

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

B.M.B.

Plaintiff

-and-

**MICHAEL FALLONA,
CHRISTOPHER QUINLAN,
THE ROMAN CATHOLIC EPISCOPAL CORPORATION
OF THE DIOCESE OF LONDON IN ONTARIO,
BISHOP RONALD PETER FABBRO and
THE CONGREGATION OF SAINT BASIL**

Defendants

AFFIDAVIT OF PAUL LEDROIT

I, Paul Ledroit, of the City of London, in the County of Middlesex,
MAKE OATH AND SAY:

1. I am a partner with the law firm Ledroit Beckett, solicitors for the Plaintiff in this action, and as such have knowledge of the matters hereinafter deposed to.
2. The Plaintiff, B.M.B., alleges she was sexually abused by the Defendant, Michael Fallona ("Fallona"), as a child while he was employed as a priest in St. Vincent De Paul parish in Windsor, Ontario.
3. The Plaintiff alleges she was in a position of vulnerability and that the Defendant, Fallona, took advantage of this vulnerability and

abused his position as a priest to gain access to, groom and eventually sexually abuse the Plaintiff on multiple occasions.

4. The Defendant, Fallona, has denied the claim by the Plaintiff, and further denies knowing her.
5. A Statement of Claim was issued on November 25, 2009. Attached as **EXHIBIT A** is a copy of the Statement of Claim.
6. A Statement of Defence on behalf of Fallona was filed and received by my office on December 16, 2009. Attached as **EXHIBIT B** is a copy of Fallona's Statement of Defence.
7. A Statement of Defence on behalf of Christopher Quinlan ("Quinlan") was filed and received by my office on January 7, 2010. Attached as **EXHIBIT C** is a copy of Quinlan's Statement of Defence.
8. Examination for Discovery of the Plaintiff was conducted on June 28, 2010.
9. Examination for Discovery of the Defendants has yet to take place.
10. During discussion with counsel for the Defendant, Fallona, it was

revealed that Fallona is suffering from mental illness and has been for a number of years.

11. Counsel for Fallona indicated he may not be fit to participate in the litigation process due to his psychological condition.
12. Fallona was assessed by a health professional and it was this professional's opinion that Fallona's psychological condition was being well managed and that he was fit to participate in the litigation. Attached as **EXHIBIT D** is a true copy of this correspondence.
13. The Diagnostic and Statistical Manual of Mental Disorders Fourth Edition Text Revision (DSM-IV-TR) is the leading authority on mental illness in the United States and Canada.
14. The DSM-IV-TR includes Pedophilia as a recognized mental illness and sets out the criteria for a diagnosis of same.
15. The criteria for a diagnoses of Pedophilia are; a) over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviours involving sexual activity of a prepubescent child or children (generally age 13 years or younger), b) the person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal

difficulty, and c) the person is at least age 16 years and at least 5 years older than the child or children in Criterion A. Attached as **EXHIBIT E** is a copy of the relevant excerpts from the DSM-IV-TR.

16. The Plaintiff claims that the Defendant, Fallona, sexually abused her over a period of time and that his behaviour satisfies the criteria for a diagnosis of Pedophilia.
17. The Plaintiff requested that Fallona produce all medical records concerning his mental health, including but not limited to; clinical notes and records of treating psychologists; clinical notes and records of treating psychiatrists; hospital records; clinical notes and records of any treatment facility that Fallona attended in relation to his mental health; decoded OHIP printout; and, any counselling or other similar clinical notes and records.
18. The Defendant, Fallona, has refused to produce any of these records, save and except for, the decoded OHIP printout which was received by my office on September 21, 2010. Attached as **EXHIBIT F** is a copy of correspondence from counsel for Fallona.
19. Upon analysis of the decoded OHIP printout it was obvious that Fallona has been treated by mental health professionals, including Dr. Victor Fedor, Dr. Franklin Wong, Dr. David Cheah,

Dr. Elizabeth Russell, Dr. Shalini Rastogi, Dr. Anne Ferguson, Dr. Peter Barreca and Dr. Linda Zimmering as well as being treated at North York General Hospital from August 1, 2006 until October 18, 2006, and that, presumptively, medical records for same do exist. Attached as **EXHIBIT G** is a copy of the OHIP printout.

20. My office requested the relevant records from the Defendant, Fallona, which were referenced in the OHIP printout and this request was denied. Attached as **EXHIBIT H** is a copy of correspondence to counsel for the Defendant, Fallona, requesting these records as well as correspondence from counsel for the Defendant, Fallona, denying said request.
21. These documents are particularly relevant to a claim of sexual abuse as they will outline the Defendant, Fallona's, mental state, his Pedophilic behaviour, and will likely contain details regarding this alleged sexual abuse as well as others.
22. The Defendant, Fallona, will suffer no prejudice if these records are produced.
23. The request for these records is proportional to the severity and nature of the alleged claim and as such, should be produced.
24. The Plaintiff has been provided with a copy of a letter from Dr.

Tillman which contains reference to sexually inappropriate behaviour engaged in by Fallona while he was attending the Novitiate of St. Basil.

25. The Defendant, Fallona, engaged in a sexual relationship, or encounter, with another Novitiate and was being sent for psychological counselling in regards to same. Attached as **EXHIBIT I** is a copy of the letter from Dr. Tillman.
26. These records are necessary before the Plaintiff can proceed with the Examination for Discovery of any of the Defendants in this matter as they will shed light on Fallona's mental health and Pedophilia as well as detail what the other Defendants may, or ought to, have been aware of in this regard.
27. The Defendant, Quinlan, was the parish priest at St. Vincent de Paul parish in Windsor, Ontario at all times material to this action.
28. The Defendant, Quinlan, has not served an Affidavit of Documents in this matter as required by the *Rules of Civil Procedure*.
29. The Plaintiff requires that the Defendant, Quinlan, serve an Affidavit of Documents before she can proceed with the

Examination for Discovery of the Defendants.

30. The Plaintiff informed me that it is her belief that Quinlan attended the seminary at the same time as the Defendant Fallona, became friends and possibly roommates and I do verily believe this to be true.
31. The Plaintiff informed me that her belief in regards to the Defendants, Fallona and Quinlan, stems from various conversations she has had with Quinlan and I do verily believe this to be true.
32. The Defendant, Quinlan, would, or ought to, have been aware of Fallona's sexually deviant behaviour while at the seminary as he attended the same seminary as Fallona at the same time, according to the Plaintiff's belief, which I verily believe to be true.
33. The Plaintiff alleges in her Statement of Claim that her father reported the alleged sexual abuse, committed on her by Fallona, to the Defendant, Quinlan. Attached as **EXHIBIT A**, Statement of Claim at paragraph 23.
34. The reporting of this incident to the Defendant, Quinlan, by the Plaintiff's father will be included in Quinlan's personnel file.

35. The Plaintiff requires a copy of the Defendant, Quinlan's, seminary file, a copy of his personnel file, as well as any treatment or clinical records regarding Quinlan's mental or psychological health that are in existence.
36. The Defendant, Quinlan's, seminary file is relevant to this matter in that it will detail his involvement with Fallona while they were in the seminary and will confirm that he attended seminary at the same place and time as Fallona.
37. The Defendant, Quinlan's, personnel file is relevant to this matter in that he was assigned to the same parish as, and as supervisor to, Fallona during all material times and will contain information regarding his interaction and involvement with the Defendant, Fallona.
38. The Defendant, Quinlan's, psychiatric and other treatment records are relevant to this matter as they will detail Quinlan's knowledge regarding the alleged abuse committed by Fallona, and are necessary to establish a claim of negligence against him.
39. The Plaintiff states that it is her belief that the Defendant, Quinlan, was the person who recommended and arranged for Fallona to work at St. Vincent de Paul and I do verily believe this to be true.

40. The Plaintiff requested that the Defendant, Quinlan, produce all medical records concerning his mental health, his seminary file and his personnel file. Attached as **EXHIBIT J** is a copy of this correspondence.
41. The Defendant, Quinlan, has refused to produce any of these records. Attached as **EXHIBIT K** is a copy of correspondence from counsel for Quinlan.
42. These documents are particularly relevant to a claim of sexual abuse as they will outline the Defendant, Quinlan's, knowledge of the Defendant, Fallona's, actions and behaviour regarding this alleged sexual abuse as well as others.
43. The Defendant, Quinlan, will suffer no prejudice if these records are produced.
44. The request for these records is proportional to the severity and nature of the alleged claim and as such, should be produced.
45. These records are necessary before the Plaintiff can proceed with the Examination for Discovery of any of the Defendant's in this matter as they will detail what the Defendant, Quinlan, was, or ought to, have been aware of in this regard.

Sworn before me at the City of
London, County of Middlesex,
this 2nd day of Oct., 2010.

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) Paul Ledroit
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a commissioner etc.