



406 West 34th St., Suite 623, Kansas City, MO 64111
T 816-931-9901 F 816-931-0134
Kansas Office: 913-371-5500

June 22, 2011

Hollis Hanover, Arbitrator
P.O. Box 480287
Kansas City, Mo 64148

Bishop Robert Finn
% Jonathan R. Haden
Lathrop & Gage, LLP
2345 Grand Blvd., Suite 2200
Kansas City, Mo. 64108

RE: Referral to Arbitration

Gentlemen:

On behalf of my clients, we hereby demand arbitration on the question of the Diocesan compliance with the non-monetary commitments incorporated into the settlement agreements of 2008 between the Diocese and sexual abuse survivors. Those agreements require referral to the original arbitrator any dispute concerning the settlement. We therefore request that this matter be referred to Hollis Hanover to establish procedures for arbitrating our disputes. Attached hereto is the settlement agreement of Casey Walsh, the Memorandum of Understanding and the non-monetary commitments made part of those agreements. Also attached is a copy of the Diocesan response to my clients' demand for equitable accounting.

The 47 victims who settled their lawsuits sought protection of future children, giving up their rights for kids. These men and women endured five years of litigation, insisting upon protections for the future as the first item of negotiation. Requesting 28 reforms, the Diocese agreed to parts of 19 of them. Evidence strongly suggests the Diocese is violating those commitments and breaching their 2008 agreement.

The Diocese has issued statements about Fr. Ratigan, Fr. Murphy and Fr. Tierney that have raised grave doubts about its fidelity to the letter and spirit of the non-monetary commitments it made to my clients.

For example, Church officials admitted knowing of a naked picture of a girl on Fr. Ratigan's computer. Whether this picture or any other constituted pornography, begs the question as to

whether a naked minor parishioner on a priest's computer constituted a reportable event under the Missouri Mandatory Reporting Statute¹.

My clients are particularly concerned that it appears the Diocese chose to step into the shoes of the Department of Family Services and law enforcement and internally handles suspicions with child sex crimes instead of turning the matter over to civil authorities.

Further, the Diocese appears to have chosen not to warn parents, parishioners, teachers or those who have custody of its children about Fr. Ratigan's boundary violations and inappropriate picture taking. The Diocese has admitted it knew of the outrageous behavior of Father Ratigan for approximately a year yet did not take steps to protect the children of the parishes.

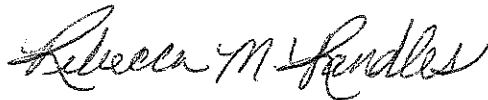
Fr. Ratigan is a reprise of the stories of the clients who stood shoulder to shoulder to bring accountability to the Diocese after over five years of litigation. Robert Bates had a diocesan cleric walk in while he was being molested by a Capuchin brother; that priest said "excuse me" and walked out. Mike Hunter's brother cannot speak to us today. He died prematurely as a result of choices he made to dull the pain of abuse by now Bishop Joseph Hart. John Doe SP asked Bishop Helmsing if it was okay for a priest to touch him. He was told to be a good boy and quit running. Msgr. Thomas O'Brien has been sued 25 times for childhood sexual abuse. He continued his public ministry as a chaplain at a hospital until 2004 despite numerous complaints made to the Diocese and letters of apology written by the then Bishop and O'Brien himself.

Diocesan handling of abuse appears not to have changed as these stories, occurring over decades, echo that of John Doe B.P. who filed a lawsuit in September 2010 alleging he was fondled by Fr. Michael Tierney. The priest remained in service for eight more months, being relieved of his ministry last month. John Doe B.P. offered to meet with Bishop Finn but was rebuffed. To the best of our knowledge no investigation into his allegations ever commenced.

Dr. Suzanne Ellis aptly describes the impact of abuse by Priests as soul murder. The plaintiffs, first and foremost, sought mechanisms to make certain these abuses never happened again. They negotiated the non-monetary commitments first, before even discussing compensation. Now, our clients feel that the Diocese never took the non-monetary commitments seriously.

For these reasons, we demand Arbitration on Diocesan compliance with the non-monetary commitments. We look forward to your response.

Sincerely,



Rebecca M. Randles

¹ <http://www.fox4kc.com/news/wdaf-bishop-admits-mishandling-priest-child-porn-case-201> reporting that Bishop Finn admits he was told of a naked picture of a girl on Fr. Ratigan's computer.

CC: Casey Walsh
Mike Hunter
Robert Bates
John Doe SP

Enclosures: Walsh Settlement Agreement
Memorandum of Understanding
Demand for Equitable Accounting
Response to Demand for Equitable Accounting