

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

IN RE: FORTIETH STATEWIDE
INVESTIGATING GRAND JURY

PETITION OF:

BISHOP DONALD TRAUTMAN

:
: No. 88 WM 2018
:
: Supreme Court of Pennsylvania
: 2 W.D. MISC. DKT. 2016
:
: Allegheny County Court of
: Common Pleas
: CP-02-MD-571-2016
: Notice Number 1

JOINT STIPULATION TO DISMISS APPEAL

Petitioner, Bishop emeritus Donald Trautman of the Catholic Diocese of Erie, and Respondent, the Pennsylvania Office of Attorney General, through their respective undersigned counsel, hereby enter into this Joint Stipulation to Dismiss Appeal stating as follows:

1. Bishop Trautman Petitioned the Pennsylvania Supreme Court because he disagreed with and contested the accuracy and completeness of the Grand Jury Report as to his conduct and action, particularly when his entire tenure in office is reviewed. His objective in doing so was not to block release of the Report, but to ensure that any Report released to the public was fair and accurate as to his record while in Office.

2. Because of the scope of the Pennsylvania Supreme Court's July 27, 2018 Opinion, Bishop Trautman's effort to protect his own rights through his appeal

has the potential to result in large portions of the Report concerning the Diocese of Erie being blocked from publication. Because doing so could further injure victims of abuse and because his goal was never to halt publication of the entirety of the Diocese of Erie section of the Report, Bishop Trautman has reached agreement with the Office of the Attorney General (OAG) whereby he will withdraw his current appellate challenge so that the Diocese of Erie section of the Interim Report that is to be released in August is as complete as possible.

3. In doing so, Bishop Trautman is not conceding to the accuracy or the completeness of the Report, including but not limited to the portions quoted in paragraph 4 below. His Response to the Report setting forth his record while in Office and some of his disagreements with and clarifications regarding the Report, which Response was previously accepted by the Supervising Judge, will be made public with the Interim Report and is attached hereto as Exhibit 1.

4. In entering into this Stipulation, the OAG does not concede that the Report is improper. The OAG does, however, agree to the following:

- a. The statements on page 1 of the Report that “all of [the victims] were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all” and that there was a “coverup” are not specifically directed at Bishop Trautman.
- b. The statement on page 2 of the Report that “[t]he main thing was not to help children, but to avoid ‘scandal’” is not specifically directed at Bishop Trautman.

- c. The series of seven practices set forth on page 3 of the Report were not specifically employed by Bishop Trautman.
- d. The statement on page 4 of the Report that “Priests were raping little boys and girls and the men of God who were responsible for them not only did nothing: they hid it all” is not specifically directed at Bishop Trautman.
- e. The statements on page 66 of the Report that “Diocesan administrators, including the Bishops, had knowledge of this conduct and yet priests were regularly placed in ministry after the Diocese was on notice that a complaint of child sexual abuse had been made. This conduct enabled offenders and endangered the welfare of children” are not specifically directed at Bishop Trautman.
- f. The Statement of page 67 of the Report that “several Diocesan administrators, including the Bishops, often dissuaded victims from reporting abuse to police, pressured law enforcement to terminate or avoid an investigation, or conducted their own deficient, biased investigation without reporting crimes against children to the proper authorities” is not specifically directed at Bishop Trautman.

5. The Parties further agree that the statements related to the Diocese of Erie on page 4 of the Report come from documents the full context of which is not set forth on page 4 of the Report.

6. The Parties agree that this Stipulation can be immediately made public and that publication of the Stipulation will precede any publication of the Report.¹

7. Based on the above, Petitioner hereby withdraws his appeal at the above cited docket and asks that it be dismissed.

¹ No other Petitioner has objected to publication of the portions of the Report cited in paragraph 4 above.

8. This Stipulation is not binding upon, does not establish precedent for, and should not be construed to impact any other Petitions pending before the Pennsylvania Supreme Court or the relief sought therein.

Respectfully submitted,

**DeFOREST KOSCELNIK YOKITIS &
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Dated: August 2, 2018