

IN THE IOWA DISTRICT COURT IN AND FOR CLINTON COUNTY

JOHN DOE I-A,

Plaintiff,

vs.

FATHER JAMES JANSSEN and
DIOCESE OF DAVENPORT,

Defendants.

Law No. LA 29513

STATEMENT OF UNDISPUTED FACTS

COMES NOW the Defendant, Diocese of Davenport, by and through its attorneys, Lane & Waterman LLP and hereby submits its Statement of Undisputed Facts in Support of its Motion for Summary Judgment:

1. Doe I-A was born on June 20, 1955. (See Interrogatory No. 1, attached and found herewith, under seal: Doe I-A Transcript page 17).
2. Doe alleges that beginning in 1967 he was sexually abused by Father James Janssen. (Petition at paragraph 13: Doe I-A Transcript page 17.)
3. Doe turned 18 years of age on June 20, 1973.
4. The deposition of Plaintiff was taken on May 13, 2004. Copies of the pertinent pages of the deposition are being filed herewith, under seal, as additional support for the Motion for Summary Judgment. In his deposition, Plaintiff admits the following facts:
 - a. The abuse by Father James Janssen has bothered Plaintiff since the first time it ever happened. (Transcript page 16.)
 - b. Plaintiff has felt stressed-out about the abuse for 20 years. (Transcript page 24.)
 - c. At the time of the abuse, the Plaintiff felt ashamed. (Transcript page 26.)
 - d. At age 16, the abuse by Father James Janssen made Plaintiff feel ashamed, physically ill, and the abuse started to affect him mentally. In addition, the abuse made him sad and was humiliating. (Transcript pp. 32 – 33.)

- e. Plaintiff, in addition to feeling ashamed at age 16, knew that the abuse was "completely wrong" and that Father James Janssen had hurt Plaintiff in some way. Plaintiff has remembered the abuse since age 16, and it is something that he has never forgotten about. (Transcript page 34.)
 - f. The abuse continued after age 16, and continued to make Plaintiff feel sick and ashamed; he was aware that the abuse was hurting him. (Transcript page 37.)
 - g. The abuse by James Janssen continued until 1979 when Janssen left Sugar Creek. Plaintiff was age 24 at the time the abuse stopped. (Transcript pp. 52 - 53.)
 - h. When Plaintiff was in his 20's, and the abuse continued, Plaintiff knew it was wrong, and felt that Father James Janssen was mentally injuring him. Plaintiff has remembered that abuse and that he was hurt by the abuse from that time up until the date of Plaintiff's deposition. (Transcript page 54.)
 - i. At the time that Father James Janssen married the Plaintiff and his wife, Plaintiff knew in his own mind that Father James Janssen had hurt him mentally. (Transcript pp. 111 - 112.)
 - j. Plaintiff wishes that he had turned Father James Janssen in to somebody when he wasn't a kid anymore, before he got married when he was 34 years of age. (Transcript page 115.)
 - k. Plaintiff knew what he was doing when he got married, he knew that what Janssen had done to him was wrong. (Transcript pp. 115 - 116.)
5. Doe I-A did not file his Petition until May 19, 2003.

LANE & WATERMAN LLP

By Rand S. Wonio
Rand S. Wonio 06080

By Mikie R. Schiltz
Mikie R. Schiltz 17672

**ATTORNEYS FOR DEFENDANT
DIOCESE OF DAVENPORT**

Of Counsel:

LANE & WATERMAN LLP
220 N. Main St., Ste. 600
Davenport, IA 52801-1987
Phone: (563) 324-3246
FAX: (563) 324-1616
E-mail: rwonio@l-wlaw.com

Copy to:

Craig A. Levien
Betty, Neuman & McMahon
600 Union Arcade Building
111 E. Third Street
Davenport, IA 52801
Attorney for Plaintiff

Jeffrey Anderson
Patrick Noaker
JEFF ANDERSON & ASSOCIATES
E. 1000 First National Bank Bldg.
St. Paul, MN 55101
Attorneys for Plaintiff

Edward N. Wehr
Wehr, Berger, Lane & Stevens
900 Kahl Building
326 W. Third Street, Suite 900
Davenport, IA 52801
Attorney for Defendant Janssen

Proof of Service

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on

7-20, 2004.
By: ☒ U.S. Mail ☐ Fax
☐ Hand Delivered ☐ Certified
☐ Federal Express ☐ Other

Signature

