

FILED

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

04 FEB -3 PM 3:35

JOHN DOE III,

Plaintiff,

vs.

FATHER JAMES JANSSEN, FATHER
FRANCIS BASS, THEODORE ANTHONY
GEERTS, and THE DIOCESE OF
DAVENPORT,

Defendants.

Law No. 101428

CLERK OF DISTRICT COURT
SCOTT COUNTY, IOWA

**DEFENDANT DIOCESE OF
DAVENPORT'S MOTION FOR
SUMMARY JUDGMENT AND REQUEST
FOR ORAL ARGUMENT**

Defendant Diocese of Davenport, by and through its attorneys, Lane & Waterman LLP,
for its Motion For Summary Judgment, states as follows:

1. Plaintiff John Doe III filed his Petition on October 28, 2003.
2. In his Petition, Doe alleges that beginning in 1964, while a member of St. Joseph's Parish in Fort Madison, Iowa, he was sexually abused by Defendants Janssen, Bass, and Geerts. Doe bases his claims against Defendant Diocese on its relationship to Defendants Janssen, Bass and Geerts.
3. Doe was born on March 8, 1952.
4. Doe turned eighteen years of age on March 8, 1970.
5. On or about July 22, 1998, when Doe was 46 years old, he sent a letter to the Bishop of the Diocese of Davenport. The letter states in relevant part that:

"This letter is to inform you that I was sexually molested by Fathers Janssen, Bass, and Geerts at St. Joseph's Church in Fort Madison and at Farmington. This abuse occurred over a long period of time during the '60's and involved several boys. It has taken me this long and professional therapy to get to this point where I am able to divulge this to you."

See letter attached to Plaintiff's Response to Defendant Diocese's Request for Admissions,
attached as Exhibit A to the Brief in Support of this Motion.

6. According to the facts as described in the letter Doe sent to the Bishop of the Diocese of Davenport, the last possible date on which any abuse could allegedly have occurred was December 31, 1969.

7. Pursuant to Iowa Code § 614.1(2), the statute of limitations ran on Doe's claims on December 31, 1971.

8. The letter also establishes that no later than July 22, 1998, Doe knew of facts sufficient to file his claim.

9. Even if Doe can somehow prove he is entitled to the four year statute of limitations contained in Iowa Code § 614.8A, his right to file a claim in this matter expired on July 22, 2002.

10. Because Doe did not file suit until October 28, 2003, his claim is time-barred.

WHEREFORE, for the above reasons, and the reasons contained in the brief in support of this Motion filed contemporaneously, Defendant Diocese of Davenport respectfully requests this Court enter a summary judgment in its favor and dismiss Plaintiff's action with prejudice.

REQUEST FOR ORAL ARGUMENT

Defendant Diocese of Davenport requests oral argument.

Respectfully submitted,

LANE & WATERMAN LLP

By


Rand S. Wonio

06080

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
563/326-4491
563/326-4498 fax
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
563/326-1000
563/326-4701 fax
Attorney for Defendant Janssen

Michael J. McCarthy
McCarthy, Lammers & Hines
701 Kahl Building
Davenport IA 52801
563/324-9117
Attorney for Defendant Bass

CERTIFICATE 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 February 3, 2004
By: ☒ U.S. Mail ☐ FAX
☐ Hand Delivered ☐ Overnight Courier
☐ Certified Mail ☐ Other:
Signature Elise Jane