

Fr. X

693. *Fr. X* was ordained in 1974.⁴⁷ As early as 1988, the Diocesan Corporation was on notice of a substantial likelihood that *Fr. X* had sexually abused a minor. Years later, instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation allowed *Fr. X* to resign his pastorate. The Diocesan Corporation also failed to conduct an internal investigation into allegations that *Fr. X* had sexually abused a minor; failed to seek or, alternatively, reasonably document the DRB's assessment of sexual abuse allegations against *Fr. X*; and failed to refer or timely refer *Fr. X* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) failing to maintain any record of *Fr. X*'s sexual abuse of a minor; (b) creating false or misleading records to establish a purported, legitimate basis for *Fr. X*'s resignation and eligibility for associated benefits; (c) providing these benefits and other compensation to *Fr. X* even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him; and (d) failing to reasonably monitor *Fr. X*, exposing itself and minors to unnecessary risks.

Pre-2002 Concerns

694. From 1976 to February 1988, documents indicate that *Fr. X* drank in excess and was referred to Guest House, a treatment facility for alcoholism in Minnesota.

695. In about 1987, the limited available record indicates that *Fr. X* was involved in an

⁴⁷ Unless otherwise noted, the allegations against *Fr. X* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. X* 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.

incident concerning alleged sexual abuse.

696. On April 18, 1988, *Fr. X* sought mental health treatment from the St. Luke Institute in Maryland. While *Fr. X* attended this counseling, Vicar General Cunningham reported to Bishop Head that *Fr. X*'s then-pastor "really believes that Father [X] should not return to [the parish]." On April 29, 1988, *Fr. X*'s pastor asked Cunningham if *Fr. X* could be transferred from the parish's payroll to the Diocesan Corporation's payroll. Cunningham advised the bishop of this request and noted that the transfer could alert *Fr. X* that he would not be returning to his parish. The bishop asked to discuss the request with the St. Luke Institute before formally deciding. On May 3, 1988, Cunningham sent a memo to staff directing that *Fr. X* be transferred to the Diocesan Corporation's payroll because *Fr. X* was on sick leave.

697. The St. Luke Institute discharged *Fr. X* in about October 1988, and he was assigned to a parish.

698. In October 1992, Vicar General Cunningham memorialized a meeting with *Fr. X* to discuss "recent information" brought to Cunningham's attention. In his memo, Cunningham described an incident that had occurred two months earlier while *Fr. X*'s pastor vacationed. At that time, two guests visited *Fr. X* in the rectory, and *Fr. X* "broke[] his sobriety which resulted in some inappropriate behavior." According to the memo, *Fr. X* indicated that he had discussed the incident at the St. Luke Institute. Cunningham urged *Fr. X* to take his medication and avoid alcohol: "I cautioned him that I was concerned about his not taking his medicine and his drinking which resulted in inappropriate behavior."

699. In April 1993, Msgr. Popadick prepared a memo to Bishop Head to report a concern from *Fr. X*'s pastor that *Fr. X* "ha[d] broken his sobriety and [was] once again drinking." Handwritten notes on the copy of Popadick's memo appear to relate to a call with the

pastor and state, in part: “Aug. 92,” “youth worker,” and “[Vicar General Cunningham] was told.” Further, in a separate set of handwritten notes from May 1993 and attached to Popadick’s memo, an unidentified writer states:

Spent ½ hour with [Fr. X] . . . he clearly admitted to his . . . 2 slips from sobriety including the incident with the youth worker in Aug 92. I was very impressed with his manner + his openness — I told him about [a local psychologist] + gave him her number.

700. In July 1995, Vicar General Cunningham requested a meeting with Fr. X to discuss potential, future assignments. They agreed that before Fr. X could be appointed pastor, he would submit to another mental health assessment by the St. Luke Institute. Cunningham’s summary of the meeting notes that Fr. X sought counseling from a local psychologist on a monthly basis.

701. In 2001, Bishop Mansell appointed Fr. X pastor.

Defendants’ Violations of Sexual Abuse Policies and Secular Fiduciary Duties

702. After the *Charter* was adopted, the Diocesan Corporation failed to investigate or, alternatively, document its investigation of at least one complaint of sexual abuse against Fr. X, which the Diocesan Corporation must have received before 2002.

703. On August 20, 2003, Fr. X signed a Reception of Decree of Suspension, which confirmed that the bishop revoked his priestly faculties and prohibited him from publicly celebrating Mass, celebrating the sacraments, and presenting himself as a priest. Fr. X’s file does not contain the Decree of Suspension or any indication that the Diocesan Corporation publicly disclosed this decree.

704. Internal diocesan records, maintained to record a priest’s status, reflect that Fr. X resigned on August 20, 2003. These documents do not indicate that the Diocese removed Fr. X from ministry because of sexual abuse allegations.

705. On or about August 25, 2003, *Fr. X* publicly announced his removal to the parish: “Because of an incident that happened 16 years ago, Bishop Mansell had no choice but to remove me from ministry. By the time you read this I will be gone.”

706. In August 2007, Complainant 1 filed a complaint with the Diocesan Corporation, alleging that *Fr. X* had engaged in sexual activity with him for about nine years, between 1989 and 1998. According to the Complainant, the relationship began when he was nineteen years old and sought counseling from *Fr. X* after the death of his father. The Complainant further alleged that *Fr. X* had massaged and fondled him and that he had attempted to push *Fr. X* off of him on several occasions. The Complainant ultimately ended the relationship. *Fr. X*'s file does not contain any documentary evidence that the Diocesan Corporation investigated the Complainant's allegations.

707. In a memo to Auxiliary Bishop Grosz, copied to a diocesan attorney, the Diocesan Corporation's Victim Assistance Coordinator explained why she believed the Diocesan Corporation should assist the Complainant even though he was not a minor at the time of the alleged sexual activity:

Please note that [the Complainant] was not a minor at the time that this abuse occurred and therefore I do not believe that this is an ‘official’ Charter report. However, because [the Complainant] was 19 years [sic] and very vulnerable because of his father's recent death at the point when [*Fr. X*] began to groom him for this sexual relationship, I am recommending that the Diocese support his healing process. I will facilitate his linking with a therapist unless I hear from you otherwise.

708. In handwritten notes to the Victim Assistance Coordinator's memo, Auxiliary Bishop Grosz wrote: “Phone Sept. 9, 2008: [diocesan attorney] noted [Victim Assistance Coordinator] indicated [the Complainant] is in counseling. Case closed.”

709. Among other things, the lack of documentation in *Fr. X*'s file indicating that the

Diocesan Corporation regularly supervised him shows that the Diocesan Corporation failed to reasonably monitor him.

710. In March 2018, the Diocesan Corporation publicly identified *Fr. X* on a list of “diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.”

711. *Fr. X* died in June 2019.

712. In September 2019, the Diocesan Corporation, in a disclosure on its website, indicated that *Fr. X* had been referred to the CDF; however, referral documents were not produced to the Attorney General.

713. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to conduct an internal investigation into allegations that *Fr. X* had sexually abused a minor; failing to seek or, alternatively, reasonably document the DRB’s assessment of sexual abuse allegations against *Fr. X*; and failing to refer or timely refer *Fr. X* to the CDF. Instead, it failed to maintain any record of *Fr. X*’s sexual abuse of a minor; prepared false or misleading business records; and failed to reasonably monitor *Fr. X*. The Diocesan Corporation’s actions concealed *Fr. X*’s conduct from the public and placed its beneficiaries at risk.