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January 6, 2006

Mr. Phillip A. Koss  
District Attorney  
Walworth County Wisconsin  
1800 County Trunk NN  
Post Office Box 1001  
Elkhorn, Wisconsin 53121

In Re: State of Wisconsin v. Donald J. McGuire, S.J.  
Subpoena of records of Donald J. McGuire, S.J.

Dear Mr. Koss:

As I indicated to you over the telephone, we have very little with respect to Father McGuire. We do have Father McGuire's assignment or personnel sheet reflecting his various assignments or appointments since the time he has been associated with the Chicago Province of the Society of Jesus.

We also have most of the annual catalog entries with respect to Father McGuire (in Latin), which merely reflect his assignment in a particular ministry with respect to the years in question of 1966 through 1971.

In addition, the Province was served with copies of two civil Complaints filed by \_\_\_\_\_ and Victor Bender and, of course, has reams of information reflecting various motions and briefs with respect to such actions.

In view of the allegations as to the civil Complaints, the Province requested and received a copy of \_\_\_\_\_ academic transcript from St. Ignatius.

As to the Walworth County Wisconsin subpoena, which was mailed to Father Gschwend, we would have an objection to same in view of the fact that it is not only way too broad but also encompasses material which Father Edward Schmidt, S.J., as Provincial, feels is subject to privilege.

In terms of voluntarily releasing any information or offering anyone to testify on behalf of the prosecution as to such records, such could, in the age of HIPAA and confidentiality, impact the rights of Father McGuire as well as expose the Province to liability. Therefore, we must respectfully decline to cooperate without his consent.

**EXHIBIT 71**

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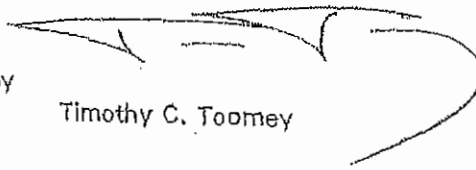
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If you have any questions or otherwise wish to discuss this matter, please feel free to contact us.

Very truly yours,

McCarthy & Toomey

By 

Timothy C. Toomey

l/jg

cc: Gerald P. Boyle