

Fr. N

438. *Fr. N* was ordained in 1954.³⁶ In June 2003, the Diocesan Corporation received a complaint that *Fr. N* had sexually abused a minor. Instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation allowed him to resign. The Diocesan Corporation also failed to seek the DRB's assessment of sexual abuse allegations against *Fr. N* and failed to refer *Fr. N* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) creating false or misleading records to establish a purported, legitimate basis for *Fr. N*'s retirement and eligibility for associated benefits and (b) failing to reasonably monitor *Fr. N*, exposing itself and minors to unnecessary risks.

Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties

439. Prior to 2002, *Fr. N* served in schools and parish ministry. In June 2003, Complainant 1 filed a report with local law enforcement. He alleged that in 1964, *Fr. N* had fondled him when he was fourteen years old. Complainant 1 was advised that the statute of limitations had expired, but the police report was forwarded to Vicar General Cunningham apparently because of Complainant 1's concern that *Fr. N* remained in ministry.

440. On July 1, 2003, Vicar General Cunningham interviewed *Fr. N*, who denied the allegations.

441. On July 9, 2003, Complainant 1 called Vicar General Cunningham to (a) attest to

³⁶ Unless otherwise noted, the allegations against *Fr. N* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. N* 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.

his claims; (b) advise that he had located two classmates, who claimed that *Fr. N* had engaged in inappropriate activity; and (c) confirm that *Fr. N* was not currently interacting with minors.

442. On July 17, 2003, Vicar General Cunningham called two priests, who had lived and worked with *Fr. N*. Neither of them reported any misconduct by *Fr. N*.

443. On July 17, 2003, Vicar General Cunningham met again with *Fr. N* and prepared a four-sentence memo regarding their meeting. The memo documents *Fr. N*'s statements that he did not recall Complainant 1's particular incident. The memo also records *Fr. N*'s decision to resign and retire. The next day, *Fr. N* sought Bishop Mansell's permission to resign as pastor and retire "due to an accumulation of health problems, and approaching [sic] the mandatory age for retirement." Mansell approved the resignation and retirement.

444. Internal diocesan documents prepared to record a priest's status reflect that *Fr. N* retired on July 21, 2003. These documents are misleading because, as the Diocesan Corporation finally acknowledged years later in a public document entitled *Diocesan Priests with Substantiated Allegations of Abuse of a Minor*, the Diocese removed *Fr. N* from ministry in 2003.

445. On August 4, 2003, Complainant 1 called Vicar General Cunningham with several questions. The next day, Cunningham documented the questions including the following: "I do not know what you think of my credibility, but I have two other classmates who would indicate that similar activity happened." Cunningham answered that "we believe [your] credibility" and "that we did think [you] had credibility."

446. *Fr. N*'s file contains an August 2003 printout of Internet postings by alleged victims of clergy abuse. One posting alleges that *Fr. N* sexually abused minors. The Diocesan Corporation also failed to conduct an independent investigation of the allegations against *Fr. N*

pursuant to the *Charter* and the *Essential Norms*.

447. Among other things, the absence of documentation indicating that the Diocesan Corporation regularly supervised *Fr. N* shows that the Diocesan Corporation failed to reasonably monitor him.

448. *Fr. N* died in 2011.

449. In March 2018, the Diocesan Corporation publicly identified *Fr. N* on a list of “diocesan priests who were removed from ministry, were retired, . . . left ministry after allegations of sexual abuse of a minor[, or were] . . . deceased priests with more than one allegation.”

450. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to seek the DRB’s assessment of sexual abuse allegations against *Fr. N* and failing to refer *Fr. N* to the CDF. Instead, it prepared false or misleading business records and failed to reasonably monitor *Fr. N*. The Diocesan Corporation’s actions concealed *Fr. N*’s conduct from the public and placed its beneficiaries at risk.