

STATE OF WISCONSIN

CIRCUIT COURT
CIVIL DIVISION

OUTAGAMIE COUNTY

TROY J. MERRYFIELD and
TODD D. MERRYFIELD,
c/o Jeffrey Anderson
366 Jackson Street, Suite 100
St. Paul, MN 55101

FILE NO. 08CV1
Case Code: 30107

Plaintiffs,

and

ANTHEM BLUE CROSS AND BLUE SHIELD
P.O. Box 27401
Richmond, VA 23279

EMPLOYEE BENEFIT CLAIMS OF WI, INC.
P.O. Box 884
Appleton, WI 54912

WAUSAU INSURANCE COMPANIES
P.O. Box 8013
Wausau, WI 54402

AMERICAN MEDICAL SECURITY,
P.O. Box 19302
Green Bay, WI 54307

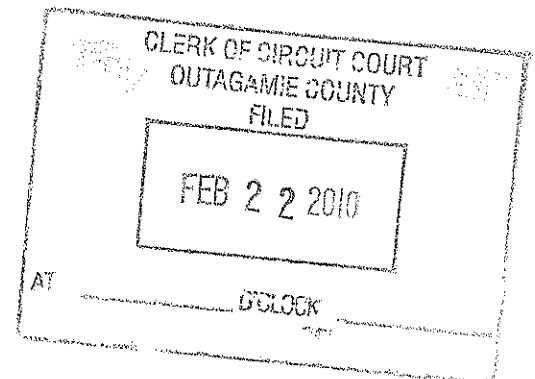
Subrogation Plaintiffs,

vs.

THIRD AMENDED COMPLAINT

CATHOLIC DIOCESE OF GREEN BAY, INC.,
1919 South Webster Avenue
Green Bay, WI 54304

Defendant.



PARTIES

1. Plaintiff Troy J. Merryfield is an adult male resident of the state of Virginia. Plaintiff

was approximately 12 years old at the time of the sexual abuse alleged herein.

2. Plaintiff Todd D. Merryfield is an adult male resident of the state of Wisconsin. Plaintiff was approximately 14 years old at the time of the sexual abuse alleged herein.

3. At all times material to the Complaint, defendant the Catholic Diocese of Green Bay, Inc. (hereinafter "Diocese of Green Bay" or "Diocese") was and continues to be a non-profit religious corporation, authorized to conduct business and conducting business under the laws of the state of Wisconsin, with its principal base of business at 1919 South Webster Avenue, Green Bay, Wisconsin 54304.

4. At all times material, the Bishop of Green Bay, was in charge of the Defendant Diocese, and was the local agent of the Roman Catholic Church. As chief operating officer and ordinary of Defendant Diocese, the Bishop of the Diocese is appointed by the Pope and has ultimate authority and responsibility for the training, ordination, placement, and, the discipline, removal and recommendation for laicization of all Roman Catholic priests ordained in the Defendant Diocese. The Bishop of the Defendant Diocese possesses individual responsibility for the care of each and every parish, and its members, located within the counties, which geographically comprise the Defendant Diocese. The Bishop is also responsible for fully investigating the history and fitness of all priests prior to placement within a parish in Defendant Diocese and for the discipline and/or removing of such priest (hereinafter the "Diocese" includes the Bishop and/or Cardinal).

5. Anthem Blue Cross and Blue Shield – VA, Federal Employee Program (hereinafter "Anthem") is located at P.O. Box 27401, Richmond, VA 23279. On information and belief, Anthem's registered agent is CT Corporation System, 4701 Cox Rd., Ste. 301, Glen Allen, VA 23060-6802. Anthem may have a subrogated insurance interest in this litigation.

6. Employee Benefit Claims of WI, INC., (hereinafter "Employee Benefit") is located at P.O. Box 884, Appleton, WI 54912. Employee Benefit's registered agent is unknown. However on information and belief its President is Bruce Flunker, 9275 North 49th Street, Ste 300, Brown Deer, WI 53223. Employee Benefit may have a subrogated insurance interest in this litigation.

7. Wausau Insurance Companies (hereinafter "Wausau Ins.") is located at P.O. Box 8013, Wausau, WI 54402. On information and belief, its registered agent is Richard J. Bryon, 2000 Westwood Drive, Wausau, WI 54401. Wausau Ins. may have a subrogated insurance interest in this litigation.

8. American Medical Security (hereinafter "American Med") is located at P.O. Box 19302, Green Bay, WI 54307. On information and belief, its registered agent is Julie A. Van Straten, 3100 Ams Blvd., Green Bay, WI 54313. American Med may have a subrogated insurance interest in this litigation.

9. At all times material, John Patrick Feeney ("Feeney") was a Roman Catholic priest ordained and remaining under the employ and control of Defendant the Diocese of Green Bay. From approximately June of 1976 through January of 1979, Feeney was under the employ and control of defendant Diocese of Green Bay and was working as a priest with an assignment at St. Nicholas Parish in Freedom, Outagamie County, Wisconsin.

FACTS

10. John Patrick Feeney was ordained a Roman Catholic priest by the defendant Diocese of Green Bay ("Diocese") and remained under Diocese's direct supervision, employ and control during all times material to this Complaint.

11. During Feeney's tenure as a priest, defendant Diocese transferred Feeney to serve in

several parishes and assignments in northeast Wisconsin. These parishes and assignments included the following:

- a. June 20, 1952, assigned as Assistant Pastor at St. Joseph's in Green Bay, WI.
- b. January 9, 1954, Pastor at Kewaunee, WI.
- c. September 28, 1954, Assistant Pastor at St. Joe's, Sturgeon Bay, WI.
- d. June 16, 1955, Pastor at St. Joe's, Clintonville, WI.
- e. 1956, Pastor at Oshkosh, WI.
- f. September 5, 1958, Assistant Pastor at Holy Redeemer, Two Rivers, WI.
- g. September 5, 1961, Assistant Pastor at St. Therese's, Appleton, WI.
- h. September 6, 1963, Assistant Pastor at St. Mary's, Chilton, WI.
- i. September 8, 1965, Temp. Assistant Pastor at Clark Mills, WI.
- j. October 25, 1965, Assistant Pastor at St. Edward's Isadore, Flintville, WI.
- k. January 11, 1966, Temp Assistant Pastor at St. Ann's Francis Creek/Algoma, WI.
- l. April 15, 1966, Assistant Pastor at Holy Name Parish, Maplewood, WI.
- m. June 30, 1966, Temp. Assistant Pastor at St. Joe's, Wautoma, WI.
- n. August 3, 1966, Admin. Pastor at Holy Family Parish, Elcho, WI, and St. Mary's, Pickerel, WI.
- o. June 14, 1969, Pastor at St. Francis of Xavier, De Pere, WI.
- p. June 20, 1973, Temp. Pastor at St. Bernadette's, Suamico, WI.
- q. June 21, 1976, Pastor at St. Nicholas, Freedom, WI.
- r. January 31, 1979, Temp. Pastor at St. Mary's Church, Stockbridge, WI.
- s. November 9, 1983, left St. Mary's Church.

12. On information and belief, Feeney engaged in sexual contact with minor male individuals during the 1960's and 1970's.

13. On information and belief, the Green Bay Diocese required Feeney to get counseling with Dr. Thomas J. Kelley regarding his sexual issues. In a July 18, 1974 letter, Dr. Kelley indicated that he had mental health counseling sessions with Feeney and stated the following: "As I indicated, our evaluation conclusion is that under stress your usual controls over sexual impulses may fail and cause some indiscretions in this aspect of your functioning." (Attached as Exhibit A.)

14. On information and belief the Diocese of Green Bay knew that Feeney went to Dr. Kelly and knew that the reason Feeney went to him was because of his sexual abuse of children.

15. Each exhibit attached hereto is incorporated as if it was fully set forth within the complaint.

16. In 1974, after Feeney was in counseling dealing with his sexual impulses, Feeney wrote to the Bishop of Green Bay and stated in part "Father Canavera was here today, as you know, and I was sorry to learn that you have received more complaints about me." (Attached as Exhibit B.)

17. On information and belief, the complaints from 1974 were Feeney's inappropriate sexual behavior with children. The Diocese of Green Bay knew about these complaints in 1974.

18. In August of 1974, the Diocese of Green Bay received a letter which accused Feeney of being a homosexual and of having sex with a young girl while on a retreat. (Attached as Exhibit F.)

19. In November of 1976, a group of people from Freedom, Wisconsin wrote a letter to the Bishop of the Diocese of Green Bay stating that Father Feeney "sits in taverns and drinks with the young kids. He [Feeney] has also asked for alter boys at the taverns."

20. On information and belief, in September of 1978, the Bishop of Green Bay wrote a letter to Feeney which warned him about being more prudent in the hearing of confessions, especially with young people. (Attached as Exhibit D.)

21. A document from the Catholic Diocese of Green Bay listed "BRIEFING AND RESUME" that describes the Diocese's knowledge of sexual activity by Feeney. In the memorandum, it states in part:

In the recent past assignments, there have been accusations of improprieties of sexual or quasi-sexual nature in each assignment. These have been the cause of scandal and widespread rumor.

* * *

The accusations and the record of allegations date back years and include assignments at Chilton, Appleton, Freedom, Suamico, De Pere and, most recently, Stockbridge.

Attempts were made to have Father Feeney undergo counseling. He has been in either counseling or psychological testing with Father Martin Pable, Dr. Thomas Kelley and, most recently, with Father John Van Deuren.

(Attached as Exhibit C.)

22. The earliest of the assignments listed in the Briefing and Resume (Ex. C.) was Appleton, Wisconsin. Feeney began working there in 1961.

23. In another memorandum, written in 1983 it states that there were "widespread accusations, allegations and rumors regarding sexual improprieties on the part of Father Feeney from previous parish assignments: St. Therese, Appleton; Freedom; Suamico; De Pere; Chilton, etc."

(Attached as Exhibit D.)

24. On or about June 21, 1976, defendant Diocese assigned Father John Patrick Feeney to be pastor at St. Nicholas Church in Freedom, Outagamie County, Wisconsin.

25. On information and belief, the defendant Diocese never reported to local law enforcement that Feeney had a prior history of sexual abuse toward male juveniles.

26. On information and belief, Defendant Diocese allowed Feeney to have unsupervised and unlimited access to altar boys and children at St. Nicholas Church.

27. On information and belief, Defendant Diocese, through its agents including Bishop Aloysius Wycislo, did not tell any of the parishioners, children, or parents at St. Nicholas, including Plaintiffs and their family, that Feeney had a long history of sexually molesting children, that the Diocese knew that Feeney had a long history of molesting children, and that it had information that Feeney had a pattern of grooming and molesting boys.

28. By placing Feeney at St. Nicholas' Church in Freedom in 1976, the Diocese, through its agents including Bishop Aloysius Wycislo, affirmatively represented in 1976 to minor children and their families at the parish, including Plaintiffs and their family, that Feeney did not have a history of molesting children, that Defendant Diocese did not know that Feeney had a history of molesting children and that Diocese did not know that Feeney was a danger to children.

29. By allowing Feeney to remain at St. Nicholas' Church in Freedom from 1976 to 1979, the Diocese, through its agents including Bishop Aloysius Wycislo, made a continuing affirmative representation from 1976 to 1979 to minor children and their families at the parish, including Plaintiffs and their family, that Feeney did not have a history of molesting children, that Defendant Diocese did not know that Feeney had a history of molesting children and that Diocese did not know that Feeney was a danger to children.

30. Apart from the representations made directly to Plaintiffs, Defendant Diocese, through its agents including Bishop Aloysius Wycislo, made these representations with knowledge and intent that they would be communicated to the minor Plaintiffs through their parents' words and actions. Defendant Diocese also had reason to believe that the representations made to Plaintiffs'

parents would influence Plaintiffs and particularly that the representations would influence the amount and type of time spent alone with Feeney, Feeney's access to Plaintiffs, and Feeney's ability to molest Plaintiffs.

31. Defendant Diocese was in a specialized position where it had knowledge that Plaintiffs did not. Defendant Diocese was in a position to have this knowledge because it was Feeney's employer and because the Diocese was responsible for Feeney. Plaintiffs on the other hand were minor children. As children, each was not in a position to have information about the Diocese's knowledge or Feeney's past sexual history.

32. Particularly, Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that Feeney had sexually molested numerous children and that Feeney was a danger to children before Feeney molested either Plaintiff.

33. Because Defendants were in positions of the superiority and influence over them, each Plaintiff believed and relied upon these misrepresentations.

34. While relying on the misrepresentations, in approximately March or April of 1978, while Feeney was Pastor of St. Nicholas Church, he met with plaintiff, Troy J. Merryfield at St. Nicholas Church for a face-to-face confession. During the confession, defendant Feeney was sitting in a chair across from the minor boy. Feeney proceeded to ask the minor if a girl had ever touched him "here" and at that time Feeney placed his hand on Troy's crotch and grabbed Troy's crotch and penis. Feeney then proceeded to ask Troy questions about his penis.

35. Also while relying on the misrepresentations, Feeney engaged in two other acts of sexual contact with Troy J. Merryfield, a minor, while at the boy's home in approximately May of 1978.

36. While relying on the misrepresentations, in approximately May of 1978, defendant Feeney sexually touched Todd Merryfield, a minor, while at the boy's home in Freedom, Wisconsin.

37. Had Plaintiffs or their family known what Defendant Diocese knew - that Feeney had sexually molested numerous children before Plaintiffs and that Feeney was a danger to children, neither Plaintiff would not have been sexually molested.

38. On or about February of 2004, the plaintiffs participated in a jury trial in Outagamie County criminal court case 2002 CF 779. In case 2002 CF 779, defendant Feeney was convicted of sexually assaulting minors Troy J. Merryfield and Todd D. Merryfield. After the criminal court proceedings, the plaintiffs eventually learned that Father John Patrick Feeney had engaged in sexual abuse of several other male juveniles during the 1960's and 1970's

39. Plaintiffs did not discover that each had been defrauded or have any reason to believe that Defendant Diocese had defrauded them until 2004 after the completion of the criminal court case.

40. Plaintiffs did not discover nor in the exercise of reasonable diligence, should have discovered that each was injured or that the cause of his injuries was Defendant until recently because of the profound psychological damage that occurred as a result of the abuse and Defendant's actions, including but not limited to Defendant's efforts to conceal itself as a cause of Feeney sexually molesting children.

41. As a direct and proximate result of defendant's misrepresentations, fraud and actions, both plaintiffs now realize that they have suffered and continue to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life. Further, the plaintiffs now realize that they have been prevented and will

continue to be prevented from performing their normal daily activities and obtaining the full enjoyment of life, have sustained loss of earning capacity and have incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling. The amount of the plaintiffs' damages will be fully ascertained at a jury trial

42. Defendant Diocese intentionally or recklessly disregarded each Plaintiff's rights and safety such that punitive damages should be awarded against Defendant.

43. In addition to the demands below, Plaintiffs request that all parties be dismissed who may claim to have claims based on subrogation or a right to reimbursement, and barring such parties from participating in any judgment or settlement in this action.

FIRST CAUSE OF ACTION
TODD MERRYFIELD - FRAUD AGAINST DEFENDANT DIOCESE

44. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

45. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, affirmatively represented to Plaintiff Todd Merryfield and his family that Feeney did not have a history of molesting children, that Defendant Diocese did not know that Feeney had a history of molesting children and that Defendant Diocese did not know that Feeney was a danger to children.

46. Feeney did have a history of sexually molesting children. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that Feeney had a history of sexually molesting children and that he was a danger to children.

47. Plaintiff Todd Merryfield justifiably relied upon Defendant Diocese's misrepresentations which caused him to be sexually molested by Feeney and suffer the other damages described herein.

48. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

49. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, made the misrepresentation with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against Defendant Diocese in an amount to be determined at trial.

SECOND CAUSE OF ACTION
TODD MERRYFIELD - FRAUD (INTENTIONAL NON-DISCLOSURE)
AGAINST DEFENDANT DIOCESE

50. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

51. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that Feeney had a history of sexually molesting children before Plaintiff.

52. Whether or not Feeney had a history of sexual abuse was a material fact to plaintiff.

53. Plaintiff relied on this non-disclosure.

54. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

55. Plaintiff relied upon this intentional non-disclosure, which caused him to be sexually

molested by Feeney and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against Defendant Diocese in an amount to be determined at trial.

THIRD CAUSE OF ACTION
TROY MERRYFIELD - FRAUD AGAINST DEFENDANT DIOCESE

56. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

57. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, affirmatively represented to Plaintiff Troy Merryfield and his family that Feeney did not have a history of molesting children, that Defendant Diocese did not know that Feeney had a history of molesting children and that Defendant Diocese did not know that Feeney was a danger to children.

58. Feeney did have a history of sexually molesting children. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that Feeney had a history of sexually molesting children and that he was a danger to children.

59. Plaintiff Troy Merryfield justifiably relied upon Defendant Diocese's misrepresentations which caused him to be sexually molested by Feeney and suffer the other damages described herein.

60. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

61. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, made the

misrepresentation with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against Defendant Diocese in an amount to be determined at trial.

FOURTH CAUSE OF ACTION
TROY MERRRYFIELD - FRAUD (INTENTIONAL NON-DISCLOSURE)
AGAINST DEFENDANT DIOCESE

62. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

63. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, knew that Feeney had a history of sexually molesting children before Plaintiff.

64. Whether or not Feeney had a history of sexual abuse was a material fact to plaintiff.

65. Plaintiff relied on this non-disclosure.

66. Defendant Diocese, through its agents including Bishop Aloysius Wycislo, intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

67. Plaintiff relied upon this intentional non-disclosure, which caused him to be sexually molested by Feeney and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against

Defendant Diocese in an amount to be determined at trial.

Dated: 2/19/10

JEFF ANDERSON AND ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #1019358
Michael G. Finnegan, #1076931
366 Jackson Street, Suite 100
St. Paul, Minnesota 55101
(651) 227-9990

John C. Peterson, #1010965
Peterson, Berk & Cross
200 East College Avenue
P.O. Box 2700
Appleton, WI 54912-2700
(920) 831-0300

ATTORNEYS FOR PLAINTIFFS

**DEMAND IS HEREBY MADE FOR A TRIAL
BY JURY TO A TWELVE-PERSON JURY**

July 18, 1974

Rev. John Feeney
St. Benedict Parish
Suamico, Wisconsin 54178

Dear Fr. Feeney:

This is the written summary from our recent sessions. To comply with informed consent, it is sent to you for forwarding to the Bishop.

As I indicated, our evaluation conclusion is that under stress your usual controls over ~~reproductive~~ ~~impulses~~ may fail and cause some indiscretions in this aspect of your functioning. Our data would suggest some arrestation in the psychosexual sphere of development not altogether uncommon in persons reared in rigid sexually inhibiting environments.

Psychotherapy is indicated to understand the mental mechanisms in operation in order to diminish tension, minimize acting out, and influence heterosexual growth.

If you are agreeable, I would be pleased to recommend a psychiatrist.

Sincerely yours,

Thomas J. Kelley, M.D.
Thomas J. Kelley, M.D. *smn*
Educational and Mental
Health Director

TJK/smn

Ex. A

ST. BENEDICT CONGREGATION

SUNSET BEACH ROAD

414-494-6850
September 10, 1974

SUAMICO, WISCONSIN 5417

cc Fr. Canavera
mailed 9/20/74
John Feeney

Most Reverend Bishop:

Enclosed is a carbon of the written evaluation sent to me by Dr. Kelly. I accept his recommendation of psychotherapy and have been trying to act upon it. I started this letter some weeks ago but deferred it hoping to be able to give you a name (since Dr. Kelly is not able to see me on a continuing basis). I prefer if possible to consult with a priest psychiatrist but as yet I have not been able to confirm any arrangement. I will keep you informed.

Bishop, Dr. Kelly told me two things that were very welcome and which I am sure he will affirm upon request... namely, that I am not homosexual and that as far as he could judge, I could continue as a pastor.

Father Canavera was here today, as you know, and I was sorry to learn that you have received more complaints about me. I knew of some (eg. a petition and the comment made to you on the radio) but I had hoped they would not be many or significant. I can only say that I am certain I have not given any cause for this since our last conversation in May, that the Parish Council sent you a statement of unanimous support last month and that I dearly wish to remain here.

I am willing to do whatever you wish and I am trying to appreciate the pressures on you, but I lead with you to allow me to remain here. My vicar, Fr. Al Heitpas, supports me in this desire. Today I suggested to Fr. Canavera that he meet with the parish council to explore ways to heal whatever rift there is in the parish.

Bishop, I can only state again how I regret this situation and fervently pray that it can be resolved. I am at your disposal and do not anticipate being away except for Retreat next week.

I much need your prayers, your blessing and your understanding.

Please pardon the typing errors.
It's the best I could do.

Yours in Christ,

John Feeney
(Fr.) John Feeney

Ex. B



CATHOLIC DIOCESE OF GREEN BAY

BOX 66

GREEN BAY, WISCONSIN 54305

CONFIDENTIAL

BRIEFING AND RESUME

Father Feeney has been at the Stockbridge parish for almost five years. During this time, there has been a continuous stream of calls from the parish in regard to his absences and his improper, erratic and disruptive behavior.

He was transferred from the pastorate of Freedom under the cloud of a charge of sexual assault involving two young boys. The District Attorney had already been approached and was pursuing the matter. The charges were dropped by the parents of the boys on assurance by the Diocese that Father Feeney was going to be removed and would be given counseling.

Father was transferred to the position of Administrator at Stockbridge with the warning that, if there was another repeat of such incidents, he would be removed.


In the recent past assignments, there have been accusations of improprieties of a sexual or quasi-sexual nature in each assignment. These have been the cause of scandal and widespread rumor.

Each time, there have been strong and vehement denials of any wrongdoing.

The accusations and the record of allegations date back years and include assignments at Chilton, Appleton, Freedom, Suamico, De Pere and, most recently, Stockbridge.

Attempts were made to have Father Feeney undergo counseling. He has been in either counseling or psychological testing with Father Martin Pable, Dr. Thomas Kelley and, most recently, with Father John Van Deuren.

These attempts were not successful since there has always been the strong denial and thus, no problem, as far as Father Feeney was concerned, to be worked out.

At this time, it would seem difficult for the Diocese to continue to transfer the problem or even to try to protect from any possible prosecution. 

Ex. C



CATHOLIC DIOCESE OF GREEN BAY

BOX 66

GREEN BAY, WISCONSIN 54305

September 14, 1983

CONFIDENTIAL

ACCUSATIONS REGARDING REVEREND JOHN P. FEENEY

I. MORAL-SEXUAL

- a. Accusation of possible sexual assault (Wisconsin State Statutes, Fourth Degree) in the context of hearing the confession of a young girl. h
 - Father Feeney was given a warning by Bishop Wycislo in a September 8, 1978, letter to be more prudent in the hearing of confessions, especially of young people.
- b. Accusation of exposure on the part of Father Feeney by an appliance repair and installation person. This young man, a non-Catholic, stated in writing that Father Feeney exposed himself while he (i.e., the appliance person) was installing an air conditioner in Father's bedroom.

A second accusation involves taking showers at the high school locker room and being in locker room while boys were taking showers.

 - Again, this after a warning by the Bishop and a request by Bishop Wycislo to restrict recreational activities which involve youth.
- c. A third incident of exposure in the presence of young boys in the case of a canoeing outing with seventh - eighth graders from the parish. The incident involved being dunked by Father Feeney and then joining them in clothing change.
 - This after being advised by Bishop to stay away from young people altogether.

II. FINANCIAL

- a. Accusation that personal phone calls were being charged to the parish, especially phone calls to travel agencies, airports, family members, and others of a personal nature.
- b. Accusation of attempting to bilk money from the parish in connection with the appearance of his singer brother, Joe Feeney. The advertising and band were charged to the parish, even though the advertising was for other appearances in Northeastern Wisconsin.

(Over)

EX. D

- e. Widespread accusations, allegations and rumors regarding sexual improprieties on the part of Father Feeney from previous parish assignments: St. Therese, Appleton; Freedom; Suamico; De Pere; Chilton, etc.
- f. Young people getting married in surrounding parishes, having children baptized in other parishes to avoid having Father Feeney baptize them.
- g. Rudeness to members of the parish.
- h. Refusal of trustees to serve because of inability to work with Father Feeney.
- i. Loss of respect among people of the parish.

VI. DISRUPTIVE CONDUCT AND INFLUENCE IN THE COMMUNITY

- a. Irresponsibility in attending to schedule for release time for students.
- b. Attempt to undermine the influence of school authorities.
- c. Trespassing in private lockers of students.
 - After incident, instruction has been put out that Father Feeney is not to be left alone in the public high school building.
- d. Repeated traffic violations: Shawano County, Kewaunee County, Outagamie County, Calumet County; harassing issuing officers.



CATHOLIC DIOCESE OF GREEN BAY

BOX 66

GREEN BAY, WISCONSIN 54305

POSSIBLE ALTERNATIVES FOR RECOMMENDATIONS TO THE ORDINARY

1. Leave Father Feeney at his present assignment as Administrator of Stockbridge, and allow the people involved to attempt prosecution on the sexual misconduct issue.

There will probably be an attempt to solicit people for testimony from previous parishes. The resulting publicity in this case will be damaging both for Father Feeney and for the Diocese.

The investigative reporter from Channel 11 has already inquired what action will be taken on Father Feeney. He is willing to follow through and expose the Diocese's inaction should there be no action taken regarding Father Feeney.

2. Father Feeney could be given another temporary assignment in the Diocese in an area in which his reputation is not well known.
3. Father Feeney could be removed from assignment in the Diocese, given a leave of absence for reasons of health and sent by the Ordinary to a place such as the House of Affirmation or the treatment place in New Mexico.
4. Following a period of treatment, Father Feeney could find another diocese willing to accept him.
5. Father Feeney could be removed from assignment and retired early.
6. ✓ Father Feeney could request, on his own, to be released from assignment in the Diocese and attempt to find a position in another diocese willing to take him. The Ordinary would give a recommendation to another bishop to accept him for assignment. This would be done quietly without any damage to Father Feeney. Father will be responsible for finding a willing Ordinary and diocese.
7. Father Feeney could be placed in assignment with another priest who would serve as either a mentor or supervisor, to whom he would be accountable. Father Feeney would seek out one of the priests of the Diocese who would be willing to work with him.

SUGGESTION: Of the above possibilities, the first and second

EX. E

Dear Bishop Wycislo,

I heard you on the radio and you said we could write to you if we had a problem.

It's too bad Mr. Marshall didn't let that man from Seaman talk to you about Father Feeney. Then you would know what he does and says to make the people dislike him so.

I don't belong to St. Benedict parish, but I go there once and awhile with my mother. She was a strict Catholic who would never miss mass. Now she just everytime she came home from church she was sick and mad. She will not pay her dues until Feeney is gone. She is not alone a lot of people have stopped going there and stopped paying their dues. But they are scared to do anything

About it.

It is a known fact that Feaney is a homosexual, yet he is kept in a parish.

He made love to a young girl on a retreat this summer. This is a known fact.

This man needs help and he should be put some place where he could get it.

Some people went around to the people to keep him. Guess they have no children. They love to play poker with him.

It is too bad that a nice community like Suamico can't have a nice priest.

Send someone down investigate him. You will see how many people don't go to church on account of him. Or are you afraid??

Sincerely, (over)

Judy Slezewski

P. 2

Pulaski, Wis 54162