

**Fr. Y**

714. *Fr. Y* was ordained in 1973. By approximately 2017 the Diocesan Corporation was on notice of a substantial likelihood that *Fr. Y* had acted inappropriately with young adults. While the *Charter* and the *Essential Norms* do not apply to adults, the documents in *Fr. Y*'s file show that the Diocesan Corporation sought, but failed to reasonably document, the DRB's assessments of allegations of sexual misconduct against *Fr. Y*. The Diocesan Corporation also

engaged in other improper conduct by (a) failing to reasonably document allegations that *Fr. Y* had sexually abused a minor; (b) failing to sufficiently investigate allegations that *Fr. Y* had sexually abused an adult; (c) disregarding the risk of sexual abuse; (d) preparing false or misleading records when it wrote to another diocese to approve *Fr. Y*'s out-of-state ministry; and (e) failing to reasonably monitor *Fr. Y*, exposing itself and others to unnecessary risks.

*Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties*

715. *Fr. Y* had various assignments during his tenure, including serving in parish ministry from 1973 until he resigned his pastorate in 2018.

716. In April 2017, Complainant 1 filed a complaint with the Diocesan Corporation. The Complainant explained that he had known *Fr. Y* since childhood and alleged that *Fr. Y* greets him with a kiss on the neck; the complaint did not state when the kissing began. While reporting this complaint, the Complainant asked the Diocesan Corporation for advice on how to stop *Fr. Y*'s kisses. The Complainant stated that in 2013, when he was about twenty-five years old, he had agreed to go with *Fr. Y* to a movie and dinner because he needed spiritual counseling. According to the Complainant, during the previews, *Fr. Y* laughed and kept his hand on the Complainant's "inner right thigh" until the Complainant protested.

717. Shortly after the complaint was filed, Auxiliary Bishop Grosz met with *Fr. Y* to discuss Complainant 1's allegations. Grosz's written summary of the meeting documents *Fr. Y*'s purported admissions: "[*Fr. Y*] indicated that all that [the Complainant] stated is true" and that the alleged touching "as expressed by [the Complainant] was accurate [because] Father [*Y*] noted that he may have hit [the Complainant's] leg a few times and stopped when [the Complainant] stated 'stop touching me.'" Grosz's summary notes that he provided *Fr. Y* with a document entitled *Types of Sexual Harassment* and that Grosz instructed that physical harassment "includes

‘unwanted touching of body or clothing, holding, grabbing, patting, hugging, kissing.’” *Fr. Y* agreed to seek counseling through the Diocesan Counseling Center. Grosz later prepared a one-sentence postscript to his summary: “I reviewed the case with [a diocesan attorney], who noted the case is considered closed.”

718. In July 2017, Complainant 2 filed a complaint, alleging two incidents involving *Fr. Y* in 2008 or 2009, when Complainant 2 was about nineteen years old. In the first incident, *Fr. Y* invited the Complainant to the rectory, and the Complainant expected counseling. Instead, the Complainant alleged that during dinner, *Fr. Y* began kissing him and grabbed the Complainant’s genital area. The Complainant ceased contact with *Fr. Y* for several months but later agreed to meet again at a casino. In the second incident, *Fr. Y* convinced the Complainant to visit his hotel room. In the room, *Fr. Y* allegedly began massaging and kissing the Complainant and “then pushed him onto a chair,” after which the Complainant left the room. Complainant 2 also alleged that two of his friends had claimed to have experienced the same type of conduct from *Fr. Y*. The Diocesan Corporation failed to sufficiently investigate Complainant 2’s allegations.

719. On August 16, 2017, Auxiliary Bishop Grosz contacted *Fr. Y* to discuss Complainant 2’s allegations. Grosz recorded in his written summary of this conversation that, with respect to the first incident, *Fr. Y* said that he “probably would have kissed the individual on the neck and the cheek, which is something he would do with an individual with whom he was familiar”; *Fr. Y* told Grosz that he “[didn’t] remember” grabbing Complainant 2’s genital area. In the incident in the hotel room, *Fr. Y* told Grosz that “[he did] not remember reaching over to [Complainant 2’s] crotch’ or doing what [Complainant 2] stated.”

720. On August 16, 2017, Bishop Malone issued a letter of good standing for *Fr. Y* to

an out-of-state diocese so that *Fr. Y* could minister at a conference. In the letter, Malone stated that: (a) he was “unaware of anything in [*Fr. Y*’s] background which would render him unsuitable to work with minor children”; (b) “[he] know[s] nothing which would in any way limit or disqualify [*Fr. Y*] from this ministry; and (c) “[*Fr. Y*] is a person of good moral character and reputation.”

721. One month later, in mid-September 2017, *Fr. Y* updated Auxiliary Bishop Grosz regarding “where things are at the moment.” In his letter, *Fr. Y* wrote that he “pray[ed] for [Complainant 2] everyday [sic] for any pain I caused him” and noted that “any pastoral changes at [his parish] would be sensitive . . . as parish is number 2 in diocese for contributions to [the Diocesan Corporation’s capital campaign], 2 or 3rd in assessments, and 7th in Catholic Charities.”

722. At the end of September 2017, Auxiliary Bishop Grosz prepared a memo regarding *Fr. Y*’s counseling:

[A]t Senior Staff Meeting, Bishop Malone informed Bishop Grosz that the case relative to Father [*Y*] was recently discussed by the members of the [DRB], with the recommendation that Father [*Y*] would go for [a mental health] assessment. Bishop Malone indicated it would be good for Father Jim Croglio, first of all, to meet with Father [*Y*].

A day after this memo, Grosz prepared a one-sentence postscript on the memo: “Per [a diocesan attorney], case closed.”

723. On September 28, 2017, *Fr. Y* advised Auxiliary Bishop Grosz that he would begin meeting with Fr. Croglio shortly and that he was considering retirement: “I will [possibly] announce retirement from parish [after June 3]. I have been thinking about this for awhile. . . . After New Year’s I’ll give it more thought and talk to Bishop Malone about specifics.”

724. On information and belief, on January 1, 2018, *Fr. Y* advised Bishop Malone that

he would request retirement from active ministry on November 1, 2018, so that he could leave on a “high” note. On information and belief, Malone granted the request to retire.

725. In February 2018, an anonymous complainant reported that in 2009, *Fr. Y* had drunk alcohol with the anonymous complainant’s friend and attempted to unzip the friend’s pants; the complaint did not disclose the friend’s age at the time of the incident.

726. On May 28, 2018, Complainant 1 e-mailed Bishop Malone to express “great pain” over the Diocesan Corporation’s response to his 2017 complaint. About two days later, Malone met with the Complainant and advised him that: (a) the DRB had considered the case; (b) the *Charter* did not apply because the Complainant was not a minor; and (c) it was decided that an “assessment” was unnecessary, but *Fr. Y* had agreed to “observe boundaries.” *Fr. Y*’s file does not contain any written decisions or recommendations prepared by the DRB.

727. On June 3, 2018, Bishop Malone met with *Fr. Y*. According to Malone’s handwritten notes of that meeting, *Fr. Y* “totally downplay[ed] any evil intent” and “claim[ed] that his hand was on [Complainant 1]’s thigh only momentarily.” The notes state that Malone would re-submit Complainant 1’s case to the DRB on June 27, 2018, and “reiterated to Fr. [Y] that even though he saw Fr. Croglio at the Counseling Center to address these issues, and Fr. Croglio seemed to think he came to an awareness of the inappropriateness of what has been alleged, the [DRB] still wanted him to go for an assessment.”

728. On the morning of July 5, 2018, an investigative reporter sought comment from the Diocesan Corporation about accusations that it had covered up alleged sexual misconduct by *Fr. Y*. In the afternoon, Bishop Malone directed Auxiliary Bishop Grosz to remind *Fr. Y* “that we still want him to go for an assessment.” Five days later, Grosz told Fr. Croglio that “it is imperative to get Fr. [Y] to South down [sic] as soon a [sic] possible for an assessment.”

729. On August 24, 2018, Complainant 3 filed a complaint about *Fr. Y* with Auxiliary Bishop Grosz. In his written summary of his meeting with Complainant 3, Grosz documented that: (a) “on several occasions [Complainant 3] was really concerned because she saw Father [Y] with many teens, ages 17-18, and other young men at the [rectory], wearing speedos and sunbathing in the yard”; (b) “[*Fr. Y*] seemed to have an interest in [her son], whom [*Fr. Y*] would invite to his house even when [the child] was age 3 [and . . .] as her son grew and Father invited her son over to the rectory, [Complainant 3] would not let her son go to be with [*Fr. Y*]”; (c) “on occasion she would see Father [Y] alone with a young man on the porch, both of whom were drinking”; (d) “[she] indicated that she knew the name of a young man, who is now 25, who was seen very often with Father [Y] when the young man was a minor”; and (e) “she [recently asked her son] to tell the truth . . . if perhaps there would have been a negative relationship between himself and Father [Y, and in response, the son’s] face was blank and he left the house.” Grosz’s summary of Complainant 3’s allegations did not recount any alleged sexual abuse by *Fr. Y*. Grosz interviewed *Fr. Y* about these accusations, and *Fr. Y* did not admit to any sexual abuse or misconduct.

730. On August 25, 2018, Bishop Malone, Auxiliary Bishop Grosz, and others met with the Diocesan Corporation’s Human Resources Director, who stated that her husband had information related to “some inappropriate behavior on the part of Father [Y].” No specific allegations of the “inappropriate behavior” were documented.

731. On August 27, 2018, Bishop Malone issued written decrees, placing *Fr. Y* on administrative leave and opening an internal investigation into allegations made on August 24, 2018, that *Fr. Y* had sexually abused a minor. Again, the Diocesan Corporation’s documentation did not state that *Fr. Y* had allegedly sexually abused a minor. *Fr. Y* resigned his pastorate the

same day.

732. In May 2019, a news outlet reported that the Diocesan Corporation had found that an allegation of sexual abuse of a minor against *Fr. Y* was not substantiated. *Fr. Y*'s file lacks any documents showing this finding.

733. Among other things, the absence of documentation in *Fr. Y*'s file indicating that the Diocesan Corporation regularly supervised him shows that the Diocesan Corporation failed to reasonably monitor him.

734. The Diocesan Corporation violated the *Charter* and the *Essential Norms* by failing to reasonably document the DRB's assessment of sexual misconduct allegations against *Fr. Y*. Instead, it failed to reasonably document allegations that *Fr. Y* had sexually abused a minor; failed to sufficiently investigate allegations that *Fr. Y* had sexually abused an adult; prepared false or misleading business records; failed to reasonably monitor *Fr. Y*; and disregarded the risk that *Fr. Y* could sexually abuse another person. The Diocesan Corporation's actions concealed *Fr. Y*'s conduct from the public and placed its beneficiaries at risk.