

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 RESPONSE AND OBJECTION TO DEFENDANTS’ JOINT MOTION TO  
QUASH AMENDED NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN  
QUESTIONS AND/OR SUBPOENA FOR RECORDS FOR THE UNITED STATES  
CONFERENCE OF CATHOLIC BISHOPS AND  
REQUEST FOR EXPEDITED HEARING**

**JOHN DOE XX**, Plaintiff in the above-styled and numbered cause, files this his Response and Objection to the Defendants’ Joint Motion to Quash Amended Notice of Intention to Take Deposition by Written Questions and/or Subpoena for Records for the United States Conference of Catholic Bishops and would respectfully request an expedited hearing to show the Court as follows:

**I.**

Plaintiff’s pleadings allege that a 1962 policy procedure for “Cases on Solicitation” set in motion a course of action that was deliberate and systematic and erupted in scandal in the U.S. in 2002. See Plaintiff’s Original Complaint, ¶¶ 52 - 61. The 1962 policy was to be followed by all dioceses and archdioceses, bishops and archbishops as the official response to what was then known as a widespread “problem” involving the clergy and children.

In the wake of the public disgust about the incidents of child sexual abuse that have continued to be uncovered following the scandal in 2002, the governing body for all dioceses and archdioceses in the United States established a new official response to the widespread “problem”. See <http://usccb.org/about/child-and-youth-protection/who-we-are.cfm>. Every diocese and archdiocese would submit an annual report to the United States Conference of Catholic Bishops

(“USCCB”) providing various information about the child sexual abuse cases that had been reported to the diocese or archdiocese during the year. The USCCB was then to compile the data and information collected from the dioceses and archdioceses and prepare an annual report for the body and the general public. *Id.*

This annual data and information is relevant and material to Plaintiff’s allegations on the 1962 policy procedure and would be helpful in both establishing and verifying the pattern and practices related to the Diocese of Baton Rouge’s response to “Cases on Solicitation” in the Diocese. Plaintiff is requesting the data and information that the USCCB has collected from the Diocese of Baton Rouge from 2002 to the present.

## II.

As instructed by this Court, on May 8, 2012 Plaintiff served a “modified version” of a previous records request on the “USCCB” via a proper subpoena. See **Subpoena in a Civil Case** and other relevant documents attached hereto as Exhibit A. While the records request to third party USCCB seeks the same information from Defendant Diocese of Baton Rouge via a request for production of documents, neither request is contrary to any applicable discovery rule.

## III.

The Diocese has objected to its document request by asserting an assortment of privileges for the USCCB documents and providing a privilege log that is nevertheless replete with blanket assertions. Each log entry lists “Clergyman Privilege/First Amendment/Right to Privacy” as a privilege or objection. See **Conference of Bishop Documents Log** attached hereto as Exhibit B. However, as discussed in Plaintiff’s memorandum accompanying a recently filed motion to compel the USCCB documents and others, the log on the USCCB documents is entirely inadequate to assess

the merits of each privilege claim. See Memorandum in Support at 3 - 8 attached hereto as Exhibit C. Furthermore, the majority rule indicates that these privileges would not apply to the USCCB documents and that Plaintiff is entitled to the documents. See Memorandum in Support at 4 - 8. Therefore, the USCCB should respond to the subpoena.

**IV.**

October 1, 2012 is the deadline for completing all discovery, except experts, in this case. The Defendants' objections to Plaintiff's discovery requests and this records request have 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 this discovery dispute with the Court and devise a resolution.

Respectfully submitted,

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**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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