

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

JOHN DOE XX	§	
	§	
VS.	§	CIVIL ACTION NO. 11-651-JJB-DD
	§	
HOLY SEE (State of the Vatican City), et al	§	

**PLAINTIFF’S MOTION TO COMPEL PRODUCTION OF DOCUMENTS OR IN THE  
ALTERNATIVE, IN CAMERA INSPECTION OF DOCUMENTS AND  
REQUEST FOR EXPEDITED HEARING**

NOW INTO COURT comes Plaintiff JOHN DOE XX in the above entitled and numbered cause, and respectfully requests that the Court order The Roman Catholic Church of the Diocese of Baton Rouge (the “Diocese”) to produce the documents and files that are responsive to PLAINTIFF’S FIRST REQUEST FOR DISCOVERY, INSPECTION AND PRODUCTION OF DOCUMENTS (the “Discovery Requests”). Alternatively, Plaintiff requests that the Court conduct an in camera inspection of the Diocese’s documents and files that respond to the Discovery Requests. In addition, Plaintiff respectfully requests an expedited hearing on this discovery dispute.

**I.**

On January 16, 2012, Plaintiff served the Diocese with Discovery Requests primarily to discover —

- 1) the Diocese’s personnel file of named defendant and former priest, Christopher Joseph Springer;
- 2) the Diocese’s personnel files of all priests, employees, and/or clerics accused of sexual misconduct of minors;
- 3) the Diocese’s investigative files on all priests, employees, and/or clerics accused of sexual misconduct of minors;

4) all documents and reports that discuss or relate to allegations that a minor was sexually exploited or abused by any priest, employee and/or cleric under the control of the Diocese ; and

5) depositions given by Bishop Robert W. Muench and/or his predecessors in any case involving clergy sexual misconduct against minors.

## **II.**

On May 3, 2012, the Diocese submitted its responses to the Discovery Requests and clarified the responses on May 31, 2012. The Diocese generally objects to producing its documents and files by asserting various privileges ranging from the absurd First Amendment to the specious medical privacy and clergyman privileges and on to the more ridiculous privacy rights in the narrow context of sex crimes perpetrated against children. As the accompanying Memorandum discusses, none of the privileges that the Diocese asserts apply in this case, according to the majority of the authority. In fact, the majority rule holds that Plaintiff is entitled to discover all of the above documents, reports and files. Plaintiff therefore requests that this Court follow the majority rule and order the Diocese to produce the documents that respond to the Discovery Requests.

## **III.**

On June 6, 2012, the Diocese further clarified its responses to the Discovery Requests by providing 16 separate privilege logs. However, the logs fail to comply with the requirements of Rule 26 because there is no information within the logs to determine whether the log entries satisfy each element of the privileges asserted. With only mere blanket assertions of multiple and triple privileges and no descriptions in the logs about the nature of the documents that have been withheld, there is no way to test the merits of each privilege claim. In the event that this Court is not persuaded by the majority rule that Plaintiff is entitled to the documents described in Section I, Plaintiff respectfully requests an in camera inspection for this Court to determine if the privileges asserted,

in fact, apply in this case.

**IV.**

October 1, 2012 is the deadline for completing all discovery, except experts, in this case. The Defendants' objections to Plaintiff's Discovery Requests has created a huge dispute that will not be resolved in 30 days, which will not leave much time to conduct depositions of the Defendants' current officials and the employees from the relevant timeframe that remain alive. Plaintiff therefore requests an expedited hearing to review the discovery dispute with the Court and devise a resolution.

WHEREFORE, Plaintiff JOHN DOE XX, respectfully requests an expedited hearing and an order compelling the Diocese to produce the above-described documents or alternatively, an in-camera inspection of the documents by the Court.

Respectfully submitted,

**ANDRE LAPLACE**

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## CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for the Roman Catholic Church of the Diocese of Baton Rouge on more than several occasions without any final resolution of the dispute at hand.

/s/ Felecia Y. Peavy  
Felecia Y. Peavy

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by electronic transmission and U.S. Mail on the following counsel pursuant to the Federal Rules of Civil Procedure on this the 12th day of June, 2012.

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