

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN DOE NO. 93

v.

ROMAN CATHOLIC
DIOCESE OF BROOKLYN

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Civil No. CCB-15-244

MEMORANDUM ORDER

John Doe No. 93 alleges that a Catholic priest, Father William Authenrieth, sexually abused him in 1978 when he was an altar boy at a Florida Catholic school in the Diocese of Orlando. (Mot. Compel Ex A, Compl. ¶¶ 9–10, ECF No. 1-2.) Doe has sued the Roman Catholic Diocese of Brooklyn in the Eastern District of New York on a theory of negligence, invoking that court’s diversity jurisdiction. (*See id.* at ¶ 6.) There, he alleges that the Diocese of Brooklyn transferred Authenrieth to the Diocese of Orlando with knowledge that Authenrieth posed a sexual threat to minors but without warning or otherwise protecting parishioners of the Diocese of Orland from that danger. (*See id.* at ¶¶ 23–24.) Doe now moves for an order compelling a nonparty in Maryland, the Saint Luke Institute, Inc., to produce Authenrieth’s mental health records. *See* Fed. R. Civ. P. 37(a)(2). The Saint Luke Institute opposed that motion. Although Authenrieth has received notice of the motion, (*see* ECF Nos. 4, 6), he has not responded to it.

In its previous memorandum order, this court ordered the Saint Luke Institute to file under seal Authenrieth’s records for in camera inspection. (*See* Mem. Order 4, ECF No. 12.) The Saint Luke Institute’s attorney hand delivered those records to chambers on March 16, 2015.

The court has retained and reviewed those records. On April 16, 2015, the court held a conference call with counsel for Doe and the Saint Luke Institute.

During that call, St. Luke's counsel conceded that materials in the records relevant to what the Diocese of Brooklyn knew, or should have known, of the danger Authenrieth posed to children prior to the alleged abuse of Doe in 1978 may be disclosed on a confidential basis under Md. Code Ann., Health-Gen. § 4-307(k)(1)(iv)(1). After reviewing the records, the court concludes that several passages in the records arguably are pertinent to that question. The court has redacted the documents that contain those passages and will send them, along with this memorandum order, to counsel for Doe, the Saint Luke Institute, and the Diocese of Brooklyn. They are attached under seal as Exhibits A and B to this memorandum order. The Saint Luke Institute need not produce any other documents it has retained concerning Authenrieth.¹

Those redacted documents produced pursuant to this memorandum order are confidential and may not be further disclosed by counsel without permission of the court. Nor may they be used for any purpose other than preparing for and conducting the litigation between Doe and the Diocese of Brooklyn. To the extent that any of those redacted documents are filed in court, they shall be filed under seal with the clerk of court pursuant to the pertinent rules of that court. Counsel shall seek from the Eastern District of New York a more comprehensive protective order consistent with that court's practices.

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¹ The court will temporarily retain custody in its chambers of the original records produced by the Saint Luke Institute for in camera review.

Accordingly, Doe's motion to compel is **DENIED in part and GRANTED in part** as stated above.

So **ORDERED** this 23rd day of April, 2015.

_____/s/_____
Catherine C. Blake
United States District Judge