

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
Case Type: Personal Injury

John F. Doe,

Plaintiff,

vs.

DEFENDANT ROBERT M. THURNER'S
ANSWERS TO PLAINTIFF'S INTERROGATORIES

Father Robert Michael Thurner,
The Church of St. John the
Evangelist in Hopkins, Minnesota,
The Church of St. Joseph in West
St. Paul, Minnesota and The
Archdiocese of St. Paul and
Minneapolis,

Defendants.

Court File No.: _____

TO: Plaintiff John F. Doe and his attorney:

Jeffrey R. Anderson
Reinhardt and Anderson
E-1400 First National Bank Building
332 Minnesota Street
St. Paul, Minnesota 55101.

INTERROGATORY #1:

Identify who is answering these Interrogatories.

ANSWER #1:

Father Robert M. Thurner.

INTERROGATORY #2:

Identify any person who has knowledge or claims to have knowledge of any facts relating to the incidents which are the subject matter of this litigation.

ANSWER #2:

Those persons having knowledge of facts relating to the incidents which are the subject matter of this litigation are as follows:

All other persons are after the fact, privileged, and identification of same is objected to on such ground.

INTERROGATORY #3:

Have you, your agents, investigators or attorneys contacted or spoken to any of the persons named in the answers to the preceding interrogatory? If so, separately identify each such person.

ANSWER #3:

No.

INTERROGATORY #4

As to all persons whose names are set forth in your responses to the preceding interrogatories have you, your agents, investigators or attorneys or anyone acting on your behalf, obtained statements of any kind, whether written, stenographic, recorded, reported, or otherwise, from any persons identified in the above interrogatories.

ANSWER #4:

No statements taken to this point.

INTERROGATORY #5:

If your response to interrogatory No. 4 is in the affirmative, please state separately for each such person, the following:

- a. Identify that person;
- b. Date on which the statement was taken; and
- c. Identify the person who took the statement.

ANSWER #5:

See answer to number 4.

INTERROGATORY #6

Have you, your agents, investigators, or attorneys or anyone acting on your behalf, obtained any kind of written, stenographic, recorded, reported, oral, or other type of statements from the Plaintiff? If so, please state for each such statement:

- a. The date on which the statement was taken; and
- b. Identify the person who took the statement.

ANSWER #6:

No.

INTERROGATORY #7:

Identify each person whom you expect to call as a witness at the trial of this action, and state the facts to which each such witness is expected to testify.

ANSWER #7:

Unknown at this time.

INTERROGATORY #8:

Identify each person whom you expect to call as an expert witness at trial and state the area of expertise of each such witness, and in addition, state the following:

- a. The subject matter upon which each expert is expected to testify;
- b. The substance of the facts and opinions to which each expert is expected to testify;
- c. Provide a summary of the grounds for each expert's opinion; and
- d. Provide a complete resume of each expert's educational and employment background.

ANSWER #8:

Unknown at this time.

INTERROGATORY #9:

Do you know of any claims made by Plaintiff prior to the institution of this lawsuit? If so, please furnish all information you possess in this regard, including dates, nature of the claims and final disposition of any claims made.

ANSWER #9:

No.

INTERROGATORY #10:

Has the Defendant, his agents, attorneys or employees at any time received any medical report, oral or written, x-ray report, hospital records or writings of any kind from any medical practitioners, psychiatrists, psychologists, or hospitals regarding the medical, physical, mental or emotional condition of Plaintiff John F. Doe, before, during or after the occurrences which are the subject matter of this litigation? If so, please provide the following:

- a. The name and address of the person(s), clinic, hospitals or other institutions from which the information was originally received by Defendant or his representatives.

ANSWER #10:

No.

INTERROGATORY #11:

Does Defendant have knowledge of any written or oral report, or any statement, memorandum, recording or other form of testimony, from the Plaintiff, signed or unsigned, concerning this cause of action? If so, please describe that information in detail. If said information is in a written or recorded form, please attach a copy of said documented information to your answers to these interrogatories.

ANSWER #11:

No.

INTERROGATORY #12:

Describe each and every report or statement made by you to anyone regarding the facts of the incidents which are the subject matter of this litigation or any events leading up to the occurrence of said incidents or any events occurring immediately thereafter. As to each, please provide the following:

- a. The type of the report or statement, whether written, oral, recorded, reported or otherwise;
- b. The date of said statement and by whom it was made;
- c. The name, address and employer of the custodian of any permanent form of said statement;
- d. If you are making a claim of privilege with regard to any of said statements or reports, please state the basis of said privilege.

ANSWER #12:

On November 3, 1982 Defendant met with Bishop Carlson, Msgr. Boxleitner, and Msgr. Hayden to discuss the facts of the incidents which are the subject matter of this litigation. This meeting arose from an anonymous complaint, the defendant was told, made to the chancery. The Defendant is not aware of any notes or other permanent recording of this meeting. That on or about November 4, 1982, Defendant met briefly with the Diocesan attorney because of the complain herein. On November 10, 1982 Defendant met with Archbishop Roach to discuss the facts of this incident. Defendant is not aware of any permanent notes or records taken at this meeting. The Defendant initiated this meeting.

In April of 1983 Defendant met with Bishop Carlson. This meeting resulted from another phone call made to the Chancery, believed to have been made by the mother of the Plaintiff, complaining about the Defendant. At this meeting, Bishop Carlson stated that the Defendant should resign from St. John the Evangelist. Other than Defendant's letter of resignation and the Chancery's subsequent letter of acceptance of resignation, Defendant is not aware of any permanent records resulting from this meeting.

Somewhere during 1987-1988, Defendant met with Father McDonough and Father O'Connell at the Chancery. The primary purpose of this meeting was to discuss the Defendant's well-being. The Defendant is uncertain whether the facts of the incidents which are the subject matter of this litigation were discussed at this meeting. Defendant is not aware of any permanent records resulting from this meeting.

On April 18, 1990, the Defendant met with Fathers McDonough and O'Connell. This meeting occurred as a result of receiving the Summons and Complaint from the plaintiff. To the Defendant's knowledge, no permanent notes or records were taken of that meeting.

The defendant's statements to psychiatrists/psychologists regarding the facts of the incidents which are the subject matter of this litigation are privileged based upon a physician-patient relationship. The defendant's statements made in the context of confession are privileged under the priest-penitent exception found in Minn. Stat. §595.02.

INTERROGATORY #13:

Has Defendant ever committed sexual misconduct. If so, please state separately for each incident:

- a. Identify the names, present address, and present age of each individual with whom or upon whom Defendant has committed sexual misconduct;

- b. The dates the sexual misconduct occurred;
- c. The nature of the act or acts of sexual misconduct;
- d. If criminal charges or civil claims resulted from this sexual misconduct, identify the parties to this action, the court in which the action was venued, the court file number and the ultimate disposition of the action;
- e. Whether Defendant Diocese was aware of this sexual misconduct. If so, identify all facts upon which you base your answer that Defendant Diocese was made aware of this sexual misconduct and the date Defendant Diocese gained this knowledge; if you admitted the allegations of sexual misconduct, provide the date of and substance of the admission and identify each and every person who became aware of the admission;
- f. Whether Defendant Church of St. John the Evangelist was aware of this sexual misconduct. If so, identify all facts upon which you base your answer that Defendant Church of St. John the Evangelist was made aware of this sexual misconduct and the date Defendant gained this knowledge;
- g. Whether Defendant Church of St. Joseph was aware of this sexual misconduct. If so, identify all facts upon which you base your answer that Defendant Church of St. Joseph was made aware of this sexual misconduct and the date Defendant gained this knowledge;
- h. Identify and describe any letter, document, memorandum, report or other tangible evidence relating in any manner to Defendant's communications between you and any parties to this action regarding this incident of sexual misconduct;
- i. Attach copies of all tangible evidence identified in your answer to interrogatory 13(g);
- j. Describe any disciplinary or preventative actions any of the other named defendants took in response to knowledge of this sexual misconduct.

ANSWER #13:

Defendant Father Robert Michael Thurner objects to this questions as overbroad, vague, beyond any possibility of producing relevant evidence, invading privacy, and invading his rights under the U.S. and Minnesota Constitutions, except as to

Present age and address obviously in the possession of Plaintiff. The sexual misconduct occurred during the period from fall of 1980 until August of 1982. The nature of the acts of sexual misconduct was as follows:

In the fall of 1980, the Plaintiff asked the Defendant to buy him pornographic magazines. On one occasion, believed to be in December of 1980, where the Defendant purchased such magazines for the Plaintiff, the Plaintiff indicated a desire for the Defendant to perform oral sex upon him. Both Plaintiff and Defendant disrobed and the Defendant performed oral sex upon the Plaintiff. This incident took place at the Defendant's house. To the best of the Defendant's recollection, this incident took place on December 20, 1980.

In March of 1981, the Defendant recalls picking up the Plaintiff after school at the Plaintiff's request. They went back to the Defendant's house whereupon the Plaintiff requested the Defendant to perform anal sex with him. This did not work and the incident was terminated at the request of the Defendant.

In July of 1981, the Defendant and Plaintiff attended a movie. Subsequent to the movie, the Plaintiff and Defendant engaged in an incident of oral sex. This incident occurred at the Defendant's home.

While the Defendant cannot specifically recall, he believes there were several other incidents where he rubbed his hand over the Plaintiff's penis (on the outside of Plaintiff's clothing)—these events usually occurred while the Plaintiff and Defendant were in the Defendant's car. The time frame of these incidents occurred from sometime in 1981 and extending no later than August of 1982.

The last incident of sexual contact between the Defendant and Plaintiff occurred in August of 1982, while in a New York hotel. While the Plaintiff was sleeping in his own bed, the Defendant, having awakened, brushed his hand across the Plaintiff's penis outside of his clothing. The Plaintiff did not awaken at this incident as far as the Defendant knew.

No criminal or civil claims resulted from this sexual misconduct, other than the current civil claim filed by the Plaintiff.

The Defendant diocese was not aware of this sexual misconduct until the anonymous complaint made in November of 1982. The meetings which occurred between the Defendant and the Co-Defendant diocese were described in the Answer to Interrogatory 12. The Defendant admitted the allegations of sexual misconduct at the initial meeting with Carlson, Hayden and Boxleitner on November 3, 1982. The Defendant similarly admitted the allegations during his meeting with Archbishop Roach on November 10, 1982. The meeting somewhere in the time period of 1987-1988 between the Defendant and Fathers McDonough and O'Connell were follow-up meetings conducted for the primary purpose of Defendant's well-being. Defendant recalls that McDonough and O'Connell were already aware of the incidents in question as well as the Defendant's admission to those incidents. On or about November 4, 1982, Defendant met briefly with the Diocesan attorney because of the complaint made.

The Defendant does not believe that Defendant Church of St. John the Evangelist was ever aware of the sexual misconduct.

The Defendant does not believe that the Defendant Church of St. Joseph was ever aware of this sexual misconduct.

The only letters/documents relating to communications between Defendant and any parties to this action consist of the letter of resignation written by Defendant to Archbishop Roach in April of 1983; the letter of acceptance of resignation written by Roach to the Defendant in April of 1983; and the recent June 1, 1990 confidential memo written to Defendant's file by Father O'Connell, following a June 1, 1990 meeting between these two.

Copies of the tangible evidence identified above in Defendant's Answer to Interrogatory 13(h) are attached with these answers.

The disciplinary/preventative action taken by the other named Defendants consisted of:

- 1) Confrontation;
- 2) Requirement that Defendant seek professional help;
- 3) Dismissal from St. John the Evangelist in April of 1983 following a second complaint made to the Chancery. —

INTERROGATORY #14:

Has Defendant received any psychiatric, psychological or other therapy or counseling relating to "sexual misconduct" as defined in the preceding interrogatory, either before, during or after the incidents which are the subject matter of this action. If so, provide the following:

- a. Identify the person(s) who counseled or provided therapy for Defendant;
- b. The dates of this therapy or counseling;
- c. Was this counseling directed or suggested by an agent, servant or employee of Defendant Diocese. If so, please identify the subject matter of the communications with Defendant and the dates of these communications;
- d. Was this counseling directed or suggested by an agent, servant or employee of Defendant Church of St. John the Evangelist. If so, please identify said agent, servant or employee of Defendant St. John the Evangelist, the subject of the communications with Defendant Father Robert Michael Thurner and the dates of these communications.
- e. Was this counseling directed or suggested by an agent, servant or employee of Defendant Church of St. Joseph, the subject of the communications with Defendant Father Robert Michael Thurner and the dates of these communications.
- f. Attach to these interrogatory answers any reports, records, memorandum or other tangible documents relating in any way to this therapy or counseling.

ANSWER #14:

Dr. Joseph Gendron, psychiatrist, 2414 South Seventh Street, Minneapolis, MN--the Defendant saw Dr. Gendron from November, 1982-September, 1983. This counseling was directed by Bishop Carlson of the Chancery as a result of the incidents involving the Plaintiff. This communication took place some time in November of 1982. This counseling was not suggested or directed by Defendant Church of St. John the Evangelist or Church of St. Joseph. Other than his patient records, Defendant is not aware of any tangible documents relating to his therapy.

Dr. Gary Schoener, psychologist, Walk-in Counseling Center, 2421 Chicago Avenue, Minneapolis, MN 55404--the Defendant has records of seeing Dr. Schoener on two separate occasions in 1988 (June 9 and September 15). This counseling was suggested by Fathers O'Connell and McDonough, with the diocese. Defendant recalls this referral was brought for Defendant's psychological well-being. This counseling was not directed/suggested by Defendants Church of St. John the Evangelist or Church of St. Joseph. Other than his patient records, Defendant is not aware of any tangible documents relating to his therapy. The Defendant received a copy of Dr. Schoener's report; read it; and destroyed it for privacy reasons.

Dr. John Gonsiorak, psychologist, Physicians Surgeons Building, Suite 506, 63 South 9th Street, Minneapolis, MN--the Defendant began seeing Dr. Gonsiorsak on May 30, 1990. Defendant is continuing to see Dr. Gonsiorak on a regular basis. This counseling was suggested by Fathers O'Connell and McDonough with the diocese. This counseling was not directed/suggested by Defendants Church of St. John the Evangelist or Church of St. Joseph. Other than patient records, Defendant is not aware of any tangible documents relating to this therapy.

Father Eugene Mertz, spiritual counselor--the Defendant began seeing Father Mertz for his own spiritual benefit. The Defendant is not aware of any patient records or tangible documents relating to his therapy.

INTERROGATORY #15:

Describe any prior or current employment relationship between you and each of the other Defendants to this action, including but not limited to the following:

- a. Describe the circumstances surrounding your initial association with each Defendant;
- b. The method by which you were compensated for services supplied to each Defendant, including the nature, source and frequency of this compensation;
- c. List your specific duties and responsibilities during your employment association with each of the Defendants to this action;
- d. List the instrumentalities you required to perform these duties and identify the person or organization which supplied these instrumentalities to you;
- e. List the name(s) of your supervisor(s) during this association with each of the Defendants to this action;
- f. State whether you are still associated with any of the other Defendants to this action, in any capacity and if so, the nature of this association;
- g. If you are no longer associated with each of the other Defendants to this action, please state the date this association terminated and the reason for termination of this association;

ANSWER #15:

- (a) St. John the Evangelist--the Defendant was assigned as Pastor on July 1, 1970. The Defendant was assigned to this parish by the Archbishop of St. Paul/Minneapolis. This assignment lasted until June 15, 1983.

Church of St. Joseph--the Defendant was assigned to this parish as an associate Pastor on June 15, 1983. This assignment was given by the Archbishop as well.

Archdiocese of St. Paul/Minneapolis--the Defendant was ordained in 1951 and credited to serve the Archdiocese in that same year.

- (b) The Defendant was compensated bi-weekly during his tenure at Church of St. John the Evangelist and Church of St. Joseph. Defendant estimates his annual compensation while at St. John's to be approximately \$8,000.00 to \$9,000.00 per

year. The Defendant estimates his annual compensation while at St. Joseph to be approximately \$10,000.00 per year. The Defendant was paid directly by the parish in which he served. The Defendant did not receive monetary compensation from the Archdiocese.

- (c) St. John the Evangelist--Defendant's duties were broken down into administrative, liturgical, educational and social programs. The Defendant was responsible for virtually all aspects of the parish including maintenance of the physical plant, finances, and coordination of all other programs.

St. Joseph's--the Defendant's duties were primarily liturgical in nature. The duties included worship, administration of the sacraments, and work with other committees. The Defendant was also responsible for those duties assigned to him by the Pastor of St. Joseph at that time, Father John Parkos.

The Archdiocese--the Defendant was responsible for carrying out those temporal and spiritual duties required of a Pastor for the spiritual and temporal well-being of the parish he was serving.

- (d) Defendant is uncertain of the meaning of this interrogatory. To the extent that Plaintiff is referring to the training received by the Defendant, the Defendant states that his Pastoral training was all he required to perform his duties at St. John the Evangelist. During his service at St. Joseph, the Defendant was given a job description pertaining to some of his duties.
- (e) St. John the Evangelist--the Defendant's supervisors during this association were Archbishop John Roach and Archbishop Leo Byrnes.

St. Joseph--the Defendant's supervisor during this association was Father John Parkos.

Archdiocese--the Defendant's supervisors during this association have been Archbishop Roach, and previously, Archbishop Leo Byrnes.

- (f) The only other Defendant this Defendant is still associated with is the Archdiocese. The Defendant continues to work for the Archdiocese and is currently on assignment at the Parish of St. Therese in St. Paul.
- (g) St. John the Evangelist--the Defendant terminated his association with this parish on June 15, 1983 by request of Bishop Carlson.

Church of St. Joseph--the Defendant terminated his association with this parish at the beginning of April 1986. The Defendant left this parish because he desired a change in his life. The Defendant intimated his desire to leave this parish to the Chancery, and he was subsequently removed from the parish.

INTERROGATORY #16:

Did Defendant have in effect a liability insurance policy providing coverage for any of the damages claimed by Plaintiff in this action. If so, please provide the following:

- a. The named insured on this policy;
- b. The policy number;
- c. The name, address and phone number of the company extending coverage;
- d. The policy limits.

ANSWER #16:

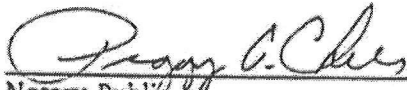
The Defendant does not have a personal liability insurance policy providing coverage for any of the damages claimed by Plaintiff in this action. The Defendant is under the belief that the Archdiocese may have such a policy which covers him. Defendant is not aware of any specific information pertaining to this policy.

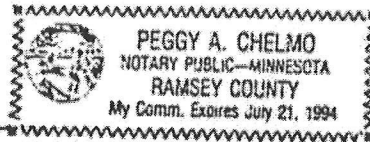
Dated: 9-24-90


Father Robert Michael Thurner

Subscribed and sworn to before me this


24th day of September, 1990.


Notary Public



Dated: 9-24-90

COLLINS, BUCKLEY, SAUNTRY & HAUGH

By 
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