IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

DAVID RUDOFSKI	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	**No. 07 L 283**
	)	
ROMAN CATHOLIC DIOCESE OF JOLIET, a Trust; FR. JAMES BURNETT,	)	
	)	
Defendants.	)	

ORDER
MODIFYING PREVIOUSLY ENTERED PROTECTIVE ORDERS

THIS CAUSE COMING TO BE HEARD upon the Plaintiff's Motion entitled, "Motion to Modify the Previously Entered Protective Orders to Permit the Disclosure of Certain Documents Pertaining to 15 Priests Who Have Been Credibly Accused of Sexual Misconduct/Abuse with Minors and Who Have Served in the Diocese of Joliet" due notice having been given, and after the filing of briefs and exhibits, and after oral argument,

IT IS HEREBY ORDERED:

1. That the Plaintiff's Motion to Modify the previously entered Protective Orders as to the "Designated Documents" listed on Exhibit 1 attached to this order is granted, subject to redaction of the names of the victims and their family members. Such redaction as described in paragraph 6 below.

   Thus, this Order modifies existing Protective Orders entered in this case by excluding from the prior orders the "Designated Documents" listed on Exhibit 1 attached to this Order. All existing protective orders shall remain in full force and effect except to the extent that they are modified by this Order.

2. The previously entered Protective Orders entered in this case include the Protective Order entered on December 3, 2009, the Protective Order entered on March 11, 2011, and the Protective Order entered on August 30, 2012. A copy of these three Protective Orders are attached as Exhibit 2 to this Order.

3. **Compelling Public Interest to Protect Children and Privacy Rights:** The Court further finds that there is a compelling public interest to protect children from being sexually exploited and abused, and consistent with that interest, that it is appropriate to release to the public the documents designated by Plaintiff as detailed in the tables attached as Exhibit 1. Any claims of privacy rights of any of the individual priests listed below or any confidentiality rights claimed by the Diocese of Joliet except for privileged documents, must yield to the State's public interest to protect children in releasing documents listed in Exhibit 1 to the public.

4. **Privilege Log Documents Withdrawn by Plaintiff:** At the December 7, 2012 hearing, the Plaintiff withdrew from the Designated Documents the "Privilege Log" Documents. That withdrawal is marked on the List of Designated Documents attached as Exhibit 1.

5. **Designated Documents:** The Court notes that the Designated Documents pertain, for the most part, to the following priests who have been "credibly accused" of sexual misconduct/abuse with minors while serving as priests in parishes of the Diocese of Joliet:

    1. Fr. Salvatore Formusa, deceased.
    2. Fr. Leonardo Mateo, deceased.
    3. Fr. Donald Pock, deceased.
    4. Fr. James Frederick, deceased.
    5. Fr. John Slown
    6. Fr. Carroll Howlin
    7. Fr. Donald O'Connor, deceased.
    8. Fr. James Burnett
    9. Fr. Michael Gibbney
    10. Fr. Frederick Lenczycki
    11. Fr. Philip Dedera
    12. Fr. Anthony Ross
    13. Fr. Lawrence Gibbs
    14. Fr. William Virtue
    15. Fr. Lawrence Mullins

    A list of Designated Documents is attached as Exhibit 1

6. **Redaction of Victims Names and Family Members:** The Court further orders that if the Plaintiff releases the "Designated Documents" to the public pursuant to this Order, the names of victims and their family members shall be redacted prior to disclosure.

    However, if the names of victims appeared in newspapers or Complaints at Law in the Designated Documents (as produced by the Diocese of Joliet to the Plaintiff), then such newspaper articles or Complaints at Law may be re-released to the public without redaction under the terms of this Order.

7. **Findings as to Fr. Virtue:** The court further finds that an allegation of sexual abuse of a minor against Fr. Virtue has previously been made public in a civil lawsuit in the case of Tim Shanahan v. Fr. Virtue et al. (06 L 528), Circuit Court of DuPage County.

8. **Severability:** If Fr. Virtue or a priest/respondent appeals this Order as to the Designated Documents of that priest/respondent's file, the Order shall remain in force as to all documents contained within the files of the non-appealing priest/respondents.

    Thus, if priest A appeals this Order as to his records that the Plaintiff has designated,

then this Order shall remain in force as to all other Designated Documents of non-appealing priests.

9. **Stay of This Order for 40 Days:** This Order will be stayed for 40 days to allow a respondent to consider an appeal of this Order or to documents of that respondent.

   The Court notes the parties have a written Agreement that states if the Court grants the Plaintiff's Motion, the parties have agreed that the Order will be stayed for 40 days.

   The 40 day stay contained within this Order in relation to all non-appealing priests shall be lifted on the 40th day after the entry of this Order, which is March 12, 2013.

10. This cause is continued to March 12, 2013 at 9:30 a.m. for further status.

11. The court finds that there is no just cause to delay the enforcement or appeal of this Order.

Entered: _____
Judge Michael J. Powers

Date: 1-31-13

Attached as Exhibit 1 and 2:

1. Tables listing the Designated Documents (45 pages)
2. Existing Protective Orders (Dated 12/30/09, 3/11/11 and 8/30/12)

Prepared by: