IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

JAMES N. WELLS,)
Plaintiff,) Law No. 101220
vs.))
FATHER JAMES JANSSEN and DIOCESE OF DAVENPORT,	STATEMENT OF UNDISPUTED FACTS)
Defendants.))

COMES NOW, Diocese of Davenport, by its attorneys, Lane & Waterman, submits the following Statement of Undisputed Facts in support of its Motion for Summary Judgment:

- 1. Plaintiff's Petition filed against Defendants Father James Janssen and the Diocese of Davenport alleges various theories of recovery, all of which are based upon alleged sexual abuse of Plaintiff while Plaintiff was a minor. See Petition.
- 2. Plaintiff has admitted the authenticity of a letter he wrote and mailed to Defendant Father James Janssen on or about February 23, 1987. See Request for Admissions and attachments, attached hereto as Exhibit A.
 - 3. Plaintiff's letter states, in part:

Last year my girlfriend convinced me to see a psychologist because I was having some emotional problems.

It was his diagnosis that I was suffering from depression. It was his opinion that my problems were a direct result of the sexual abuse I was subjected to by you while I was a child. See <u>Id.</u>

Wehr, Berger, Lane & Stevens 326 W. Third Street, Suite 900 **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 2003. By: 🗸 U.S. Mail Fax Hand Delivered UPS Other FedEx Signature_

17672

Attorneys for Defendant, Diocese of Davenport

Of Counsel:

LANE & WATERMAN 220 N. Main St., Ste. 600 Davenport, IA 52801-1987 Phone: (563) 324-3246 FAX: (563) 324-1616

Copies to:

Craig A. Levien 600 Union Arcade Building 111 E. Third Street Davenport IA 52801

Edward N. Wehr Davenport IA 52801

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY JAMES N. WELLS REQUEST FOR ADMISSIONS Plaintiff No. 101220 ۷s. FATHER JAMES JANSSEN AND THE DIOCESE OF DAVENPORT Defendants Comes now Defendant Father James Janssen by his Attorney Edward N. Wehr pursuant to Iowa Rule of Civil Procedure No. 1.510 and requests that Plaintiff Admit or Deny the following matters, if not admitted, specifically deny the matter(s) or set forth in detail the reason why Plaintiff can not truthfully Admit or Deny the same: The attached document was mailed to Defendant Fr. James Janssen on or about February 23, 1987 ADMIT X DENY The copy of your signature is genuine ADMIT X DENY Attorney for Fr. James Janssen ing instrument was 900 Kahl Building Davenport, IA 52801 (563) 326-1000 FAX: (563) 326-4701

Dear Father Jim,

Last year my gir friend convinced me to see a psycologist because I was having some emotional problems.

It was his diagnosis that I was suffering from depression. It was his opinion that my problems were a direct result of the sexual abuse I was subjected to by you while I was a child.

His advice to me was that I should see a specialist and go thry extensive therapy. He also urged me to turn you into the police. I told him that I couldn't do that for fear that my mother would be hurt. I told him that I would talk to the bishop about it, but I never did. I don't know why I didn't.

The psycolgist emplained that because of your actions I lost my self esteem and my whole life for that matter. I wont elaberate on my symtems, but believe me the pain is excruciating.

I have just informed my mother of this, and it is our opinion that because of your responsibility in this situation that you should bear the cost of our treatment. My mother is very upset, but I felt that I had to tell her She is going to see Dr. Campbell this week.

We do not want ever to see you again. And please do not call on the phone. I do expect a letter from you in a couple of days.

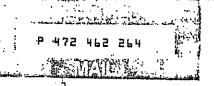
I just hope that you do the right thing by us. God knows the wrong you have done.

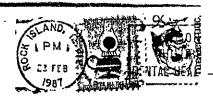
If your reply is not satisfactory, the next person will be a lawyer, and then the bishop.

Sincerely,

James N. Wells







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Retain Receipt Represent Showing Address Where Delivered

-25-87

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Per James Jansson It Phillipp and James