

Fr. T

574. *Fr. T* was ordained in 1960.⁴³ In 1995, the Diocesan Corporation received a

⁴³ Unless otherwise noted, the allegations against *Fr. T* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. T* 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.

complaint that *Fr. T* had sexually abused five siblings. *Fr. T*'s file shows that the complaint was never resolved, but the Diocesan Corporation placed him on sick leave in 1995, allowed him to retire in 1998, and suspended him in 2004. Instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation failed to conduct an internal investigation into allegations that *Fr. T* had committed sexual abuse; failed to seek the DRB's assessment of sexual abuse allegations against *Fr. T*; and failed to refer *Fr. T* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) providing benefits and other compensation to *Fr. T* even though laicization would have relieved the Diocesan Corporation of its duty to financially support him and (b) failing to reasonably monitor *Fr. T*, exposing itself and minors to unnecessary risks.

Pre-2002 Notice of and Response to Sexual Abuse Allegations

575. *Fr. T* served in parish ministry until 1995. Prior to 2002, *Fr. T*'s file contains one complaint of sexual abuse. In a February 1995 memo from Vice Chancellor Zapfel to Bishop Head and Vicar General Cunningham, Zapfel documented that another priest reported that in about 1984, *Fr. T* had sexually abused five siblings from the same family. The reporting priest agreed to relay to his sources that the Diocesan Corporation would investigate if a firsthand witness came forward. No documents in *Fr. T*'s file show that any investigation occurred.

576. In September 1995, Vice Chancellor Zapfel tried to arrange for *Fr. T* to go to the St. Luke Institute, but *Fr. T* may not have visited the Institute at that time; two months later, Vicar General Cunningham informed *Fr. T* that the Institute still had no availability. There is no other documentation of *Fr. T* receiving treatment at this time.

577. Between October 1995 and early 1998, *Fr. T* was on sick leave. On information and belief, because of sexual abuse allegations against *Fr. T*, the Diocese imposed ministry

restrictions on him, requiring him to seek permission to officiate Masses.

578. In July 1996, during his sick leave, *Fr. T* sought permission from Vicar General Cunningham to officiate a Mass for about seventy adults and teenagers traveling to a workcamp through Buffalo with *Fr. T*'s relatives. In his written request to Cunningham, *Fr. T* highlighted that “[t]here are no parish Masses that fit their schedule” and that “[i]t will be a private, non-parochial liturgy.” Cunningham approved the request with the “understanding that this is for a small group.”

579. In August 1996, Vicar General Cunningham approved *Fr. T*'s request to concelebrate a parish-anniversary Mass led by Bishop Mansell.

580. Vicar General Cunningham met with *Fr. T* in January 1998 to discuss *Fr. T*'s “present status.” According to a memo summarizing the meeting, both agreed that, because of *Fr. T*'s physical health, *Fr. T* would retire with a full pension and the opportunity to return to ministry if his health improved. Bishop Mansell approved the retirement and internal diocesan documents prepared to record a priest's status reflect that *Fr. T* retired on January 1, 1998.

581. Diocesan records confirm that *Fr. T* continued to publicly present himself as a priest and to officiate Masses during his retirement. In July 2001, on diocesan letterhead, *Fr. T* faxed his mother's death announcement to other priests and signed the announcement “Rev. [T].”

582. In about September 2001, *Fr. T* visited the St. Luke Institute to participate in its “program.” In October 2001, writing from the St. Luke Institute, *Fr. T* sought guidance from Bishop Mansell about his ministry restrictions: “A question has arisen as to whether I can be the main celebrant at the community Mass. I was advised to write you for clarification as to what restrictions I am under.” Mansell approved the request.

Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties

583. After the *Charter* was adopted in June 2002, there is no indication that the Diocesan Corporation took steps to investigate the 1995 complaint as it was required to do.

584. In August 2003, Bishop Mansell allowed *Fr. T* to concelebrate a funeral Mass.

585. On September 2, 2004, the Diocesan Corporation issued a Reception of Decree, signed by Auxiliary Bishop Grosz and Vice Chancellor LiPuma. In this decree, *Fr. T* attested to receiving a Decree of Suspension, which revoked his faculties and prohibited him from holding himself out as a priest. *Fr. T*'s file does not contain the referenced Decree of Suspension, the basis for the suspension, or any indication that the Diocesan Corporation publicly disclosed this decree.

586. Among other things, the absence of documentation in *Fr. T*'s file indicating that the Diocesan Corporation regularly supervised him shows that the Diocesan Corporation failed to reasonably monitor him.

587. *Fr. T* died in October 2013.

588. On March 13, 2018, in a brief memo from a diocesan staff member to the Diocesan Corporation's Victim Assistance Coordinator, Auxiliary Bishop Grosz, and a diocesan attorney, the staff member summarized that a caller to a diocesan hotline reported that: (a) in the late 1970s, a parent had related to the caller that *Fr. T* had sexually abused his, the parent's, son; (b) the parent and *Fr. T* had led a youth organization together; and (c) *Fr. T* had been transferred after the abuse. On March 20, 2018, the Diocesan Corporation identified *Fr. T* on a list of "diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor[, or . . . were] deceased priests with more than one allegation made against them." Shortly thereafter, Grosz typed the following note onto the March 13, 2018

memo: “Third hand report . . . Since not a first hand report, decision to place in the Chancery file of Fr. [T] as a reference.” The Diocesan Corporation failed to conduct an investigation as required by the *Charter* and the *Essential Norms*. Indeed, the Diocesan Corporation has publicly stated that it does in fact inquire into allegations, which are not considered firsthand.

589. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to conduct internal investigations into allegations that *Fr. T* had sexually abused minors; failing to seek the DRB’s assessment of sexual abuse allegations against *Fr. T*; and failing to refer *Fr. T* to the CDF. The Diocesan Corporation also failed to reasonably monitor *Fr. T*. The Diocesan Corporation’s actions concealed *Fr. T*’s conduct from the public and placed its beneficiaries at risk.