

Fr. M

414. *Fr. M* was ordained in 1952.³⁵ In 2003 and 2004, the Diocesan Corporation received three complaints that *Fr. M* had sexually abused minors. Instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation allowed him to retire. The Diocesan Corporation also failed to sufficiently conduct internal investigations into allegations that *Fr. M* had sexually abused a minor; failed to seek or, alternatively, reasonably document the DRB's assessment of sexual abuse allegations against *Fr. M*; and failed to refer *Fr. M* to the CDF. Further, the Diocesan Corporation engaged in other misconduct by (a) misleading beneficiaries; (b) preparing false or misleading records to establish a purported, legitimate basis for *Fr. M*'s retirement and eligibility for associated benefits; (c) providing these benefits and other compensation to *Fr. M* even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him; and (d) failing to reasonably monitor *Fr. M*, exposing itself and minors to unnecessary risks.

Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties

415. *Fr. M* served in schools and parishes and held the position of pastor from 1971 to 2004.

416. In December 2003, Complainant 1 filed a complaint with the Diocesan Corporation, alleging that in the 1960s, *Fr. M* had molested her when she was between six and

³⁵ Unless otherwise noted, the allegations against *Fr. M* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. M* have not been independently investigated by the Attorney General and are recited only to establish the information provided to, and decisions taken by, the Diocesan Corporation in connection with its response to reports of alleged sexual abuse.

nine years old. *Fr. M's* file does not contain any decrees opening or closing a diocesan investigation into Complainant 1's claims. The Diocesan Corporation failed to sufficiently investigate Complainant 1's allegations pursuant to the *Charter* and the *Essential Norms*.

417. In January 2004, Diocesan Administrator Cunningham met with *Fr. M* to discuss Complainant 1's allegations. Cunningham's memo summarizing the meeting highlights that Complainant 1 acknowledged that her allegations concerning events that occurred forty years earlier were "the result of 'sketchy memories.'" The memo only includes a few sentences documenting statements related to the alleged abuse. The memo states that *Fr. M* represented that he did not recall ever inappropriately touching a child and that Cunningham would present this matter to the DRB. *Fr. M's* file lacks any other evidence of a presentation to the DRB.

418. On or about March 1, 2004, the Diocesan Corporation received Complainant 2's complaint. Complainant 2 alleged that in the 1950s, when she was about seven years old, *Fr. M* had laid on his back, had her sit on his face, and licked her genitals. *Fr. M's* file does not contain any decrees opening or closing a diocesan investigation into Complainant 2's claims. The Diocesan Corporation failed to sufficiently investigate Complainant 2's allegations pursuant to the *Charter* and the *Essential Norms*.

419. On or about March 3, 2004, Complainant 3 filed a complaint with the Diocesan Corporation, alleging that in the 1960s, when she was about six or seven years old, *Fr. M* had placed her in his lap, rubbed himself against her, kissed her, and forced her to kiss him. Complainant 3 told the Diocesan Corporation that she had confronted *Fr. M*, and he did not deny the abuse. *Fr. M's* file does not contain any decrees opening or closing a diocesan investigation into Complainant 3's claims. The Diocesan Corporation failed to sufficiently investigate Complainant 3's allegations pursuant to the *Charter* and the *Essential Norms*.

420. On March 22, 2004, *Fr. M* submitted his letter of resignation to Diocesan Administrator Cunningham. The letter states that *Fr. M* served as a priest for fifty-two years and that he was two years past the mandatory retirement age. The letter concludes that “[as a result, *Fr. M* felt he had] earned the right to retire from [his] present office of pastor.”

421. By letter dated, March 25, 2004, Diocesan Administrator Cunningham accepted *Fr. M*'s resignation:

During your fifty-two years of priestly service, you have led many to the Lord, and for that I am truly grateful. The Masses you have celebrated and the sacraments you have bestowed have brought God's saving grace to countless individuals. In their name, I offer thanks to you and wish you well as you begin this new phase of your life.

I trust that God will give you many years in which you can enjoy health and happiness with family and friends.

422. Diocesan documents maintained to record a priest's status reflect that *Fr. M* retired on March 31, 2004. These documents misleadingly indicate that he retired in the ordinary course, when, in fact, the Diocese suspended him from ministry as a result of sexual abuse allegations.

423. Contrary to the documents representing *Fr. M* as “retired,” on April 11, 2004, Diocesan Administrator Cunningham issued a Decree of Suspension to *Fr. M*. The decree states that, in accordance with the *Essential Norms*, *Fr. M*'s faculties are revoked, and he is prohibited from publicly celebrating Mass or holding himself out as a priest. *Fr. M*'s file lacks any indication that the Diocesan Corporation publicly disclosed this decree.

424. On April 13, 2004, Diocesan Administrator Cunningham prepared a five-sentence memo regarding his April 12, 2004 meeting with *Fr. M* “to discuss [*Fr. M*'s] present situation and the information [the Diocesan Corporation] had.” According to that memo, Cunningham told *Fr. M* that the Diocesan Corporation had recently received three complaints against *Fr. M*

and that “[*Fr. M*] is considered now a retired priest of the diocese and will receive all benefits which a retired priest receives.”

425. In July 2004, Complainant 4 filed a complaint with the Diocesan Corporation, alleging that in the 1950s, when she was in grammar school, she recalled playing with *Fr. M*, receiving an injury in the pelvic area, and feeling pain in the genitals. *Fr. M*’s file does not contain any decrees opening or closing a diocesan investigation into Complainant 4’s claims. The Diocesan Corporation failed to sufficiently investigate Complainant 4’s allegations pursuant to the *Charter* and the *Essential Norms*.

426. On August 16, 2004, Auxiliary Bishop Grosz prepared a memo to the file regarding his meeting with *Fr. M*. The memo purports to document the DRB’s recommendations regarding *Fr. M*: “Grosz indicated that . . . in light of the past occurrences in which Father [*M*] was involved, the [DRB] felt that he should be suspended” and “go for some type of counseling.” Grosz’s memo also records that *Fr. M* scheduled an appointment with a diocesan counselor “following his actions of sexual misconduct in the past.”

427. Further, in the August 16, 2004 meeting, *Fr. M* asked whether his suspension could be lifted in the future, and Grosz indicated that, because of the *Charter*, reinstatement was unlikely. Grosz also told *Fr. M* that he “is a priest forever” and that *Fr. M*’s ministry would “now take[] a different form,” including “a kind of ‘monastic’ ministry within the Church.” Grosz reminded *Fr. M* about his ministry restrictions and reviewed the “wonderful encounters” they had shared, including *Fr. M*’s fortieth and fiftieth anniversaries of ordination.

428. On or before March 8, 2005, Auxiliary Bishop Grosz received information that *Fr. M* had visited a parish. On or about March 9, 2005, Grosz “encouraged Father [*M*] to stay away from the parish totally - - not even to attend any of the particular functions.” In a memo

summarizing this conversation, Grosz wrote that *Fr. M* “accepted that advice.” Grosz then sent a letter to *Fr. M*, “thank[ing him] so much for [the] clarification relative to information which has reached certain individuals that [he had] been functioning as a priest.” The letter states that *Fr. M* “know[s] that [he] cannot function in any capacity as a priest, that [he] will stay away from any of the parishes where [he has] served as priest, and that [he] will not be part of any parish activities in those parishes where [he has] served.” Grosz concluded the letter by expressing his “concern[] about [*Fr. M*’s] good name, as well as [his] conscientious application of the restrictions placed upon [*Fr. M*] by [his] suspension.”

429. On or about April 13, 2005, a parishioner contacted the Diocesan Corporation to ask why *Fr. M* could not attend a parish celebration. Auxiliary Bishop Grosz called *Fr. M* to discuss the parishioner’s inquiry and documented his conversation with *Fr. M*:

Bishop Grosz informed Father [*M*] that Bishop Grosz had heard Father [*M*] indicated [sic] by several parishioners . . . that Bishop Grosz ordered Father [*M*] to stay away from the parish. While that is true, Bishop Grosz indicated that Father [*M*] must be most prudent in handling his present situation. Otherwise, he will be in a situation of revealing the reason why he was in retirement.

Father [*M*] indicated he wanted to be very sensitive to his present situation.

[*Fr. M* and Grosz] agreed that Father [*M*] would indicate to his inquirers that he is a retired priest of the diocese of Buffalo and that he needs to take time to take care of his ailing sister.

430. During the April 13, 2005 telephone conversation, *Fr. M* also admitted that he had invited parishioners to attend Mass in his home. Auxiliary Bishop Grosz advised *Fr. M* that he was only permitted to say Mass privately.

431. On April 14, 2005, Auxiliary Bishop Grosz called the parishioner who had inquired about *Fr. M*. Grosz told the parishioner that “[*Fr. M*] wanted Bishop Grosz to communicate to [the parishioner] that in his time of retirement, he needs to take care of his ailing

sister.” The Attorney General confronted Grosz with these misleading statements:

Q: . . . [Y]ou told [parishioners *Fr. M*] was retired and that he needed to care for his ailing sister?

A: Which is what he told me to say.

Q: In retrospect do you think that’s misleading?

A: I said what he asked me to say.

...

Q: Was that inaccurate?

A: No because that’s what he told me he wanted me to say.

Q: But is that why he was in retirement?

A: Not to take care of his ailing sister, but that was part of his responsibility now in retirement.

...

Q: . . . In retrospect would you tell [the parishioner] the same thing?

A: I don’t know.

432. During Auxiliary Bishop Grosz’s April 14, 2005 call with the parishioner, the parishioner observed that *Fr. M* would not be attending any parish functions. In response, “Grosz indicated that it is important for Father [*M*] to allow the new pastor and [d]eacon . . . to get settled in the parish, as well as develop their own relationship with the people now that Father [*M*] is no longer pastor of the parish.”

433. Five years later, by letter dated December 1, 2010, Grosz wrote to *Fr. M*, explaining that he had been unable to contact *Fr. M* for the “past several months” because *Fr. M*’s voicemail was full. Grosz requested that *Fr. M* contact him at *Fr. M*’s convenience so they “[could] have a continued contact with each other and [Grosz’s] solicitude for [*Fr. M*] and for

[*Fr. M's*] well-being as a priest in the Diocese.” Grosz did not meet with *Fr. M* in person during this same period. Among other things, this failure to supervise, in addition to the absence of documentation indicating that the Diocesan Corporation regularly supervised *Fr. M*, shows that the Diocesan Corporation failed to reasonably monitor him.

434. On December 6, 2010, Auxiliary Bishop Grosz and *Fr. M* spoke by phone. *Fr. M* asked Grosz whether his suspension could be lifted, and Grosz responded that “in light of the present environment regarding the Charter . . . , it would not be opportune to drop the suspension at the present time.” With respect to *Fr. M's* mental health treatment, *Fr. M* told Grosz that “he had gone for counseling at the time various instances took place [and that h]e has never gone for residential treatment.” Grosz “welcome[d *Fr. M*] to participate in the Advent and Lent Penance Services for Priests, as well as the June Priest Convocation, and other Presbyteral meetings of the Diocese.”

435. In March 2018, the Diocesan Corporation publicly identified *Fr. M* on a list of “diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.” After this publication, the Diocesan Corporation received at least three more complaints alleging that *Fr. M* had sexually abused or inappropriately touched minors in the 1960s and 1970s.

436. *Fr. M* died in March 2019.

437. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to sufficiently conduct internal investigations into allegations that *Fr. M* had sexually abused minors; failing to seek the DRB’s assessment of sexual abuse allegations against *Fr. M*; and failing to refer *Fr. M* to the CDF. Instead, it made false or misleading statements to its beneficiaries; prepared false or misleading business records; and failed to reasonably monitor

Fr. M. The Diocesan Corporation's actions concealed *Fr. M's* conduct from the public and placed its beneficiaries at risk.