

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

JOHN DOE XX

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CIVIL ACTION NO. 3:11-cv-00651

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VS.

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HOLY SEE (State of the Vatican City),
THE REDEMPTORISTS/NEW ORLEANS
VICE PROVINCE, VERY REVEREND
HARRY GRILE, C.Ss.R., HIS
PREDECESSORS AND SUCCESSORS,
AS PROVINCIAL SUPERIOR
OF THE REDEMPTORISTS/DENVER
PROVINCE, ROMAN CATHOLIC CHURCH
OF THE DIOCESE OF BATON ROUGE,
MOST REVEREND ROBERT W.
MUENCH, HIS PREDECESSORS AND
SUCCESSORS, AS BISHOP OF THE
ROMAN CATHOLIC CHURCH OF THE
DIOCESE OF BATON ROUGE,
CHRISTOPHER JOSEPH SPRINGER, AND
FIREMAN’S FUND INSURANCE COMPANY

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JUDGE JAMES J. BRADY

MAG. JUDGE CHRISTINE NOLAND

**MEMORANDUM IN SUPPORT OF MOTION TO QUASH RECORD REQUESTS
AND NOTICE OF INTENTION TO TAKE DEPOSITIONS BY WRITTEN QUESTIONS**

May it Please the Court;

This is a Joint Memorandum in Opposition to the Requests for a Subpoena for Records and the notice of Intention to Take Deposition by Written Questions, which attempts to authenticate

business records of the United States Conference of Catholic Bishops which is located in Washington, D.C.

The Court's attention is directed to paragraph 36 of the plaintiff's original complaint filed in the United States District Court for the Middle District of Louisiana.

Paragraph 36 states as follows.

"From approximately April 1973 through September 1976 Defendant Springer was employed as a Diocesan Priest and Assistant Pastor at St. John the Evangelist Catholic Church, Plaquemine, Louisiana, Immaculate Heart of Mary Parish, Maringouin, Louisiana and St. Mary's of False River, New Roads, Louisiana, all parishes in the Diocese of Baton Rouge. From approximately September 1976 through January 1980, Springer was employed as a Diocesan Priest and the Pastor at St. Pius X Catholic Church, Baton Rouge, Louisiana, also a parish in The Diocese of Baton Rouge. Thereafter, The Diocese of Baton Rouge transferred Springer to Our Lady of Perpetual Help, Jackson, Louisiana and Our Lady of Assumption, Clinton, Louisiana, other parishes also in The Diocese of Baton Rouge. Plaintiff alleges that between 1973 and 1984, Springer engaged in inappropriate sexual activities with male children, as a Diocesan Priest with The Diocese of Baton Rouge, and raped and molested and sexually abused and exploited Catholic boys and others at St. John the Evangelist Catholic Church, Immaculate Heart of Mary Parish, St. Isidore Parish, St. Pius X Catholic Church, St. Mary's of False River Catholic church, Our Lady of Perpetual Help and Our Lady of the Assumption, as well as in other parishes within The Diocese of Baton Rouge, just as other Catholic boys had been raped and molested and sexually abused and exploited by Springer between 1952 and 1973 in connection with Springer's work and service with the Redemptorist Fathers. During the time-frame fo the sexual abuse alleged herein, Springer was assigned by the Diocese Defendants as the official Catholic Priest in charge of educating and training young parishioners in the Catholic doctrines and traditions and the required rites of passage for becoming a legitimate member of the Roman Catholic Church. Springer was therefore a duly recognized vice-principal, employee, agent, apparent agent, and/or an ostensible agent of the Holy See and the Diocese when he sexually molested, raped and

exploited John Doe XX and other children in the Diocese of Baton Rouge.”

Paragraph 36 is the “charging” portion of this rather lengthy complaint involving alleged sexual abuse that occurred over 30 years ago. In paragraph 36 it states in part as follows:

“Plaintiff alleges that between 1973 and 1984, Springer engaged in inappropriate sexual activities with male children...”

Even on the face of the petition the time period from 1973 to 1984 is over 27 years ago.

The documents that are sought by this document subpoena and document in written interrogatories are from 2002 to the present.

Under the Rules of Federal Procedure dealing with discovery this request for documents is clearly not related to discoverable evidence that could be used in this particular case. If the alleged sexual abuse would have occurred sometime between the periods of 1973 to 1984 how can documents produced since 2002 to the current time have any possible relevance to the allegations made in this lawsuit.

The purpose of discovery is to provide a mechanism for making relevant information available to litigants. “Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation.” *Hickman v. Taylor*, 329 US 495, 507 (1947). The spirit of discovery rules in federal court is violated when attorneys attempt to use discovery which is so remotely connected to a case that all it does is cause expense to the defendants.

The United States Conference of Catholic Bishops is not a party to this litigation and the documentation which is being sought by this discovery mechanism, to the best of the knowledge of undersigned counsel is primarily documentation which has been supplied by a defendant, the Roman

Catholic Church for the Diocese of Baton Rouge and thus could be obtained, if discoverable, from a defendant in the case and not a third party.

Respectfully Submitted,

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DESHAZO

/s/ Don M. Richard

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