by Fr. Barrett's victims to be credible. (App'x PJB#4, Bishop Cooney's report, p. 5.)

In a letter dated May 31, 2002, Bishop Cooney placed Fr. Barrett on immediate administrative leave, at which time his diocesan faculties were withdrawn. (App'x PJB#11, Letter from Bishop Cooney to Fr. Barrett, dated May 31, 2002.) Bishop Cooney also advised Fr. Barrett that an evaluation would be "set up." (*Id.*)

In a letter dated June 11, 2002, the Livingston County Prosecutor acknowledged that the Diocese's lawyer had provided a report regarding the allegations against Fr. Barrett on June 7, 2002.

On July 22, 2002, Bishop Cooney met with Fr. Barrett during which Bishop Cooney advised Fr. Barrett of his options "as I prepare to send his case to Rome." (App'x PJB#12, "File memorandum re: Priest under penalty," with Bishop Cooney's name, dated August 4, 2003.) Fr. Barrett said he did not wish to be laicized, nor did he want a canonical trial. (*Id.*) Fr. Barrett stated that he would live under the permanent penalty. (*Id.*) Bishop Cooney advised that he would then "not seek laicization for him but rather ask that he remains as he is," i.e., without the ability to hold himself out as a priest or engage in any ministerial functions. (*Id.*)

In a letter dated August 26, 2003, Bishop Cooney wrote to Cardinal Ratzinger, Congregation for the Doctrine of Faith, requesting "a dispensation from the prescription," rather than commencing canonical proceedings for laicization against Fr. Barrett. (App'x PJB#4, Cover Letter to Bishop Cooney's Report, dated August 26, 2003.) In a letter dated December 13, 2003, Bishop Cooney was informed that the "Congregation has decided to confirm your decision not to proceed with a judicial process against the alleged delicts of Fr. Barrett." (App'x PJB#13, Letter from Archbishop Angelo Amato, Secretary of the Congregation, to Bishop Cooney.)

(2) FR. RAYMOND CHARLES COTTER
ACTIVE MINISTRY (RETIRED)



Born: March 5, 1951

Ordained: November 28, 1986

Retired to Senior Priest Status

Fr. Raymond Charles Cotter was born on March 5, 1951, in Mount Pleasant, Michigan, and ordained to the priesthood at St. Mary Cathedral in Gaylord, on November 28, 1986. (App'x RCC#1, Priest information and appointment sheet.) He served in the Diocese of Gaylord until August 31, 1995, at which time he was transferred to the Archdiocese of Anchorage to serve for three years. (*Id.*; App'x RCC#2, Letter from Bishop Patrick Cooney to Fr. Raymond Cotter, dated June 6, 1995.)

In 1992, Fr. Cotter allegedly engaged in sexual intercourse with an adult woman, Jane Doe 6 on one occasion, that resulted in the birth of a child. (App'x RCC#3, Complaint and Jury Demand, *Jane Doe 6 v Cotter*, County Circuit Court, pp 1–5.)

On February 29, 1996, Jane Doe 6 filed a seven-count complaint against Fr. Cotter and the Diocese of Gaylord alleging Paternity, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Breach of Fiduciary Duty, Fraud and Misrepresentation, Vicarious Liability of Defendant Catholic Diocese of Gaylord, and Negligent Hiring and/or Supervision. (*Id.*) Jane Doe 6 alleged that, in August 1986, she went to Fr. Cotter for marriage counseling until 1992, which continued after her marriage ended in March 1992, after which she continued individual counseling with Fr. Cotter. (*Id.* at 2.) She further alleged that, at the time the sexual intercourse occurred in May 1992, Fr. Cotter was “acting as a priest and counselor for” Jane Doe 6. (*Id.*) The parties settled for a dollar amount and the lawsuit was dismissed.

Prior to his transfer to Alaska in 1995, in a letter dated August 13, 1996, it appears that neither Bishop Cooney nor Fr. Cotter had informed the Archbishop of Anchorage, Francis Hurley, about Fr. Cotter’s “particular situation,” because they each believed the other had done so. (App'x RCC#4, Letter from Archbishop Francis Hurley of Anchorage to Bishop Patrick Cooney of Gaylord, dated August 13, 1996, p. 1.)

As a result, Archbishop Hurley required Fr. Cotter to undergo an evaluation before continuing to minister in the Archdiocese of Anchorage, so Fr. Cotter returned to the Gaylord Diocese in the summer of 1996. (*Id.* at 2.) In the letter, Archbishop Hurley noted that whenever a “matter of sexual misconduct” arises, he refers the matter to his “special committee,” comprised of the Vicar General, an attorney and a nurse. (*Id.* at 3.) He noted that Fr. Cotter would have to give that committee his permission to review “his report.” (*Id.* at 3.) Also, Archbishop Hurley noted that Fr. Cotter “showed some real anger” because he felt he was “trapped by the woman who has in effect been stalking him,” stating that “[h]e just can’t get free from her.” (*Id.* at 2.)

In December 1997, Fr. Cotter was transferred to the Diocese of Marquette for two years. (App’x RCC#5, Letter from Bishop James Garland of Marquette to Bishop Patrick Cooney of Gaylord, and Agreement for Transfer Outside Diocese, dated December 23, 1997.)

(3) FR. WALTER WILLIAM DERYLO



Born: March 10, 1943

Ordained: December 20, 1968

Died: August 17, 2007

Fr. Walter William Derylo was born in Grand Rapids, Michigan, on March 10, 1943, and was ordained to the priesthood on December 20, 1968, in the Basilica in St. Peter, Rome, Italy. In 1968, he was “appointed” as the assistant to St. John Vianney, Grand Rapids. In 1971, Fr. Derylo was appointed as the assistant in St. Joseph’s Church in Manistee in the newly established Diocese of Gaylord where he was assigned to various parishes until May 14, 2000, when the Diocese granted him permission to do “pastoral work” outside the Diocese of Gaylord. On August 17, 2007, Fr. Derylo died. (App’x WWD#1, Priest information and appointment sheet.)

In April 2006, the investigator for the Diocese, interviewed Jane Doe 7, an adult woman, who alleged that she had been in a sexual relationship with Fr. Derylo for many years beginning in the summer of 1985 and continuing into the 1990s. (App’x WWD#2, Report of investigator for the Diocese, regarding Fr Derylo, pp. 1–2.) Fr. Derylo confirmed that they had this “physical relationship.” (*Id.* at 3.)

In May 2007, Jane Doe 7 again contacted the Diocese. (App’x WWD#3, typewritten memorandum, dated May 2017.) She alleged that her daughter, Jane Doe 8 had recently told her that Fr. Derylo touched her when she was little. (*Id.*) A representative of the Diocese called Jane Doe 8 and recorded the following:

She said she doesn’t remember that much about it but that she remembers when she was little – maybe 5 or 6 – that Fr. Walt used to babysit. She doesn’t remember how many times – only remembers one particular time and it was at their house. She remembers her mother was putting her brother to bed and Fr. Walt was putting her pajamas on her. She was wearing a pink blanket sleeper and he touched her with his hand inappropriately. She said there was no “invasion” or “penetration” or anything like that. She said she was sure she was not more than 6–8 years old. Jane Doe 8 said when she told her mom, she didn’t expect all of this to happen. She is now extremely stressed about this. She has received counseling before, and she feels the counselor

was pushing her. She doesn't want her dad to know because "he would find him and kill him." She didn't want to tell her mom either. She just said it to her mom after the guys yelled the comment to her dad.

I asked if she wanted to pursue[,] and she said she didn't want to right now. She needed to "figure things out."

[*Id.*]

(4) FR. JAMES KEMP GARDINER
ACTIVE MINISTRY (RETIRED)



Born: April 28, 1943

Ordained: June 7, 1969

Retired: July 1, 2015

Active: Sacramental Minister, St. Anthony of Padua, Mackinaw City

Fr. James Kemp Gardiner was born in Cheboygan, Michigan, on April 28, 1943, and was ordained to the priesthood at St. Andrew's Cathedral in Grand Rapids, Michigan, on June 7, 1969. (App'x JKG#1, Priest information and appointment sheet.) Fr. Gardiner was granted senior priest status in 2015, and he continued to serve as Administrator in Harbor Springs, Good Hart, Cross Village, and Larks Lake in 2018. (*Id.*) On May 2, 2022, while retired, he was appointed to serve as sacramental minister at St. Anthony of Padua in Mackinaw City, Michigan. (See website for the Diocese of Gaylord.)³

On November 19, 1997, Sgt. Robert Monroe of the Grand Traverse County Sheriff Department received a referral concerning a patient at Munson Medical Center in Traverse City. (App'x JKG#2, Grand Traverse Sheriff Department Incident Report, dated January 20, 1998.) Sgt. Monroe reported that "John Doe 1 [the patient] had disclosed that in December 1996, he was a victim of an unwanted sexual touching by Father James Gardiner, who is a Catholic priest and the pastor of St. Francis Church in Traverse City." (*Id.* at 3.) Sgt. Monroe's report summarized the allegation of John Doe 1, an adult male, as follows:

John Doe 1 stated that the sexual touching that occurred between himself and Father Gardiner was a surprise to him and that it only occurred on one occasion. He stated that since the incident occurred that he has continued to be friends with Father Gardiner

John Doe 1 stated that the incident occurred between Christmas and New Year's, 1996, and that he was suicidal at the time and that he had

³ <https://www.dioceseofgaylord.org/news/appointment-announcement-1> (Last accessed January 6, 2024.)

tried getting in touch with Father Gardiner earlier in the day and had left a message for Father Gardiner to get a hold of him.

He stated that later in the day Father Gardiner came to his apartment. He stated that they were in the bedroom at his apartment and Father Gardiner offered to give him a back rub. John Doe 1 stated that he did not have his shirt on; however, he did have his pants on. He stated that Father Gardiner did not have a shirt on and that during the course of the back rub Father Gardiner had unzipped John Doe 1's pants and did put his mouth on John Doe 1's penis.

John Doe 1 stated that when this happened[,] he was in shock and that he did not say anything to Father Gardiner at the time; however, later he did confront Father Gardiner about what had occurred and told him that it was something that he did not want to happen.

John Doe 1 did not wish Father Gardiner to be prosecuted for what had occurred.

[*Id.* at 3.]

In this January 1998 report, John Doe 1 also stated to Sgt. Monroe that he told Fr. Gardiner that he was going to be meeting with Sgt. Monroe regarding the alleged incident, so Father Gardiner rode with him to the interview and waited outside in the car. (*Id.*) Upon hearing this, Sgt. Monroe then requested to meet with Fr. Gardiner, and Fr. Gardiner agreed. (*Id.*) After being advised of his *Miranda* rights, Fr. Gardiner admitted to Sgt. Monroe to a sexual touching that he believed was consenting, the latter memorializing that discussion as follows:

Father Gardiner stated that a year ago in December 1996, after Christmas he had received a phone call from John Doe 1 and that he had been friends with John Doe 1 for a long time.

Gardiner stated that he had gone over to John Doe 1's house and that John Doe 1 was acting out and apparently had problems with his mom earlier in the day and had broken a glass and cut his finger. Father Gardiner stated that he believed John Doe 1 had received treatment for his cut finger at Munson Medical Center on that day.

Gardiner stated that John Doe 1 had been drinking and Gardiner stated that he had not been drinking on that day.

Gardiner stated that he asked John Doe 1 if he wanted to go lay down and that he and John Doe 1 went into the bedroom.

Gardiner stated that he asked John Doe 1 if he wanted to have a back rub in order to relax, and Gardiner stated, “Stupid move.” Father Gardiner stated that he gave John Doe 1 a chest rub[,] and was talking to John Doe 1 all the time while this was occurring. Gardiner stated that he asked John Doe 1 if it was okay to release his belt on his pants so he would be more comfortable.

Gardiner stated that he pulled John Doe 1’s zipper down on his pants to be more comfortable, and it was at that point he initiated a sex act, and it was very brief.

I asked Father Gardiner as to what occurred, and he stated, “My lips touched his unerect penis.”

Father Gardiner stated it was his impression that this was consenting adults and that John Doe 1 did not say anything at the time. Father Gardiner stated that later John Doe 1 had wrote [sic] him a card stating that he did not like what had happened concerning Father Gardiner putting his mouth on John Doe 1’s penis.

[*Id.* at 4.]

In the January 1998 report, Sgt. Monroe explained that he then discussed the investigation with Grand Traverse County Prosecutor Dennis LaBelle, who decided not to prosecute the matter. (*Id.*) Sgt. Monroe also informed Bishop Cooney of the matter. The sheriff’s investigation was then closed. (*Id.* at 5.)

On April 9, 2015, Trooper Hugh Walsh of the Michigan State Police was contacted by John Doe 2, who reported allegations of “sexual assault” by Fr. Ronald Gronowski, see entry no. 6, and Fr. James Gardiner on “numerous occasions” when he was 17 years old in the early 1980s:

[John Doe 2] stated that he has been struggling mightily with the knowledge of numerous incidents that have occurred when he was a young boy. [John Doe 2] stated that he struggled with alcohol problems, he has been arrested for several criminal incidents, and he is also a registered sex offender. He told the undersigned officer that he has not [led] a good life but blames it on two men who had a profound impact on his life.

[John Doe 2] told the undersigned officer that two [C]atholic priests from the Gaylord Diocese had sexually assaulted him on numerous occasions at numerous venues when he was a younger boy. He told the undersigned officer to the best of his recollection these incidents occurred in both Mason County in the Manistee area at St. Raphael’s Church and also at other locations in northern Michigan, all of which

were in the Gaylord Diocese. The two [C]atholic priests had made numerous payouts to him since that date in an attempt to keep these transgressions quiet.

* * *

[John Doe 2] told the undersigned officer that his earliest recollection of these incidents occurred when he was 17 years old.

[App'x JKG#3, MSP Incident Report No. 061-0002926-15, p. 2.]

Regarding the report about “payouts,” John Doe 2 told Trooper Walsh that Fr. Gardiner had “paid off a car when he was behind in his payments,” and that he paid his mortgage when he was defaulting on his mortgage. (*Id.* at 3.)

In response to these allegations from April 9, 2015, according to his report, Trooper Walsh contacted the Diocese of Gaylord and learned that the Diocese was arranging for counseling for John Doe 2 as well as “making arrangements” in relation to “any civil settlement that [John Doe 2] might be seeking.” (*Id.*) Trooper Walsh’s report further indicated that the Diocese informed him that the priests had been “disciplined,” one being “defrocked,” and the other assigned to “an administrative capacity where he would no longer have contact with [C]atholic parishioners.” (*Id.*)

On April 13, 2015, in a follow-up interview with John Doe 2, Trooper Walsh indicated that “he no longer wished to pursue criminal charges,” as he had contacted the Diocese, and it was sending representatives, “to assist him [in] obtaining the necessary counseling” and that “they were going to take care of him in a civil manner.” (*Id.*) Thus, he said that would not be coming in for scheduled follow-up forensic interview. (*Id.*)

On August 16, 2016, the Diocese of Gaylord Review Board found an allegation made by John Doe 2 against Fr. Gardiner to be “not credible.” (App'x JKG#4, Diocese of Gaylord Review Board Recommendations, dated August 16, 2016.) This document references a June 25, 2016, investigative report prepared by the investigator hired by the Diocese. The report suggests he interviewed both John Doe 2 and Fr. Gardiner about a 1982 incident:

The investigators remarked that both men were very candid in their answers regarding the presence of abuse. There was detailed discussion concerning whether there was any credible information. They determined that it was not credible.

[*Id.*]

According to the recommendations, no formal complaint had been filed. [*Id.*]

In September 2018, an anonymous typewritten letter was sent to the Diocese of Gaylord Review Board regarding John Doe 2 and a “priest.” (App’x JKG#5, unsigned letter from “A Catholic of Conscience to Board Members.”) In the letter, “A Catholic of Conscience” alleged the following in part pertinent:

If your discovery is consistent with my letter, I am helping to make the church better. If it does not pan out as credible, I still am doing the correct thing in reporting what I have been told and believe to be true by John Doe 2.

John Doe 2 may feel conflicted and deny what he said, which is that he and a certain priest were intimately involved when he was a teenager. He became very close with this priest who became a father figure and today remains a part of his life.

In my experience, children and the inebriated tell the truth. John Doe 2 and his priest friend had an addiction to alcohol which is what bonded their friendship. John Doe 2 was vulnerable[,] and the priest became a conduit for him to acquire alcohol which he could not otherwise obtain legally.

John Doe 2 told me that during their frequent drinking episodes and overnights they would get nude, and John Doe 2 would massage his priest friend and they would do other things. I never inquired what “other things” meant. As he spoke, I was surprised John Doe 2 did not express hostility toward this priest. He may not have realized it, but his years of abuse only added to his alcoholic lifestyle and dependency. A wonderful scenario would be that John Doe 2 is now sober and in a 12-step program. While these actions were inappropriate and broke boundaries I was appalled when John Doe 2 shared that he knew where the Sunday offering was placed and broke into the safe and stole the collection. His priest friend knew he was the one who took the money but protected him by reporting to the insurance company that someone had broken into the rectory and taken the funds.

[*Id.*]

On November 23, 2018, a second anonymous letter, apparently written by the same individuals as the earlier one was sent to diocesan Victim Assistance Coordinator, referencing the first letter, this time calling themselves “Parishioners Who Want Purification for our [C]hurch.” (App’x JKG#6, Letter titled, “Those Who Love Their Church,” dated November 23, 2018.) A copy of the letter was provided to the Department during this investigation by the diocesan attorney on November 28, 2018. In this letter, the Diocese’s counsel suggested that the allegations indicate that despite John Doe 2’s response to the original investigation that there was no

sexual relationship between him and Fr. Gardiner, the second anonymous letter indicated that he made “recent comments that raise the possibility that there was a sexual relationship between [him] and Fr. Gardiner, and possibly before 1982 when he would have been a minor,” i.e., under 18 years old. (App’x JKG#7, Letter from Diocese counsel dated November 28, 2018.) In light of the second anonymous letter, the Diocese’s “Review Board had reopened the matter.” (*Id.*)

In 1982, while John Doe 2 was a teenager, Fr. Gardiner would have been 39 years old. (JKG#1, Priest appointment.)

In February 2019, Sgt. David Hart of MSP investigated the anonymous letter regarding John Doe 2 and Fr. Gardiner. (App’x JFK#8, MSP Incident Report No. NIS 0000005-19.) Sgt. Hart noted that the matter was originally investigated by Trooper Hugh Welsh of the Rockford Post in 2015, (*id.* at 1), as noted above.

On April 8, 2019, John Doe 2 agreed to meet with Sgt. Hart for an interview. (App’x JFK#9, MSP Incident Report No. NIS-0000005-19, Supplement 0003, dated April 15, 2019, p. 2.) John Doe 2 stated that Fr. Gardiner had been a lifelong friend, and he had never been involved in any criminal-sexual-conduct activities. (*Id.* at 2.) John Doe 2 reaffirmed this several times and asked why he was being asked about Fr. Gardiner. (*Id.*) John Doe 2 alleged that Fr. Ronald Gronowski was the perpetrator of the crime. (*Id.*) John Doe 2 did state that, if he and Fr. Gardiner went out jogging, they sometimes gave each other backrubs afterward, like a couple of guys would do at a gym. (*Id.* at 4.) But he “advised nothing sexual ever occurred between them.” (*Id.*) He noted that he considers “[Fr.] Gardiner a friend, and . . . even received a birthday card this month from [him].” (*Id.*)

(5) FR. DONALD ROBERT GEYMAN
ACTIVE MINISTRY (PASTOR)



Born: September 5, 1965

Ordained: June 8, 1996

Active: Pastor of St. Francis of Assisi, Traverse City

Fr. Donald Geyman was born in Toledo, Ohio, on September 5, 1965, and was ordained to the priesthood on June 8, 1996, at St. Mary Cathedral in Gaylord. (App'x DRG#1, Priest information and appointment sheet.) Fr. Geyman currently serves as pastor of St. Francis of Assisi Church in Traverse City, Michigan. (*Id.*)

On October 25, 2012, Jane Doe 15, a parishioner of St. Patrick Parish in Traverse City, contacted Bishop Bernard Hebda and alleged that, when she was at a conference, "Fr. Geyman, approached [Jane Doe 15], put his hand on her thigh and whispered in her ear that she looked very nice." (App'x DRG#2, Memorandum from Bishop Hebda to an investigator, dated November 9, 2012, p. 1.) Jane Doe 15 told Bishop Hebda that the incident made her "very uncomfortable." (*Id.*)

Also in this November 9, 2012, memorandum, Jane Doe 15 alleged that she told Fr. Joe Ortega, who was also at the conference, that she thought Fr. Geyman was "hitting on her." (*Id.*) Fr. Ortega brought this comment to the bishop's attention on October 24, 2012, and he further told the bishop that, back in July, he "had once walked in on Fr. Geyman and a woman from the parish in the living room of the rectory shared by Frs. Geyman and Ortega and the woman immediately jumped up and left, looking very guilty." (*Id.*) He said Fr. Geyman, however, looked "very calm and undisturbed." (*Id.*) Fr. Ortega stated that he reported the incident to Msgr. Francis Murphy, vicar general of the Diocese. (*Id.*) He advised the bishop he had never witnessed any other incidents of this type by Fr. Geyman in the six months that they lived together. (*Id.*)

Before discussing the alleged incident with Fr. Geyman, the bishop spoke to Msgr. Murphy regarding the alleged July incident reported by Fr. Ortega to Msgr. Murphy. (*Id.*) Msgr. Murphy advised the bishop that he had spoken to Fr. Geyman regarding the allegation, and Fr. Geyman told Msgr. Murphy that he and the woman were sitting on the couch looking at pictures from his recent safari vacation. (*Id.* at 1.)

“Msgr. Murphy indicated that he saw no reason not to believe Fr. Geyman’s explanation and warned him to be more careful about how his conduct could be perceived by others.” (*Id.* at 1–2.)

According to the 2012 memorandum, on October 29, 2012, Jane Doe 15 called the bishop “to tell me that I obviously had not done anything because she received another ‘advance’ from Fr. Geyman, this time in the form of a Facebook message inviting her to meet him after a . . . social event at the Catholic High School in Traverse City.” (*Id.* at 2.) Bishop Hebda noted that, “Generally, that event isn’t over until the wee hours of the morning.” (*Id.*) Thereafter, on November 1, 2012, Bishop Hebda met with Fr. Geyman in person, who denied “any improprieties with Jane Doe 15 or with the woman Fr. Ortega had brought up” to the bishop. (*Id.*) Fr. Geyman also denied sending a message on Facebook to Jane Doe 15 asking for a post-event rendezvous. (*Id.*)

According to his memorandum, on November 2, 2012, Bishop Hebda called Jane Doe 15 and asked her to forward the Facebook message to him. (*Id.*) The diocesan director of communications, explained to Jane Doe 15 how to send a screenshot of the message. (*Id.*)

On November 5, 2012, Jane Doe 15 emailed Bishop Hebda: “You being my Cheif [sic] Shep[he]rd of my heart, mind, and soul, I love and respect your moral and divine authority over the wonderful diocese but please respond to this terrible act of injustice in the name of the evil one. Our Lady of Justice is calling you, and Jesus the King of Kings, is demanding that you act to restore peace and social justice to your wounded diocese. If one preist [sic] can get away with sexual harasment [sic] then there is no telling how much more poison will enter into the minds of your preists[sic] Our Lady and sacraments can only do so much for your preists [sic], but if your preists [sic] are more easily seduced [sic] by the empty pleasures of the world than the sheer beauty and splendor of Truth and Love, than satan has already the life and spirit of the priesthood [sic] apart. Do you eally [sic] want this to happen for you [sic] diocese?” (App’x DRG#3, Email exchange between Jane Doe 15 and Bishop Hebda, dated November 5, 2012.)

When Bishop Hebda “indicated that I was waiting for email from her, [s]he proceed[ed] to tell me that she had done something that eliminated all of her Facebook messages and that she had contacted Facebook and they raised the possibility that her password was ‘weak’ and that someone could have hacked into her account.” (*Id.*)

In the November 2012 memorandum, Bishop Hebda noted that he found it “strange” that the Facebook messages disappeared and that Fr. Geyman would deny having sent such a message if he thought Jane Doe 15 could produce a copy of it. (*Id.*) Nevertheless, despite “the doubts that have arisen from the unusual ‘disappearance’ of the alleged Facebook posting,” Bishop Hebda contacted an investigator, a retired

Michigan State Police detective, to investigate the matter on the Diocese's behalf. (*Id.* at 2–3.)

On November 16, 2012, the investigator interviewed Jane Doe 15, who told her that, while at an event in Harbor Springs, “Fr. Don approached her, and said ‘so nice to see such a beautiful face,’ he then put his hand on her thigh, with the fingers on the inner thigh, and did a light squeeze.” (App’x DRG#4, Investigator’s Report to Bishop Hebda, undated, p. 1.) Jane Doe 15 also told the investigator that Fr. Geyman had asked her if she were staying at the facility at which the event was being held. (*Id.*) The investigator reported that Jane Doe 15 told her that she told Fr. Ortega, “but didn’t tell him who had approached her,” (*id.* at 2), differing from what Bishop Hebda wrote in his memo to the investigator.

According to the 2012 report, Jane Doe 15 further claimed that Fr. Geyman messaged her on Facebook asking if she “wanted to get together after [the event].” (*Id.*) She declined to go. (*Id.*) “Jane Doe 15 had previously been asked to retrieve the message from her Face Book account but found it missing. I also checked her Face Book account and did not find any messages to/from Fr. Don.” (*Id.*) Jane Doe 15 also indicated that she did not wish to pursue “anything criminal”:

I also made Jane Doe 15 aware that what she described was a sexual assault. She was not interested in pursuing anything criminal. She also asked that her daughters not be interviewed.

[*Id.* at 3.]

Rather, according to her email exchange with Bishop Hedba from November 5, 2012, Jane Doe 15 made clear that she had pursued this matter because she feared that if “one [priest] can get away with sexual harassment, then there is no telling how much more poison will enter into the minds of your [priests].” (App’x DRG#3, Email exchange between Jane Doe 15 and Bishop Hebda, dated November 5, 2012.)

As recorded by the undated investigator’s report, on November 28, 2012, the investigator also interviewed Fr. Geyman, whom the investigator described as “open to the discussion,” but with “body language that seemed a bit put on.” (App’x DRG#4, Investigator’s Report, p. 2.) He did not recall saying that Jane Doe 15 had a “beautiful face,” but conceded that he might have said she looked “nice” or “pretty.” (*Id.*) When the investigator asked him if he put his hand on Jane Doe 15’s inner thigh, he denied it initially, and then said, “he had no recollection of doing it.” (*Id.*) Fr. Geyman admitted to casually asking Jane Doe 15 if she were staying [at the event venue], given the distance from it and Traverse City. (*Id.* at 3.)

In this November 28, 2012, interview, Fr. Geyman denied messaging Jane Doe 15 on Facebook regarding a proposed meeting after the charity event, and the investigator checked Fr. Geyman’s Facebook account and found no messages to that effect. (*Id.*) The investigator also asked about his relationship with Witness 2, the woman Fr.

Ortega saw him with at the rectory, and Fr. Geyman asserted that “there was nothing going on between them” and that he was friends with her and her husband. (*Id.*)

On December 4, 2012, at the request of Bishop Hebda, the investigator interviewed Witness 2. (App’x DRG#5, Continuation of report by complainant Jane Doe 15 to Bishop Hebda by investigator, dated December 6, 2012.) Witness 2 told the investigator that she had never seen Fr. Geyman engage in any inappropriate behavior toward her or anyone else. (*Id.*) She also told the investigator that, on the day in question, she and Fr. Geyman were on the couch looking at photos from his safari trip on a computer in the living room of the rectory when Fr. Ortega arrived. (*Id.*) She said she did “jump off the couch” and may have appeared nervous, but that nothing inappropriate happened. (*Id.*)

In undated document that was created after the investigation was complete, Bishop Hebda wrote that he “doubted” Jane Doe 15’s claims and that she had “denied any inappropriate activity.” (App’x DRG#6, Typewritten note signed by Bishop Benard Hebda.) He concluded his note as follows regarding the action he had taken:

I spoke with Fr. Geyman and asked him to be particularly attentive to the way he comports himself with women, so as to avoid any possibility that his kindness and pastoral care could be misconstrued.

[*Id.*]

On August 16, 2019, the Michigan State Police contacted Jane Doe 15 as part of this investigation in reference to the allegation she reported to Bishop Hebda in 2012. (App’x DRG#7, MSP Incident Report No. NIS-0000043-19.) Jane Doe 15 confirmed that Fr. Geyman touched her thigh, which made her feel “uncomfortable,” but she “refused to explain the touch,” and said that she did not wish to pursue criminal charges. (*Id.*)

On April 23, 2021, Witness 3 contacted the Diocese and alleged that Fr. Geyman sent Jane Doe 16 (who is an adult woman), text messages, asking her to send pictures of herself “for my eyes only.” (App’x DRG#8, Victim Assistance Coordinator Incident Report Not Involving Abuse of a Minor, dated April 23, 2021, at p. 1.) Witness 3 explained that Fr. Geyman had known their family for several years and had given Jane Doe 16 pastoral counseling in the past. (*Id.*) Witness 3 further alleged that Fr. Geyman was aware of Jane Doe 16’s issues. (*Id.*)

During her April 23, 2021, interview with the Diocese’s Victim Assistance Coordinator, Witness 3 said another person found Jane Doe 16’s cell phone and saw the text messages, allegedly sent by Fr. Geyman. (*Id.*) Witness 3 believed that Fr. Geyman was asking Jane Doe 16 to text him “nude or indecent photos” of herself. (*Id.*)

On April 26, 2021, the Diocese forwarded this allegation to the Department of Attorney General. After the Department contacted Witness 3, the witness forwarded 63 photographs of text messages that the witness said were exchanged by Jane Doe 16 and Fr. Geyman (“Fr. Don”) by phone. (App’x DRG#9, Email from Witness 3 to Department of Attorney General, dated June 10, 2021.) The text messages, including some images and messages, excerpted as follows:

Just a little something something . . . cleavage [Photo #1.]

What ya wearing? [Image of women’s torso with camisole.] [Photo #2.]

* * *

Ok just send me a picture that’s a little naughty [Photo #8.]

I need lotion [photograph of a woman’s breasts] [Photo #10.]

How about one that shows your face and those [Photo #11.]

* * *

Man I want to feel them [Photo #14.]

I would be so gentle [Photo #15]

[App’x DRG#9, Email from Witness 3 to Department Attorney General, dated June 10, 2021, photographs of texts and images from a phone.]

The MSP investigators did not speak with Jane Doe 16. On June 14, 2021, the AG advised the Diocese of Gaylord that it had concluded its criminal investigation, was not filing criminal charges because Jane Doe 16 is an adult, and that it could proceed with its internal investigation and handle the matter in accordance with its internal canonical procedures.

**(6) FR. RONALD VINCENT GRONOWSKI
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**



Born: March 9, 1942

Ordained: June 7, 1969

Removed from priestly ministry: May 29, 2002.

Alive.

Fr. Ronald Vincent Gronowski was born on March 9, 1942, in Saginaw, Michigan, and was ordained to the priesthood at St. Mary Cathedral in Saginaw. (App'x RVG#1, Priest information and appointment sheet.) Fr. Gronowski served in the Diocese of Saginaw until the establishment of the Gaylord diocese in 1971. (*Id.*)

In a letter dated November 26, 1992, Bishop Patrick Cooney released Fr. Gronowski from the Diocese to pursue ministry in the Diocese of Honolulu, Hawai'i, effective January 6, 1993. (App'x RVG#2, Letter from Bishop Cooney to Fr. Gronowski, dated November 26, 1992.)

In March 1994, John Doe 3 reported to the Diocese that he was sexually abused by Fr. Gronowski for several years, commencing in 1972 when he was 15 years old. (App'x RVG#3, Interview with John Doe 3 by the Diocese's investigator, dated March 8, 1994, p. 1.) John Doe 3 alleged that he first met Fr. Gronowski during an interview. (*Id.*) He alleged that Fr. Gronowski asked him to return for a second interview, during which the priest asked him if he was comfortable with "hugging men" and whether he would like to touch the priest's genital area. (*Id.* at 2.) John Doe 3 stated that Fr. Gronowski made him feel comfortable and at ease with soft-talk assurances, but also cautioned him not to tell anyone about their touching. (*Id.*) Consequently, each touched the other's genital area and engaged in "experimental kisses." (*Id.*) This was a new experience for John Doe 3, but rather than being alarmed, John Doe 3 reported that he felt "quizzical and intrigued" and pleased with the attention he was getting from a priest. (*Id.*)

According to this March 1994 interview, Fr. Gronowski subsequently asked John Doe 3 to come to the rectory for a third interview "to get to know each other a little better" and finalize the position for which he applied. (*Id.* at 3.) This was the

beginning of what would be regular and frequent contact between them. (*Id.*) What became a three-to-four-times-a-week rendezvous eventually expanded into nightly encounters for a period of two and one-half years in Alpena, until Fr. Gronowski was transferred to Immaculate Conception Church in Traverse City, Michigan. (*Id.*)

John Doe 3 reported that he enjoyed the sexual encounters and felt like they were "pretty normal" as he "didn't really know better," and because Fr. Gronowski was a priest, John Doe 3 believed that he "wouldn't do anything really bad." (*Id.*) The sexual activity had moved on to deeper kissing, mutual and singular masturbation, and oral genital stimulation in the rectory living room and the priest's bedroom. (*Id.* at 3–4.)

In this interview from March 1994, John Doe 3 said that, as their relationship became more intense, the priest became more controlling of him and reminded him that he could not tell anyone about the relationship because it would "hurt both of them," and John Doe 3 would get into "real trouble." (*Id.* at 5.) John Doe 3 further alleged that the priest became jealous if the former expressed interest in other people. (*Id.* at 6.) The two continued the relationship after Fr. Gronowski's transfer to Traverse City, and, after John Doe 3 graduated high school, the priest allegedly manipulated him into moving to Traverse City where the relationship continued until Fr. Gronowski was transferred again in 1977. (*Id.* at 9–14.)

Further, in this March 1994 interview, John Doe 3 stated that another teenager, John Doe 4, also had a sexual relationship with Fr. Gronowski, although it was never specifically disclosed to him. (*Id.* at 8.)

On June 22, 1994, John Doe 4 was interviewed. (App'x RVG#4.) The "interview" begins with the following statement:

Two or three agreements or major prerequisites: 1) this is confidential, off the record, for formal use with Bishop Cooney and Fr. X only and will be shared with [John Doe 4] what we plan to use and what we plan to share with Fr. Ron;" 2) This is not a legal situation, is not going to be and, if it even gets close to that, he is 'out of here' and he does not/will not allow anything he shares with us to be used in a legal process or way. . . .

Also, a five-page document titled "Autobiography," dated October 26, 1994 was among the records seized by the MSP. John Doe 4 confirmed that he had a sexual relationship with Fr. Gronowski sometime in 1972–1973. (App'x RVG#5, Interview of John Doe 4 by the Diocese's investigator, signed by John Doe 4 on October 26, 1994, p. 4.) John Doe 4 turned 16 in September 1972. (*Id.* at 3.) John Doe 4 said that he and John Doe 3 competed for Fr. Gronowski's attention. (*Id.* at 4.) John Doe 4 stated he enjoyed the attention from a priest and "idolized" Fr. Gronowski. (*Id.*) He alleged that, during their first sexual encounter, he did not know what was

happening, although he did not feel as though it were “gross or awful.” (*Id.*) John Doe 4 said the sexual encounters were never forced and that they were mutual. (*Id.*) Like John Doe 3, John Doe 4 alleged that the encounters took place in the den of the rectory and Fr. Gronowski’s bedroom. (*Id.*) The sexual relationship began to wane after John Doe 4 discovered Fr. Gronowski’s relationship with John Doe 3 and eventually ended in late 1973 or early 1974. (*Id.*)

In a typed letter dated May 21, 1995, John Doe 4 wrote to Fr. Gronowski as a “friend” about their sexual encounters in the early 1970s, describing them as having occurred while he was a “minor”:

I am aware that you were concerned about my perception of these genital experiences. Please let me assure you that when this genital activity occurred, I never saw it as rape, never forced, but these experiences happened because I wanted them to and allowed them. I am pleased to know that you are willing to accept the responsibility of saying that you were the adult and you should have been more in control. It was your statement to me that in your reflection, what appeared to you as mutual consent at the time has later in life been recognized as erroneous thinking. You do recognize that at the time I was a minor and it is your belief that it was wrong and inconsistent with your promise of celibacy.

[App’x RVG#6, Letter from John Doe 4 to Fr. Gronowski, dated May 21, 1995, p. 2.]

In an interview that occurred on May 3, 1994, Fr. Gronowski denied ever having sex with John Doe 4, but admitted that he did have a past sexual relationship with “John Doe 6.” (App’x RVG#7, Interview summary with “Fr. Ron,” dated May 3, 1994, pp. 4–5.) Early in this interview regarding John Doe 3, Fr. Gronowski appeared “somewhat incredulous” that John Doe 3 would make the allegation, and he said that John Doe 3 would have been 17 years old at that time (*id.* at 3); however, he eventually did admit to having had a sexual relationship with John Doe 3, quoted in the summary as follows:

Yes[,] I was with John Doe 3 yes we had sex, loved each other, got along great; but how did I hurt him, what did I do, what did he say? I need to be O.K. with John Doe 3.

[*Id.* at 5.]

On January 18, 1995, after the conclusion of the investigation, the Diocese and John Doe 3 entered into a confidential settlement for the sum of \$50,000.00. (App’x RVG#8, Settlement Agreement, General Release and Covenant Not to Sue.) The agreement included a confidentiality clause that required John Doe 3 not to disclose

the settlement and not to disclose the facts related to his relationship with Fr. Gronowski:

Further John Doe 3 does hereby agree that he will keep in confidence and will not, individually or through his representatives, family and friends, or those acting on his behalf, in any manner publish, publicize, disclose or otherwise make known to any person, the existence or terms and conditions of this Agreement or any of the facts, events, or circumstances of this Agreement or relating to John Doe 3's employment, involvement or relationship with releasees.

[*Id.* at 2.]

For a period of several months, Fr. Gronowski did not perform any ministerial functions, but eventually “resided at a parish and helped out but had no formal assignment until August 12, 1996, when he was appointed Temporary Administrator at Rogers City.” (*Id.*)

In a letter dated March 4, 1996, Bishop Francis X. DiLorenzo of Honolulu wrote to Fr. Gronowski, confirming that he did not have faculties in that diocese. (App'x RVG#9, Letter from Bishop Francis X. DiLorenzo to Fr. Ronald Gronowski, dated March 4, 1996.) He stated “Further, if you are to visit Hawaii again, you may celebrate the Mass privately, but you may not publicly celebrate the liturgy nor may you engage in any other sacramental activity.” (*Id.*) The reason for the withdrawal of priestly faculties was not stated in the letter. But in a letter dated April 8, 1995, Bishop Cooney handwrote a letter – which was also given a typewritten copy – in which he informed Fr. Gronowski that “the time has come to inform Bishop DiLorenzo of the situation.” (App'x RVG#10, Typed Copy of Letter from Bishop Cooney, signed “Pat,” to Fr. Gronowski, dated April 8, 1995.) Bishop Cooney indicated in the letter that he would await “[his] answer.” (*Id.*) In that letter, he explained to Fr. Gronowski that he could have to fulfill certain conditions in order to be considered for incardination in Hawai'i. (*Id.*)

In April 2002, John Doe 3 contacted Bishop Cooney, expressing his anger that Fr. Gronowski was allowed to minister again:

I am disgusted that you have allowed him to live the good life in Hawaii, then return to the Diocese of Gaylord to serve the church and find this to be totally irresponsible on your part as Bishop. You swept me under a rug, and you brought the perpetrator back to serve as a priest. You covered this up by hiding him in a small town, and from what I observe right now, you should no longer be serving in the church.

[App'x RVG#11, Letter of John Doe 3 to Bishop Patrick Cooney, dated April 23, 2002, p. 1.]

On April 26, 2002, after Bishop Cooney shared John Doe 3's letter with him, Fr. Gronowski resigned from active ministry "to avoid further scandal." (App'x RVG#12, Document titled "Ronald V. Gronowski" prepared by Bishop Cooney, p. 4.)

In a letter dated May 5, 2002, Fr. Gronowski wrote to his fellow priests informing them of his resignation and admitting his wrongdoing: "I brought this upon myself and I neither deserve nor ask for sympathy, but I do ask for your prayers." (App'x RVG#13, Letter from Fr. Gronowski, dated May 5, 2002.)

In a public statement on May 7, 2002, the Diocese of Gaylord announced the resignation of Fr. Gronowski from public ministry, notifying the public that he had engaged in "inappropriate sexual behavior while the victim was still a teenager in the early 1970s":

In a statement released Tuesday, May 7, 2002, by Patrick R. Cooney, Bishop of the Diocese of Gaylord, announced the resignation of Rev. Ronald Gronowski from his pastorate at the parishes of St. Stephen, Lake City and St. Theresa, Manton. The resignation comes as a result of an allegation of sexual misconduct occurring some 30 years ago. . . .

In 1995, an adulted alleged Fr. Gronowski had engaged in inappropriate sexual behavior while the victim was still a teenager in the early 1970s. At the time of the allegation was made, the Diocesan Sexual Misconduct Committee reviewed the information and Fr. Gronowski was sent for a psychological evaluation and treatment. He successfully completed the program and has continued with follow-up care.

[App'x RVG#14, Public Statement of Diocese of Gaylord, dated May 7, 2002.]

On May 9, 2002, John Doe 3 and a female companion met with the bishop and demanded the sum of \$225,000.00, and the bishop declined: "I said no to his first demand of \$225,000. I told him that I could not do it. I did say that if I did it and was discovered to have done it, I would be seen as attempting a cover-up and perhaps go to jail." (App'x RVG#15, File Notes regarding visit and conversation with John Doe 3 from May 9, 2002, and proposed settlement letter to Bishop Cooney, dated May 8, 2002.) In a follow-up letter dated May 13, John Doe 3 expressed his disillusionment accusing the bishop of placing the financial priorities of Fr. Gronowski above those of making him whole. (App'x RVG#16, Letter from John Doe 3 to Bishop Cooney, dated May 13, 2002.)

On May 13, 14, and 15, 2002, the attorney for the Diocese met with the local prosecutors for Wexford, Grand Traverse, and Alpena County regarding Fr. Gronowski. (App'x RVG#17, Document titled "Contact with Authorities.")

On May 29, 2002, notwithstanding the fact that the priest had “resigned,” Bishop Cooney revoked Fr. Gronowski’s priestly faculties. (App’x RVG#18, Letter from Bishop Cooney to Fr. Gronowski, dated May 29, 2002.) On July 22, 2003, Bishop Cooney sought a “Votum” to make the revocation of faculties “permanent.” (App’x RVG#19, Memorandum to File, dated July 23, 2002; App’x RVG#20, “Votum”.) Bishop Cooney sought this resolution of permanent suspension by letter to Cardinal Joseph Ratzinger, Prefect of the Congregation of the Doctrine of the Faith. (App’x RVG#21, Letter from Bishop Cooney to Cardinal Ratzinger, dated August 26, 2003.) In a letter dated November 19, 2003, the Congregation upheld that decision. (App’x RVG#22, Letter from Archbishop Angelo Amato, SDB, to Bishop Cooney, dated November 19, 2003.)

In July 2002, Witness 4, who appears to have been a church employee, told the bishop that pornography “literature” had been mailed to St. Stephen at Lake City in “Ron’s name,” i.e., Fr. Gronowski’s name. (App’x RVG#23, Typewritten message, dated July 22, 2002.) Witness 4 also stated that Witness 5, apparently a parishioner, said that the priest showed pornography videos to the kids in Indian River and asked questions such as “have you ever done that?” (*Id.*) In a document dated July 1, 2002, Witness 4 also prepared a memorandum to the bishop listing Internet cookies from pornography websites that were found on Fr. Gronowski’s computer at St. Theresa in Manton. (App’x RVG#24, Memorandum from Witness 4 to Bishop Cooney, dated July 1, 2002.) According to handwritten notes on the memorandum, Fr. Gronowski denied that he ordered the mailings and denied that he visited the pornographic websites. (*Id.*)

On September 9, 2005, Bishop Cooney met with Fr. Gronowski and informed him of an allegation against him regarding the abuse of a minor in the late 1960s. (App’x RVG#25, File note of Bishop Cooney.) He also cautioned Fr. Gronowski about being visible at Saint Francis in Traverse City and for taking stipends for concelebrating Masses from the pews. (*Id.*)

As of 2011, Fr. Gronowski moved to St. Petersburg, Florida as a permanent residence. (App’x RVG#26, Letter from Bishop Bernard Hebda to Bishop Robert Lynch, November 2, 2011.) Because of his past sexual relationship with a minor that led to the revocation of his priestly faculties, Bishop Hebda informed Bishop Lynch, Diocese of St. Peterburg, of Fr. Gronowski’s new residence within that diocese. (*Id.*)

On January 23, 2011, in public posting, for an assault that occurred before 2002, John Doe 5 accused Fr. Gronowski of sexually assaulting him after he got him drunk:

I have for so long wanted to hit the man who took my virginity in the wrong way. Fr. Ronald Gronowski. I was 18 by 1 month ... and never

drank[;] he got me drunk at his home. Etc. He was a destroyer. He stole my faith.

[App'x RVG#27, John Doe 5's posts on *LosGatosPatch*, p. 2.]⁴

On September 16, 2015, the diocesan Sexual Misconduct Review Board determined that an allegation made by John Doe 2 was "credible," but needed further investigation; however, the Review Board agreed to other requests made by John Doe 2. (App'x RVG#28, Sexual Misconduct Review Board Recommendations.) The Review Board further recommended that an investigation of Fr. Gronowski and Fr. Gardiner "and their relationship to this alleged victim" be conducted. (*Id.*) The Review Board also noted the following:

One of the committee members is a parishioner of St. Luke Parish in Bellaire. He related an incident that happened in July 2015, during the weekend of Fr. Gardiner's retirement party. The victim, John Doe 2 and his family stayed at a local resort for the weekend, ran up a bill of over \$2,500. John Doe 2 turned the bill over to the parish to pay. The finance council refused to pay it. Fr. Gardiner personally paid this bill.

[*Id.*]

In 2015 and 2016, at the request of the Diocese, an investigator was hired to investigate the matter. (App'x RVG#29, Report of investigator.) John Doe 2 alleged that, when he was an altar boy at the age of 16 or 17 years old, he met Fr. Gronowski, between 1980 and 1982. (*Id.* at 2, 3.) At some point thereafter, he and Fr. Gronowski "somehow" "ended up" going to Traverse City and a hotel. (*Id.*) John Doe 2 alleged that the priest gave him alcohol and "he let Father Ron perform oral sex on him." (*Id.*) He could not remember how that came to happen. (*Id.*) Upon further questioning by the investigator, John Doe 2 recalled that this occurred on a Sunday after church, and that Fr. Gronowski had asked his mother for permission to take him to Traverse City. (*Id.* at 3.) Several years later, he ran into Fr. Gronowski, and the latter allegedly gave him a big hug and tried to put his tongue in John Doe 2's ear. (*Id.*)

Investigator for the Diocese further wrote, "John Doe 2 never disclosed any inappropriate contact between himself and Father JAMES GARDNER [sic]." *Id.* at 7. John Doe 2's denial that Fr. Gardiner engaged in criminal sexual misconduct is identical to statements he made several years later in an April 15, 2019 investigation by the MSP: "James Gardiner has been a life-long friend to 'John Doe

⁴ Fr. Gronowski had previously been released from the Diocese in 1979 to serve in the United States Air Force for three years and spent part of that time in the Hawaiian Islands. (App'x RVG#1, Priest appointment.)

2' and he had never been involved in any of the alleged CSC activities. John Doe 2 reaffirmed this information several times" (MSP April 15, 2019 incident report.)

In a letter dated May 1, 2015, the Diocese reported the John Doe 2 allegation to Grand Traverse County Prosecuting Attorney Robert Cooney. (App'x RVG#30, Letter from counsel for the Diocese of Gaylord to Prosecutor Robert Cooney, dated May 1, 2015.)

In an interview that occurred by phone on March 21, 2016, Fr. Gronowski denied that he ever took John Doe 2 to Traverse City or had a sexual encounter with him, although he did admit that he was introduced to John Doe 2 by Fr. James Gardiner, see entry no. 4. (*Id.* at 6–7.) He told the investigator that he remembered John Doe 2 telling him, "in confidence, of something that Father Jim [Gardiner] had done to John Doe 2 that he would consider inappropriate. But he then described his friendship and relationship with Father Jim as being his best friend." (*Id.*)

On September 18, 2015, after the investigation, but without admitting liability, the Diocese and John Doe 2 entered into an agreement in which the Diocese agreed to reimburse John Doe 2 for certain medical and non-medical expenses. (*Id.* at 2.)

In late 2019 and early 2020, as part of the Attorney General's investigation, Sgt. Jamie Voss of the MSP investigated the John Doe 3 allegation. The AG decided not to bring charges against Fr. Gronowski because any alleged crime of criminal-sexual conduct was barred by the applicable statute of limitations. (App'x RVG#31, MSP Incident Report, Incident No. NIS-0000062-19, dated December 5, 2019, p. 1.)

In an undated and unsigned document titled, "Supervision Safety Plan for Ron Gronowski," it provides the following summary of allegations made against Fr. Gronowski regarding conduct starting in 1969 and ending in 1981 from allegations that occurred as late as 2015:

Ron Gronowski was ordained a priest in 1969 for the Diocese of Saginaw. He became a priest for the [D]iocese of Gaylord at the time the diocese was established in 1971. There are 3 known allegations of sexual abuse of minors from: (1) A 15-year-old teenage boy from 1972 in Alpena (allegation received in 1994); (2) A 16–17 year old teenage boy from 1972 (allegation in 1994); (3) a teenage boy from 1969–70 in Bay City (allegation in 2005). Further allegations were received from a 19-year-old young man while he was serving in the military in Colorado in 1981 (allegation received 2014) and from an 18–20 year old young man in Manistee and Grand Traverse County (allegations received 2015). Additionally[,] the accused is believed to have had sexual relations with another priest from the Diocese of Gaylord and possibly 2–3 other adults prior to 1995 while an active priest. Pornographic materials were also reported to have been sent to Ron Gronowski at the Lake City

rectory in 2002[.] Reports were made to Prosecutors in Alpena, Grand Traverse, and Wexford counties.

[App'x RVG#32, "Supervision Safety Plan" for Ron Gronowski, p. 1.]

Documents seized by the MSP summarize the allegations above in the context of the Diocese's internal canonical investigation and response to the claims as well as the fact that the Diocese reported the allegations to the prosecutors in the three counties where the conduct occurred.

In a letter dated July 25, 2017, Fr. Matthew Wigton, Chancellor for the Diocese of Gaylord, informed Fr. Gronowski that Bishop Steven Raica determined that he would file a petition for laicization, unless Fr. Gronowski would like to voluntarily seek laicization. (App'x RVG#33, Letter from Fr. Matthew Wigton to Ronald Gronowski at 1.) It is not clear from the file or the Diocese's website whether that process was actually initiated.

(7) FR. CRAIG ALAN HAIDER



Born: October 29, 1964

Ordained: June 2, 2006

Renounced his priestly faculties for the Diocese of Gaylord effective January 18, 2017.

**Apparently still on leave of absence from Diocese of San Diego.
Alive.**

Fr. Craig Alan Haider was born on October 29, 1964, in Torrance, California, and was ordained at the Good Shepherd in San Diego, California. (App'x CAH#1, Priest information and appointment sheet.) He worked in the Diocese of Gaylord from May 18, 2011, to January 18, 2016, but was never incardinated into the Diocese. (*Id.*)

In a letter dated February 22, 2011, Bishop Robert Brom of San Diego wrote to Bishop Hebda informing him that Fr. Craig Haider had permission to explore ministry in the Diocese of Gaylord. (App'x CAH#2, Letter from Bishop Brom of San Diego to Bishop Hebda, dated February 22, 2011.) In response, in a letter dated April 29, 2011, Bishop Hebda wrote to Bishop Brom to advise that he met with Fr. Haider and reviewed the latter's personnel file documents that were released from the Diocese of San Diego. (App'x CAH#3, Letter from Bishop Hebda to Bishop Brom, dated April 29, 2011.) That letter provided, in part pertinent:

I met with Fr. Craig to review the documents that you had released to him from his file[,] and I believe that I appreciate the seriousness of the actions... and subsequent removal from ministry. I knew Fr. Craig casually as a seminarian and would never have foreseen that he would have responded to the pressures of ministry in the way that he did. I would nonetheless be willing to give Fr. Craig another chance to return to ministry with an assignment in the Diocese of Gaylord. From what I can see, Fr. Craig's time away from ministry has confirmed for him the deep desire that he has to serve as a priest and has prompted a sincere remorse for what he did. Even though there is nothing that indicates a problem with alcohol, he tells me that he has been very faithful to an AA group which has prompted him to be more reflective and deliberate.

[*Id.*]

In a letter dated May 3, 2011, Bishop Brom replied to Bishop Hebda, acknowledging that “You seem to have carefully reviewed and are addressing the related concerns” and stated that, “[h]opefully, with the proper supervision, direction, support and counsel, [Fr.] Craig can put the past behind him, avoid any reoccurrence of problems and become a healthy and happy priest.” (App’x CAH#4, Letter of Bishop Brom to Bishop Hebda, dated May 3, 2011.) Nothing specific is stated in either letter with regard to the past problems. But there is a memorandum dated February 12, 2009, and typed noted from the Diocese of San Diego, which indicated “inappropriate behavior” with Jane Doe 17. In the memorandum, it states that Jane Doe 17’s husband, spoke to Bishop Brom about specific instances of alleged inappropriate behavior by Fr. Haider toward Jane Doe 17, which included sitting with her at her son’s high school track meets, inviting her to attend a boxing match with him, asking her to go out to a bar and grill with him, and text messages, one of which allegedly read: “My vulnerable mamasita (hot mamma) you can have anything you want from me.” (App’x CAH#5, Memorandum from Monsignor Steven Callahan to Confidential File, dated February 12, 2009.) After a meeting with Fr. Haider regarding his relationship, he stated that the text response “was intended as a joke.” (*Id.*) The typewritten note with Bishop Brom’s initials stated that Jane Doe 17 was going to divorce her husband but that it was not caused by Fr. Haider but that the decision had been made “a number of years ago.” (App’x CAH#6, Typewritten note with initials RHB, dated March 20, 2009.)

In a handwritten document dated December 10, 2015, Witness 6 alleged that they and their wife, Jane Doe 18, went to Fr. Haider to help Jane Doe 18 beginning in April and May 2015. (App’x CAH#7, Notes from Witness 6 dated December 10, 2015.) The notes indicated a meeting “w/Bishop & Fr. Mike.” (*Id.* at 1.) The bishop of the Diocese of Gaylord in 2015 was Bishop Steven Raica. Witness 6 alleged that after the first visit with Fr. Haider, Jane Doe 18 went to the second visit with the priest alone, during which time Fr. Haider allegedly told her he was “sexually attracted to her.” (*Id.* at 1.) During these counseling sessions, Fr. Haider told Jane Doe 18 that he was “addicted to sex” and “would take a different woman home every night while bartending in Vegas.” (*Id.* at 3.) He showed her his house and when he took her into his bedroom, “he laid on the bed & invited her to join him.” Jane Doe 18 told her partner about the affair. (*Id.* at 3.) She was under the impression that she was not the first married woman with whom Fr. Haider had an affair, but believed she was the first married woman “to tell her [partner].” (*Id.* at 2.) According to these notes, Fr. Haider said that “as a diocesan priest he did not take a vow of celibacy but a promise of celibacy.” (*Id.* at 2.) He also said that “he would only have to go to a brother priest for confession and be absolved and everything would be good again.” (*Id.* at 4.) The notes also indicated that Fr. Haider “[put] all the blame on Jane Doe 18,” which “put her into a tailspin for the summer with her drinking.” (*Id.* at 2.) The notes finish with Witness 6 indicating their “struggles” and that “my life is in absolute disarray” and that “[their] marriage of 22 [plus] years may be over” but “his life is unchanged.” (*Id.* at 4.) A note on the Office of the

Bishop, Gaylord stationary indicated that “this was sent to Bishop McElroy in San Diego.” (App’x CAH#8, Undated Note.)

In a letter dated January 18, 2016, Bishop Steven Raica noted that Fr. Haider called him and informed him that he left his assignment as an administrator of the cluster of three Cheboygan parishes with no intention of returning. (App’x CAH#9, Letter of Bishop Steven Raica to Fr. Craig Haider.) In the letter, Bishop Raica informed Fr. Haider that he was withdrawing his priestly faculties to serve within the Diocese of Gaylord and “acknowledge[d] [his] departure as a renunciation of your assignment.” (*Id.*)

Sixteen months after Fr. Haider had left the Diocese, on May 5, 2017, the VAC received a call from a priest requesting that he contact Jane Doe 19, a married woman, who alleged that Fr. Haider “sexually abuse[d]” her, that there were “multiple incidents” and that they occurred approximately three years earlier. (App’x CAH#10, Victim Assistance Coordinator Allegation Report, dated May 6, 2017, p. 1.) The report reflects that Jane Doe 19 wanted to know whether Fr. Haider had a sexually transmitted disease, what the VAC’s role was, and whether the VAC knew about other victims. (*Id.* at 1–2.) The VAC responded that he did “not have any knowledge of Fr. Haider’s medical conditions and no knowledge of any incidents she was referring to.” (*Id.*) The VAC “encouraged her to see her physician if she has any concerns about risks to her health and to make a report to law enforcement if she believes a crime was committed. She said ok and again hung up.” (*Id.* at 2.)

The file contains the VAC’s June 30, 2017 addendum to this report which reflects “several unsuccessful attempts to call” Jane Doe 19, including a “letter sent on 5/22/17”. The report also reflects that Jane Doe 19 apparently spoke with a licensed master social worker (LMSW) regarding her allegations. On June 30, 2017, the LMSW told the VAC that Jane Doe 19 had told her that Fr. Haider “raped” her multiple times. (App’x CAH#11, Addendum dated June 30, 2017.)

In a report dated October 11, 2017, diocesan investigator Bonnie Craig interviewed Jane Doe 19, and reported the allegations as follows:

During Fr. Haider’s time at the [Sacred Heart] parish, Jane Doe 19 would do a face-to-face confession; Fr. would make inappropriate comments, saying she had a pretty smile and other ‘inappropriate things.’ Jane Doe 19 told him about the problems in her marriage. After furnishing information about these problems, and upon further contact with him, Fr. Haider made comments to her that made her feel she was ‘being groomed.’ Fr. Haider would say ‘I’ve missed you,’ ‘I’ve been thinking of you,’ Jane Doe 19 felt like she was ‘being slimed.’

Jane Doe 19 participated in Adoration, and generally did the 3:00 AM hour; Fr. Haider would show up before she arrived and leave when she

did. He would take her into one of the offices and counsel her on her marriage. And then would have sex with her. This occurred on several occasions.

Fr. Haider, at one time, asked her to take a personality test. She did take the test (computerized) and he would direct her to the answers he wanted. She said other employees had also taken the test.

At one time he asked Jane Doe 19 to dinner, he was very insistent. When she arrived at the residence, she was late. Dinner had already been served, and present was [a deacon], and a friend of Fr. Haider's. Jane Doe 19 was treated like an uninvited guest and not served a meal. They later played a parlor game called Farkle [a dice game]. At one point, Deacon told her "now is the time to escape."

Fr. Haider called her frequently on her cell phone. At one point, Fr. Haider called her on a Sunday and wanted to come over to her house. He would degrade her and then compliment her while looking around the house. He then took off his collar and shirt and wanted a back massage. Next thing she knows, he had her pants off and was "screwing me on my couch." He then got up and dressed and said[,] "what thing did you need moved" (she said she never invited him over to help move anything). As he left the house, he told her to call if she needed help. This took place while her husband was not at home.

He kept visiting her during Adoration and then "next thing I knew I was sucking his dick." When asked if this took place in the church itself, she said no, in the offices. She always felt like they were being watched during these encounters. Watched or videotaping by someone, and she thought it was [a deacon] . I asked how long this [deacon] was at the church, and she said about 6 months.

* * *

Jane Doe 19 talked about a time she wanted to show Fr. Haider about a spot in the woods, during the fall, and she took him there. She was wearing a skirt, and he "violated me," she thinks two ladies saw what took place, and thinks one was a parish lady.

At one point, Fr. Haider seemed "distracted" and called her and told her he was leaving the parish. After he was back in San Diego, he would contact her by mail, however, she did not keep any of the correspondence. He told her about his roommate, another priest, who told him to "quit fucking the parishioners." Fr. Haider contacted Jane

Doe 19 and told her he was removed from being a priest. She thinks this was around Apr 1 (unknown if 2016 or 2017).⁵

Jane Doe 19 said there was both vaginal and rectal penetration.

[App'x CAH#12, Report by Bonnie Craig, dated October 11, 2017, pp. 1–3.]

Jane Doe 19 provided the names of other women whom she believed could be possible victims of Fr. Haider. (*Id.* at 4.) Investigator Craig also reported that the LSMW was also counseling another woman who alleged that she was a victim of Fr. Haider but did not wish to come forward at that time. (*Id.* at 4.)

In the October 11, 2017, report, Craig noted her impressions without being able to make a determination whether the sexual encounters were consensual:

Jane Doe 19 would not make a viable witness in a criminal trial, she rambles, is unsure of dates/times. My opinion is that there [were] sexual encounters (multiple times) over a couple of years, whether consensual or not. Because of her mental state, it is hard to determine.

[*Id.* at 3.]

As part of this Department of Attorney General investigation, in August 2019, Trooper David Geyer attempted to contact Jane Doe 19 several times, but she said “she need[ed] to think about speaking” with police and never contacted the trooper again. (App'x CAH#13, MSP Incident Report No. NIS-0000044-19.)

⁵ Fr. Haider appeared to take a leave of absence as a priest for the Diocese of San Diego in 2017. See http://sanrafaelparish.org/home/wp-content/uploads/2017/05/STATE-OF-THE-PARISH-2017-_2_.pdf (“Fr. Haider is on a leave of absence”) (last accessed January 6, 2024).

**(8) FR. LIONEL AUGUST HARNISH
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**



Born: April 26, 1928

Ordained: June 5, 1954

Suspended from ministry: February 27, 1986

Died: June 10, 2011

Fr. Lionel August Harnish was born in Grand Rapids, Michigan, on April 26, 1928, and ordained to the priesthood at St. Andrew's Cathedral in Grand Rapids, Michigan, on June 5, 1954. (App'x LAH#1, Priest information and appointment sheet.) Fr. Harnish was put on administrative leave in 1986, and he died on June 10, 2011. (*Id.*)

On February 18, 1986, the Diocese received a report that “[t]he janitor at Saint Rose Parish has discovered (date and time of discovery unknown) certain incriminating photographs in the St. Rose building.” (App'x LAH#2, Memorandum of Fr. David Gemuend, Vicar General/Chancellor, Diocese of Gaylord, dated February 18, 1986.) Fr. Gemuend wrote that he requested Fr. William Rabor, the pastor, to write a memo for the bishop regarding the incident and to also have the photographs taken to the bishop. (*Id.*) The memo, but not the photographs are in the Harnish priest file.

Within nine days of the report, on February 27, 1986, Bishop Robert Rose suspended Fr. Harnish's faculties “[i]n light of allegations of serious misconduct that have been made” against Fr. Harnish. (App'x LAH#3, Letter from Bishop Robert Rose to Fr. Lionel Harnish, dated February 27, 1986.)

Fr. Harnish “consistently and adamantly denied any wrongdoing of a sexual nature.” (App'x LAH#4, Letter from Francis Daignault, M.D., to Bishop Robert Rose, p. 1, dated March 18, 1986.) As a result, Bishop Rose continued Fr. Harnish's suspension of “all priestly faculties and activities.” (*Id.*)

No charges against Fr. Harnish were brought. (App'x LAH#5, Letter from Fr. Lionel Harnish to Bishop Rose, dated September 9, 1986, pp. 1–2.)

By letter dated June 27, 1986, Bishop Rose gave Fr. Harnish permission to celebrate Mass privately, but he did not otherwise lift his canonical suspension. (App'x LAH#6, Letter from Bishop Rose to Fr. Lionel Harnish.) By letter dated October 14,

1986, Bishop Rose denied Fr. Harnish's request to be restored to priestly service, and he additionally expressed concern as to the previous permission he gave Fr. Harnish to celebrate Mass privately, stating that he would remove the permission if Fr. Harnish was either "function[ing] as the Beaver Island priest" or "gather[ing] the Islanders for Sunday or other Masses." (App'x LAH#7, Letter from Bishop Rose to Fr. Lionel Harnish, dated October 14, 1986, pp. 1–2.)

Based on a March 21, 1986 file memorandum, it appears that the discovery of the photographs at the rectory was shared with the Michigan State Police. (App'x LAH#8 Memorandum, dated March 21, 1986.) There is nothing in the Fr. Harnish file to indicate who made the report to the MSP. (*Id.*) A phone memo stated that MSP Trooper Ken Bur requested the name of the custodian who found the photographs. (*Id.*) In 2002, the Diocese's attorney met with Charlevoix County Prosecuting Attorney Mary Beth Kur regarding the 1986 allegations. According to the memo, Ms. Kur "understood the facts of the case prior to [the] meeting . . . She felt there was nothing further that needed to be done." (App'x LAH#9, Memorandum, "Contact With Authorities," by Diocese's counsel, dated May 10, 2002.)

In 1993, Fr. Harnish asked Bishop's Rose's successor, Patrick Cooney, to lift the suspension of faculties. Bishop Cooney explained:

I believe the only way that could be done, and this has been related to you before, is that some assessment be made by competent psychologists in one of the institutes that are normally used for this purpose that would clear you of any accusations. When this was attempted in the past, you were uncooperative[,] and the work was not successful.

In this day and age on behalf of the Church, priests are high priorities, but the total good of the community is also a very high priority. I could not risk the good name as well as the patrimony of the Diocese of Gaylord in lifting the suspension unless I have been guaranteed by confident authorities of my choosing that whatever happened would not happen ever again."

[App'x LAH#10, Letter from Bishop Patrick Cooney to Fr. Lionel Harnish dated March 19, 1993.]

In 2000, however, Bishop Cooney and Bishop Rose, the latter then the Bishop of Grand Rapids, agreed to give Fr. Harnish priestly faculties to minister solely at St. Ann's Home, an assisted-living facility in Grand Rapids at which Fr. Harnish was a resident. (App'x LAH#11, Letter from Bishop Rose to Fr. Lionel Harnish, dated November 27, 2000.)

**(9) FR. WILBERT HEGENER, O.F.M.
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**

Born: September 8, 1909

Ordained: June 24, 1936

Retired from Active Ministry: July 19, 1999

Died: July 15, 2009

According to an obituary published in the *Catholic Times* for the Diocese of Springfield, Illinois, Fr. Hegener was born on September 8, 1909, in Perscheid, Germany, after which his family immigrated into the United States to Petoskey, Michigan, where he grew up.⁶ (App'x WH#1, Obituary.) He was ordained to the priesthood on June 24, 1936. (*Id.*) He retired in 1998 to Cross in the Woods, Indian River, Michigan, and then again in 1999 to Our Lady of Angels Friary at Villa West in Sherman. (*Id.*) Fr. Wilbert Hegener, O.F.M., is on the Diocese of Gaylord credibly accused clergy list for religious order priest, which is a separate list from the priests who were credibly accused who were priests of the Diocese.⁷

On October 5, 2019, John Doe 7 contacted the Attorney General's office via tip line to report two "groping" incidents that occurred sometime between 1984 and 1987 when he was between the ages of 9 and 12 years old. (App'x WH#2, AG Tipline.) At the direction of the Attorney General's office, John Doe 7 subsequently contacted the Diocese of Gaylord Victim Assistance Coordinator to report the allegations. (*Id.*)

In April 2020, John Doe 7 reported to the Victim Assistance Coordinator that, on two occasions, roughly 36 years prior, Fr. Hegener "groped" him on two occasions as a young altar boy. (App'x WH#3, April 23, 2020 email from Diocese attorney to AG.)

According to the Diocese, John Doe 7 stated that he sought counseling and advice from Fr. Wilbert due to problems with his home and family life. The VAC expressed empathy and concern for John Doe 7's experience, encouraged him to continue communication with the Michigan Attorney General's office, and to contact local law enforcement if he chose. Later, the Diocese asked an investigator to conduct an investigative interview with John Doe 7. John Doe 7 stated that he revealed these incidents after the media broke the news of priest sexual abuse. John Doe 7 initially denied any sexual abuse as a child but later disclosed the allegation. John Doe 7 did not allege any further contact with Fr. Hegener after these two incidents.

⁶ <https://ct.dio.org/item/70-obituary-father-wilbert-hegener-ofm.html> (last accessed December 12, 2023).

⁷ <https://www.dioceseofgaylord.org/clergy-credibly-accused-sexual-abuse-minors-diocese-gaylord> (last accessed December 12, 2023).

Also, according to the Diocese, the Diocese and OFM have reimbursed John Doe 7 for his counseling expenses. In December 2021, the Diocese stated that John Doe 7 later contacted the OFM requesting financial assistance.

(10) FR. JOHN J. HENNESSY, S.J.

Born: November 28, 1934

Ordained: May 27, 1969

Returned to Jesuits: January 7, 2008

Presumed alive

Fr. John J. Hennessy was born in Oneida, New York, on November 28, 1934, and was ordained to the priesthood on May 27, 1969, at Holy Rosary Indian Mission in Pine Ridge, South Dakota. (App'x JJH#1, Priest information and appointment sheet.) Fr. Hennessy was a member of the Wisconsin Province of the Society of Jesus, who, under contract, briefly served as Chaplain to the Carmelite Monastery in Traverse City, from August 2004 through January 7, 2008. (*Id.*)

On Friday, January 4, 2008, Jane Doe 20, an adult woman went to the Father Fred Foundation in Traverse City, seeking financial assistance. She spoke with Fr. Edwin Thome, a senior priest with the Diocese of Gaylord, who was working at the Foundation. (App'x JJH#2, "Preliminary Report Concerning Incident of Sexual Misconduct," by Gregory Nowakowski, dated February 20, 2008, p. 6.) Fr. Thome "immediately notified Mother Mary at the Monastery, his immediate supervisor, and Bishop Patrick Cooney of the Gaylord Diocese." (*Id.*)

According to "Notes Regarding Hennessy Investigation February 19, 2008," "Mother Mary of Jesus, OCD, prioress of the Carmelite Monastery called the same day to give Bishop the name of the contact person at the Society of Jesus provincial house in Wisconsin . . . She also stated that she had spoken with Father Hennessy. She said it is provincial policy to immediately invite the accused priest back to [his] provincial headquarters to stay during the independent investigation." (App'x JJH#3.)

On Monday, January 7, 2008, the Diocese of Gaylord returned Fr. Hennessy to the Wisconsin Province of the Society of Jesus. (App'x JJH#1, Priest information and appointment sheet.) The Society then hired an investigator to investigate Jane Doe 20's allegations.

On January 25, 2008, the investigator interviewed Jane Doe 20 who alleged that, on occasion, Fr. Hennessy, "hugged her from behind, putting his hands on her breasts and, on one recent occasion came to her apartment and tried to rape her." (App'x JJH#2, Preliminary Report at 3.) Additionally, Jane Doe 20 also alleged that Fr. Hennessy stole money from her. (*Id.*) Jane Doe 20 claimed that Fr. Hennessy told her that he liked to watch other people having sex and subsequently brought a younger man in his 30s over to her apartment for the purpose of watching him and Jane Doe 20 have sex, although she said it did not happen. (*Id.* at 5–6.) Initially, Jane Doe 20 told Fr. Edwin Thome that a neighbor saw Fr. Hennessy "through the window doing something wrong with her." (*Id.* at 6.) But when interviewed by an

investigator hired by the Wisconsin Province Society of Jesus, she denied that allegation. (*Id.* at 5.)

Fr. Hennessy denied all of the allegations. (*Id.* at 12–14.) He stated that he never touched Jane Doe 20’s breast and never entered her apartment and tried to have sex with her. (*Id.* at 14.) He said he had no idea why she was accusing him of these allegations. (*Id.*) With regard to the allegation that he brought a younger man with him for the purpose of watching him and Jane Doe 20 have sex, Fr. Hennessy stated that he “didn’t know where she was getting that from, that it was not true.” (*Id.*) Although he did bring a friend, Witness 8, to Jane Doe 20’s apartment, it was because it was Witness 8’s birthday and that was the only day they could celebrate the occasion; also, Jane Doe 20 knew the friend. (*Id.*)

The investigator also interviewed Witness 8, who denied the allegation that Fr. Hennessy brought him to Jane Doe 20’s apartment for the purpose of watching he and Jane Doe 20 have sex. (*Id.* at 11.) Witness 8 stated that Fr. Hennessy “never allowed himself to get close to anyone. He always kept his distance.” (*Id.*) He also told the investigator that, on December 31, 2007, Jane Doe 20 invited him to dinner, and when he arrived, she instead asked him for money. (*Id.*)

The investigator stated the following findings in his report, in concluding that the allegation was not credible:

Jane Doe 20 suffers from Cognitive Behavior Disorder. She could not manage her money and sought Father Hennessy’s help. Father thought he was doing the right thing when he became the payee of her social security check and also when he was added on to her checking account. His goal was for her to be independent.

The allegations suggested that Father Hennessy mishandled the money from Jane Doe 20’s account. As the investigation showed, there was no mishandling of the money. Father controlled her money so she could have more left over at the end of the month. There was no intent by Father to defraud Jane Doe 20 of her money.

As to the allegations of sexual abuse, there is a credibility issue as to Jane Doe 20 to support any [of] these allegations. When initially reported she said a neighbor witnessed Father touching her. When interviewed she said no neighbor saw this happen. Father said if Jane Doe 20 were home he would have entered the apartment through the front door. There would be no reason for him to go through the patio door. Father’s friend, Witness 8, said Father always stayed his distance from people. He didn’t want to get too close to anyone. This would be out of the norm for Father.

[*Id.* at 18.]

Although Fr. Hennessy had returned to Wisconsin the prior month, in a letter dated February 20, 2008 (the same date the Diocese received, via facsimile, from the investigator's report), the Diocese, through its counsel, notified Grand Traverse County Prosecutor Alan Schneider of the allegations made by Jane Doe 20 against Fr. Hennessy, and it also encouraged Jane Doe 20 to contact law enforcement or the prosecutor if she wished to pursue criminal charges. (App'x JJH#4, Letter from Diocese's counsel to Alan Schneider, dated February 20, 2008; and typewritten notes of Diocese employee.) On November 14, 2008, Fr. Jack Treloar from the Wisconsin Province Society of Jesus notified the Diocese, "that since civil authorities were not going to pursue the matter and given Jane Doe 20's history . . . which calls her credibility into question," the matter would not be pursued. (App'x JJH#5, Typewritten notes of Diocese employee summarizing substance of telephone call.)

Fr. Hennessy asked his Provincial for permission to return to the Diocese, and Bishop Cooney advised Fr. Treloar that he was "not willing to have him return for ministry of any kind in the Diocese of Gaylord and would not grant him such faculties." (*Id.*; App'x JJH#6, Letter from Bishop Patrick Cooney to Fr. Jack Treloar, SJ, dated November 14, 2008.)

On September 9, 2019, as part of this investigation, Sgt. David Geyer contacted Jane Doe 20 who advised him that she did not want to be part of the investigation. She indicated that the incident "was previously reported to law enforcement," and that she had "refused to prosecute" then. (App'x JJH#7, MSP Incident Report No. NIS-0000046-19, p. 2.) She also indicated she was in "very bad health," had been paid a "\$5,000 settlement," and "did not want anything to do with this investigation." (*Id.*)

(11) FR. JAMES A. HOLTZ
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)



Born: March 11, 1947

Ordained: June 9, 1974

Permanently removed from Public Ministry: 2002

Returned to lay state: October 11, 2021

Alive.

Fr. James A. Holtz was born on March 11, 1947, in Buffalo, New York, and was ordained to the priesthood on June 9, 1974, at St. Anne in Cadillac, Michigan. (App'x JAH#1, Priest information and appointment sheet.) Fr. Holtz was permanently removed from public ministry by the Diocese in 2002 and laicized in 2021.⁸

By letter dated November 7, 1988, Fr. James Suchocki, in his capacity of vicar general, wrote to Bishop Robert Rose to advise him that he had recently met with Witnesses 9 and 10, members of a parish within the Diocese of Gaylord, who alleged that their child, John Doe 10, had been sexually abused by a priest in 1983 or 1984 when he was 12 or 13. (App'x JAH#2, Letter from Fr. James Suchocki to Bishop Robert Rose and attached initial report form; App'x JAH#3, Material on Fr. James Holtz by Bishop Cooney, dated September 22, 2002, p. 1.) No description of the sexual abuse or identity of the priest was provided because John Doe 10 and his parents wanted to “be assured of the promise of confidentiality.” (*Id.*)

According to the Diocese of Gaylord website, in 2002, it completed a review of all of its priests' files dating back to 1971 when the Diocese was established. Sometime in August 2002, after having reviewed the Holtz file and discovering a copy of the above-referenced letter from Fr. Suchocki to Bishop Rose and another letter written by Witness 10, Bishop Cooney located contact information for John Doe 10's mother and was able to reach her to discuss the allegations. Bishop Cooney's contacts with the family and John Doe 10 are reflected in a September 22, 2002 document entitled “Material on Fr. James Holtz”. (App'x JAH#3, Material on Fr. James Holtz by

⁸ <https://www.dioceseofgaylord.org/clergy-credibly-accused-sexual-abuse-minors-diocese-gaylord> (last accessed December 12, 2023).

Bishop Cooney, dated September 22, 2002, p. 1.) In this document, Bishop Cooney summarized the diocesan contacts with the Witness's family concerning John Doe 10. Bishop Cooney met with John Doe 10 on August 14, 2002. Bishop Cooney memorialized the conversation, in part pertinent regarding the report of John Doe 10 of sexual abuse by Fr. Holtz when John Doe 10 was 14 years old:

The first incident took place at an event that was held at the parish. It was either 1982 or 1983. Beer was served at the festivity. Father Holtz was giving some beer to John Doe 10 during the afternoon. Then at the end of the festivity, Father Holtz asked John Doe 10's parents if he (Father Holtz) could take John Doe 10 to another party. Another festival was taking place nearby. Father Holtz went into the rectory and changed clothes. He came out dressed in shorts. They went to the other festival. During it Father Holtz was supplying John Doe 10 with beer and drinking himself. John Doe 10 said something about being on a raft and there were some uncomfortable positions.

After all this, Father Holtz got John Doe 10 to drive (this was a first for John Doe 10). While John Doe 10 was driving, Father Holtz put his hand down John Doe 10's crotch area and then took one of John Doe 10's hands and put it on his own crotch area. Then Father Holtz directed him to the beach in the harbor. They walked on the beach and father proposed that they go 'skinny dipping.' They did not but went back to the rectory. Father Holtz told John Doe 10 to call his parents so that he could stay overnight. There was no answer[,] so John Doe 10 did stay. At one point Father took John Doe 10 into a bedroom, undressed him, started kissing him and went down orally on him. Father put John Doe 10 on the bed and had John Doe 10 perform orally on him. Father comes to climax and passes out. John Doe 10 remembers looking at the crucifix that was on the wall and crying. In the morning, Father told him not to tell anyone and apologized. John Doe 10 went home[,] and he remembers his brother yelling at him for staying.

Second event: Father asked John Doe 10's parents if he could take John Doe 10 on a trip. John Doe 10 yelled that he did not want to go but the trip is arranged. While there, Father and John Doe 10 stay in a camper type vehicle that was parked behind the house. The trip was three or four days. Father was drunk and started the same activities as told above. Father was performing orally on him. John Doe 10 threw him off and Father disappeared until morning.

Father was drunk on both occasions. Father did seem to have remembered days and weeks and years later but now says he does not remember. This is difficult for John Doe 10 to accept.

This trip was in the Fall of 1983.

[*Id.* at 3–4 (paragraph break added).]

During a preceding telephone call between Bishop Cooney and John Doe 10, the latter stated that another young boy, John Doe 11, was also “friendly” with Fr. Holtz in the same timeframe and could have also been sexually abused by Fr. Holtz. (*Id.* at 2.) John Doe 11 allegedly tried to commit suicide. (*Id.*) John Doe 10 also said that another young man named John Doe 12 did commit suicide. (*Id.*)

On August 20, 2002, Bishop Cooney wrote to John Doe 10 to inform him that the Diocese’s Sexual Misconduct Committee reviewed the matter and “determined that Fr. Holtz did sexually abuse” him. (App’x JAH#4, Letter from Bishop Patrick Cooney to John Doe 10.) Bishop Cooney provided John Doe 10 with a list of counselors and offered to pay for the costs for counseling. He also provided John Doe 10 with the name and contact information of the Leelanau County Prosecuting Attorney. (*Id.*) In closing, Bishop Cooney wrote: “John Doe 10, in my name and in the name of the Diocese, I apologize to you for the harm you have suffered as the result of the sexual abuse you suffered at the hands of one of our priests.” (*Id.*)

Four days later, on August 24, 2002, Bishop Cooney wrote to Fr. Holtz, withdrawing his priestly faculties for public ministry and accepting his resignation, pursuant to the Charter for the Protection of Children. (App’x JAH#5, Letter from Bishop Patrick Cooney to Fr. James Holtz, dated August 24, 2002.)

In a letter dated September 9, 2002, shortly after learning of Fr. Holtz’s fate, Fr. William Zwiefka, then of St. Joseph Parish in Manistee, Michigan, and now deceased, wrote the following to Bishop Cooney:

Initially I had the impression that this was about some incidents during blackouts during the worst of Jim’s drinking days when he was running himself to a frazzle among the three places. I hoped it was as simple as that for Jim and maybe the Holy See might provide some alternatives once the “Charter” is reviewed. I’m learning it wasn’t so simple. People here start[ed] discussing Jim Holtz when the whole sexual abuse scandal broke open. People were wondering how long it would be before Jim would be exposed based on things that happened when Jim was a newly ordained priest here in the 70s. I’m afraid it’s becoming more like a situation with Jerry Shirilla. [See entry no. 24.] The “tip” that is known for sure still has an “iceberg” under it.

At first I was angry and believed that Jim’s situation was unjustly swept away by the “Charter.” Now, I’m very sad and just believe that actions will have their consequences.

[App’x JAH#6, Letter from Fr. William L. Zwiefka to Bishop Patrick Cooney, dated September 9, 2002.]

Bishop Cooney’ provided a “Votum in Regard to James A. Holtz,” which was attached to his letter to Cardinal Ratzinger and stated the following: “There is no doubt that

James was guilty of the abuse as charged, but it is also true that he was intoxicated on both occasions of the abusive action. When informed of the findings of the investigation that he indeed did abuse the young boy in question, James resigned in August of 2002.” (*Id.*, attached Votum.) Bishop Cooney asked Cardinal Ratzinger “that James be allowed to live according to the penalty that he has already received; that is, he is not to wear clericals, present himself as a priest or say public Mass.” (*Id.*)

In 2017, Jane Doe 21 contacted the Diocese and alleged that she had been sexually abused by Fr. Holtz from January 1982 through December 1986, commencing at the age of 19 years. (App’x JAH#7, Victim Assistance Coordinator Report of Allegations of Child Abuse, dated March 6, 2017.) Jane Doe 21 was interviewed by the Diocese’s VAC, who summarized her allegations as follows:

[Jane Doe 21] came to know Jim Holtz who was then the parish pastor. Jane Doe 21 reported that it was clear to her and others that he had a serious drinking problem and she observed him very intoxicated on occasions. She reported that [in] 1982, she, Jim Holtz were at a wedding reception after a wedding he performed. She reported he became very intoxicated[,] and it became her responsibility to “get him home.” She reported that John Doe 6, her current pastor, was present as a seminarian. She described the situation as “surreal” and reported that what she believed to be “grooming” behaviors including Holtz holding her hand and hugging her at the reception. Jane Doe 21 reported that they went out to his car[,] and he insisted on driving. After getting into the car[,] he again took her hand and then ‘grabbed my head’ and forced her to perform oral sex on him. He then drove the car to the rectory, they went inside and he “passed out.” She was left without a way to get home and spent the night in the rectory scared and in shock about what happened. She stated that her family never asked her what happened but were upset she didn’t come home. She stated she did not know how to understand or process this and “put myself in a shell.” [. . .]

Jane Doe 21 reported that she does not remember everything from this period of time but sometime after this incident Jim Holtz began instigating sexual encounters with her while she was at the rectory. This included sexual intercourse. She stated that she called it a “relationship” because she had no other way to understand what was happening and told no one else at the time; she had not much dating experience. She reported that he continued to maintain and build trust with her parents[,] and she continued to work for the diocese which enabled him to have access to her frequently. She stated that he professed love and also used “spiritual abuse” (“I’m a priest, I’ll be going to heaven[,] but you won’t be”) as well as psychological and emotional

manipulation and abuse; he appears to have used his authority as a priest to hold power over her and maintain secrecy. The trusting relationship between Holtz and her family as well other members of the parish appears to have contributed to his ability to maintain a secret relationship and significantly impair her ability to disclose what was happening and ask for help.

Jane Doe 21 had been attending college locally during this time. In July of 1984 she reported he was transferred to Cheboygan. She reported that he continued to pursue her, continuing their sexual encounters. She reported that she was offered a part time job in December of 1985. She reported that she was given a room to stay in the rectory on weekends home from college which gave Jim Holtz frequent proximal access to her. Jane Doe 21 reported that she does not remember all details from this period of time and had some confusion on the timeline. She reported that during the whole of the sexual relationship no condoms or other birth control was used, and she often feared getting pregnant, although this did not occur at any point.

She reported that by December 1986 she had been able to establish more distance and detach from Holtz, moving into her own apartment and gaining stronger social network by joining a local theater group. She was able to disclose the truth about Holtz's sexual relationship with her at that time to two friends and her now ex-husband, who she began dating. She indicated that Holtz complained about her beginning to date someone because she was no longer available. She does not remember exactly when, but their contact ended shortly afterward.

[App'x JAH#8, Narrative Summary for VAC Allegation Report, dated February 27, 2017, pp. 1–2.]

By letter hand-dated December 18, 2017,⁹ Fr. Holtz wrote to Bishop Steven Raica recounting his past relationship with Jane Doe 21 in an outline format as follows:

We developed a mutual friendship, where it became sexual and intimate. There was foreplay before hand. There were times she initiated [sic] and I did too. I do not recall exactly when we had our first sexual encounter. But it was mutual. There was no force involved. There was one time on the Glen Lake beach when she initiate [sic]

⁹ The letter with an attachment is addressed to Bishop Raica, Diocese of Gaylord, who was not installed as the Bishop of Gaylord until 2014, so it appears that the handwritten date that appears to look as 2012 is 2017.

touch and kissing which led to a sexual intimacy. This could have been in the summer of 1982.

My drinking increased during this time: Drinking every night I drank to pass out. I had serious bouts of depression [sic] and thoughts of suicide. I confided in Jane Doe 21 many times.

The incident that Jane Doe 21 brought up on Jan. 2, 1982, I have no recall. However, I do not deny that it happened. I was drunk and passed out.

We continued to have a good relationship. I can remember helping her with her education and even driving her to school.

In June 1985 we were going to the National Liturgical Workshop. However, my father was dying and I went home, she continued to that workshop using my car.

In August 1985 I was transferred to Cheboygan parishes. I was to be part of team ministry. Almost a year later Jane Doe 21 was hired to be part of our team in the music ministry. Our friendship continued. I remembered one time driving her home to Cedar

I always thought we had a good friendship.

[App'x JAH#9, Letter from Fr. James Holtz to Bishop Steven Raica with attached outline.]

In apparently 2017 or 2018, Jane Doe 21 twice wrote Bishop Raica regarding the alleged sexual abuse she suffered from Fr. Holtz, requesting (1) that Fr. Holtz be permanently removed from ministry (apparently unaware that Fr. Holtz was removed in 2002); (2) that she be provided an opportunity to confront him; (3) that the Diocese adopt “a more in-depth safe environment and sensitivity training” of all priests, deacons, and full-time employees; (4) that Fr. John Doe 6, a friend of Fr. Holtz, be informed about the alleged sexual abuse of Jane Doe 21; (5) that the Diocese pay for her counseling; and (6) that the Diocese pay her restitution. (Undated letter from Jane Doe 21 to Bishop Raica at 1–2.) In an undated, follow-up letter, Jane Doe 21 again wrote to the bishop, this time requesting “restitution” in the amount of \$482,400.00, inclusive of reimbursement for past counseling costs. (App'x JAH#10, Undated letter from Jane Doe 21 to Bishop Raica, pp. 1–3.)

On July 19, 2018, Jane Doe 21 accepted a “Health Plan” offer from the Diocese, pursuant to which (1) the Diocese would continue to pay for counseling and mileage for up to one year “and positively consider further payments after that at the sole discretion of the Diocese[;]” (2) the Diocese would pay for “periodic retreats, educational/therapeutic/spiritual classes[;]” (3) the Diocese would reimburse Jane

Doe 21 the sum of \$31,000.00 for “past undocumented therapy;” and (4) the Diocese would be “open to” paying for other expenses helpful to her healing process. (App’x JAH#11, Health Plan signed by Jane Doe 21, dated July 19, 2018.)

There are two known reported victims: a 14-year old and a 19-year old. Both victims requested confidentiality. Both matters were reported to the County prosecutor’s office in 2002 and 2017, respectively upon the Diocese becoming aware of the facts. [App’x JAH#12, Draft April 18, 2017, Safety plan for Jim Holtz.]

In 2018, John Doe 50 reported to the Diocese that Fr. Dennis Stilwell, then pastor of St. Francis Xavier Parish in Petoskey, allowed Fr. Holtz to have unsupervised contact with minors and allowed him to celebrate Mass at St. Francis. (App’x JAH#13, MSP Incident Report No. NIS-0000017-18.) John Doe 50 also notified Bishop Raica two years earlier of Fr. Holtz’s contact with an altar boy that he believed to be inappropriate. (*Id.*) John Doe 50 added that Bishop Raica took no action. (*Id.*) However, the 2016 letter from John Doe 50 to Bishop Raica does not indicate that John Doe 50 felt any further action was required as he “confronted” both Fr. Holtz and Fr. Stillwell regarding his concerns. The letter reads:

On Saturday, December 26th, in the sacristy at St. Francis Xavier Parish before the 5pm [M]ass, I witnessed Fr. Jim Holtz, sacristan,¹⁰ standing behind a freshmen male altar server, with his arms around the young man, and began to attach and tie the cincture for the young man at the young man’s navel, from behind. The letter of the law for Diocesan policy of minors states that all suspicious activity regarding adults and minors must be reported. I confronted Fr. Jim by myself in the sacristy after Mass regarding the inappropriate nature of this action, and he agreed and appeared compliant. The pastor, Fr. Dennis Stillwell, was notified. If there is any further action I should take please instruct me.

[App’x JAH#14, Letter from John Doe 50 to Bishop Raica, dated January 8, 2016.)

In 2019 as part of this investigation, MSP investigators tried to interview John Doe 10 regarding the reported sexual abuse he and his parents identified to Bishop Cooney in 2002. (App’x JAH#15, MSP Incident Report No. NIS-0000013-19.) But John Doe 10 refused to talk to the investigators. (*Id.*)

¹⁰ A “sacristy” is a room in a church where a priest prepares for service, and where vestments and other things used in worship are kept. Under canonical law, it is not necessary to be an ordained priest in order to be a sacristan. Members of the laity frequently serve in this supportive role.

On April 15, 2019, the Diocese notified the Department that Witness 11 had reported that he believed someone he knew may have been sexually abused by Fr. Holtz in the mid-1970s. (App'x JAH#16, AG Tip Line, Tip #46.) Sgt. Geyer interviewed Witness 11 in April 2019, during which he alleged that John Doe 13 had disclosed the alleged sexual abuse to him in 2002. (App'x JAH#17, MSP Incident Report No. NIS-0000019-19 at 1.) Witness 11 alleged that John Doe 13 had been drugged by Fr. Holtz, as did another boy John Doe 14, during a camping trip. (*Id.*) He stated that John Doe 13 had not undergone counseling and believed that he was still struggling. (*Id.*)

On April 29, 2019, Sgt. Geyer interviewed John Doe 13 about the events from the mid-1970s. (*Id.* at 2.) John Doe 13 said the incident had been haunting him since he was a child and that Witness 11 and a high school girlfriend were the only people who knew about the abuse. (*Id.*) John Doe 13 alleged that he was in grade school, and on Christmas break in 1975, when he went to the church to help Fr. Holtz take down decorations. (*Id.*) He remembered that no one was in the church, and the staff was on vacation. (*Id.*) At around 10:00 a.m., Fr. Holtz offered him some Hawaiian fruit punch, which he drank. (*Id.*) John Doe 13 then remembered waking up in the sacristy and the window was open. (*Id.*) His belt was off and on the floor, and his body felt different. (*Id.*) John Doe 13 stated that he was raped by Fr. Holtz and anally penetrated. (*Id.*)

In this 2019 interview, John Doe 13 also told Detective Geyer that, in the summer of 1975, a group of altar boys had gone to camp with Fr. Holtz. (*Id.*) On that trip, he could not find John Doe 14, and so he went looking for him. (*Id.*) He opened up his tent and found Fr. Holtz on top of John Doe 14. (*Id.*) John Doe 13 said he yelled at Fr. Holtz, and then Fr. Holtz chased him through the campground. (*Id.*)

On August 16, 2019, Sgt. Geyer interviewed John Doe 14. (App'x JAH#18, MSP Supplemental Incident Report NIS-00000019-19, p. 2.) John Doe 14 reported that he had been 12 or 13 years old on that camping trip, and Fr. Holtz had him in the tent at one point; however, he said his memory of the incident was very vague, and he was unsure whether he was drugged. (*Id.*) He did remember John Doe 13 coming into the tent and saying, "what the hell are you doing Holtz?" (*Id.*) Then, John Doe 14 said that Fr. Holtz slapped him across the face. (*Id.*) John Doe 14 was unsure if he was sexually assaulted but remembered that his clothes were intact at the time of the incident. (*Id.*)

The Department did not bring criminal charges against Fr. Holtz regarding the allegations made by John Doe 13 and John Doe 14 because they were barred by the applicable statute of limitations.

(12) FR. THOMAS ALAN KAISER

Born: September 17, 1956

Ordained: November 25, 1983

Left priestly service in the Diocese: June 1, 1992

Returned to the lay state: November 23, 2021

Presumed alive

Fr. Thomas Alan Kaiser was born on September 17, 1956, in Alpena, Michigan, and was ordained to the priesthood on November 25, 1983, at St. Mary Cathedral in Gaylord. (App'x TAK#1, Priest information and appointment sheet.) Fr. Kaiser took a medical leave of absence that commenced on January 1, 1992, followed by a personal leave of absence that commenced on June 1, 1992. (*Id.*) On August 3, 1992, he was granted permission by the bishop to be in ministry outside of the Diocese of Gaylord. (*Id.*) On November 23, 2021, Fr. Kaiser was returned to the lay state.

By letter dated October 3, 1991, John Doe 18, an adult male, wrote to Fr. Ray Cotter (see entry no. 2) to advise him of his decision to terminate his “status at Sacred Heart Major Seminary.” (App'x TAK#2, Letter from John Doe 18 to Fr. Cotter, dated October 3, 1991, p. 1.) In his letter, John Doe 18 wrote:

The decision to leave the seminary, and consequently the Diocese of Gaylord, existed long before the school year began. Moreover, the difficulties with Father Kaiser entered not into the picture. Throughout the last year, this idea of leaving was entertained within the realm of spiritual direction and counseling. The summer months spent in Assisi, Rome and Cuernavaca were instrumental in confirming my exodus.

[I] would like to meet with you in the coming week. There are some practical issues, such as medical insurance, and my status within the Diocese that need our attention.

[*Id.*]

On October 10, 1991, John Doe 18 met with Fr. Cotter. Fr. Cotter's notes of the meeting provide as follows:

John Doe 18 comes to see me-very peacefully, he tells me that the decision to leave was well thought out . . . I easily begin to concur . . . he's going into health care . . . and the Diocese agrees to agrees [sic] to help with his health insurance till Jan. 1. . . (but tell John Doe 18 don't use it as a time to take on all sorts of medical efforts!. . . ok by him)

-then I push him a bit on this one . . . “can’t you bring yourself to settle down and share a peace truce with Tom”?

-No is his response . . . “I know of grave ethical problems with that priest that I can’t ignore”. . . then I to John Doe 18: Now wait a minute . . . I can’t let you dump that on me and leave it at that . . .I’ve got a seminarian assigned to Tom . . .what is this grave ethical matter that you alude [sic] to??”

-then John Doe 18 **tells me for the first time, 2 things about Tom**

a. he tends to abuse parish finances . . . for his entertainment and such things as 2,000 in picture framing . . . I challenge his correct perception on all this b. “Tom Kaiser has had a sexual relationship with me . . .and others . . .I’m trying to move beyond this” . . .frequents gay bars I Detroit . . .at parish expense, etc . . .

. . . I tell John Doe 18 . . .**now I need your help . . .you can’t just leave this grave testimony in my lap** . . . I must have your permission to share this major accusation with the Bishop. He grants me permission to share same with [Bishop] Cooney and further I ask John Doe 18 to share our conversation with John Doe 19 so that John Doe 19 would feel comfortable to come see me. John Doe 18 says he will and that he doesn’t feel John Doe 19 is into the same turmoil he was and that John Doe 19 is managing.

[App’x TAK#3, Cotter General Memo Re: Kaiser - Seminarians.]

According to Fr. Cotter’s memo, he “shared dated statements by John Doe 18 and John Doe 19 [that] detail the essence of the story . . .” with Bishop Cooney on October 26 and October 28. (*Id.*)

On October 24, 1991, John Doe 19 met with Fr. Cotter. (*Id.*) Fr. Cotter’s Memo summarized the substance of the discussion, namely:

John Doe 19 initiates a meeting with me . . .we go over his “sexual harassment by Tom” . . . I challenge him on it all, but begin to tend to believe him . . . I tell him to detail all in a memo to me that can be shared with the Bishop and I’m going to tell John Doe 18 to do the same. I tell him to do his testimony on his own. . .no sharing of ideas from John Doe 18.

[*Id.* (ellipses in original.)]

Also on October 24, 1991, John Doe 19 wrote a letter to Bishop Cooney, alleging that he was sexually harassed by Fr. Kaiser, but did not allege that he had engaged in

sexual relations with Fr. Kaiser either consensually or by force. (App'x TAK#4, Letter from John Doe 19 to Bishop Patrick Cooney.) John Doe 19 wrote that he first met Fr. Kaiser when he and John Doe 18 went to Hale for a weekend, and Fr. Kaiser invited the young man to dinner, after which Fr. Kaiser “tried to feel my genital area and buttocks, and caress my upper thighs” on the way back from the restaurant. (*Id.* at 1.) Later, after returning back to Whittemore, Fr. Kaiser offered him a job to work in three parishes during the summer and stay at the rectory. (*Id.*) Dismissing the alleged sexual advance because of Fr. Kaiser’s intoxicated state at the time, he accepted the offer for a position. (*Id.*)

In this letter, John Doe 19 furthered alleged that, on June 2, 1991, Fr. Kaiser behaved inappropriately by sitting on the edge of the couch in the rectory with “his legs spread wide open” and winking at John Doe 19 while telling him he was tired and ready to go up to bed. (*Id.* at 2.) John Doe 19 alleged that Fr. Kaiser then stood, walked behind the chair on which John Doe 19 was seated, and began to caress his shoulders, while repeating that he was ready to go to bed. (*Id.*) John Doe 19 “believed that he wanted to have a sexual encounter with me.” (*Id.*) John Doe 19 wrote that he began to feel more and more uncomfortable “with Fr. Kaiser’s comments and touch.” (*Id.*) He interpreted the “touches as more than friendly pats.” (*Id.*)

Further, John Doe 19 wrote in his October 1991 letter that later that summer, a man called for Fr. Kaiser, and John Doe 19 answered the phone and advised him that Fr. Kaiser was out of town. (*Id.*) John Doe 19 wrote:

When I informed him that Fr. Kaiser was out of town[,] he proceeded to tell me that he was in a hotel in West Branch and that he would appreciate some company. He told me that he had a nice room and that the hotel had a nice pool and that he would like it if I would come over and visit for the evening. I declined the invitation. This is only one of the many strange telephone calls that I have received at the rectory. [The man] called once again in October and asked me to leave Fr. Kaiser the message that he would be in the hotel in West Branch for the two nights. I passed on the message. Later that week it came to my attention through a parishioner that Fr. Kaiser was spotted in the hotel with a man. I made no comment to the parishioner.

[*Id.*]

John Doe 19 also alleged that, on his first day working at the Tribunal in Gaylord, Fr. Kaiser suggested that the two of them spend the night in a hotel. (*Id.*) Later in the day, Fr. Kaiser allegedly told John Doe 19 that he was a homosexual, to which John Doe 19 did not reply. (*Id.* at 3.) Fr. Kaiser then withdrew the hotel invitation, explaining that he had a previous commitment about which he had forgotten. (*Id.*) John Doe 19 did not believe him. (*Id.*)

In this October 1991 letter, John Doe 19 also alleged that, on Fr. Kaiser's birthday, he "approached me at the stove in the rectory kitchen from behind and pressed his genital region against my buttocks and put his arms around me and thanked me for the birthday card." (*Id.*) Later that night, Fr. Kaiser allegedly went into John Doe 19's office wearing nothing but a bathrobe. (*Id.*) When he sat down, "his genitals were exposed to me." (*Id.*) John Doe 19 also alleged that on one occasion, Fr. Kaiser asked him if the hair on the rest of his body was as light as his mustache. (*Id.*) On another occasion, Fr. Kaiser allegedly asked John Doe 19 if he liked to cuddle. (*Id.*)

In a letter dated October 25, 1991, John Doe 18 wrote to Bishop Cooney regarding his involvement with Fr. Kaiser. (App'x TAK#5, Letter from John Doe 18 to Bishop Patrick Cooney, dated October 25, 1991.) John Doe 18 stated that, in August 1989, he met Fr. Kaiser at Saint Pius X in Hale, Michigan. (*Id.* at 1.) Soon after, Fr. Kaiser convinced John Doe 18 to terminate his employment and work and live in the rectory at Whittemore. (*Id.*) John Doe 18 explained that he accepted the job offer in late August of that year and moved into the rectory and began working there. (*Id.*) While John Doe 18 was staying at the rectory, he told Fr. Kaiser about some struggles he was having. (*Id.*) John Doe 18 wrote that Fr. Kaiser thanked him for being frank and open and stated that he promised "continued support and encouragement." (*Id.*) Fr. Kaiser allegedly explained to John Doe 18 that a priest could have a "successful ministry and a significant other," analogizing a sexual relationship to a recreational activity. (*Id.* at 1-2.)

Also in this October 25, 1991, letter, John Doe 18 wrote the following description of his alleged sexual encounters with Fr. Kaiser:

Shortly after my arrival, Father Thomas Kaiser propositioned me. He asked me if I would like to cuddle and massage his back. Unfortunately, I accepted his offer. This initial encounter consisted of kissing, touching, and Father Thomas Kaiser experiencing a premature [sic] ejaculation on my chest. The night together was short-lived. He had the Sunday morning Eucharistic liturgies over which to preside. The following morning, our conversation was brief. Father Thomas Kaiser maintained that nothing could ever happen again because he was 'married' to another man – Witness 15. This regrettable sexual experience with Father Thomas Kaiser ushered in a long period of disillusionment, frustration, and infatuation on my part.

The sexual encounters with Father Thomas Kaiser continued throughout my time at the rectory in Whittemore. The specific times and dates are unclear because of the time lapse. Valentine's Day, February 14, 1990, is an exception, however. I specifically recall sharing dinner, drinking, with the evening ending in intercourse. This, however, is not the only time in which we engaged in anal intercourse. Other sexual encounters [happened]. I am sorry and ashamed of these

encounters. Yet, counseling helped me to understand the dynamics involved.

Sexual encounters between Father Thomas Kaiser and me paved a path of an emotional roller-coaster. The only time Father Thomas Kaiser was sexually interested in me was when Witness 15 and Witness 16, were not available. I allowed my life to be cheapened, demeaned, and abused. I had a fantasy that I could live [in my profession] while being involved with Father Thomas Kaiser. How simple it all sounded at the time. Fortunately, my eyes were opened... I was exposed to faithful priests who loved their vocation in life and did not feel the need to tarnish the priesthood. I realized how destructive a 'double-life' in the priesthood really was. It clearly pointed out that the basis of priesthood is prayer and faithfulness to the Church.

On many occasions, Father Thomas Kaiser's lover, Witness 15, visited the rectory. These weekend visits were upsetting to me because I was forced to listen to their love-making and witness their casual interactions within the rectory. The living arrangements were such that my bedroom was directly across from Father Thomas Kaiser's. Frequently, I left the rectory and spent the night at my parent's home when Witness 15 was in town.

Another example of the emotional abuse I suffered was Father Thomas Kaiser's morning 'playfulness.' Frequently, he would enter my room, sit on my bed and begin rubbing my legs, chest and genitals. Upon becoming aroused, Father Thomas Kaiser would leave and say that his commitment to Witness 15 impeded further contact. He would leave the room. Very often our encounters were followed with the threat that he would not go down alone. He would say, "if you ever cross me remember I don't go down alone!" I took this threat as genuine for my goal in life was to become a priest. Not to minimize personal responsibility, for I did make a choice however wrong they might have been, I was emotionally trapped in a relationship with Father Thomas Kaiser, a Catholic priest.

[*Id.* at 2–3.]

On December 18, 1991, Bishop Cooney granted Fr. Kaiser a medical leave of absence, with continued paid salary and fringe benefits. (App'x TAK#6, Letter from Bishop Patrick Cooney to Fr. Thomas Kaiser, dated December 18, 1991; see also App'x TAK#1, Priest information and appointment sheet.) Effective June 1, 1992, Bishop Cooney granted Fr. Kaiser "an indefinite leave from the presbyterate of the Diocese of Gaylord" and suspended his priestly faculties. (App'x TAK#6, Letter from Bishop Patrick Cooney to Fr. Thomas Kaiser, dated December 18, 1991.) Bishop

Cooney advised him that health insurance would be paid by the Diocese “until you have made other arrangements or to the end of one year[.]” (*Id.*) Fr. Kaiser’s salary would be paid for six months. (*Id.*)

Some months earlier, on January 7, 1992, John Doe 19 wrote separate letters to Bishop Cooney and to Fr. Cotter expressing his dissatisfaction with how his allegations against Fr. Kaiser had been handled, and in his letter to Fr. Cotter he wrote, in pertinent part:

I have been receiving mixed signals from the Diocese. On the one hand, I am informed by you, Fr. Cotter, (n.b. December 14, 1991, December 23, 1991, and December 24, 1991) that Thomas Kaiser admitted to homosexual sexual activity and that he has a track record that goes back to his seminary days. You informed me on December 23, 1991, and December 24, 1991, that Thomas Kaiser had difficulty in each one of his parish assignments. At the same time, I am being questioned as to my sexual orientation and involvement. At times it appears to me that a case is being built that makes me the guilty one who asked for Thomas Kaiser’s sexual advances.

My sex life is not an issue in this situation. I am not an ordained priest with the vow of celibacy. I am not a supervisor making sexual advances upon a student minister. I am not even a candidate for the priesthood. My obligation to live a celibate life is the same as any unmarried Catholic man.

[App’x TAK#7, Letter from John Doe 19 to Fr. Raymond Cotter, dated January 7, 1992, p. 1.]

Because of John Doe 19’s feeling of dissatisfaction, he wrote that he was terminating his relationship with the Diocese and no longer wished to be considered a seminarian. (*Id.* at 2.) He wrote: “I will no longer seek your direction or assistance. You can have your ‘holy’ priest, Thomas Kaiser. You can continue to cover-up and make excuses, but remember your own words: ‘The truth will prevail.’ ” (*Id.*)

In his January 7, 1992, letter to Bishop Cooney, John Doe 19 wrote, in relevant part:

I am not satisfied with the way my complaint against Thomas Kaiser was handled. I do not believe that justice has been done. It seems to me that the Church is so worried about protecting the reputation of Thomas Kaiser and the priesthood that a victim of sexual harassment is being defamed and punished. I am not yet ready to let this issue rest.

[*Id.* at 1.]

In a letter dated January 23, 1992, Bishop Cooney responded:

As you might expect, I have mixed emotions about the announcement. On the one hand, I am sorry because you are a talented young man who possibly could do well as a priest. On the other hand, after the events of the past couple of months I do agree with you that you are making the right decision.

At this time I want to wish you the best for your future. As I indicated, I think you are a talented young man who could be successful in many different vocations. I trust through prayer and discernment you will find the one best suited for you and find a wonderful life.

[Letter from Bishop Cooney to John Doe 19 dated January 23, 1992.]

On August 3, 1992, Bishop Cooney reinstated Fr. Kaiser's faculties, explaining that "[t]he reason for my suspending them was because I thought you would not be interested in operating as a priest during your discernment period." (App'x TAK#8, Letter from Bishop Patrick Cooney to Fr. Thomas Kaiser.) In his letter, the bishop also stated that the wording of the leave of absence would be changed: "You and I agreed that a more apt nomenclature is that you have my permission to be absent from the diocese for the purpose of going to school. We will just put on the form that you 'have permission to be in ministry outside the Diocese of Gaylord.'" (*Id.*)

On August 24, 1992, John Doe 18 filed a complaint against the Diocese of Gaylord, St. Pius X Catholic Church, St. James Catholic Church, and St. Francis of Assisi Anglican Catholic Church, alleging sexual harassment and other causes of action based on the alleged sexual misconduct of Fr. Kaiser. (App'x TAK#9, Complaint and Jury Demand.) Eight months later, the parties settled for \$18,000.00 and dismissed the complaint.

On January 26, 1993, John Doe 19 filed a lawsuit against the same entities, alleging, among other things, sexual harassment based on the alleged sexual misconduct of Fr. Kaiser. (*Id.*) Five months later, the parties settled for \$22,000.00 and dismissed the complaint.

By letter dated March 5, 2003, Fr. Kaiser wrote to Bishop Cooney advising that he was in his third year of teaching and became a school psychologist. (App'x TAK#10, Letter from Thomas Kaiser, Ph.D., CAC-1, to Bishop Patrick Cooney, dated March 5, 2003.)

On November 23, 2021, Fr. Kaiser was returned to the lay state.

(13) FR. FRANCIS KARL



Died: October 1, 1994.

Born April 19, 1920, in Saginaw. Ordained on December 8, 1945, at St. Joseph's Seminary Chappel in Grand Rapids. He was the pastor of St. Charles & Mission in Cheboygan at the time of the establishment of the Diocese of Gaylord. Retired on January 1, 1981. Between 1975 through 1977, he was either a pastor, associate pastor or temporary administrator of parishes in Frankfort and Manistee. Between 1977 until his retirement, he was the chaplain for the Manistee Catholic High School.

The MSP did not seize any documents regarding Fr. Francis Karl from the Diocese of Gaylord. Fr. Karl was ordained in the Diocese of Grand Rapids and became a priest of the Gaylord Diocese upon its establishment in 1971.

John Doe 20 emailed the Department's tip line on November 15, 2018, alleging that, when he was an altar boy at age 13 years in the late 1970s, Fr. Karl took him to his cabin in Cheboygan, drugged him, and sexually assaulted him. (App'x FK#1, Investigation Tipline #198.) John Doe 20 also alleged that Fr. Karl took pictures. (*Id.*) John Doe 20's mother did not want to report the alleged incident; however, John Doe 20 called the Diocese of Gaylord eight years later, when he was 21 years old to report the alleged abuse. (*Id.*) He wrote that the secretary to whom he spoke would not put him through to anyone to discuss the alleged sexual abuse, and she allegedly told him that there was nothing they could do. (*Id.*) John Doe 20 stated that this incident still impacts his daily life.

(14) FR. DANIEL GREENE MADIGAN

Born: August 18, 1955

Ordained: June 24, 1980

Granted faculties: July 1, 2003

Left priestly ministry in the Diocese: March 13, 2008

Presumed alive

Fr. Daniel Greene Madigan was born in Portland, Maine, on August 18, 1955, and was ordained to the priesthood on June 24, 1980, at the Chapel of Holy Cross in Worcester, Massachusetts. (App'x DGM#1, Priest information and appointment sheet.)

Bishop Patrick Cooney granted faculties to Fr. Madigan for priestly ministry within the Diocese of Gaylord on July 1, 2003, after he consulted with the incardination committee, and Fr. Madigan was thereafter assigned to St. Anne in Alpena. (App'x DGM#2, Letter from Bishop Patrick Cooney to Sr. Patricia Glowski, RSM, dated November 2, 2007, p. 2.) He was also briefly assigned as a sacramental minister at St. Rose in Herron; however, Bishop Cooney removed him from that assignment, after having been requested to do so by the parish administrator and some parishioners. (*Id.*)

On October 24, 2003, Monsignor David Malloy, Office of the General Secretary, United States Conference of Catholic Bishops, sent a memorandum to all bishops, notifying them of the following regarding Fr. Madigan:

The Diocese of Portland (Maine) has advised the Conference of its concerns regarding Fr. Daniel G. Madigan. Fr. Madigan had previously been in the service of the Archdiocese of Seattle and of the Diocese of Portland, but no longer enjoys their faculties. The Diocese strongly recommends that any diocese considering granting faculties to Fr. Madigan consult first with the Chancellor of the Diocese of Portland, Msgr. Marc B. Caron,

[App'x DGM#3, Memorandum Re Rev. Daniel G. Madigan to All Bishops from Monsignor David Malloy, dated October 24, 2003.]

On October 30, 2003, Bishop Cooney and Monsignor Marc Caron had a telephone conference regarding Fr. Madigan, and the following day, Msgr. Caron wrote Bishop Cooney a follow-up letter regarding the call. (App'x DGM#4, Letter from Msgr. Marc Caron to Bishop Patrick Cooney, dated October 31, 2003.) In his letter, Msgr. Caron advised that he interviewed John Doe 21 who alleged that Fr. Madigan was “guilty of grooming behavior and boundary violations” when John Doe 21 was a teenager. (*Id.*) Msgr. Caron found John Doe 21 to be “very credible.” (*Id.*) Based on this report, the Bishop of the Diocese of Portland stated that he would refuse any request

to grant Fr. Madigan faculties within his diocese. (*Id.*) Msgr. Caron further stated that John Doe 21 desired to speak to Bishop Cooney or his delegate directly concerning the alleged incident, rather than having Msgr. Caron forward his report, and wished to do so prior to Bishop Cooney discussing the matter with Fr. Madigan. (*Id.*)

On November 6, 2003, the Diocese's Victim Assistance Coordinator of the Diocese of Gaylord spoke to John Doe 21. (App'x DGM#5, Initial Report of Allegation of Child Abuse involving Church leaders, employees, or volunteers, dated November 6, 2003.) The narrative portion of the report provides the following, in part pertinent:

John Doe 21 was approximately 15 when Dan Madigan came to his parish in Caribou, Maine. John Doe 21 was very involved in youth ministry at the time and Fr. Madigan, John Doe 21 and John Doe 21's family formed a friendship. John Doe 21 said on a number of occasions Fr. Madigan would touch him in ways that seemed inappropriate – rubbing his shoulders, his back, touching his head and hugs that were inappropriately long. He believes that Fr. Madigan was “grooming” him for sexually activity but clearly states that no sexual contact or penetration ever took place between himself and Fr. Madigan. John Doe 21 does describe one incident where they were in the car on the way to Canada and Fr. Madigan placed his hand on John Doe 21's knee making John Doe 21 uncomfortable, but just then the car veered off the road and that ended the incident.

John Doe 21 also said Fr. Madigan took John Doe 21 to his apartment and was attired in skimpy black shorts. He also took John Doe 21 into his bedroom. John Doe 21 says Fr. Madigan had lots of movies – many in black cases. At one time he asked John Doe 21 if he was aware there was a phallic symbol on the cover of the Lion King. He often talked about movi[e]s during his homilies and brought in portraits of Marilyn Monroe and Bette Davis to church. He told John Doe 21 he'd seen Titanic 163 times. John Doe 21 feels this behavior is odd.

[App'x DGM#5, Narrative portion of report, dated November 6, 2003, p. 1.]

The report also provides that John Doe 21 alleged that Fr. Madigan exhibited episodes of “verbal abuse.” (*Id.* at 2.) He also described “psychotic episodes” and stated that his family members were afraid of Fr. Madigan to the extent that his uncle bought a gun. (*Id.*) Additionally, he alleged that Fr. Madigan talked about things that he believed came from the confessional. (*Id.*) John Doe 21 asked the Diocese's VAC not to inform Fr. Madigan about his disclosures without first informing him because he was afraid for himself and for his family. (*Id.*)

John Doe 21's allegations reported on November 6, 2003, were consistent with those reported to Msgr. Caron. (App'x DGM#6, Correspondence and "transcript" from Msgr. Marc B. Caron, dated November 13, 2003.)

Fr. Madigan denied the allegations of John Doe 21, and the matter was investigated and presented to the Diocese of Gaylord Review Board. The Board determined that the allegations "did not rise to the level of sexual abuse," but determined that Fr. Madigan should undergo a psychological evaluation before being incardinated into the Diocese. (App'x DGM#2, Letter from Bishop Patrick Cooney to Sr. Patricia, R.S.M., dated November 2, 2007, p. 2.)

By letter dated October 17, 2007, Bishop Cooney advised Fr. Madigan that the "next step in the incardination process is for you to have an evaluation." (App'x DGM#7, Letter from Bishop Patrick Cooney to Fr. Daniel G. Madigan.)

On March 13, 2008, however, Fr. Madigan advised the Diocese that he would not undergo the required evaluation and that he was leaving the Diocese of Gaylord and might return to "civilian life." (App'x DGM#8, Notes on Conversations With Father Dan Madigan, p. 2.)

**(15) FR. BENEDICT J. MARCIULIONIS
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**

Born: July 26, 1915

Removed from Ministry: 1981

Died: 2000

Fr. Benedict Marciulionis was born on July 26, 1915, removed from ministry in 1981, and died in 2000. (App'x BJM#1, Investigative Report for Diocese of Gaylord by investigator, March 18, 2008, attachment, Priest information and appointment sheet.) According to the Diocese of Gaylord, Fr. Marciulionis retired on November 5, 1981; however, according to a November 3, 1981, letter from Fr. David Gemuend, Parish Administrator, to Fr. Marciulionis, Fr. Gemuend advised:

With regard to your present status, again let me assure you that even though we had some discussion regarding the discontinuing of your diocesan faculties, that I never did revoke them. The full faculties of the diocese and the province are still yours, and you are free to exercise your priestly ministry in any limited capacity within the diocese and the province that your health allows.

[App'x BJM#2, Letter from Fr. David Gemuend, Parish Administrator, to Fr. Benedict J. Marciulionis, p. 1.]

It is unclear whether incoming Bishop Robert Rose, installed as the second bishop of the Diocese on December 6, 1981, (App'x BJM#3, Death Notice of Bishop Robert Rose, dated March 2, 2022) revoked Fr. Marciulionis' faculties after he took office.

In August 2007, eight years after Fr. Marciulionis' death, Jane Doe 23 contacted the Diocese's Victim Assistance Coordinator at that time, and alleged that she had been sexually molested by Fr. Marciulionis in the early 1980s when she was in the fifth, sixth, seventh, and eighth grades. (App'x BJM#1, Investigative Report for Diocese of Gaylord by investigator, p. 4.) The VAC referred the matter to Diocesan investigator and advised him that there was nothing in Fr. Marciulionis' personnel file regarding Jane Doe 23's allegation or any other allegation of criminal sexual conduct. (*Id.*) The VAC further advised that Jane Doe 23 was requesting financial assistance for therapy from the Diocese. (*Id.*)

On August 22, 2007, the diocesan investigator interviewed Jane Doe 23. (*Id.* at 6.) Jane Doe 23 stated that she and her siblings each did chores in the rectory of Skidway Lake Parish on the housekeeper's days off. (*Id.* at 8.) She alleged that Fr. Marciulionis would show her and her siblings \$100 bills to impress them. (*Id.*) She further alleged that Fr. Marciulionis took her somewhere and bought her a dress, and, then while in the car, put his hand between her legs and penetrate her digitally, saying, "oh yes." (*Id.*) She said that this also happened in his bedroom, in the

confessional, and in the rectory. (*Id.*) She alleged that, while in the confessional, he would have her sit on his lap to confess her sins, while he touched her, saying, “oh yeah.” (*Id.*) He might have also used an implement and/or a butter knife on her, but she told the investigator that she was not sure if that actually happened or whether it was just a dream. (*Id.*) She also alleged that, on one occasion, he had Jane Doe 23 and her sibling touch each other. (*Id.*)

In this August 2007 interview, Jane Doe 23 said that when the investigator asked “what, if any, physical touch happened to” Fr. Marciulionis, she alleged that he would have her touch his penis and testicles, and she also “had to perform oral sex on him.” (*Id.*) Jane Doe 23 alleged that Fr. Marciulionis told her “[t]his is our little secret.” (*Id.*) The sexual abuse ended after Jane Doe 23’s sister told their mother. (*Id.*) She said that, a few weeks later, Fr. Marciulionis was removed “and sent to repent.” (*Id.*) Jane Doe 23 alleged that her minor siblings were also sexually abused. (*Id.* at 9.)

On October 4, 2007, the investigator attempted to interview Jane Doe 23’s sibling, but the sibling refused to speak to him. (*Id.* at 9 and 14.)

On March 1, 2008, the investigator did interview Jane Doe 23’s mother, however, who also stated that Fr. Marciulionis gave the kids money after they cleaned the rectory. (*Id.* at 18.) She became suspicious of him after she discovered that he had taken her kids to Big Boy on several occasions without her knowledge, and, on one specific occasion, he picked Jane Doe 23 up from school without her mother’s knowledge or permission. (*Id.* at 17.) On the latter occasion, she became concerned when Jane Doe 23 did not get off the school bus, so she went to the school and was told the priest picked her up. (*Id.*) He brought her home that evening, and she was wearing new clothes. (*Id.*) After that, Jane Doe 23 told her mother that “Father Ben touched her panties and she had oral sex with him.” (*Id.*) She believed that occurred in 1978. (*Id.*) She told the investigator that her other children never told her that anything ever happened with Fr. Marciulionis. (*Id.*) She said that, although she was not sure if Fr. Marciulionis sexually abused Jane Doe 23, she did believe that it happened. (*Id.*) Jane Doe 23’s mother further stated that she did not recall contacting the police, but she knows that Fr. Marciulionis was investigated. (*Id.* at 17.) Making inquiry to the MSP in West Branch, the investigator was informed that the local police department in Mills Township had “disbanded” in 1987, but that the former police chief, Gary Cole, was working for the Reed City Police Department. (*Id.* at 19.)

In 2008, the investigator interviewed former police chief Cole, who recalled an investigation into Fr. Marciulionis, but another officer handled the complaint. (*Id.* at 20.) He told him that he believed the complaint involved a male, not a female. (*Id.*) He remembered that, when the church found out about the allegation, Fr. Ben was moved out of the parish immediately. (*Id.*) He said charges were not pursued

by the Department, and he believed that the complaint was the cause of the police Department's "eventual demise." (*Id.*)

At the recommendation of the Diocese's VAC in 2007, the Diocesan investigator contacted three priests who were in the area at the time the alleged sexual abuse occurred, Fr. Frank Murphy, Fr. Siefferly, and Fr. Alexander Boruta. (*Id.* at 10–11.)

Fr. Murphy remembered that Fr. Gemeund "stated that the [p]olice were looking for Fr. Ben and there was something about kids." (*Id.*) Fr. Murphy said they did not discuss the allegations, and that he never knew what they were. (*Id.*)

Fr. Siefferly accompanied Fr. Murphy and Fr. Marciulionis on a drive to Ann Arbor at the request of Fr. Murphy in the early 1980s. (*Id.* at 10–11.) Fr. Siefferly told the investigator that he never heard what the allegations were, nor did he ever hear about any other allegations regarding Fr. Marciulionis. (*Id.* at 11.) All that Fr. Marciulionis said during the drive was "[w]hat a way to end your priesthood." (*Id.*)

At the conclusion of the investigator's 2007 report, the status was left open, as he was waiting to obtain a copy of the Mills Township Police Department file regarding the complaint made regarding Fr. Marciulionis. (*Id.* at 4.) No supplemental report was found in the file. The investigator attached a copy of Fr. Marciulionis' priest information and appointment sheet, the original of which was not located in the priest file. (*Id.* at 11 and attachment to Investigator Report, priest information and appointment sheet.) He noted that, in November 1981, he retired "due to a disability." (*Id.*) The record to which he refers simply states that he retired on November 5, 1981; no reason for doing so is stated. (*Id.*)

(16) FR. JAMES CLARK MCLAUGHLIN II



Born: September 13, 1946

Ordained: June 25, 1978

Leave of Absence/Relieved of Ministerial: May 17, 1993

Died: November 8, 1997

Fr. James Clark McLaughlin was born in Detroit, Michigan, on September 13, 1946, and was ordained to the priesthood at St. Mary's Cathedral in Gaylord on June 25, 1978. (App'x JCM#1, Priest information and appointment sheet.) Fr. McLaughlin died on November 8, 1997, at the age of 51 years. (*Id.*)

In 1993, a memorandum written by Bishop Patrick Cooney summarized an allegation made by John Doe 22 against Fr. McLaughlin, namely:

In the first part of February 1993, John Doe 22 came to see me and made an allegation against Father Jim McLaughlin, his pastor. According to John Doe 22, there was an instance in which Father McLaughlin is alleged to have struck John Doe 22 on the buttocks. It was a noticeable blow. According to John Doe 22, both priests were aware of the strength of the blow. Sometime later, Father McLaughlin had indicated to John Doe 22 that he himself had been sexually molested as a youngster. In talking over the situation with another priest, John Doe 22 said that this priest had also indicated that during the priest convocation of 1992 Father McLaughlin had made a gesture that seemed to be of a sexual nature and out of place. John Doe 22 went on to say that another priest of the diocese had told him he would have some problems with Father McLaughlin if he went to be his associate.

I discussed this matter with Father McLaughlin. He denied any sexual intent. He was knowledgeable and did remember the event. The situation had been strained between the two of them since the beginning of John Doe 22's acquaintance with McLaughlin. Father McLaughlin asked that John Doe 22 also be spoken to because of some of the things he has done that seem to be outside of the normal realm according to the perceptions of Father McLaughlin and the team at Saint Anne, Alpena. This will be followed up.

[App'x JCM#2, Undated File Note Regarding Allegations of John Doe
22 Versus Father James McLaughlin.]

Shortly thereafter, on May 17, 1993, Fr. McLaughlin took a leave of absence and was relieved of his pastoral duties. (App'x JCM#1.)

In February 1995, while he was on a leave of absence from the Diocese, he was arrested and subsequently convicted of Disorderly Person-Obscene Conduct in Traverse City, Michigan, for which he was sentenced to 15 days in jail and one year of probation by Judge Richard Benedict of the 86th District Court. (App'x JCM#3, Letter from Judge James McCormick to Bishop Patrick Cooney, dated February 21, 1995.) He was also ordered to "obtain regular employment within 30 days of release from jail" and to stay away from the nature-reserve area on the Boardman River. (*Id.*) Fr. McLaughlin had allegedly approached a plain-clothes police officer after the former made small talk and then reached into the officer's car and grabbed his crotch. (*Id.* at 2.)

On March 6, 1995, Bishop Cooney later wrote to Fr. McLaughlin's probation officer that Fr. McLaughlin would be employed full time in Gaylord by the Diocese in its resource library in the Pastoral Center. (App'x JCM#4, Letter from Bishop Patrick Cooney to Pam Soffredine, dated March 6, 1995.) Bishop Cooney expressed his hope that the library position would satisfy the Court's order. (*Id.*)

**(17) FR. BRYAN W. MEDLIN
(LISTED ON BISHOP ACCOUNTABILITY SITE.)**



Born: May 19, 1980

Ordained: 2013

Placed on Administrative Leave: December 16, 2021

Released from Ministry: March 21, 2023

Bryan Medlin was born in Wyandotte, Michigan, on May 19, 1980, and was ordained to the priesthood at St. Mary Cathedral in Gaylord on June 20, 2013. (App'x BWM#1, Furgiuele, Medlin Ordained at St. Mary Cathedral, *Petoskey News-Review*, July 2, 2013.) On December 16, 2021, he was placed on a temporary, administrative leave. (App'x BWM#2, Diocese of Gaylord Press Release, "Update Regarding Rev. Bryan Medlin: Conclusion of Internal Investigation," dated June 24, 2022.) Consequently, Fr. Medlin was removed from public ministry and prohibited from presenting himself as a priest. (*Id.*) On March 21, 2023, Fr. Medlin was released from the ministry.

At the time Fr. Medlin was placed on leave on December 16, 2021, he had been serving as pastor of the National Shrine of the Cross in the Woods in Indian River, Michigan, since September 17, 2021. (App'x BWM#3, Diocese of Gaylord Announcement, July 4, 2021.) Prior to that assignment, he served as pastor of St. Mary of the Assumption Parish in Lake Leelanau, Michigan. (*Id.*)

On December 9, 2021, the Diocese of Gaylord notified the AG that it had received an allegation that Fr. Medlin had sent a group message containing some sexual content to high school boys between the ages of 16 and 18 years old. Further, it also advised that the parish planned to meet with school parents to provide them with the contact information for the AG's office and the Diocese's VAC. (App'x BWM#4, MSP Original Incident Report, Incident No. 071-0004947-21 at 1.) The allegation was reported to the Diocese by Fr. Ben Martin, who became pastor of St. Mary of the Assumption in Lake Leelanau, after Fr. Medlin was reassigned to the Indian River post. (App'x BWM#5, Diocese of Gaylord Victim Assistance Coordinator Allegation Report, dated December 8, 2021, p. 1.) The message, allegedly sent by Fr. Medlin, read as follows:

Holy and horney [sic] wisdom

So dudes, when you win heres [sic] is [sic] some behaviors that are worth embracing but only after you win.

Before you must be disciplined. I've seen my friends go through this when they went to states for hockey. Emotions were joyful excited to nervous and scared. If you want at anytime in the morning, afternoon, or night. Don't hesitate to Call [sic] me and we can pray together as a group or in private. You can offer it to the rest of the team as well and you can give them my phone number as well if anyone wants. I've prayed with some of the SB students a couple of years ago.

Don't underestimate the power of hearing someone pray for you in a personal way. Prayer can be one of thanksgiving, strength, focus, energy, victory, and even peace depending on what you [sic] asking God for.

Regardless of the outcome, know that I'm very proud of you and love you like my own younger brothers. (not ready to says sons, makes me feel old.). Can't wait to watch it in person.

So now for the fun stuff:

So here's what is permitted based on margin of victory:

0-15 hug your girlfriend for 15 sec.

15-30 hug and French kiss your gf for 30 sec.

30-60 tackle your gf to the ground (remove your pads) roll around the ground make out for 60 sec.

60-100 just go find a room and get crazy with your gf.

100+ Take you all down to one of downrivers finest topless bars, henryviii, subi's, hustler's, or chics on dixs. (The name is real) so crack up the margin. However I doubt the margin will be over 30. But who knows.

Irregardless [sic] of the results you can all embrace the first one. Being at states is itself a great honor. Talked you all up at SF. History could be made if both of our catholic schools win states in their divisions.

Looking forward to it. Hopefully our paths can cross again soon for us to meet up at BDogs soon. In fact I have to return to gtacs, for

confessions. I'll let you [sic] what those dates are and see if they might work.

1. God bless always know of my prayers for you everyday. [sic]

Bryan

[*Id.* attached copy of message (emojis omitted.)]

In the course of the 2021 investigation, the MSP determined that Fr. Medlin sent the above-quoted group message to three high school students in Lake Leelanau, and one or more of those students forwarded the message to high school students. (App'x BWM#6, MSP Supplemental Report 0001, Incident No. 071-0004947-21, at 4.) When interviewed, each of the students stated that, before Thanksgiving, Fr. Medlin came to their school for Mass, and, prior to that occasion, they had never met Fr. Medlin. (App'x BWM#7, MSP Supplemental Incident Report 002, Incident No. 071-0004947-21, pp. 2–4.) Afterward, Fr. Medlin allegedly began to follow the teenagers on Instagram and TikTok and messaged them often. (*Id.*) One of the boys, John Doe 23, told investigators that he did not reply much because he got “weird vibes” from Fr. Medlin. (*Id.* at 2.) None of the messages sent directly to the students were alleged to have contained sexual content. (*Id.* at 2–4.) After the students found out about the above-quoted message that was sent to the other students, they became concerned and reported Fr. Medlin to the school administration. (*Id.*; App'x BWM#8, MSP Supplemental Incident Report 0006, Incident No. 071-0004947-21, pp. 1–4.)

In 2021, the MSP investigators also interviewed the students who each stated that they never witnessed Fr. Medlin commit any physical act that was inappropriate, but he did send texts and other messages on social media that the boys thought were funny, but also inappropriate. (App'x BWM#9, MSP Supplemental Incident Report 0003, Incident No. 071-0004947-21, pp. 1–5.) Each of the boys believed that the most inappropriate message that they received from Fr. Medlin was the above-quoted message he sent them in a group text. (*Id.*) Excerpts of other messages provided to MSP investigators, allegedly sent by Fr. Medlin, included the following:

Middle eastern wedding

You would have loved this wedding. This was a Middle Eastern Christian wedding with a sizable number of Muslims attended as well. The women were very amply with a least 17 pairs of full blown Cleavage in my face. They were so affectionate and gave me all kinds of hugs and jumping all over the place after the ceremony. It was beautiful, fought back the temptation to bury my head in them. I'm a man of true celibacy. If I get a breakthrough of covid I'll know why. At least the Muslims didn't blow up the shrine.

Hell I wanted to motorboat everyone of them. If there were three more pairs of tits in my face I would have had no choice but to use my two hands afterwards, if you get my drift. But I fought back.

Who am I kidding I was distracted in my mind and my cock. So I guess it balanced out.

My ministry here has mostly been confessions and bullshitting with people outside.

Thanks again. Tonight I'll send you and others my holy before and horney [sic] after the game wisdom for your upcoming game. I think it's appropriate for some horney [sic] behavior based on margin of victory. [emoji omitted.]

[*Id.* at 6.]

Another text message that was provided to investigators, appearing to have been sent by Fr. Medlin, included the following:

Wrapped up my 5 day visits to holy seminaries

This is funny. Pulled into Portage Michigan for lunch and saw hooters open for business. Yet, the Lord gave me the strength to turn away from temptation and went to McDonald's for a humble lunch.

[App'x BWM#10, MSP Supplemental Incident report 0004, Incident No. 071-0004947-21, p. 2.]

The above-quoted text message was accompanied by a photograph of the Hooter's establishment. (*Id.*)

By January 3, 2022, the MSP had interviewed "6 students, three of whom where the catalyst of this investigation." (January 3, 2022 email from MSP Fink to AG and Diocese counsel.) MSP Fink went on to report "None have indicated any physical touching or any belief whatsoever that Father Medline was interested in them sexually [N]othing stands out as being criminal at this time Father Medlin was very active on Tik Tok and Instagram, but all students so far have advised that he was not inappropriate on these platforms." (*Id.*)

By letter dated June 3, 2019, John Doe 24, then a junior at St. Mary School in Lake Lelanau, wrote to Bishop Steven Raica, alleging that Fr. Medlin had been using profane, inappropriate, embarrassing, and racist comments to students and provided several examples of those comments. (App'x BWM#11, MSP Supplemental Incident Report 0005, Incident No. 071-0004947-21, pp. 5–6.) After the Department and MSP commenced its investigation into Fr. Medlin, John Doe 24 contacted the Department and advised that, after he wrote the bishop, the matter was "never resolved." (*Id.* at 4.)

Fr. Medlin, through his legal counsel, declined to be interviewed in this investigation. (App'x BWM#12, MSP Supplemental Incident Report 0008, Incident No. 071-0004947-21.) In March 2022, after the investigation regarding Fr. Medlin was completed, the Department determined that no criminal charges would be brought against Fr. Medlin because his alleged conduct did not constitute a crime.

After the completion of the Department's investigation, the Diocese undertook its canonical investigation and determined that Fr. Medlin violated the diocesan Safe Environment Policy, for which he was put on an indefinite leave of absence. (App'x BWM#2, Diocese of Gaylord Press Release, "Update Regarding Rev. Bryan Medlin: Conclusion of Internal Investigation," June 24, 2022.) On March 21, 2023, Fr. Medlin was released from ministry and returned to the lay state.

(18) FR. EYOB JEMANEH MERIN

Born: May 12, 1974

Ordained: April 22, 2001, Holy Trinity Cathedral, Addis Ababa, Ethiopia

Status: Believed to be in Ethiopia since May 2021

Fr. Eyob Jemaneh Merin was born on May 12, 1974. (App'x EJM#1, MSP Supplemental Incident Report 0005, Incident No. 071-0000520-21 at 1.) Fr. Merin was ordained on April 22, 2001 in Holy Trinity Cathedral, Addis Ababa, Ethiopia. He served in the Diocese of Gaylord and in Ethiopia intermittently between October 17, 2007, through February 10, 2021, and was relieved of service to the Diocese of Gaylord on May 10, 2021. (Diocese and Appointment Sheet and App'x EJM#2, Diocese of Gaylord Press Release, May 12, 2021.)

On February 3, 2021, according to the Diocese before the commencement of an on-line virtual meeting of a parish finance council meeting, Jane Doe 24, an adult married woman, and her husband, announced to the on-line participants in the meeting that Jane Doe 24 had been recently physically harassed by Fr. Eyob while alone in the church sacristy, who allegedly tried to hold her and kiss her. She stated that no sexual activity had occurred beyond that. In a letter dated February 4, 2021, the parish's deacon reported the "accusation of sexual harassment" to the Diocese. (February 4, 2021 Letter.) The February 4, 2021 letter to the Diocese outlines the immediate actions taken by the Deacon, as well as a summary of two text messages received from Jane Doe 24 in which she wrote: "So happy you were on the Zoom tonight to witness my hearts [sic] truth. You have our permission to use my witness to help us out in any way. Or report if you have to. [Jane Doe 24's husband and Jane Doe 24] don't want to be drawn thru long drawn out muck tho." (*Id.*)

On February 8, 2021, the Diocese promptly reported the matter to the AG and, issued a press release regarding the allegation made in public at the parish meeting and that Fr. Merin had voluntarily stepped aside from his ministerial responsibilities. (App'x EJM#3, Public Statement of Diocese, dated February 8, 2021.)

After the Diocese referred the matter to the AG, the MSP began its investigation. Jane Doe 24 alleged that, over a period of several months, Fr. Merin sexually assaulted her, commencing with alleged inappropriate hugs in late 2019. (App'x EJM#4, MSP Original Incident report, Incident No. 071-0000520-21, p. 5.) Jane Doe 24, herself a "hugger by nature," alleged that, from the first hug, it "did not seem right." (*Id.*) She alleged that the hugs took place at St. Mary of Hannah Church in Kingsley, Michigan, where Fr. Merin served as pastoral administrator, and she served as a volunteer sacristan. (*Id.* at 4–5.)

Also in 2021, Jane Doe 24 claimed that "the hugging issues ha[d] caused her such mental anguish because it led to 'crossing over the lines.'" (*Id.* at 5.) The fourth

time Fr. Merin allegedly hugged her, he also kissed her on the cheek. (*Id.*) Consequently, Jane Doe 24 stated that she had sent Fr. Merin over one thousand text messages and believed some of them could have been misinterpreted by Fr. Merin. (*Id.*)

During the MSP investigation, Jane Doe 24 alleged that, on November 25, 2020, while she and Fr. Merin were in the sacristy of the church, he hugged her tightly and that led to kissing. (*Id.* at 7.) While Fr. Merin was still kissing her, he allegedly put his hands on her butt and then on her vagina and penetrated her digitally, after which he pulled her bra up and kissed her breasts. (*Id.*) He then went down and “put his lips on her vagina.” (*Id.*) She told Sgt. Fink that she was “shocked” and “confused,” but she was also “curious” and was wondering “where the fight was and it just disappeared inside of her.” (*Id.*) Jane Doe 24 alleged that a similar encounter occurred the following month. And on a third occasion, Fr. Merin allegedly put her hand on his penis outside of his pants. (*Id.*) Jane Doe 24 stated that “I went along with it,” and she was disappointed in herself for not physically stopping the contact. (*Id.*) On an alleged fourth encounter, Jane Doe 24 stopped Fr. Merin’s hand from touching her. (*Id.*)

Also, during the MSP 2021 investigation, Jane Doe 24 stated that she discussed the sexual contact with Fr. Merin in the confessional twice, knowing “she has sinned, being promiscuous with her body and breaking her vows of chas[t]ity. [sic].” (*Id.*) She alleged that Fr. Merin said they had an understanding, and, therefore, did not need to discuss the matter. (*Id.*)

In response to questions asked during the interview, Jane Doe 24 admitted that the kissing was consensual. (*Id.* at 8.) Jane Doe 24 also stated that she believed the sexual encounters happened because of “her admiration of the priesthood,” and that, “if you took the robes off of Father Merin, she does not think any of this would have happened.” (*Id.* at 9.) However, she also claimed that the touching of her breasts and vagina were against her will, because she “‘stood there shocked, numb, I guess I could say curious, shocked, is he really going to do what he’s going to do?’” (*Id.*)

In 2021, when interviewed by Sgt. Fink, Fr. Merin denied that any sexual activity of any kind ever occurred between him and Jane Doe 24 and provided copies of hundreds of text messages Jane Doe 24 sent to Fr. Merin. (App’x EJM#1, MSP Supplemental Incident Report 0005, Incident No. 071-0000520-21, pp. 1–2.) Fr. Merin alleged that, during the summer of 2020, Jane Doe 24 told him that she was in love with him and that she was having thoughts of physical intimacy. (*Id.* at 2.) Fr. Merin also alleged that another parishioner, Witness 18, told Fr. Merin that Jane Doe 24 had previously told Witness 18, that Jane Doe 24 was falling in love with Fr. Merin. (*Id.*) As such, Witness 18 advised Fr. Merin that he should not hug Jane Doe 24. (*Id.*) Fr. Merin further stated that, from that time period forward, he was very careful when he was around Jane Doe 24. (*Id.*) He also told the detective that he had requested a meeting with his bishop several weeks before Jane Doe 24’s

allegations to discuss the matter with him. (*Id.* at 4.) When Bishop Walter Hurley was interviewed, he stated that, several weeks before the allegations were made by Jane Doe 24, Fr. Merin called him and told him a parishioner was attempting to have an inappropriate relationship with him. (*Id.* at 5.)

In his 2021 report, Sgt. Fink notes the following after his review of the text messages between Jane Doe 24 and Fr. Merin:

Many of the text messages, without context, could possibly be interpreted as being sent by a person in love or having feelings for another person. However, many of the texts do speak of previous incidents where Jane Doe 24 mentions herself and Father Merin kissing. Father Merin's replies back to these messages never deny embracing or kissing.

[*Id.* at 2.]

In 2021, Sgt. Fink also interviewed Witness 18, a fellow parishioner, who stated that Jane Doe 24 told her that she had feelings for Fr. Merin and "could not stop thinking about him." (App'x EJM#5, MSP Supplemental Incident Report 0001, Incident No. 071-0000520-21, p. 1.) Witness 18 also stated that she advised Jane Doe 24 to leave the church, not to go to Fr. Merin for confession, and to stop having hugs with him, but Jane Doe 24, instead, became more active in the church. (*Id.*) Witness 18 also expressed concerns regarding Jane Doe 24's mental status, believing her to be unstable. (*Id.* at 2.) She advised that she told Fr. Merin that Jane Doe 24 had feelings for him, and she speculated that Jane Doe 24's allegations against Fr. Merin "could be fantasy or exaggeration." (*Id.*) She stated that Jane Doe 24 texted her and stated that Fr. Merin "tried to kiss her" and that Fr. Merin gives her tight hugs. (*Id.*) She speculated that Jane Doe 24's husband "found out something," and Jane Doe 24 fabricated the allegations. (*Id.*)

Another parishioner, Witness 19, was interviewed in 2021, and she stated that she did not believe the accusations Jane Doe 24 made against Fr. Merin. (*Id.* at 3.) Witness 19 told the detective that Jane Doe 24 told her Fr. Merin "was easy on the eyes." (*Id.*) Witness 19 also stated that Jane Doe 24 had previously told her that Jane Doe 24 had A.D.D., was a "binge drinker," and had "other mental problems." (*Id.*) Witness 19 believed that, if anything happened between Jane Doe 24 and Fr. Merin, it was consensual, because Jane Doe 24 "really wanted Father Merin bad." (*Id.*) She also stated that, on one occasion when Jane Doe 24 was hugging everyone at church, she gave Fr. Merin a hug, and he did not hug her back. (*Id.*)

Two other parishioners, Witness 20 and 21, told Sgt. Fink in 2021 that Jane Doe 24 had previously told them that Jane Doe 24 was developing feelings for Fr. Merin. (App'x EJM#6, MSP Supplemental Incident Report 0003, Incident No. 071-0000520-

21, pp. 1–2.) None of the persons interviewed in the investigation had ever witnessed any inappropriate contact between Fr. Merin and Jane Doe 24.

At the conclusion of the investigation, the AG declined to file criminal charges against Fr. Merin. Bishop Hurley withdrew Fr. Merin’s assignment in the Diocese and requested that he return to his home archdiocese in Ethiopia. (App’x EJM#2, Diocese of Gaylord Press Release, May 12, 2021.)

(19) FR. SYLVESTRE LINCOLN OBWAKA



Born: November 7, 1972

Ordained: June 12, 2010

Priestly faculties suspended: February 17, 2017

Presumed alive

Fr. Sylvestre Lincoln Obwaka was born in Siaya, Kenya, on November 7, 1972, and was ordained to the priesthood at St. Mary Cathedral in Gaylord on June 12, 2010. (App'x SLO#1, Priest information and appointment sheet.) Before he made his application to the Diocese of Gaylord to become a seminarian, Fr. Obwaka was a member of the Franciscan Missionaries of Hope, Lyke Community, a small order founded in Kenya. (App'x SLO#2, Email from the Diocese's VAC to Detective Richard Rule, Michigan State Police, dated March 21, 2017.)

In 2004, Fr. Obwaka, a permanent legal resident of the United States, was accepted as a seminarian for the Gaylord diocese. (App'x SLO#3, Statement from the Diocese of Gaylord, dated February 21, 2017.) After his ordination in 2010, he was Parochial Vicar to the Catholic Community of Manistee, followed by a 2013 appointment to Pastor of St. Ignatius of Loyola in Rogers City, Michigan. (*Id.*)

According to John Doe 27 in January 2017 he had been invited by Fr. Obwaka to celebrate Mass for the children at St. Ignatius and to make a presentation to the children on vocations. (He arrived at the rectory around 9:30 p.m. the preceding night, January 31, 2017.) (App'x SLO#4, Unsigned Typewritten Summary written by a priest.) John Doe 27 alleged that, after the two priests talked and drank until about 1:00 a.m., the following occurred:

So I went to bed. I had drank [sic] 5 or so drinks from 9:30 to 1:00 so I was drunk. But I remember going to bed. The next thing I remember was Slyvestre got in bed with me in my room. I didn't resist but he started touching me. I don't even remember how much I resisted. I can't remember but I just was frozen. He started to position himself with my legs over his shoulders and he kept saying 'fuck me.' The other thing he kept saying was '[y]ou voted for Trump, you want me deported, [d]on't you?' The rest is hazy. He penetrated me and I just was frozen. I didn't say anything or try to run away. I should have tried to run away. But he stayed awhile.

[*Id.*]

The following morning on February 1, 2017, after he celebrated Mass and made his presentation for the children, John Doe 27 left St. Ignatius and met with the diocesan victim assistance coordinator, and reported the foregoing allegation. (*Id.* at 2.) He thereafter underwent a physical medical examination by “Dr. Jason” and had blood samples drawn at the local hospital. (*Id.*) The VAC notified the bishop and chancellor of the matter. (*Id.*)

On February 12, 2017, the bishop, the vicar general, and the chancellor met with Fr. Obwaka, and when the bishop questioned him about the allegation, Fr. Obwaka said that he had no recollection of the alleged assault and denied ever having sexually assaulted John Doe 27. (App’x SLO#5, Memorandum of Bishop Steven Raica, February 12, 2017, p. 2.) Fr. Obwaka told the bishop that he had “blacked out” and did not remember; however, he stated that, when he went into John Doe 27’s room the following morning, he saw his sweatshirt on the floor and wondered how it got there. (*Id.* at 1.) At the end of the meeting, the bishop and Fr. Obwaka agreed that Fr. Obwaka would be put on administrative leave for health reasons and have no contact with John Doe 27. (*Id.* at 2.) Bishop Raica noted the following observations of Fr. Obwaka during their meeting:

Our observations following the meeting include the fact that we were surprised at his stoic reaction to the alleged claim and the calm denial about it. He did not seem at all shocked or overwhelmed by the alleged fact. Another surprising aspect was that there was little sign of concern for the welfare of John Doe 27. He stated that he had many guests in his rectory over the years and no one has ever been assaulted and [sic] the rectory and that this is not a true claim.

[*Id.* at 3.]

On February 18, 2017, Fr. Obwaka, was arrested by the MSP for criminal sexual conduct. (App’x SLO#6, Letter from Bishop Steven Raica to Fr. Sylvestre Obwaka.) That same day, Bishop Raica placed him on immediate administrative leave and revoked his priestly faculties. (*Id.*) Fr. Obwaka was charged with first-degree, criminal sexual conduct and third-degree, criminal sexual conduct.¹¹

On March 17, 2017, the Diocese received an email from John Doe 28, a foreign national residing in Africa, directed to Bishop Raica that contained the following new allegation of sexual misconduct against Fr. Obwaka:

I wish to introduce myself to you as a former Catholic priest, one of your good priests[.] Father Sylvester Obwaka sodomized me in the year 2003. This is a common practice among Kenyan priests, as an insider

¹¹ <http://upnorthlive.com/amp/news/local/alleged-rape-victim-speaks-in-court> (last accessed December 12, 2023)

[I] can tell you in confidence. However, Father Sylvester was a very good man during the day, he's seemingly a very pious man of God who can lead many people to believe in God. I got shocked during the night when he abused me, but [I] have never heard anything else wrong about him.

[App'x SLO#7, Email from John Doe 28 to Bishop Raica, March 17, 2017.]

John Doe 28 contemporaneously sent an email to Fr. Joe Muszkiewicz, alleging that he had been sodomized by Fr. Obwaka in 2003 and that "many Catholic priests in Kenya have this behavior," causing him to "quit priesthood." (App'x SLO#8, Email from John Doe 28 to Father Joe and reply, dated March 17, 2017.) Fr. Muszkiewicz replied, requesting permission to forward the email to Bishop Raica. (*Id.*) John Doe 28 replied, stating that he had also written the bishop, whom he believed might have reported the allegation to the police. (App'x SLO#9, March 22, 2017, email from John Doe 28 to Fr. Joseph Muszkiewicz.) He also stated that he was not aware that Fr. Obwaka had been arrested for "similar accusations," and that he was a good priest and that he had "never heard anything else against him." (*Id.*) He explained the reason for disclosing his allegation "was so that you be on the lookout because priests here molesting alter [sic] boys and fellow priests is so rampant and bishops are not taking any action." (*Id.*)

The Diocese of Gaylord referred the John Doe 28 allegation to the Presque Isle County prosecuting attorney and the MSP. (App'x SLO#2, March 21, 2017, email from Diocese to Detective Richard Rule at 1.) During a bond hearing, the prosecution advised the court in the CSC case that a second victim had come forward with an allegation against Fr. Obwaka.¹² The Circuit Court denied the prosecution's motion to allow John Doe 28, a resident of Kenya, to testify at Fr. Obwaka's CSC jury trial via telephone. (*Id.*)

In July 2017, Fr. Obwaka was acquitted by a jury on both counts. Contrary to what Fr. Obwaka told the bishop, in court, Fr. Obwaka testified that the sexual encounter was consensual. (*Id.*)

In a letter dated January 5, 2018, Bishop Raica wrote to Fr. Obwaka and advised that he would not allow Fr. Obwaka to return to priestly ministry in the Diocese of Gaylord. (App'x SLO#6, Letter from Bishop Steven Raica to Fr. Sylvestre Obwaka.)

Even though the civil trial returned a verdict of "not guilty," it is necessary for me to take into account other compelling factors. These factors include the issue of scandal, and the publicity of your own

¹² <https://www.thealpenanews.com/news/local-news/2017/04/second-victim-comes-forward-in-obwaka-case/> (last accessed December 12, 2023).

testimony before the court which differed from your testimony to me and is now a matter of public record. These factors cause me great concern and unease. I am unable to overcome them.

[Id.]

Fr. Obwaka's faculties remain suspended.

**(20) FR. LEO OLSCHAUSKEN, O PRAEM
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**



Born: March 28, 1923

Ordained: June 29, 1948

Removed from Diocese of Gaylord and returned to religious order: 1974

Died: 1987

Fr. Leo Olschausken was born on March 28, 1923, ordained in Austria in 1948, and died in 1987. (App'x LO#1, Priest information and appointment sheet; App'x LO#2, August 7, 1974, letter from Fr. David Gemuend, Chancellor, to Msgr. Daniel Murray, Vice-Chancellor; App'x LO#3 Memorandum of Diocese's attorney Regarding Contact With Authorities on May 5, 2002.) Fr. Olschausken immigrated into the United States and worked as a chaplain at Mercy Hospital in Cadillac when it was part of the Diocese of Grand Rapids until 1971, when Cadillac became part of the Diocese of Gaylord. (App'x LO#2, Letter from Fr. David Gemuend, Chancellor, to Msgr. Daniel Murray, Vice-Chancellor, dated August 7, 1974.) Fr. Olschausken was never incardinated into the Diocese of Gaylord. (*Id.*)

On January 3, 1973, the parents of two boys, 11 and 13 years old, reported to Fr. Edwin Thome that Fr. Olschausken "made sexual advances toward their sons." (App'x LO#4, Letter from Fr. Edwin Thome to Bishop Edmund Szoka, Bishop of Gaylord.) The parents alleged that these advances took place in the home of Fr. Olschausken, "who frequently invites young boys into his home." (*Id.*) After having questioned the two boys, Fr. Thome opined that the conduct alleged was "in degree, an attempted act." (*Id.*) He did not believe that there was "actual exposure of the genital organs but that 'Father wanted to tickle us in the area below the belt.'" (*Id.*) Both boys resisted the alleged advances. (*Id.*)

Fr. Thome advised Bishop Szoka:

Having heard from these same [p]arents a rumor that something of this nature has happened before, I talked with Sister Mary Ricardo, Administer of the Hospital, about this subject. According to her[,] a more serious offense of this same nature happened earlier this past

year. She requested that Father John Tamulis bring this to your attention and she forbade Father Olschausken to have any young boys visit in his home. Neither Sister nor I know if her request to bring this to your attention was actually done.

[*Id.*]

By letter dated February 26, 1973, Bishop Szoka wrote Fr. Thome as a follow up to a meeting held on January 31, 1973, among the bishop, Fr. Thome, and Fr. Olschausken, requesting Fr. Thome to advise how Fr. Olschausken was progressing in his position as chaplain and as to his drinking “and the other matter which you drew to my attention.” (App’x LO#5, Letter from Bishop Edmund Szoka to Fr. Edwin Thome, dated February 26, 1973.) In reply, Fr. Thome wrote, in relevant part:

In regards to father’s other two problems of excessive drinking and entertaining young boys in his house, there has been a definite improvement. He has reported to me almost daily and has been willing to accept assignments in the Parish on weekends. I am convinced of his sincerity and admire his humility. I would think that if he lived in a better home environment (or at the hospital itself) his temptations would be even better controlled.

[App’x LO#6, Letter from Fr. Edwin Thome to Bishop Edmund Szoka, dated March 21, 1973.]

Months prior to June 5, 1974, Fr. Olschausken was relieved of his responsibilities as the hospital chaplain. (App’x LO#7, Letter from Fr. Leo Olschausken to Bishop Edmund Szoka, dated June 5, 1974.) This was done at the direction of Bishop Szoka. (*Id.*; App’x LO#8, Letter from Bishop Edmund Szoka to Fr. Leo Olschausken, O. Praem, dated June 12, 1974.) In an August 7, 1974 letter, Fr. Gemuend, Chancellor for the Diocese of Gaylord wrote to Msgr. Daniel Murray, Vice-Chancellor of the Diocese of Joliet: “He is in good standing and has the faculties of this diocese. Up to the time of his hospitalization, he was acting as chaplain at Mercy Hospital, Cadillac, which was located in the Grand Rapids Diocese until the establishment of our Diocese of Gaylord in 1971. Father Leo was never incardinated in the Diocese of Grand Rapids, so he remained in that hospital assignment as a volunteer helper in this diocese.” As of August 7, 1974, Fr. Olschausken was considered in good standing and possessed the faculties of the Diocese. (App’x LO#2, Letter from Fr. David Gemuend to Msgr. Daniel Murray, Vice-Chancellor of the Diocese of Joliet.)

In 2002, the Diocese of Gaylord reviewed all of its priests files. On May 13, 2002, the Diocese’s attorney met with Wexford County Prosecutor Fagerman and informed him of the January 3, 1973 allegations. (App’x LO#3, Memorandum of Diocese’s counsel Regarding Contact With Authorities.) Thereafter, the Diocese of Gaylord

published Fr. Olschausken's name on its list of clergy against whom there are credible and substantiated allegations of the sexual abuse of minors.

On March 8, 2019, the Department's tipline received a letter from the Diocese stating that John Doe 29 alleged that he was sexually assaulted by Fr. Olschausken in 1962. (Letter from Diocese of Gaylord, dated March 8, 2019.) John Doe 29 was a young man at the time and had visited Fr. Olschausken at the latter's apartment a few times, and, on one such occasion, Fr. Olschausken allegedly grabbed him, kissed him on the lips, and said "I love Americans." (*Id.*) Fr. Olschausken allegedly held him tightly during this encounter and had an erection. (*Id.*) John Doe 29 reported that he was able to get himself free and run home. (*Id.*) John Doe 29 stated that he never reported this before. (*Id.*)

On September 27, 2019, John Doe 30 emailed the Department's tipline and alleged that Fr. Olschausken sexually abused him in the 1960s when he was seven-to-ten-years old. (App'x LO#9, Email from John Doe 30, dated September 27, 2019.) He alleged that Fr. Olschausken gave him candy and food and videotaped John Doe 30. (*Id.*) John Doe 30 alleged being "touched inappropriately and sexually abused." (*Id.*)

**(21) FR. RAYMOND JOHN PILARSKI
(LISTED ON DIOCESE OF GAYLORD AND SAGINAW AND
BISHOP ACCOUNTABILITY SITE.)**



Born: January 18, 1928

Ordained: June 4, 1955

Faculties Revoked: June 10, 2002

Suspended From Public Ministry: 2005

Permanently Removed from Public Ministry: 2006

Died: October 19, 2017

Fr. Raymond John Pilarski was born in Rogers City, Michigan, on January 18, 1928, and was ordained to the priesthood on June 4, 1955, at St. Mary's Cathedral in Saginaw, Michigan. (App'x RJP#1, Priest information and appointment sheet.) Fr. Pilarski was permanently removed from public ministry in 2006, and he died on October 19, 2017. (*Id.*)

In October 1986, Jane Doe 27 alleged that Fr. Pilarski “hugged and fondled her when she was 12 years old[.]” (App'x RJP#2, *Graviora Delicta* Summary and attached Statement of Bishop to a letter dated March 4, 2004, p. 12.) Jane Doe 27 alleged that, when she was in the sixth grade, she was fondled by Fr. Pilarski three times, once inside the church after confession and twice on the playground. (*Id.*) She alleged that Fr. Pilarski locked the doors of the church and told her to remove her shirt and then fondled her breasts. (*Id.*) He also asked her if she had commenced menstruating yet. (*Id.*) At the time, Jane Doe 27 was more developed than the other girls her age. (*Id.* at 13.) She said that one of her classmates had later told her that Fr. Pilarski did the same things to her. (*Id.* at 12.)

In October 1992, shortly after Bishop Patrick Cooney's installation in the Diocese, Jane Doe 27 again contacted the Diocese regarding the alleged sexual abuse by Fr. Pilarski. (*Id.* at 13.) Fr. Pilarski denied the allegations. (*Id.*) Jane Doe 27 told Bishop Cooney that all she wanted from the diocese was counseling for herself and an investigation of Fr. Pilarski to see if there were any additional victims, and, if so, for Fr. Pilarski to have counseling as well. (*Id.*) In November 1992, Bishop Cooney wrote her, requesting permission to speak to her counselors; however, she never replied. (*Id.* at 14.)

Three years earlier, in 1989, a woman wrote an anonymous letter to the Diocese alleging that she went to see Fr. Pilarski for marriage counseling in 1983, and he raped her. (*Id.* at p. 18.) She also alleged that she went to see him another time, and he tried to rape her again. (*Id.*)

In July 1995, Jane Doe 28 wrote to Kenneth Untener and Patrick Cooney, Bishops of Saginaw and Gaylord, respectively, and alleged that, in the late 1960s, she had gone to her then pastor, Fr. Pilarski, to discuss some personal difficulties in her life, include marital and loneliness issues. (*Id.* at 19.) At that time, Fr. Pilarski was serving in Wilmot, Michigan, located within the Diocese of Saginaw; however, because Fr. Pilarski became a Diocese of Gaylord priest after that Diocese was formed in 1971, Bishop Cooney handled the matter. (*Id.*) Because she did not have a car, Fr. Pilarski visited with her at her home, and she eventually became a “willing participant” and a “victim” in a sexual relationship with the priest. (*Id.*) Jane Doe 28 began to feel guilty about the relationship, and asked Fr. Pilarski if she should not receive Holy Communion. (*Id.*) In response, Fr. Pilarski allegedly made the sign of the cross over her and “absolved her of her sin.” (*Id.*) Jane Doe 28 stated that her relationship with Fr. Pilarski continued until he was transferred to another church. (*Id.*)

In her 1995 letter, Jane Doe 28 also wrote that she heard rumors that Fr. Pilarski was sexually involved with other women and girls, one of whom was an adult woman named Jane Doe 29, a rumor he allegedly denied publicly but admitted it to Jane Doe 28. (*Id.*) She further alleged that a woman named Jane Doe 30 told her that, when she was taking classes with Fr. Pilarski to convert to Catholicism, he seduced her. (*Id.* at 19–20.) Jane Doe 28 also alleged that a high school girl named Jane Doe 31 told Fr. Pilarski that he “better keep your hands off me.” (*Id.* at 20.) Jane Doe 28 also mentioned an employee, Jane Doe 32, but that it just seemed “circumstantial.” (*Id.*) When she asked Fr. Pilarski about Jane Doe 32, he just smiled and shrugged his shoulders. (*Id.*)

When confronted by these allegations in September 1995, Fr. Pilarski admitted to having had an affair with Jane Doe 28, as well as others back in the 1960s. (*Id.*) He also admitted that “a situation” occurred about 15 years prior to the time the then bishop was aware.¹³ (*Id.*) He denied that anything else had occurred in the last “several years.” (*Id.*)

Jane Doe 28 told the Diocese that all she wanted was to have Fr. Pilarski “looked at” and Bishops Untener and Cooney to be aware of what had occurred to her and others. (*Id.*)

In 2002, after the Diocese reviewed all of its priest files, it determined that further investigation was required, and it informed the county prosecutor of Jane Doe 27’s

¹³ Bishop Cooney noted that the allegations of Jane Doe 27 fit that timeframe. (*Id.*)

allegations. (*Id.* at 14.) The Diocese also contacted Jane Doe 27 to make her aware that she might be contacted by the prosecutor's office. (*Id.*) She informed the Diocese that she had already spoken to the prosecutor, but then decided that she did not wish to pursue "criminal prosecution." (*Id.*) This was later verified by the prosecuting attorney. (*Id.*)

On June 10, 2002, Bishop Cooney suspended the faculties of Fr. Pilarski. (*Id.*) And, in August 2002, the Diocesan Sexual Misconduct Commission met and determined that Fr. Pilarski's suspension should be continued. (*Id.*)

In the summer of 2003, Fr. Pilarski continued to deny the allegations. The Diocese hired professional investigators who discussed with Fr. Pilarski the idea of taking a polygraph examination to exonerate himself. (*Id.* at 16.) Fr. Pilarski agreed to take the polygraph, but then subsequently refused to share the results of same with the diocese.¹⁴ (*Id.*)

In September 2003, pursuant to the U.S. Bishops' "Charter for the Protection of Children" and the "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons," the bishop sent Fr. Pilarski's case to the Congregation for the Doctrine of the Faith in Rome, Italy. (*Id.* at 16.) By letter dated March 24, 2004, Archbishop Angelo Amato advised Bishop Cooney that the Congregation decided that "Rev. Pilarski have his faculties returned." (*Id.*; App'x RJP#3, Letter from Archbishop Angelo Amato, dated March 24, 2004.) Bishop Cooney "did not fully concur" with this decision, but complied, and verbally restored Fr. Pilarski's faculties. (App'x RJP#2, *Graviora Delicta* Summary at 17.)

In January 2005, Jane Doe 33 alleged that, in the summer of 1977, when she was 13 years old, she and others went to a barbeque that Fr. Pilarski hosted at his home. (*Id.* at 1.) At the time she was a very shy girl "who had just developed physically." (*Id.* at 2.) Jane Doe 33 alleged that, when she was alone on the balcony looking at the lake, "[s]uddenly she felt hands come up under her armpits and 'grab' onto her breasts." (*Id.*) Jane Doe 33 reported that Fr. Pilarski squeezed her breasts for about one minute, and she felt trapped and could not get away. (*Id.* at 3.) While fondling her breasts, she said that Fr. Pilarski said something to the effect of "my, what a fine young lady you're turning into." (*Id.* at 2-3.)

In this January 2005 report, Jane Doe 33 also alleged that, during a tour of Fr. Pilarski's home by other children, she was told that one time when Jane Doe 34, a girl of the same age, was taking a shower at the Pilarski home, the priest walked in

¹⁸ Under the circumstances, the results of the polygraph were required to be sent directly to the person who took the test.

on her, pulled the shower curtain back, and told her she had “the cutest little boobies he’d ever seen.” (*Id.* at 2.)

In 2005, the Diocese hired an investigator to investigate the Jane Doe 33 allegation. (*Id.* at 3.) During the interview, Jane Doe 33 told the investigator that her sister-in-law told her that Witness 29 had something happen to her by Fr. Pilarski, but she did not know any of the details. (*Id.* at 4.) The investigator met with Fr. Pilarski at his home and noted that the floor plan matched the description Jane Doe 33 had provided to him. (*Id.*) Fr. Pilarski told the investigator that he did not remember such an incident occurring. (*Id.*) Fr. Pilarski asked the investigator what Jane Doe 33 wanted, and the investigator told him she wanted an acknowledgement and an apology. (*Id.*) According to the investigator, Fr. Pilarski said he would be willing to apologize but denied that he did anything wrong. (*Id.*)

At the suggestion of the investigator in 2005, Jane Doe 33 took a polygraph, the results of which determined that she had been truthful. (*Id.* at 5.) Fr. Pilarski continued to deny the allegations. (*Id.*)

On August 3, 2005, the Diocesan Sexual Misconduct Review Board met and determined that Jane Doe 33’s allegation was credible. (*Id.* at 5–6.) The Board recommended that counseling be offered to the victim and the priest and that the priest be removed from ministry. (App’x RJP#4, Sexual Misconduct Review Board Meeting, August 3, 2005.) Bishop Cooney concurred. (App’x RJP#2, *Graviora Delicta* Summary at 6.)

In January 2005, a different complainant, Jane Doe 35, alleged that she was a member of St. Mary Church in Alpena in the mid-1970s when Fr. Pilarski was serving as the pastor of that parish. (*Id.* at 7.) She had just graduated college and started working in the area where she grew up. (*Id.*) She was very involved in the parish, serving as a catechist and participating in the youth-ministry and music programs. (*Id.*) According to the document, “During Lent, Jane Doe 35 attended a discussion series at [the parish]. One evening, Fr. Pilarski was there and Jane Doe 35 asked about the housekeeper. During the conversation, Fr. Pilarski invited Jane Doe 35 to come to the Rectory to talk.” (*Id.*) Jane Doe 35 agreed to go to the rectory because she had something she needed to talk to someone about and thought that Fr. Pilarski would be a good confidant and safe person to “discuss her fears and concerns and someone who could help her understand her sexuality.” (*Id.* at 8.)

Also in this January 2005 report, Jane Doe 35 alleged that Fr. Pilarski took her into the den and offered her a drink. (*Id.*) She contended that the conversation changed, and she was “stunned.” (*Id.*) She explained that Fr. Pilarski showed her pornography, and offered to show himself to her so she wouldn’t be afraid of a man. (*Id.*) She also alleged that he told her the best sexual positions and what positions he enjoyed the most, after which he began kissing her, unbuttoned her blouse, and fondled her breasts. (*Id.*) Jane Doe 35 stated that she was very frightened and

paralyzed by fear. (*Id.*) She told him to stop. (*Id.*) She wanted to leave, and Fr. Pilarski gave her two books that were “very graphic encyclopedias of sex.” (*Id.*)

Sometime thereafter in the mid-1970s from this 2005 report, when Jane Doe 35 attended a Lenten discussion, Fr. Pilarski asked her when she was coming over. (*Id.* at 9.) Being angry and upset, she followed him out of the meeting and told him what he did to her was wrong to which he allegedly replied: “I should have raped you and got it over with.” (*Id.*) She was scared by this and left immediately. (*Id.*) The following fall, when in the basement of the rectory in connection with a class, Fr. Pilarski told her, “I know I will get you back here.” (*Id.*) Jane Doe 35 thereafter left the parish. (*Id.*)

When Fr. Pilarski was interviewed by the diocesan investigator in 2005 with regard to Jane Doe 35’s allegations, he said he did not remember the incident. (*Id.* at 10.) The investigator then visited the rectory, and although it had been remodeled, it was mostly what Jane Doe 35 described. (*Id.*)

In 2005, Jane Doe 35 submitted the results of a polygraph examination, which indicated that her allegations were truthful. (App’x RJP#2, *Graviora Delicta* Summary, p. 3.) Fr. Pilarski, however, continued to deny the allegations. (*Id.*) The investigator did not request that Fr. Pilarski take a polygraph, assuming that he would not release the results to the Diocese as in the past. (*Id.* at 11.)

Again, at the same meeting on August 3, 2005, the Diocesan Sexual Misconduct Review Board met and like the allegation of Jane Doe 33, it found Jane Doe 35’s allegation to be credible. (*Id.* at 11; App’x RJP#5, Sexual Misconduct Review Board Meeting, August 3, 2005.) The Board recommended that Fr. Pilarski undergo a risk assessment and counseling. (*Id.*, Sexual Misconduct Review Board, Meeting August 3, 2005, Sheet re: Complainant Jane Doe 35.)

On August 11, 2005, Bishop Cooney withdrew Fr. Pilarski’s faculties for the second time. (App’x RJP#6, Letter from Bishop Patrick Cooney to Fr. Raymond Pilarski, dated August 11, 2005.) On August 9, 2006, Fr. Pilarski was permanently removed from public ministry. (App’x RJP#1, Priest information and appointment sheet.)

Later in August 2005, Jane Doe 36 wrote to Bishop Cooney, thanking him for listening to her story. (App’x RJP#7, Letter from Jane Doe 36 to Bishop Cooney, dated August 23, 2005.) The letter and post-marked envelope were contained inside a sealed envelope with the words, “File Fr. Ray Pilarski Only to Be Opened by Bishop,” written on the outside. In her letter, Jane Doe 36 also thanked Bishop Cooney for leaving her out of his reports. (*Id.* at 2.) Jane Doe 36 wrote:

The most difficult part of this letter is trying to share with you my feelings regarding the report from [a Diocese employee] which Jane Doe 35 shared with me regarding your meeting with Fr. Pilarski. I didn’t know whether to cry or rejoice that his faculties have been removed and

that his case has been sent to Rome. I just sat there for a long time too stunned to think or digest the impact of your words to him. The power of this injunction made me numb. I read and reread the words. After some time[,] I began to wonder what thoughts and feelings ran through Fr. Pilarski's mind as you spoke to him. Were there any signs of remorse? He always boasted that he would never be caught, and the Witness would never divulge anything detrimental to him and he was certain that neither Witness 30 (as he called her) nor I, would EVER do so. He made THAT clear with threats and promises to lie if need be. So, when I did go to Bishop Rose is it any wonder I wasn't believed? But YOU listened; you believed. Thank you, Bishop Cooney. Thank you!

[*Id.* at 1 (emphasis in original).]

Jane Doe 36 also wrote:

You had asked me if Fr. Pilarski had raped Jane Doe 35. In our conversations I was led to believe this happened; yet. I wasn't sure so I asked Jane Doe 35. Her answer was 'No.' Being angry Fr. Pilarski told Jane Doe 35 he should have raped her long ago and gotten it over with – or some such words, but it never really happened. Wish I could say the same.

[*Id.* (emphasis in original).]

In February 2007, the Diocese's Victim Assistance Coordinator received a telephone call from a woman who alleged that, in the late 1950s in Bay City, Michigan, she was molested by Fr. Pilarski when she was a child. (App'x RJP#8, Note to Bishop Cooney, dated February 2007.) The note states: "She was sitting on his lap and he was reading a book to her. She was wearing a skirt and he put his hands up her skirt, then under her panties and fondled her." (*Id.*) The woman caller, who did not provide her name, said that she had never told anyone, but it has always bothered her. (*Id.*) She said she was not requesting anything from the diocese. (*Id.*)

In March 2007, the Victim Assistance Coordinator spoke to a woman from Mayville regarding Fr. Pilarski who said that, back in the 1960s, "Fr. Pilarski was sent away for 'fooling around with little boys.'" (App'x RJP#9, Note to Bishop Cooney, dated March 7, 2007.) According to the note, neither the Diocese of Gaylord nor the Diocese of Saginaw had any information regarding any allegation of Fr. Pilarski sexually abusing boys, although it was confirmed that he was serving in Mayville during that timeframe. (*Id.*) Fr. Pilarski was appointed as a Pastor to St. Michael and Mission in Wilmot from 1960–1968, which is near Mayville. (App'x RJP#1, Priest information and appointment sheet.)

On March 7, 2007, Jane Doe 37 called the Diocese, and spoke to the Victim Assistance Coordinator at the time, alleging that, when she was around 10 or 11 years old, Fr. Pilarski touched her inappropriately in Bay City when Fr. Pilarski was stationed at St. Stanislaus. (App'x RJP#10, Note from Diocese employee to Bishop Cooney, dated March 7, 2007.) Jane Doe 37 alleged that it happened more than once, but she did not provide any details. (*Id.*) She also informed the Diocese employee that she was meeting another person for lunch whom she believes was also a victim of Fr. Pilarski. (*Id.*) The VAC advised Jane Doe 37 that, if she needed any help such as counseling, the Diocese would provide that assistance; however, Jane Doe 37 stated that she was doing fine at that time. (*Id.*)

In 2017, the Diocese received a report that Jane Doe 38 had been “fondled” by Fr. Pilarski in 1966 when she was 13 years old. The Diocese referred the allegation to the Diocese of Saginaw because it occurred before the Diocese of Gaylord was established. (*Id.*)

**(22) FR. TERRENCE ANDREW RAYMOND
(LISTED ON DIOCESES OF GAYLORD AND SAGINAW AND
BISHOP ACCOUNTABILITY SITE)**



Born: April 12, 1940

Ordained: June 4, 1966

Ministerial faculties terminated effective: August 13, 1985

Died: December 11, 1986

Fr. Terrence Andrew Raymond was born in Caro, Michigan, on April 12, 1940, and was ordained to the priesthood on June 4, 1966, at St. Mary's Cathedral in Saginaw, Michigan. (App'x TAR#1, Priest information and appointment sheet.) Fr. Raymond died on December 11, 1986. (*Id.*)

In a letter dated February 21, 1995, more than nine years after Fr. Raymond's death, a mother wrote to Bishop Patrick Cooney that she had "recently learned, much to my surprise" that, when Fr. Raymond was the pastor of St. John the Baptist Church in Alpena, he had sexually abused her oldest daughter and that her "youngest daughter was also mentally involved in the abuse." (App'x TAR#2, Letter from a mother to Bishop Patrick Cooney, dated February 21, 1995, p. 1.) The mother wrote that she and her two daughters were "befriended" by Fr. Raymond "the moment I went to the church rectory to sign my daughters up for CCD and to register with the church[.]" in September 1977. (*Id.*) The mother described the relationship:

I began attending St. John's regularly with my children and Fr. Terry and my family developed a friendly relationship. We were invited to visit his cabin at Lumberman's Monument and even stayed over night [sic] as a family. On a few occasions when I was unable to accompany my daughter for an overnight visit[,] he encouraged me to let the girls go so that I might have some time to myself and so that he could have some money. Never did I once suspect that there was anything odd about these invitations because I had heard from many parishioners that he often took children for overnight trips to Oscoda.

[*Id.*]

She stated that her daughters were “suffering severe trauma as a result of this abuse[.]” (*Id.*) She did not provide details of the alleged abuse but did note that the friendship with Fr. Raymond commenced in 1977. (*Id.*) She also wrote that her daughters were 26 and 23 years old at the time she penned her letter, although she did not allege in what year(s) her eldest daughter was sexually abused. (*Id.*) Given the years of her allegation and age of her children, her eldest daughter would have been eight or nine years old in 1977 and 15 or 16 years old in 1984. The Priest information and appointment sheet in the file on Fr. Raymond shows that he was in Alpena from 1975 until he took a leave of absence on September 24, 1980. (App’x TAR#1, Priest information and appointment sheet.)

The mother demanded that the Diocese financially assist her two daughters for their counseling costs and threatened legal action “should I be denied any assistance. . . .” (App’x TAR#2, Letter from a mother to Bishop Patrick Cooney, dated February 21, 1995, p. 1.) In a letter dated March 3, 1995, the vicar general of the Diocese replied to her letter:

I want to assure you, first of all, of the Bishop’s deep concern for the matter you have raised in your letter. It is our policy to respond immediately when such allegations are made and to set in motion our Diocesan Policy for dealing with these situations.

Bishop Cooney has discussed your letter with me and members of the Commission yesterday, and I have asked the appropriate member of the Commission, Mrs. Dee Kassin, of the Catholic Human Services to get in touch with you as soon as possible to arrange a convenient time to interview you and your daughters.

[App’x TAR#3, Letter from Fr. James Brucksch to a mother, dated March 3, 1995.]

In response, in an undated letter, the mother wrote to the investigator retained by the Diocese that that “[n]either of my daughters are currently willing or able, according to their therapists, to be interviewed regarding the matter I brought to your attention.” (App’x TAR#4, Undated Letter from a mother to Diocese investigator.) In closing the mother wrote that she would follow up with the Diocese’s investigator when they were ready to pursue the investigation; however, there is no indication from file documents that this ever occurred. (*Id.*)

In a letter dated July 20, 1985, Bishop Rose wrote Fr. Raymond advising him that he was terminating the priest’s “service as a priest of the Diocese of Gaylord” Effective August 13, 1985, the Bishop “relieved [Fr. Raymond] of his responsibilities as pastor . . . Your diocesan and provincial faculties will also ease as of that date. I would ask you not to celebrate the liturgy publicly after that date.” (App’x TAR#5, July 20, 1985, from Bishop Robert J. Rose to Fr. Terrence A. Raymond.)

There are several allegations of relationships with adult women in Alpena County:

According to a brief unsigned handwritten note from 1986 outlining his history with adult women, there were four relationships in the Alpena area. No real details were provided except that one woman was still interested in maintaining a relationship; one woman was totally alienated; and one relationship 'never got very far.' Other documents detail the fourth woman was age 22 when [the] relationship started with the priest who had been counseling the woman for marital problems in 1980. A child was born from the relationship. The woman contacted an attorney who diligently tried to work out a support agreement. An agreement was eventually signed, which required intervention by the diocese. However, the priest was very poor in handling money and in fact owed many people.

The priest was eventually reassigned.

[App'x TAR#6, Typewritten notes Re Terry Raymond.]

Under "Grand Traverse," the Typewritten Notes provided:

A woman wrote several letters to the diocese indicating problems at the parish, particularly surrounding money issues. In a couple of letters, she vehemently defends the priest. In December of 1985, she describes a relationship between the priest and a 17 year old girl, which caused the family problems. Both the parents and the daughter involved received counseling.

A second relationship in Grand Traverse County with a woman eventually also resulted in the birth of a child.

In 1985, the priest was removed from service.

[*Id.*]

Effective August 13, 1985, as noted by the Priest information and appointment sheet, Fr. Raymond took a personal leave of absence. (TAR#1, Priest information and appointment sheet.) And, by letter dated July 20, 1985, Bishop Robert Rose terminated his service as a priest in the Diocese. (App'x TAR#5, Letter from Robert Rose, Bishop of Gaylord, to Reverend Terrence A. Raymond, dated July 20, 1985.)

On January 7, 2019, Jane Doe 43 called the Department's tipline to report that she was sexually abused by Fr. Raymond. (App'x TAR#7.) Lt. Lisa Gee-Cram of MSP interviewed Jane Doe 43, and the latter alleged that she was penetrated digitally from 1978 through 1986, and the sexual abuse commenced when she was in the fourth grade. (App'x TAR#8, MSP Incident Report, Incident No. NIS-000004-19 at

1.) Jane Doe 43 also stated that she thought her mother had had a relationship with Fr. Raymond because her mother would also sleep at his home in his bed. (*Id.* at 2.) Jane Doe 43's sister was also allegedly sexually abused by Fr. Raymond. (*Id.*)

Related to this allegation, Jane Doe 43's parents separated when she was six years old. (*Id.*) They met the priest almost immediately, and he befriended their mother. (*Id.*) Fr. Raymond was in his late 30s or early 40s at this time. (*Id.*) Jane Doe 43 alleged that the priest began coming over to their home frequently to "hang out" and watch movies. (*Id.*) The grooming of Jane Doe 43 allegedly began when she was in the fourth grade, when the priest began paying a lot of attention to her and giving her gifts. (*Id.*) She remembered sitting on his lap while watching television with her mom and sister in the room and he would cover her with a blanket. (*Id.*) It was not until Jane Doe 43 was older she explained that she realized what was happening but did not understand at that age that the priest was digitally penetrating her vagina and rubbing her until she would have an orgasm. (*Id.*) She remembered times when her sister would ask to sit on Fr. Raymond's lap and he would say "not yet, your sister still needs a few more minutes." (*Id.*) Jane Doe 43 alleged that Fr. Raymond would also try to put her hand on his penis, but she did not like that and would pull her hand away. (*Id.*) Jane Doe 43 claimed that this same thing occurred to her sister. (*Id.*) After years of the alleged sexual abuse, Jane Doe 43 said that Fr. Raymond began talking to her about sex and telling her that she was going to be amazing at sex because of the way she could control her vagina. (*Id.*)

During this time of the late 1970s and 1980s, Fr. Raymond was eventually transferred to another church near Traverse City, and he would say that he was being punished and that was why he was transferred. (*Id.* at 2–3.) Jane Doe 43's mother still sent her and her sister to stay with Fr. Raymond on school breaks and weekends. (*Id.* at 3.) They also visited him at his cabin in the woods near Oscoda. (*Id.*) When Jane Doe 43 was a teenager, her mother still sent her to stay with Fr. Raymond because she was struggling with her faith and her sex life. (*Id.*) From the alleged sexual abuse she suffered, Jane Doe 43 did not realize that she could say no to boys, and this brought up a lot of issues growing up. (*Id.*) Jane Doe 43 remembered Fr. Raymond buying her lingerie and Play Girl magazines and then a ring, which he put on her left hand when she was 15 or 16 years old. (*Id.*) This was around the time she met Jane Doe 42 who was three years older than her and who Fr. Raymond would eventually marry. (*Id.*) Fr. Raymond would often encourage Jane Doe 43 to go on dates with boys to have time with Jane Doe 42, then ask her for a lot of details about the dates. (*Id.*) Fr. Raymond allegedly sexually abused Jane Doe 43 after Jane Doe 42 had left. (*Id.*) At this time, the alleged sexual abuse progressed to where Fr. Raymond performed oral sex on her. (*Id.*) Jane Doe 43 could not provide a lot of details, stating that she had tried so hard to block that period out. (*Id.*) She said that Fr. Raymond stopped sexually abusing her when she was 17. (*Id.*)

**(23) FR. LAURUS RAYMOND RHODE, O.F.M.
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE)**

Born: August 21, 1918

Ordained: June 24, 1945

Returned to religious order: 1993

Died: August 29, 1995

Fr. Laurus Raymond Rhode was born in St. Louis, Missouri, on August 21, 1918, and was ordained to the priesthood on June 24, 1945, at St. Francis in Teutopolis, Illinois. (App'x LRR#1, Priest information and appointment sheet.) He died on August 29, 1995. (App'x LRR#2, Contact With Authorities Regarding Rev. Laurus Rhode.) Fr. Rhode was a friar with the religious order of the Franciscans, and, by agreement, served in the Diocese of Gaylord as pastor of Holy Cross Parish in Cross Village, Saint Nicholas Parish in Larks Lake, and Saint Ignatius Parish in Good Hart. (App'x LRR#1.) On September 15, 1993, Fr. Rhode was assigned outside of the Diocese of Gaylord by his Order. (*Id.*)

On July 15, 1992, allegations were made against Fr. Rhode that his Provincial¹⁵ found to be baseless. (App'x LRR#3, File Note, dated July 20, 1992.) The allegation was as follows:

“Evidently, two girls (no ages given) were cleaning the church at Good Hart. Stopped and sat on couch to have a soda. Fr. Laurus sat between them and hugged both of them. That’s it.”

[*Id.*]

According to this report, a relative of one of the girls did not like Fr. Rhode and “would like to get rid of [him].” (*Id.*) By letter dated July 22, 1992, Bishop Patrick Cooney wrote to the provincial and requested a copy of the “investigative report” concerning the matter. (App'x LRR#4, Letter from Bishop Patrick Cooney to Fr. Kurt Hartrich, O.F.M., the Franciscans, Province of Sacred Heart, dated July 22, 1992.) No other document regarding the alleged incident was found in the file.

On June 21, 1993, Fr. Frank Kordek, O.F.M., of Holy Childhood Parish, met with Witness 31 and Witness 32, Jane Doe 44, Witness 33, Jane Doe 45, Jane Doe 46, the parents of Jane Doe 44, and the mother of Jane Doe 45 in Cross Village, regarding allegations concerning Fr. Rhode. (App'x LRR#5, Typewritten summary of June 21, 1993 meeting.) Fr. Kordek wrote the following summary, as alleged by Jane Doe 44:

¹⁹ Merriam-Webster.com defines a provincial as “the superior of a province of a Roman Catholic religious order.”

We, a group of kids, would go swimming with Fr. Laurus. I was 10 or 11. We would go to the Ramada Inn in Mackinaw City. He would hold your hands and kiss you under the water 2 or 3 times on the mouth. Every time we went swimming he would Also at the beach. A couple of times each summer. For 2 years. Short kisses.

[*Id.* at 1.]

At this June 1993 meeting, Jane Doe 45 and Jane Doe 46 alleged that the same thing happened in Mackinaw City and Sturgeon Bay. (*Id.*) “He would come over to the house at strange hours. When he knew that mom and dad were gone. Just kisses. Give us long hugs.” (*Id.*) Jane Doe 46 stated that she was really young at the time, and “he was holding her in the water really close.” (*Id.*) Fr. Kordek asked the three girls if anything else happened, to which all three replied in the negative. (*Id.* at 2.) He also asked them when Fr. Rhode’s conduct ended, and all three stated that they had not gone anywhere with him in four years. (*Id.*) Jane Doe 44 and Jane Doe 45 graduated high school that year and Jane Doe 46 “will enter the tenth grade.” (*Id.*)

In a letter dated July 9, 1993, Fr. Kordek reported the foregoing to the bishop, the latter of whom wrote to thank him for providing him with a copy of his meeting summary. (App’x LRR#6, Letter from Bishop Patrick Cooney to Fr. Frank Kordek, O.F.M., dated July 9, 1993.) The bishop also wrote: “My intention is just to keep your comments with our documentation of other such situations for the protection of everyone.” (*Id.*) Later that month, on July 20, 1993, Fr. Kordek called the bishop’s office to advise that he had met with the Provincial, Fr. Kurt, regarding Fr. Rhode, and decisions were made of which the bishop had previously been advised. (App’x LRR#7, Typewritten telephone message, dated July 20, 1993.) Written on this note were the following comments: “Taken care of 8/9/93 – remove Laurus 2–3 weeks will be replaced by O.F.M.” “Will return on August 8[.]” (*Id.*)

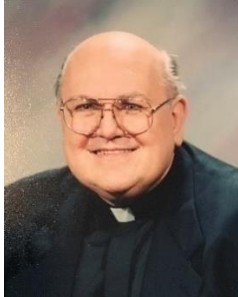
It appears as though this 1992 allegation was initially brought to Fr. Kordek’s attention by Witness 34 of Cross Village who had repeatedly, during the previous three years, made it clear that he wanted Fr. Rhode transferred. On this issue, Fr. Kordek wrote: “Prior to the surfacing of these allegations Witness 34 has been quoted as saying, I will come out on top. No matter who I have to hurt; my family, in the community, in the church.” (App’x LRR#8, Typewritten Note Regarding Witness dated June 11, 1993, contact with Fr. Kordek attached to Fr. Kordek’s June 21, 1993, Meeting Summary.) It is unclear from file documents whether Witness 34 and the relative to one of the girls regarding the 1992 allegation are the same person.

On April 24, 2002, the Diocese received a call from Witness 35 who alleged that Fr. Rhode fondled Jane Doe 46 when she was six-to-nine years old. (App’x TRR#9, Typewritten notes, dated April 24, 2002.) The note read: “Put hand under her clothes in water (while playing in Burt Lake) and tucked her in bed at night on some

occasions while in the family home.” (*Id.*) Allegedly, this also happened to two of Jane Doe 46’s siblings. (*Id.*) Upon an investigation by the Diocese of this allegation, the Diocese determined that this one was the same allegation reported in 1993, and Fr. Rhodes “was removed from the Diocese about one month later.” (*Id.*)

In an undated memorandum regarding Fr. Rhode authored by the Diocese’s attorney, he stated that he met with then Emmet County Prosecuting Attorney Robert Engel on May 10, 2002, and advised him of the July 11, 1993, “allegation of inappropriate hugging occurring in 1989 and 1992.” (App’x TRR#2, Contact With Authorities Regarding Rev. Laurus Rhode.)

**(24) FR. GERALD MATTHEW SHIRILLA
(LISTED ON ARCHDIOCESE OF DETROIT AND
BISHOP ACCOUNTABILITY SITE)**



Born: April 28, 1938

Ordained: June 1, 1968

Died: June 16, 2004

Fr. Gerald Matthew Shirilla was born on April 28, 1938, in Detroit, Michigan, and was ordained to the priesthood on June 1, 1968, at Cathedral of the Most Blessed Sacrament in Detroit, Michigan. (App'x GMS#1, Priest information and appointment sheet.) Fr. Shirilla served in the Archdiocese of Detroit until 1993, when he was placed on a leave of absence. (*Id.*) He served briefly, for 7 months, in the Diocese of Gaylord as pastor of St. Mary Parish in Alpena, from August 1, 2001, to March 18, 2002. There were no allegations of any criminal sexual conduct during Fr. Shirilla's time at the Diocese of Gaylord or related to any individual associated with the Diocese of Gaylord, or any of its parishes or schools. (*Id.*) Fr. Shirilla died on June 16, 2004. (*Id.*)

In October 1993, John Doe 31 filed suit against Fr. Shirilla, the Archdiocese of Detroit, and other church entities and officials, alleging, among other things, that Fr. Shirilla sexually abused John Doe 31 when he was a minor, from the age of 9 years to the age of 16 years old. (App'x GMS#2, Complaint and Demand for Jury Trial, *DD v. Archdiocese of Detroit, et. al*, Wayne County Circuit Court Case No. 93-328262.) The trial court granted the Archdiocese of Detroit and Fr. Shirilla's motion for summary disposition, on the basis that the lawsuit was time-barred, and the plaintiffs appealed. (*DD v. Archdiocese of Detroit*, 1997 MI App-U 18976-39 at 1.)

On appeal, the Michigan Court of Appeals, in a *per curiam* opinion, affirmed in part, reversed in part, and remanded the case to the trial court. (App'x GMS#3, Opinion.) The appellate court determined that, because Fr. Shirilla made admissions in his deposition to some of the allegations brought in the complaint, "the discovery rule tolls the applicable statute of limitation in this case." (*Id.* at 3, citing *Lemmerman v. Fealk*, 449 Mich 56, 77 n 15 (1995).) The Court of Appeals reasoned:

Here, defendant Shirilla admitted in his deposition that he massaged plaintiff's chest and stomach while in plaintiff's bedroom in 1978. Aside

from another occasion where he hugged plaintiff or shook his hand in the early 1980s, defendant Shirilla denied any other contact, sexual or otherwise, with plaintiff. After plaintiff's allegations in this case, the Archdiocese referred defendant Shirilla for a psychiatric evaluation in 1993. Under Archdiocesan policy, because the examining psychiatrists determined that plaintiff's claims were well-founded, the Archdiocese removed defendant Shirilla from his post and sent him to treatment. Shirilla's treatment included counseling and medication; he took Prozac to calm him and Depo Provera to curb his sex-drive.

In addition to the episode involving plaintiff, defendant Shirilla admitted to massaging several other boys. These massages occurred in defendant Shirilla's private quarters, or in the boys' bedrooms, while he and some of the boys were clothed only in their underwear. Also, a seminarian accused defendant Shirilla of sexual misconduct in 1973. Although the Archdiocese determined that the allegation was unfounded after a 1973 psychological report of defendant Shirilla, the Archdiocese nonetheless removed defendant Shirilla from the seminary. The Archdiocese ultimately reassigned defendant Shirilla to [O]ur Lady of Loretto Parish, where he met plaintiff.

Defendant Shirilla's admissions of physical contact with plaintiff and with numerous other boys during the same time period constitute express and unequivocal admissions of the conduct charged in plaintiff's complaint. Combined with allegations of similar misconduct with the seminarian in 1973 and defendant Shirilla's recent transfer from his post to treatment, the above evidence removes this case from the arena of stale and unverifiable claims reflected in the two repressed memory cases in *Lemmerman*. Whether defendant Shirilla's contact with plaintiff was sexual and whether this conduct harmed plaintiff are questions for the trier of fact. Because plaintiff allegedly did not discover his injury until 1992, and the source of this injury has been verified, *Lemmerman* does not apply.

[*Id.* at 2.]

With regard to the remaining defendants, the Court of Appeals affirmed the lower court, holding that plaintiffs "failed to show that defendant Archdiocese knew or should have known about defendant Shirilla's alleged pedophilic tendencies." (*Id.*) The Court explained:

In his 1973 report, the psychiatrist essentially concluded that the seminarian's allegations that defendant's behavior had sexual overtones were unfounded, although the psychiatrist stated that defendant Shirilla's behavior was "inappropriate and 'indiscreet' and

‘could be quite upsetting to young men of the age of the seminarians . . .’ The report did not address pedophilia. The doctor advised defendant Archdiocese that it need not restrict defendant Shirilla’s ministry. Plaintiff failed to show that defendant Archdiocese was aware of defendant Shirilla’s inappropriate behavior with other boys until 1993, when plaintiff filed his claim. At that time, defendant Archdiocese had no knowledge of defendant Shirilla’s inappropriate behavior, aside from the 1973 incident; thus, it had no duty to protect plaintiff.

[*Id.* (citations omitted).]

The Michigan Supreme Court ultimately denied an application for leave to appeal. *DD v. Archdiocese of Detroit*, 461 Mich 1004 (2000). (App’x 4, Order.) Although the *DD* case was remanded with regard to the claims against Fr. Shirilla, the plaintiffs never pursued the case.

On page 122 of the December 15, 1993 deposition transcript of Fr. Shirilla, despite some contradictory testimony, the following question-and-answer colloquy occurred between plaintiff’s counsel and Fr. Shirilla:

Q: From your perspective, would it have been appropriate for you to massage or rub down an entirely naked boy up in the rectory alone?

A: Yes.

[App’x GMS#5, Deposition Transcript of Fr. Gerald Shirilla, p. 122.]

In his 1993 deposition, Fr. Shirilla admitted to having touched the diaphragm and stomach of a seminarian, whose name he could not recall. (*Id.* at 46.) When asked whether he touched the “crotch” or “groin” of John Doe 32 when he was teaching him how to drive, Fr. Shirilla invoked the Fifth Amendment. (*Id.* at 51.) He did, however, admit to giving John Doe 32 backrubs when they were alone, and that John Doe 32 was only wearing underwear. (*Id.* at 55.) He made the same admission regarding John Doe 32. (*Id.* at 56–57.)

Fr. Shirilla was prescribed Depo Provera which he understood was to calm him sexually. (*Id.* at 88.) He took Prozac “to take the edge off things.” (*Id.* at 89.)

Fr. Shirilla admitted to once giving John Doe 33 a backrub when he was 16 or 17 years old in the rectory when no one was there when the boy was just in his “underpants.” (*Id.* at 118–119.) John Doe 33 also gave the priest a massage when Fr. Shirilla was clothed solely in shorts and “perhaps his stockings.” (*Id.* at 120–121.) Notably, both the priest and the teen undressed *after* the boy came into the rectory. (*Id.* at 127.)

In his 1993 deposition, Fr. Shirilla also admitted to giving back rubs to John Doe 34, John Doe 35, John Doe 36, and John Doe 31. (*Id.* at 134.) The last time this occurred with John Doe 32 and John Doe 36 was in 1964–1965, 28 years before the Archdiocese of Detroit was aware of any allegations. (*Id.*) Fr. Shirilla also admitted that it was his idea to invite the children into the rectory to give them back rubs, not the boys'. (*Id.* at 136.)

Fr. Shirilla testified in his deposition that he was in John Doe 31's bedroom when he gave him a massage when he was 15 or 16 years old. (*Id.* at 147.) That occurred in 1978. (*Id.* at 159.) And it happened again in 1981 or 1982 at Sacred Heart Seminary. (*Id.* at 159.)

In late October 1997, Bishop Patrick Cooney wrote to Fr. James Brucksch, a member of the Committee for Pastoral Service Applications, and advised him that he would like to invite Fr. Shirilla into the Diocese. (App'x GMS#6, Letter from Bishop Patrick Cooney to Fr. James Brucksch, dated October 21, 1997, p. 2.) Bishop Cooney wrote:

I believe you know Jerry [Shirilla] to be a priest of the Detroit Archdiocese. He was accused of pedophilia and the accusation was made very public. He was sent to Saint Luke's. The evaluation was that Jerry had no inclinations toward the young but, in the whole process, Jerry has come to accept the fact that he is gay. After a period of treatment, his counsellor has put into writing that Jerry is now able to take up his life as a priest and has learned the skills necessary to be successful.

I would like to invite Jerry into our diocese but will abide by your committee's judgment. I have not spoken to the Archbishop of Detroit but I do not think there would be a problem.

[*Id.*]

In support of his consideration of incardinating Fr. Shirilla at some point into the Diocese of Gaylord, Bishop Cooney wrote the following:

More recently the thought has come to me that the Church should have a more gentle face with her people and especially with her priests. I have tried to implement that notion with our own priests. Now the possibilities are seeming to expand to the question of accepting into the diocese priests who have experienced problems in their personal lives. Obviously, I cannot accept anyone into the diocese who in prudent opinion would be a more probable problem for us; but that leaves others who, in prudent judgment, could live a good priestly life and need a second chance.

[*Id.* at 1.]

In January 1998, Bishop Cooney again wrote to Fr. Brucksch to provide additional information regarding Fr. Shirilla. (App'x GMS#7, Letter from Bishop Patrick Cooney to Fr. James Brucksch, dated January 12, 1998.) In that correspondence, he wrote that he spoke to Monsignor Walter Hurley of the Archdiocese of Detroit, who advised him that the 1993 allegation of pedophilia was investigated and found to be "groundless." (*Id.* at 1.) (*Id.*) According to Bishop Cooney, Fr. Shirilla thereafter moved to the Washington D.C. area and worked secular jobs after having been told by the Archdiocese that he would never work as a priest again. (*Id.* at 2.) Bishop Cooney further wrote that Fr. Shirilla continued counseling on his own and that his psychiatrist advised Bishop Cooney that he had no fears about Fr. Shirilla working as a priest. (*Id.*)

By letter dated April 2, 2001, Bishop Cooney wrote to Bishop Kevin Britt of the Archdiocese of Detroit advising that, inasmuch as the *DD* case had been dismissed, he would like to give Fr. Shirilla a chance to work in the Diocese of Gaylord, if that would be acceptable to the Archdiocese. (App'x GMS#8, Letter from Bishop Patrick Cooney to Bishop Kevin Britt, Archdiocese of Detroit, dated April 2, 2001.)

On April 10, 2001, Bishop Britt replied to Bishop Cooney and explained that the case against Fr. Shirilla had not been dismissed because he made "admissions of wrongdoing" in his deposition testimony. (App'x GMS#9, Letter from Bishop Kevin Britt to Bishop Patrick Cooney, dated April 10, 2001.) Bishop Britt also wrote that the plaintiffs had not yet pursued those charges, and it appeared, with the passing of time, that they likely would not. (*Id.*) As to Fr. Shirilla serving in the Gaylord Diocese, Bishop Britt wrote the following:

Cardinal Maida told me that he would not reinstate Fr. Shirilla in ministry in the Archdiocese of Detroit. He would not recommend that he minister in any manner. If you were to choose to have Fr. Shirilla minister in the Diocese of Gaylord[,] Cardinal Maida would not forbid this, but would write a letter expressing his disagreement and opposing view on the matter.

[*Id.*]

On August 1, 2001, Bishop Cooney appointed Fr. Shirilla "to serve as Pastor of Saint Mary Parish in Alpena, Michigan." (App'x GMS#10, Letter from Bishop Patrick Cooney to Fr. Gerald Shirilla, dated July 27, 2001.)

In a letter dated August 10, 2001, Msgr. Hurley suggested that, before Fr. Shirilla were to minister in the Gaylord diocese, he be reevaluated. (App'x GMS#11, Letter from Bishop Patrick Cooney to Monsignor Walter Hurley, dated August 10, 2001.) Bishop Cooney followed that suggestion and reported the following:

As I mentioned to you, after the evaluation was given, I specifically asked the four persons who were involved in administering the evaluation of they could say that to receive Gerry was a reasonable move. All four did say 'yes.' I was told that affirmation would be included in the written evaluation I will receive later.

[*Id.*]

Prior to this appointment, Fr. Shirilla had participated in a number of evaluations. The uniform conclusions of the professional evaluating Fr. Shirilla were that this priest was prepared to return to ministry, there was no indication that he currently posed a threat to minors or risk to the faithful, and that he was otherwise "fully prepared to return to ministry." (September 25, 1997 Letter from physician.)

On September 5, 2001, Msgr. John Zenz of the Archdiocese of Detroit called and left a message for Bishop Cooney, which was summarized in a typewritten note, as follows:

With regard to Gerry Shirilla: The Cardinal was surprised that you reactivated Gerry. Said the two of you had talked some months ago and he knew that you were thinking about it. The Cardinal was told that you had sent Gerry to St. Luke[,] and he got a clean bill of health. Nonetheless, the Cardinal is anxious as there are people there who were directly or indirectly affected by the actions. The chancery has received 3–4 complaints and the pastor at the parish in Redford where Gerry was a pastor is shaken at receiving "all these calls."

The Cardinal's point is that Gerry is a priest of Detroit. If he is functioning anywhere as a priest, Detroit is liable and would be named in any lawsuit as a responsible party. The Cardinal's explanation is that, if you keep him and let him function, then the Cardinal wants him incardinated immediately. The Cardinal wants to completely wash his hands of Gerry if we are going to use him in any capacity.

[App'x GMS#12, Typewritten note, dated September 5, 2001.]

By letter dated September 24, 2001, Cardinal Adam Maida, Archbishop of Detroit, wrote to Bishop Cooney, stating the following:

I write to express my concern that Fr. Gerald Shirilla has been appointed pastor of St. Mary's Parish, Alpena in the Diocese of Gaylord. He is an incardinated priest of the Archdiocese of Detroit, and on a leave of absence from active ministry. This leave of absence was the result of a judgment that, given all the circumstances at the time, I determined him to be unsuited for active ministry. Since that time, I have received no documentation that would change my judgment.

I am requesting that, until Father Shirilla is incardinated into the Diocese of Gaylord – if you wish to proceed in that fashion – he not be allowed to exercise any public ministry. He may, of course, celebrate Mass privately.

In our personal discussions regarding your willingness to receive him into the Diocese of Gaylord, you may recall my hesitation and concern regarding his suitability for the ministry. I know that at my suggestion you spoke with Msgr. Walter Hurley. He reviewed with you in detail the contents of the file outlining the issues that prompted the leave of absence. I am aware of his suggestion that, if you wished to proceed with Fr. Shirilla's incardination, you should obtain an evaluation regarding his suitability for ministry from an independent health care institution. It is my understanding that you have obtained this evaluation.

If you choose to proceed with his incardination, the procedures outlined in the Code of Canon Law for the incardination of clerics (cc. 265–272) need to be followed carefully. The first step in this process would be for Father Shirilla to write to me and formally indicate his desire and request to be excardinated from the Archdiocese of Detroit and incardinated into the Diocese of Gaylord. Before granting a letter of excardination, I would like to receive a copy of any reports indicating his present suitability for priestly ministry.

[App'x GMS#13, Letter from Cardinal Maida to Bishop Cooney.]

In reply to Msgr. Zenz's September 5, 2001, message, Bishop Cooney wrote as follows:

With regard to Jerry Shirilla, I had already accepted the Cardinal's position in regard to incardinating him into the Diocese of Gaylord. I think that the Cardinal is very reasonable in this matter. My letter to Hurley indicated that I am interested in making the move. The letter from the Cardinal to me, which is more recent, indicated once again his view and desire. I will be putting the material that he requested together and send it to him as quickly as possible.

[App'x GMS#14, Letter from Bishop Patrick Cooney to Monsignor John Zenz, dated October 12, 2001.]

In early March 2002, the *Detroit Free Press* published an article that Fr. Shirilla, a priest who had allegations against him who sexually abused boys and young men in the past, was allowed to serve as pastor of St. Mary Catholic Church in Alpena. Fr. Shirilla made a statement to the St. Mary congregation before Mass denying the allegations. (App'x GMS#15, Email from Fr. Shirilla to Bishop Cooney, dated March

4, 2002.) Bishop Cooney also released a statement on March 4, 2002; however, prior to that, he sent an email to the priests in the diocese, which read, in part:

Continuing the recent media frenzy, today's edition of the Detroit News and Free Press carries a front page story including past accusations of sexual abuse of minors by Catholic priests in the Archdiocese of Detroit. One of the individuals named in the article is Fr. Gerald Shirella [sic] who was appointed Pastor at St. Mary parish in Alpena in August. While I am preparing a fuller statement for release next week, I wanted you to have just a few brief facts which you may share with your parishioners as you wish.

First, I would **never** knowingly accept into our diocese anyone who would pose even a potential threat to our children. Sexual abuse in our diocese will not be tolerated.

Second, Fr. Shirella [sic] has always maintained his innocence as to the allegation of sexual abuse and, in fact, the case was dismissed by the court.

Finally, after a thorough investigation, and with concurrence of the incardination committee, I accepted Fr. Shirella [sic] for ministry into the Diocese of Gaylord.

[App'x GMS#16, E-mail sent to priests only on Saturday, March 2, 2002. (Emphasis in original.)]

In his statement released to the public two days later, on March 4, 2002, Bishop Cooney stated the following, in relevant part:

Prior to Fr. Shirilla coming here, I conducted a thorough investigation of the matter. As is required of all priests seeking to minister in the Diocese of Gaylord, a medical and psychological examination was also completed. Following my investigation and a favorable evaluation by professionals, as well as consultation with the Committee for pastoral Service Applications, I accepted Fr. Shirilla to work in our diocese.

I believe Fr. Shirilla made some errors in judgment some 23 years ago. However, based upon all of the material I have reviewed and interviews I have conducted; I also believe Fr. Shirilla poses no threat to the well-being of our children. If I felt otherwise, he would not have received an assignment.

[App'x GMS#17, Statement of Bishop Patrick R. Cooney, dated March 4, 2002.]

On March 8, 2002, Witness 36 called to inform the bishop that her relative, John Doe 37, gave Fr. Shirilla a massage on a Saturday morning two-three months before. (App'x GMS#18, Typewritten telephone message, dated March 8, 2002.) At the time, the relative was 19 or 20 years old. (*Id.*) The incident was summarized in the phone message as follows:

This came about after 3–4 boys helped Fr. Gerry move. In thanks for the help, Fr. Gerry took them out for dinner. At dinner Fr. Gerry said he had a sore back. The next morning, John Doe 37 took it upon himself to go to Fr. Gerry's and give him a massage. Fr. Gerry did not ask for this. John Doe 37 gives massages to the swim team and coaches and it's just something he does.

John Doe 37's mother went to the K of C Hall (a couple of months ago) and bragged that her son gave Fr. Shirilla a massage. She was proud that John Doe 37 felt comfortable enough to do this. Thus, there are Alpena people who are aware that this happened and have recalled the incident since the Free Press article. Witness 36 doesn't want you to walk into a situation in the meeting in Alpena later today where you get blind-sided by this.

I told Witness 36 that I was quite certain you already knew of this incident.

[*Id.*]

After attempts to finalize Fr. Shirilla's excardination, Cardinal Maida wrote the following to Bishop Cooney:

In accord with our discussion over the last couple of years and the desire of Father Shirilla to excardinate into the Diocese of Gaylord, I am pleased to give my authorization for this plan to take effect as soon as possible. At this point I have in hand the letter of Father Shirilla and I am awaiting your own letter indicating that you are intending to accept Father Shirilla into your Presbyterate. Once that letter arrives, the transfer will have officially taken place.

I know that you are very familiar with the background of Father Shirilla and all the history.

[App'x GMS#19, Letter from Cardinal Adam Maida, Archbishop of Detroit, to Bishop Patrick Cooney, Diocese of Gaylord, dated March 8, 2002.]

On March 10, 2002, in a joint letter to Bishop Cooney, Cardinal Maida, and Bishop Britt, five men – John Doe 38, John Doe 39, John Doe 35, John Doe 40, and John Doe

41 – wrote, alleging that they were victims of Fr. Shirilla who first came forward in 1993. (App’x GMS#20, Letter to Bishop Patrick Cooney, Cardinal Adam Maida, and Bishop Kevin Britt from John Doe 38, John Doe 39, John Doe 35, John Doe 40, and John Doe 41, dated March 10, 2002.) Their letter reads, in its entirety, as follows:

Gentlemen and Servants of the Lord:

It is with great sadness, heavy heart, and much prayer that we draft this letter.

The intent of this letter is not to ruin a man or his reputation, nor is it to bring scandal to the Archdiocese of Detroit, [D]iocese of Gaylord, or the Catholic Church. Our sole purpose is to prevent Fr. Shirilla from ever again preying on other young boys and men, now or in the future. It is our responsibility as brothers baptized in Christ!

In 1993, allegations of sexual abuse and misconduct were brought forth against Fr. Shirilla. In light of those allegations, a number of us were asked to come forward and tell our stories – and we did so willingly. We had been silent too long! We shared our personal accounts with Monsignor Walter Hurley, who was charged with conducting this investigation on behalf of the Archdiocese of Detroit.

The outcome of the investigation led to the removal of diocesan and priestly responsibilities and subsequent therapy for Fr. Shirilla. We individually and collectively believed that the Archdiocese had acted swiftly and responsibly. It was our belief that Fr. Shirilla had been defrocked. We were satisfied with this outcome.

This past Fall, we discovered that Fr. Shirilla had been assigned as a Pastor in Alpena. As each of us learned of this news, we urgently initiated contact with Bishop Cooney, Msgr. Hurley, Bishop Britt, Msgr. Zenz, and our respective pastors, expressing grave concern over the assignment. There were others from around the state that also expressed their own deep concern to Bishop Cooney. To all that called, it had been Bishop Cooney’s stated position that Fr. Shirilla does not pose a threat. As a result, no action has been taken to remove him from this post.

In light of recent articles which have appeared in the Detroit News and Free Press and the Boston Press, those of us who came forward in 1993 and others who were affected by Fr. Shirilla’s sexual misconduct feel a deep sense of betrayal by ecclesial authorities. We deeply question the wisdom of the church hierarchy in regards to this matter.

Today, as in 1993, we turn once more to the church to right this wrong, to clean its own house. We pray that the dioceses of Detroit and Gaylord learn from their brothers and colleagues in Boston (and across the country) and take appropriate, swift action.

We can and will no longer keep silent, with our heads in the sand, wishing this situation would go away. We can and will no longer stand by and allow the potential for more victims. We believe it is our duty as brothers in Christ to make sure, to the best of our ability, that this abuse will never happen again.

We individually and collectively request a response to this letter; it is our anticipation that we will hear from you no later than March 31, 2002. It is our prayer that action will be taken immediately.

Sincerely yours in Christ,

[*Id.*]

Days after receiving the above-quoted letter, on March 18, 2002, Cardinal Maida through Bishop Britt directed that Fr. Shirilla leave the Diocese of Gaylord assignment in Alpena and report to the Archdiocese. (App'x GMS#21, "Statement Regarding Removal of Rev. Gerald Shirilla," March 21, 2002.) As requested by the Cardinal, Bishop Cooney personally informed Fr. Shirilla of the directive. (*Id.*) The Archdiocese released a statement, which stated, as follows:

Fr. Gerald Shirilla, a Detroit priest who was assigned a pastorate by the Diocese of Gaylord, has been removed from that position.

In 1993, an allegation of sexual misconduct by Fr. Shirilla was received and processed under the archdiocesan policy on the sexual abuse of minors by clergy. At the time, Fr. Shirilla resigned as director of the archdiocesan Office of Worship. Subsequently, Fr. Shirilla was placed on an administrative leave of absence from the archdiocese, which included a prohibition of any exercise of priestly ministry.

In August of 2001, without the approval or permission of the archdiocese, Fr. Shirilla accepted a pastoral assignment at St. Mary's Catholic Church in Alpena. To address this situation in the months that followed, consideration was given to a process by which Fr. Shirilla would, in effect, transfer (incardinate) into the Diocese of Gaylord, and transfer (excardinate) out of the Archdiocese of Detroit.

At the initiative of the archdiocese, that process has been terminated. Fr. Shirilla's appointment as pastor of St. Mary Parish has been withdrawn. The prohibition on his service as a priest, as ordered in

1993 by Cardinal Adam Maida, Archbishop of Detroit, continues in effect.

[App'x GMS#22, Statement Regarding Fr. Gerald Shirilla, dated March 20, 2002.]

In response to the joint letter dated March 10, 2002, by the alleged five victims of Fr. Shirilla, Bishop Cooney replied on March 19, 2002, and offered to meet with them individually or as a group "to hear what you have to say (since I am not aware of those items) and to share with you my motives for having Father Shirilla serve as a pastor in this Diocese." (App'x GMS#23, Letter from Bishop Patrick Cooney to John Doe 38, John Doe 39, John Doe 35, John Doe 40, and John Doe 41.)

In a letter dated March 25, 2002, Cardinal Maida also responded to the alleged victims, individually, and wrote: "I, too, share your concerns and, as you know, have intervened with Bishop Patrick Cooney to have him removed from his position at St. Mary Parish, Alpena. Like you, I believe this step was necessary for the protection of others, for the good of the Church and equally important for your peace of mind." (App'x GMS#24, Letter from Cardinal Adam Maida, Archbishop of Detroit to John Doe 38, John Doe 39, John Doe 35, John Doe 40, and John Doe 41.)

After Bishop Cooney personally informed Fr. Shirilla of Cardinal Maida's decision to remove him from his pastorate in Alpena and return to Detroit, Bishop Cooney wrote to Cardinal Maida in a letter dated March 19, 2002, confirming that he conveyed the message and also requesting that Fr. Shirilla be permitted to work on the Diocese of Gaylord staff and reside at the bishop's residence. (App'x GMS#25, Letter from Bishop Patrick Cooney to Cardinal Adam Maida, Archdiocese of Detroit, dated March 19, 2002.) In part relevant, the letter stated:

I am not sure of what your intentions for Father Shirilla might be. If possible, I would like to offer a possibility of Father serving here in the Diocese of Gaylord in a position on our diocesan staff and assigned to live with me in the bishop's house. I can think of no other position that would cover him for so much of the day and night. If this would be acceptable to you, we could continue the suggested appointment until a time when I might incardinate him into this Diocese."

[*Id.*]

No reply to Bishop Cooney's letter was found in the Fr. Shirilla priest file.

On March 10, 2002, Witness 37 wrote to Bishop Cooney, whom she referred to as a "family friend" and addressed him as "Pat," after she discovered that Fr. Shirilla was appointed as pastor of St. Mary in Alpena. (App'x GMS#26, Letter from Witness 37 to Bishop Patrick Cooney, dated March 10, 2002.) In her letter, she wrote in part:

On Thursday, February 28th, the pastor I minister with began talking about the trouble in Boston. I shared with him my inability to be objective because of what had happened in my own family. He then told me that Gerry Shirilla had been made a pastor in a parish in Alpena. It seems one of his friends had paid Gerry a visit. Needless to say, I did not know what to think; surely an error. Family friend Pat Cooney would not do that. My intention was to compose my thoughts and emotions, and then contact you. However, before I was able to do so, an article came out in the Free Press confirming the above mention[ed] information. Imagine my surprise when I read that not only was Gerry a pastor of a parish, but there was also a school.

[*Id.*]

Witness 37 also wrote “[y]ou and I both know that Gerry is guilty regardless of how often he maintains he did nothing wrong.” (*Id.*) She also wrote that she felt that Bishop Cooney betrayed her and her family:

Beyond the betrayal to the memory of my parents, and the living victims in my family, (and be it known, the victims in the family extend beyond my brothers), what your decision has done to the Church cannot be excused. Your decision has inadvertently made every pastor in your diocese suspect. Who else are you harboring? Your fellow priests should be enraged.

How were you able to reconcile your decision with this Sunday’s readings?

I do not hold any ill will towards Gerry; he is a sick man. There is something amiss in his psychological makeup, and his culpability is limited. However, yours is not. Informing you nine years ago about Gerry’s behavior was one of the hardest things I have ever had to do. It now appears that forgiving you your betrayal will be equally as hard.

[*Id.* at 2.]

No reply letter from Bishop Cooney was found in the Fr. Shirilla file.

In a March 2002 article, ESPN reported that a former professional baseball player and announcer, John Doe 32, and three of his brothers, had been sexually molested by Fr. Shirilla in the 1960s and 1970s, roughly 45 years prior.¹⁶ John Doe 32 alleged that Fr. Shirilla abused him for four years in the 1960s when he attended St.

¹⁶ <https://www.espn.com/gen/news/2002/0322/1356082.html> (last accessed January 2, 2024).

Ladislaus High School. (*Id.*) He also stated that, at the time of the alleged sexual abuse, Fr. Shirilla was “a teacher and a family friend.” (*Id.*) The brothers decided to come forward with their allegations after hearing that Fr. Shirilla had been assigned as a pastor in August 2001, after having had been removed from public ministry by the Archdiocese of Detroit. (*Id.*)

**(25) FR. ROBERT GORDON SMITH
(LISTED ON DIOCESES OF GAYLORD AND SAGINAW AND
BISHOP ACCOUNTABILITY SITE)**

Born: October 10, 1909

Ordained: February 24, 1945

Retired: October 4, 1978

Died: June 24, 1980

Fr. Robert Gordon Smith was born in Saginaw, Michigan, on October 10, 1909, and was ordained to the priesthood on February 24, 1945, at St. Mary Cathedral in Saginaw, Michigan. (Priest information and appointment sheet.) Fr. Smith died on June 24, 1980. (*Id.*) The Diocese of Gaylord was not established until 1971.

In an affidavit dated December 5, 1957, Witness 38 of Vassar, Michigan, swore that his son (John Doe 42), John Doe 43, and possibly one other altar boy, stayed in a hotel in Grand Haven with Fr. Smith, who took them there. (App'x RGS#1, Affidavit of Witness 38, dated December 5, 1957.) Witness 38 testified in his affidavit that his son told him that he slept in the same bed as Fr. Smith, and "Father reached down and loosened John Doe 42's pajamas and began to play with his genital organs." (*Id.* at 1.) His son also told him that Fr. Smith had invited him to go on a trip to Chicago with him. (*Id.* at 1-2.) At that time, John Doe 42 was 13 years old. (*Id.* at 2.) He also stated that John Doe 42 said that Fr. Smith was always "hugging up John Doe 43 and some of the boys." (*Id.*) Witness 38 also stated that Fr. Smith called him to ask if it would be okay if he bought John Doe 42 a rifle, to which Witness 38 replied in the negative. (*Id.* at 3.)

On March 13, 1962, the Archdiocese of Chicago forwarded an anonymous letter to the Diocese of Saginaw, where Fr. Smith served nearly all of his priestly career, alleging that, in 1958 or 1959, a young man serving in the U.S. Navy who was being arrested claimed to have had his first sexual experience with a Catholic priest named Robert Smith from Vassar, Michigan, in a downtown Chicago hotel room. (App'x RGS#2, Letter from "A Catholic" to "My dear Monsignor," dated March 13, 1962.) The letter was unsigned and did not include any information regarding the individual who made the claim, his age, or whether the alleged incident was consensual.

On January 14, 2004, the Diocese was informed that a friend of John Doe 44 told a local priest that John Doe 44 had been sexually abused by Fr. Smith. The Diocese contacted the Diocesan investigator to investigate the allegation. (App'x RGS#3, Report of investigator, dated January 27, 2004.) Days after learning of the allegation, on January 25, 2004, John Doe 44 told the investigator that, when he was 10 years old in 1965 or 1966 and helping Fr. Smith with the Christmas decorations in St. Paul Catholic Church in Onaway, Michigan, Fr. Smith started rubbing John Doe 44's penis on the outside of his clothing, until his step-father came up from the

basement. (*Id.* at 2.) Later that night, he told his step-father what happened, and his step-father beat him, saying priests do not do things like that. (*Id.*)

According to the investigator's 2004 report, thereafter, John Doe 44 was forced to become an altar server by his family members, and the abuse allegedly increased in frequency. (*Id.* at 2.) John Doe 44 alleged that, after Masses, Fr. Smith would get him alone and perform oral and anal sex on him. (*Id.*) He also allegedly performed oral and anal sex on Fr. Smith. (*Id.*) He further alleged that Fr. Smith had a projector and would show him erotic films. (*Id.* at 3.) John Doe 44 also stated that Fr. Smith would call his step-father and tell him he needed John Doe 44 to help with odd jobs, and so his step-father would make him go, and then Fr. Smith would abuse him. (*Id.*) He also alleged that Fr. Smith forced him "to [g]o down on others." (*Id.*) He identified these persons as John Doe 48, John Doe 49, and Witness 39. (*Id.*) Fr. Smith took John Doe 44 and Witness 39 to Chicago, and they stayed at a hotel on Ohio Street. (*Id.*) Fr. Smith took them to a pornographic movie. (*Id.*) When they got back to the hotel, Fr. Smith allegedly attempted to get Witness 39 to have sex with John Doe 44 and the priest, and Witness 39 refused. (*Id.*) Instead, John Doe 44 explained that Witness 39 watched the other two have sex. (*Id.*) During another incident, when four boys were at Fr. Smith's house, John Doe 44 said that two Air Force men came over, and everyone allegedly "performed sex with each other on that particular night." (*Id.*)

John Doe 44 said that he had tried to commit suicide five or six times. (*Id.* at 4.) After John Doe 44's report, the Diocese offered John Doe 44 counseling services and reimbursed his expenses for counseling.

Fr. Smith's alleged fourth victim was John Doe 45, who was 14 years old when the alleged undescribed abuse took place in 1970 to 1972 in Ogemaw County. (*Id.*) This allegation was reported to law enforcement in 2004, more than 23 years after Fr. Smith's death, and was investigated by the diocese. (*Id.*) The Review Board substantiated the allegation in 2004, and the matter was referred to the Diocese of Saginaw. (*Id.*) John Doe 45 was offered and did participate in counseling services reimbursed by the Diocese.

(26) DEACON RICHARD R. TRAPP

Born: February 28, 1924

Ordained: November 9, 1975

Died: February 5, 2013

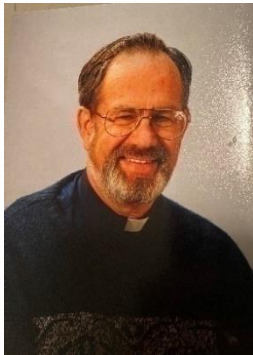
Deacon Richard R. Trapp was born in Temperance, Michigan, on February 28, 1924. (App'x RRT#1, Email Obituary Announcement by Diocese of Gaylord, dated February 6, 2013.) He was ordained on November 9, 1975, at St. Michael's Parish, in Monroe, Michigan, and he died on February 5, 2013. (*Id.*)

On September 11, 1990, Witness 42 reported to Fr. Francis Murphy, pastor of St. Patrick Parish in Traverse City, Michigan, that Deacon Trapp fondled her seven-year-old daughter, Jane Doe 48, in the genital area, "kissed her hard on the lips," told her he loved her, and asked her if she knew the "difference between boys and girls." (App'x RRT#2, Confidential Incident Report, dated September 11, 1990, p. 1; App'x RRT#3, Diocese of Gaylord Pedophilia Procedures Initial Report Form, p. 2.) The mother reported that she asked her daughter to show her what happened by using a doll. (*Id.*) This conduct was alleged to have occurred during Mass at St. Patrick Church on September 9, 1990. (*Id.*) The mother stated that she notified local law enforcement by "unofficially" speaking with a prosecutor who allegedly told her the crime would be a second-degree, criminal-sexual-conduct offense. (*Id.*)

By letter dated September 14, 1990, Bishop Patrick Cooney suspended Deacon Trapp "from the practice of the Order of Deacon and from parish work for an indefinite time." (App'x RRT#4, Letter from Bishop Patrick Cooney to Deacon Richard Trapp.)

Two months later, on December 11, 1990, Bishop Cooney removed the suspension and restored all of Deacon Trapp's diaconal functions, informing him that the professional he had consulted "indicated that in his professional opinion there was no reason that you could not be returned to your diaconal duties immediately." (App'x RRT#5, Letter from Bishop Patrick Cooney to Deacon Richard Trapp.) In a letter dated the same day, Bishop Cooney authored a file note, stating that he saw Jane Doe 48's father at a charity event on October 27, 1990, and he told the bishop that "he thought his daughter had misinterpreted something that Dick had said or done and was incorrect in reporting as she did." (App'x RRT#6, Diocese of Gaylord File Note Re. Deacon Richard Trapp Case, dated December 11, 1990.)

**(27) FR. JOHN BERNARD TUPPER
(LISTED ON DIOCESE AND BISHOP ACCOUNTABILITY SITE.)**



Born: April 29, 1929

Ordained: June 4, 1960

Removed from ministry: August 25, 2002

Died: July 27, 2004

Fr. John Bernard Tupper was born on April 29, 1929, in Cairo, Illinois, and was ordained to the priesthood on June 4, 1960, at St. Andrew's Cathedral in Grand Rapids. (App'x JBT#1, Priest information and appointment sheet.) Fr. Tupper retired to senior priest status on May 1, 1999, and thereafter was placed on administrative leave in 2002. (*Id.* at 1–2.) He died on July 27, 2004. (*Id.*)

In February 1994, an adult female alleged that, while she was in the hospital, Fr. Tupper visited her often, and on one such visit, he embraced her for 15–30 seconds and then tried to French-kiss her. (App'x JBT#2, Nine pages of typewritten notes concerning John Tupper re Case #1, Case #2, and Case #3, p. 1.) A sign was thereafter posted on the door to her room, to the effect that Fr. Tupper was not to enter; however, Jane Doe 49 alleged that he did so twice and told her that he was sorry for hurting her, but not sorry for what he did. (*Id.*)

In June 1994, Jane Doe 49 retained legal counsel who threatened to sue the Diocese. (*Id.*) The diocese offered counseling, but it was informed by the attorney that counseling was “not sufficient.” (*Id.*) Eventually, the parties settled the dispute for \$20,000.00. Fr. Tupper sent a letter to Bishop Cooney stating, in relevant part:

First, I regret very much and I'm truly sorry for the anguish and worry that you experienced in this case. I'm sure that it is embarrassing to you, and saddening, when one of your priests is accused of sexual misconduct. I can't do much to make amends to you for the mental and spiritual pain you suffered because of me. I will just pray harder that God will give you the strength you need to cope with the problems that you meet in your ministry, particularly with the trouble I caused you.

I don't think it is fair or just that people of our diocese who support the diocese in good faith should be asked to pay for a settlement in a case where a priest has been judged guilty of misconduct. I am responsible for the suit being filed, and I should pay. Please accept my check for \$20,000. I realize that there were other expenses involved, including the time that our diocesan attorney spent on the case. If you can let me know how much his expenses were, I will gladly pay for them.

Again, I'm sorry for having caused you and others so much trouble.

[App'x JBT#3, Undated letter from Fr. John Tupper to Bishop Patrick Cooney; App'x JBT#4, "Settlement Agreement, General Release, and Covenant Not to Sue," dated March 7, 1995, signed by Jane Doe 49.]

On August 30, 2002, Jane Doe 49 contacted the Diocese, angry that Fr. Tupper was not removed after she reported the sexual misconduct in the 1990s his attempt to French kiss her in 1994 and threatened to go to the press. (App'x JBT#5, Typewritten notes, dated August 30, 2002.) Jane Doe 49 said "other things happened when she was a patient, but her attorney was chicken and he only made one claim even though there were several." (*Id.*)

In Fr. Tupper's file there is an undated, one-page memorandum titled, "Complaint of Jane Doe 50," which appears to have been authored by Bishop Cooney. (App'x JBT#6, "Complaint of Jane Doe 50.") This memorandum reads, in relevant part, as follows:

On April 15, 2002, Jane Doe 50 called the Diocese to make the allegation that Father John Tupper tried to rape her 33 years ago. [address and phone number redacted.]

Regarding the allegation, she alleged that Father Tupper tried to rape her (ripped off her clothes but nothing else). She was 15 or 16 at the time and she believes it happened in 1969 [before the establishment of the Diocese of Gaylord]. It allegedly happened at her grandmother's house

After the incident, she alleges that Father Tupper tried to justify the act with her mother. She further alleges that because of this, there was alienation between the mother and her sisters.

Jane Doe 50 also alleges there were two other adult women in some kind of negative situations with Father Tupper but she didn't give names or specific situations. She also said there was one man who had been abused by Father Tupper and she alleges he was 16 or 17 at the time.

Jane Doe 50 did not want anything made public. She is hopeful of an apology from Fr. Tupper.

There was another incident that was supposedly to have taken place at Osteopathic Hospital (no Munson Hospital) in Traverse City.

I asked [a representative] of CHS [Catholic Human Services], Traverse City, to contact Jane Doe 50. She interviewed her by phone on April 16, 2002.

I talked to Father Tupper on Sunday, April 21, 2002, and he said he had no recollection of any such incident. I subsequently asked Father Tupper to meet with the Diocese's investigator to discuss the details. The investigator will meet with Father Tupper on Wednesday, April 24, 2002.

[*Id.*]

After Jane Doe 50's initial report on April 15, 2002, the Diocese directed a Catholic Human Services counselor to immediately contact Jane Doe 50. The counselor contacted Jane Doe 50 the following day. (*Id.*)

The counselor offered Jane Doe 50 therapy services. (*Id.*)

Four days later, on April 21, 2002, Bishop Cooney investigated the allegation with Fr. Tupper and afterward contacted the Diocese internal investigator and victim assistance coordinator, to begin investigating. (*Id.*)

The same week, its investigator interviewed Jane Doe 50 to obtain additional information regarding her allegation. On April 29, 2002, the investigator met with Fr. Tupper. (App'x JBT#2, Nine-pages of typewritten notes concerning John Tupper re Case #1, Case #2, and Case #3 at 3.) Fr. Tupper told the investigator that he did not remember the woman or her family. (*Id.*) He also stated that, if he were to have a sexual or casual relationship, it would not be with children or young people, nor would he ever use force. (*Id.*)

For the next month, the Diocese's investigator continued to actively investigate the allegations and conducted several more interviews with Jane Doe 50's mother, Jane Doe 50, and Fr. Tupper.

On June 10, 2002, Bishop Cooney spoke to Jane Doe 50 via telephone. Notes from that conversation read as follows:

The incident was relayed again as having happened at Jane Doe 50's grandmother's house where she and Fr. had gone to go swimming. Jane Doe 50 said she was wearing a two piece swimsuit and Fr. was in swim trunks. They were in the house and he grabbed her, held her

breast and tried to ‘force an erection into her.’ She could not remember if he had disrobed her or not, but he had pushed his trunks down. She either kicked him or forced him away and clearly maintains he did not succeed. She states she was a virgin when she married.

Jane Doe 50 says that later when he was counseling her mother about some problem, Fr. told [Jane Doe 50’s mother, Witness 34,] that he had molested Jane Doe 50 and added “that is what men do.” Jane Doe 50 says later the mother didn’t want to talk about it. Jane Doe 50 said this was a one-time event. She also mentioned a man, John Doe 51, she knows who had also been assaulted by Fr. and said that she is counseling two other women who have had experiences with Fr. Again[,] she refuses counseling offer because she doesn’t feel she needs it (and indicates she is a counselor herself), but wants an apology to her for this event and for her mother for some advice that Fr. Gave her [mother] which caused difficulty in the family.

[*Id.*]

On July 9, the Diocese contacted Jane Doe 50 again to obtain the contact information for John Doe 50 to schedule a call. The Diocese also arranged a meeting with Witness 34, her pastor, and the Bishop as requested by Jane Doe 50 the previous day. (*Id.*)

On July 15, 2002, Bishop Cooney met with Jane Doe 50’s mother, Witness 43, and her pastor. (*Id.*) According to the notes regarding this meeting, Witness 43 “was unaware that Fr. Tupper had ‘confessed’ that he molested her daughter, Jane Doe 50.” (*Id.*)

On July 31, 2002, after making several attempts, the Diocese Victim Assistance Coordinator, contacted John Doe 51, the male who Jane Doe 50 alleged had an incident with Fr. Tupper. (*Id.*) John Doe 51 told the VAC that he and Jane Doe 50 had discussed their Fr. Tupper experiences. (*Id.*) John Doe 51 also told the VAC that, on one occasion, Fr. Tupper talked him into taking off all of his clothes. (*Id.*) His description of the events was vague, but he did state that no penetration occurred. (*Id.*) He also remembered that, on one occasion, someone came into the rectory, ending an advance by Fr. Tupper. (*Id.*) John Doe 51 was offered the opportunity to discuss this further with the Bishop and/or a counselor and invited a call.

On August 25, 2002, Bishop Cooney withdrew Fr. Tupper’s diocesan priestly faculties and placed him on administrative leave. (App’x JBT#7, Letter from Bishop Patrick Cooney to Fr. John Tupper, dated August 25, 2002.)

On August 29, 2002, Bishop Cooney met with John Doe 51 and his brother, an attorney to discuss the allegations that had occurred nearly 35 years prior. (App’x

JBT#2, Nine pages of typewritten notes.) John Doe 51 told Bishop Cooney that he was taken advantage of when he was 14–15 years old by Fr. Tupper, who was looking to fulfill his own needs. (*Id.*) A summary of that meeting appears under Case #2 – John Doe 51, in a four-page report regarding John Tupper:

I met with John Doe 51 and his brother who is an attorney, on August 29, 2002. John Doe 51 said he was 49 years old, had no church, no belief in God and no faith. He was 15 or 16 years old when he went to Father Tupper to talk about youth activities...and he was taken advantage of. I asked him what specifically happened to him. John Doe 51 said he believed he performed oral sex on John Tupper. He said Father Tupper had his penis out and that was his intention. John Doe 51 said John Tupper consoled him and confirmed that he John Doe 51 had done something. John Doe 51 said he believed John Tupper was trying to have anal sex with him. John Doe 51 said John Tupper listened to him and talked to him. He asked him what was going on in his life. John Tupper said ‘you certainly can’t talk to your family.’ John Doe 51 added, ‘I was a kid. Whether he came in my mouth is immaterial. The fact that anything happened in [sic] a crime. I was a kid. He (Tupper) convinced me it was okay and then he tried to do it again.’

[App’x JBT#2, Typed Notes, John Tupper, p. 2.]

John Doe 51 requested money from the Diocese, which the bishop declined. (*Id.* at 3.) Bishop Cooney offered counseling and also stated that John Doe 51 could contact a prosecutor and/or the diocesan attorney if he wished to pursue a case. (*Id.*) At this point, the Diocese had already reported Jane Doe 50’s case to the prosecuting attorney, who declined to pursue criminal charges. In addition, prior to the Bishop’s meeting with John Doe 51, the Diocese reported the allegations to the prosecuting attorney and sent John Doe 51 a letter with contact information and instructions on how to contact the prosecutor.

After Bishop Cooney advised Fr. Tupper of his options while he was preparing to send the case to Rome for decision on laicization in 2002, Fr. Tupper advised that he did not wish to be laicized, nor did he desire to pursue a tribunal hearing. Fr. Tupper retained both a civil and canonical attorney to dispute the laicization process and adamantly maintained that the allegations were false. (App’x JBT#8, File Memorandum re: Priest under penalty signed by Bishop Patrick Cooney dated August 4, 2003, App’x JBT#9, Letter from Fr. John Tupper to Bishop Patrick Cooney, dated August 6, 2003.) By letter dated February 12, 2004, the Congregation for the Doctrine of Faith in Rome confirmed Bishop Cooney’s “appropriateness of imposing restrictions” on Fr. Tupper’s ministry, with an added suggestion of allowing “him to continue exercising a limited ministry in the monastery where he is presently living.” (App’x JBT#10, Letter from Archbishop Angelo Amato, Secretary of the Congregation of the Doctrine of the Faith, dated February 12, 2004.)

(28) DEACON EDWARD VONDRA

Born: January 30, 1949

Ordained: 1982

Faculties suspended: July 1992 and November 3, 2008

Faculties permanently withdrawn: May 26, 2009

Died: September 26, 2015

Deacon Edward Vondra was born on January 30, 1949, and he was ordained a permanent deacon in 1982 in Rockford, Illinois. (App'x DEV#1, Background regarding Deacon Edward Vondra, by Diocese employee at 1.) Deacon Vondra moved to Michigan in the late 1980s, serving in the Diocese of Gaylord. (*Id.*) Deacon Vondra's faculties were revoked in 1992, and in mid-1994 he was allowed "to participate in very limited, public ministry, but faculties were not reinstated." (*Id.*) On November 3, 2008, Bishop Patrick Cooney suspended his faculties, followed by a permanent withdrawal of faculties on May 26, 2009. (App'x DEV#2, Letters from Bishop Patrick Cooney to Deacon Ed Vondra, dated November 3, 2008, May 26, 2009.)

In October 1987, an adult woman alleged that she was invited into Deacon Vondra's office, after which he told her that he was getting "vibrations" about her past sins. (App'x DEV#1, Background regarding Deacon Edward Vondra, by Diocese Victim Assistance Coordinator at 2; DEV#3, Brief history of Deacon Ed Vondra.) She alleged that he then stared at her in an attempt to get her to disclose the details of her past sins. (*Id.*)

In May 1992, Jane Doe 51, an adult woman, alleged that, while she was in the Rite of Christian Initiation of Adults (RCIA), she had encounters with Deacon Vondra, and he was "almost psychic," saying "it was the Spirit." (App'x DEV#3, Brief history of Deacon Ed Vondra.) Jane Doe 51 said that Deacon Vondra began calling her every Tuesday evening. (*Id.*) He gave her long hugs and held her hands, etc. – nothing overtly sexual but very uncomfortable. (*Id.*) This made her feel very uncomfortable and angered her husband. (*Id.*)

Also in May 1992, Jane Doe 52 and her fiancé took marriage-preparation classes with Deacon Vondra. (*Id.* at 2.) They alleged that Deacon Vondra made them uncomfortable. (*Id.*) They also alleged that he would hug Jane Doe 52, but not her fiancé. (*Id.*) On one occasion, Deacon Vondra allegedly asked to meet with Jane Doe 52 alone, during which he told her "God wanted him to heal," and he started placing his hands on her head, shoulders, and stomach. "Nothing overtly," "but he sat opposite her, with his legs on either side of her-her knees between them." (*Id.*) He allegedly sat opposite of her and had her knees between his legs, and put his hands over her mouth and pulled her head to his chest, scaring her. (*Id.*)

While Bishop Cooney removed Deacon Vondra's faculties in July 1992, between 1994 through 1997, Bishop Cooney granted Deacon Vondra faculties for family occasions, e.g., marriages. (*Id.*)

In April 1998, Deacon Vondra was re-evaluated, and it was found that he "seems like a good man and that data and self-reported history do not indicate he is sexually disordered or predatory." (*Id.*)

In October 2001, Bishop Cooney clarified that Deacon Vondra was in good standing with diocesan faculties with delegation of a pastor. (*Id.* at 3.)

In November 2008, Jane Doe 53, an adult woman who was a member of St. Joseph Catholic Church in East Jordan, alleged that Deacon Vondra kissed her. (App'x DEV#4, Investigation Report of Misconduct by Diocesan investigator, dated December 5, 2008.) The Diocese Victim Assistance Coordinator contacted its investigator. (*Id.*) Jane Doe 53 stated that in March 2008, when she was having marital difficulties and was contemplating leaving her husband, Deacon Vondra called her, unsolicited, and said that "he was sent to call her." (*Id.* at 2.) Deacon Vondra asked her if she wanted to talk. (*Id.*)

In July 2008, Jane Doe 53 left her husband and moved. (*Id.* at 3.) Because Deacon Vondra resided nearby, the two would meet at her house for their discussions; however, he started to come to her home unannounced, even though she asked him to call first. (*Id.*) Deacon Vondra would knock on her house door late at night for several minutes. (*Id.*) Jane Doe 53 told the investigator that she thought they had a trusting relationship. (*Id.*) On one evening, Deacon Vondra allegedly showed up unannounced around 7:30 p.m. and knocked on the front door for about 10 to 15 minutes, went back to his car for another 15 minutes, and then knocked on the basement door. (*Id.*) Because she was very tired from a trip from which she had just returned, she did not open the door. (*Id.*) The next night when she arrived home around 9:30 p.m., Deacon Vondra was waiting for her in the driveway and told her he had been there for a couple of hours. (*Id.*) Jane Doe 53 invited him in, and they talked about her trip. (*Id.*) When it was time for her to put her kids to bed, they walked to the door for him to leave, and he gave her a goodbye hug that lasted longer than usual and kissed her on the lips. (*Id.*) She told him he was never going to do that again. (*Id.*) She thereafter reported the alleged incident to the pastor of St. Joseph Parish. (*Id.*) When the investigator interviewed Deacon Vondra, he said the kiss was just a goodbye kiss and that was it. (*Id.*)

In response to the investigator's questions in 2008, Deacon Vondra admitted that he was not a licensed counselor, and he did not have permission from the bishop to provide marriage counseling. (*Id.*) He said he was just trying to help Jane Doe 53. (*Id.*)

As noted earlier, on November 3, 2008, Bishop Patrick Cooney suspended his faculties, followed by a permanent withdrawal of faculties on May 26, 2009. (App'x DEV#2, Letters from Bishop Patrick Cooney to Deacon Ed Vondra, dated November 3, 2008, May 26, 2009.)

CONCLUSION

The AG work on the clergy abuse investigation continues. All paper documents have been reviewed. All electronic documents have been reviewed.

To date, eleven cases have been brought by the Department of Attorney General for all seven dioceses. Nine have resolved with convictions. Of these eleven cases, **none** related to priests ministering in the Diocese of Gaylord.

1. *People v. Vincent DeLorenzo* – He pled guilty to attempt criminal sexual conduct first degree and was sentenced on June 13, 2023, to 5 years probation, first year in the Genesee County Jail, sex offender counseling and registration.
2. *People v. Joseph “Jack” Baker* – He was found guilty at a jury trial of one count of criminal sexual conduct first degree. He was sentenced on March 1, 2023, to 3-to-15 years in the Michigan Department of Corrections and to lifetime sex-offender registration.
3. *People v. Neil Kalina* – He was found guilty at a jury trial of two counts of criminal sexual conduct in the second degree in June 2022. He was sentenced to 7–15 years in the Michigan Department of Corrections.
4. *People v. Gary Berthiaume* – In October 2021, he pled guilty to two counts of criminal sexual conduct in the second degree and no contest to one count of gross indecency. He was sentenced in January 2022 to 17 months–15 years and 17 months–5 years to be served concurrently in the Michigan Department of Corrections.
5. *People v. Gary Jacobs* – April 2021 he pled guilty to one count on each of his four Ontonagon County cases, with a total of three counts of criminal sexual conduct first degree and one count of criminal sexual conduct second degree. He was sentenced on these cases to 8–15 years in the Michigan Department of Corrections, along with lifetime sex offender registration and counseling. In Dickinson County, in May 2021, Jacobs pled guilty criminal sexual conduct second degree. He was sentenced on this case in July 2021 to 8–15 years in prison, with lifetime sex offender registration to be served concurrently.
6. *People v. Joseph Comperchio* – In June 2021 he pled plead guilty to one count of criminal sexual conduct in the first degree and three counts of criminal sexual conduct in the second degree. These represented complaints made by four separate victims. He was sentenced to 10–20 years in the Michigan Department of Corrections.

7. *People v. Brian Stanley* – He pled guilty to attempt false imprisonment and in January 2020 was sentenced to 60 days in jail, probation and sex offender registration.
8. *People v. Patrick Casey* – He was charged with one count of criminal sexual conduct in the third degree. While a jury was deliberating, he pled guilty to aggravated assault. In November 2019 he was sentenced to 45 days in the Wayne County Jail and one year of probation.
9. *People v. Timothy Crowley* – Crowley pled guilty to two counts of Criminal Sexual Conduct Second Degree. He was sentenced to 5 years' probation with the first year in the Washtenaw County Jail, sex offender registration and counseling.
10. *People v. Roy Joseph* – Charged in January 2020 with one count of criminal sexual conduct first degree. He is awaiting extradition from India.
11. *People v. Jacob Vellian* – Charged in May 2019 with two counts of rape under the old criminal sexual conduct statute. He is awaiting extradition from India. It has been reported that Vellian died in December 2022 but this has not been independently confirmed by the United States Department of Justice.

It should be again noted that a criminal complaint is merely an allegation unless and until the defendant is found guilty.