

CONFIDENTIAL

DIOCESE OF MANCHESTER

OFFICE OF THE CHANCELLOR

REQUEST FOR RESPONSE

Date Issued: 01.02.07

no number left

For Response to: [redacted]

Source: Telephone: no number given - he will call

Correspondence

Fr. Cote - 752-5277

Document enclosed

E-mail:

Nature of Request: Mr. [redacted] was calling to inquire for his friend [redacted] when Bishop McCormack would be in for calling him. [redacted] apparently was in touch with the diocese at some point regarding alleged molestation by a priest when he was a child. He wishes to go forward with the case at this time.

He was advised that Fr. Arsenault was a delegate for the bishop on such matters and would handle the matter. Mr. [redacted] will tell Mr. [redacted] to call Fr. Arsenault.

Respondent: *Ja* *Both in Berlin*

Secretariat: _____ Department: _____

Response required by: *Joe Cote*

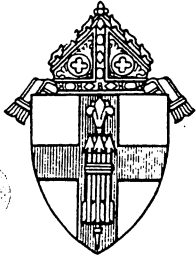
Disposition: *no intention of legal action by Mr. [redacted]*
Mr. [redacted] - ~ 40 years old

Cote leaving w/ Leo Actin - a homosexual

Cote saying Masses in home of Mr. Actin - disaffected

- does not want to sue or cause trouble
- alcoholic because of this
- has forgiven him - concerned for safety of others

Please return this form to the Office of the Chancellor with detailed response.



Diocese of Manchester

Reverend Edward J. Arsenault
Secretary for Administration

153 Ash Street - Box 310
Manchester, NH 03105-0310
(603) 669-3100
Fax: (603) 669-0377

392

**MEMORANDUM
CONFIDENTIAL**

TO: File

FROM: Rev. Edward J. Arsenault *EJA*

DATE: 28 February 2001

RE: Rev. Joseph Cote

I received a telephone call from Mr. [REDACTED] on February 7, 2001. At that time Mr. [REDACTED] left no telephone number and he called again on February 8, 2001 at which time I spoke to him. The outline of Mr. [REDACTED] report is attached to this memorandum.

Mr. [REDACTED] called me at St. Pius X Rectory on February 14, 2001. He recounted to me that as a young boy (approximately 25-30 years ago) he was assaulted by Father Joseph Cote. When asked, he provided little detail regarding the nature of the assault and explained that he had no intention of pursuing any legal action against Fr. Cote or the Diocese. He also stated that he has no desire to create a public scandal over Father Cote's alleged actions but he did recount that he has struggled with marital difficulty and is an alcoholic. He is currently treating with a social worker at New Hampshire Catholic Charities in Berlin. He further stated that he has forgiven Father Cote but that he is concerned for the safety of others. Specifically, he recounted that Father Cote lives with Leo Aubin whom he believes to be homosexual, based upon hearsay in the community. He stated that Father Cote is saying Masses in the basement of Mr. Aubin's home and that families attend that Mass, including young children. Mr. [REDACTED] further recounted that he was concerned that young boys might come in contact with Father Cote and something similar might happen to them.

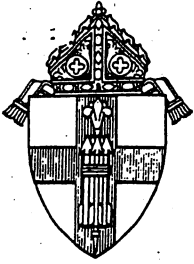
I expressed my concern regarding what Mr. [REDACTED] had recounted to me and assured him that I would follow through with a meeting with Father Cote. I verified that he was currently receiving counseling services from New Hampshire Catholic Charities and inquired whether there was any additional support or pastoral service that I could offer him at this time. Mr. [REDACTED] stated that he was fine at this time but simply wanted the Diocese to be aware of Father Cote's prior actions and the current situation regarding his celebration of Mass in the home of Mr. Aubin.

I spoke with Father Joseph Cote by telephone on February 15, 2001. He and I made arrangement to meet at the Diocesan Administration Building on Friday, February 23, 2001. Father Cote was accompanied on his visit by Mr. Aubin and another man (the driver, named Ivan.) I met with Father Cote privately and immediately upon my sharing

the report by Mr. [REDACTED]. Father Cote admitted that this indeed had occurred. I did not probe Father Cote for any significant level of detail given his immediate admission of guilt. Father Cote expressed his contrition for what had occurred and furthermore indicated to me that he had stayed in his ministry at St. Vincent de Paul Nursing Home for the last five years under significant physical duress given his health. He expressed to me that his willingness to work under these conditions was intended, by him, to be some reparation for his sins. I shared with Father Cote my concern that he not identify the entirety of his priesthood by this one incident but that we obviously needed to address the issues which Mr. [REDACTED] had raised with me in his report. I asked Father Cote what he thought would be an appropriate action given Mr. [REDACTED] concern for the safety of others. Father Cote shared with me that he has not had any incident of misconduct like this since his involvement with Mr. [REDACTED] and that he has no sexual drive at this point in his life. He did express to me his willingness to limit his celebration of Mass in the home of Mr. Aubin to a private celebration without any attendance by the public..

I informed Father Cote that I would make a report to Bishop McCormack and at that time would recommend to him that Father Cote have a limited faculty for the celebration of Mass only in private. I also informed Father Cote that as a courtesy I would contact Father Roberge and inform him that due to the limitations of Father Cote's health that he would not be available to celebrate the Eucharist publicly and that his celebration in Mr. Aubin's home would be limited to no public attendance. I asked Father Cote whether he felt he would want to speak to a counselor or whether some psychological attention to this issue in his life would be helpful. He declined counseling and informed me that he has been working on this matter with his spiritual director for a number of years.

The recommendation to Bishop McCormack will include a limitation of Father Cote's faculties to the celebration of the Eucharist in private and that the local pastor be informed of the same for reasons of health.



Diocese of Manchester
 Reverend Edward J. Arsenault
 Secretary for Administration

153 Ash Street - Box 310
 Manchester, NH 03105-0310
 (603) 669-3100
 Fax: (603) 669-0377

**MEMORANDUM
 CONFIDENTIAL**

*Fr. Cote
 457 Norway St.*

752-5277

TO: File

FROM: Rev. Edward J. Arsenault, Chancellor

DATE: Wednesday, 12 March 2001

RE: [REDACTED] and Rev. Joseph Cote

On Tuesday, 6 March 2001, I received a telephone call at St. Pius X Rectory from [REDACTED] at approximately 11:00 a.m. Mr. [REDACTED] was rather agitated regarding a recent conversation with a person who was attending Mass at Fr. Cote's home. He was also concerned that Fr. Cote has been celebrating Mass occasionally at St Vincent de Paul Nursing Home. He stated that his understanding of my prior conversation with him was that Father Cote would not "preach in the public eye." He reiterated his concern that Father Cote should not be with young children at any time and that he wants a "guarantee" that this will not happen.

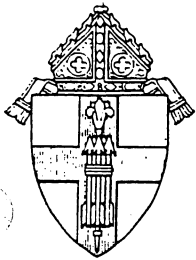
I explained to Mr. [REDACTED] that I had not yet submitted my recommendation to Bishop McCormack regarding Father Cote but that I expected that Father Cote's celebration of Mass at his home would be private and closed to the public based on my discussion with him. I further stated that I was not aware that Father Cote was celebrating Mass at St. Vincent de Paul Nursing Home and that this was in some regard a new instance of concern from Mr. [REDACTED] to me.

I explained to Mr. [REDACTED] that he needed to be clear with me regarding what restrictions on Father Cote's ministry would make him comfortable. I further explained to him that my concern was that in addition to limiting Father Cote's presence around children and young boys, it appeared that Mr. [REDACTED] was angry with Father Cote and that perhaps this anger was not yet resolved for him. I expressed a concern that he bring this up in his counseling and that he recognize that insisting on a complete restriction of Father Cote's public ministry as a priest was not necessarily going to move him (Mr. [REDACTED] any closer to moving beyond the instance of abuse of Father Cote in his past.

I informed Mr. [REDACTED] that I would speak to Father Cote and that I would take a call from him on Monday, 12 March 2001 to discuss this issue with him.

I spoke to Father Cote at 11:10 a.m. and informed him and reiterated for him that his celebration of the Eucharist in the home of Mr. [REDACTED] was to be private. Specifically, I informed Father Cote that no one was to be invited to this celebration except Mr. [REDACTED]

and that if necessary Father Cote should dis-invite who had a sense that this was a public celebration of Mass. I further informed Father Cote of my concern that we not allow ourselves to get to a point where Mr. [REDACTED] was so angry that he would consider bringing his concerns about the past incident with Father Cote to the public.



Diocese of Manchester

Reverend Edward J. Arsenaull
Secretary for Administration

153 Ash Street - Box 310
Manchester, NH 03105-0310
(603) 669-3100
Fax: (603) 669-0377

OFFICE OF THE CHANCELLOR
April 20, 2001
FILE: Confidential
AUTHORIZED: [Signature] 4/20/01

Reverend Joseph A. Cote
P.O. Box 394
Berlin, NH 03570-0394

PERSONAL AND CONFIDENTIAL

Dear Father Cote,

I have met with Bishop McCormack regarding the recent report which received from Mr. [redacted] regarding your relationship with him as a young man. Bishop McCormack has accepted my recommendation that you refrain from any contact with young persons under the age of 18 years old, effective immediately. This should provide adequate assurance to you and to Mr. [redacted] that no inappropriate behavior will occur in the future.

I am also mindful that this incident is a burden for you. Please bear in mind my counsel that you should not identify the entirety of your priestly service to the Church by this one incident. I would also encourage you to continue to bring this matter to the attention of your spiritual director to the degree that you deem appropriate and helpful.

Finally, as we discussed, I will contact Mr. [redacted] to inform him of this restriction in an effort to assist his healing process and to ensure him that the matter has been addressed in an appropriate manner.

Assuring you of my prayerful best wishes this Easter, I remain,

Fraternally yours in the Lord,

Edward J. Arsenaull

Delegate of the Bishop

file

DOUGLAS, LEONARD & GARVEY, P.C.

6 LOUDON ROAD, SUITE 502
CONCORD, NEW HAMPSHIRE 03301

CHARLES G. DOUGLAS, III
C. KEVIN LEONARD
CAROLYN S. GARVEY
V. RICHARDS WARD, JR.

TELEPHONE: 603-224-1988
FACSIMILE: 603-229-1988

e-mail: mail@nhlawoffice.com
http://www.nhlawoffice.com

OF COUNSEL:
PAUL M. MONZONI
THE PIERCE BLOCK,
20 LADD STREET
PORTSMOUTH, NH 03801
603-334-9800

August 20, 2001

Bradford E. Cook, Esq.
Sheehan, Phinney, Bass & Green
P.O. Box 3701
Manchester, NH 03105

Re: [REDACTED]

Dear Brad:

This is to follow up my conversation with you Friday concerning [REDACTED] of Berlin. [REDACTED] is a [REDACTED] year old man who was born and raised in Berlin and works at [REDACTED]. When he was 12, [REDACTED] was an altar boy at a Catholic church in Berlin where Father Joseph Cote was a priest. [REDACTED] was sexually abused by Father Cote but was able to block and bury this part of his life. Unfortunately, as with most people who undergo sexual trauma at a young age with someone they trust, [REDACTED] has had a drinking problem throughout his life and has used alcohol to numb and distance himself.

In early 2000, [REDACTED] began counseling with [REDACTED] a licensed clinical social worker in Berlin, marriage problems. [REDACTED]

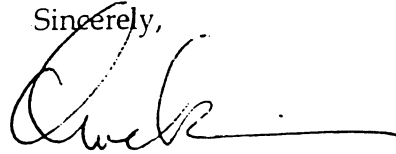
[REDACTED]

The burden of carrying this secret had severely affected [REDACTED] intimate relationships with his wife and family and had left him with a pattern of mistrust,

Bradford E. Cook, Esq.
August 20, 2001
Page 2

alcohol abuse and suicidal response. [REDACTED] report reflects that all of this devastation is due to the trauma of childhood sexual abuse at the hands of Father Joseph Cote. Obviously, this childhood assault has had a tremendous effect on [REDACTED] life and he would like compensation for what happened as well as assurance that Father Cote will either be excommunicated or barred from any involvement with children. Apparently, [REDACTED] met with Father Arsenault at some point this past spring. I will await your advice as to how to proceed as [REDACTED] would like to file suit if an amicable resolution is not possible.

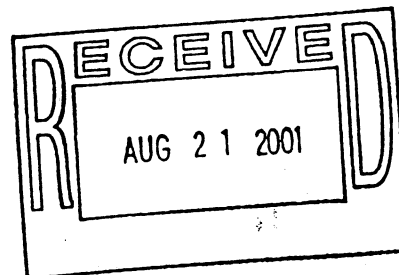
Sincerely,



Charles G. Douglas, III

Enclosure

cc: [REDACTED]
CGD/sam



SHEEHAN
PHINNEY
BASS +
GREEN

PROFESSIONAL
ASSOCIATION

Writer's Direct Dial
(603) 627-8110
Fax (603) 641-2343
bcook@sheehan.com



ATTORNEYS AT LAW

1000 ELM STREET
PO BOX 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
603-668-0300
FAX 603-627-8121

143 NORTH MAIN STREET
SUITE 103
CONCORD
NEW HAMPSHIRE
03301-5089
603-223-2020
FAX 603-224-8899

OLD CITY HALL
126 DANIEL STREET
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
603-433-2111
FAX 603-433-3126

TOLL FREE:
1-800-625-SPBG

WORLD WIDE WEB SITE:
<http://www.sheehan.com>

August 22, 2001

Fr. Edward J. Arsenault
Chancellor
Diocese of Manchester
PO Box 310
Manchester, New Hampshire 03105-0310

Re: [REDACTED] Matter

Dear Father Ed.

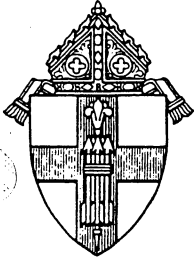
To summarize the circumstances of the enclosed letter for the record, Charles G. Douglass, III, Esq. of Concord called me on Friday, August 17, 2001 and indicated he represented Mr. [REDACTED] who had a claim on account of having been abused as a child by Father Cote of Berlin. He promised to write me a letter describing the circumstances. The letter dated August 20 arrived on the 21st and I faxed it to Martha Kipp, in your absence.

We have dealt with Attorney Douglass on these types of cases before and he has concluded them with discretion and care. However, not knowing the background of this matter, it is premature to presume a result of approach. I look forward to speaking with you about this.

Sincerely,

Bradford E. Cook

enclosure



Diocese of Manchester

Reverend Edward J. Arsenault
Secretary for Administration

153 Ash Street - Box 310
Manchester, NH 03105-0310
(603) 669-3100
Fax: (603) 669-0377

403

CONFIDENTIAL

TO: Martha A. Kipp
Bradford E. Cook

FROM: Father Arsenault *EJA*

RE: [REDACTED] matter

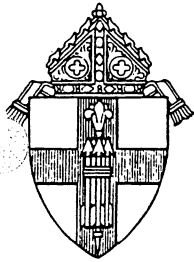
DATE: 27 August 2001

I would ask that you take the following initial steps with Mr. [REDACTED] attorney, Mr. Douglas.

1. I was made aware of the allegation initially by a third party and subsequently by Mr. [REDACTED] in February 2001 and subsequently investigated the matter. Fr. Cote has admitted to me that this incident did occur and that it was the only incident of its kind in his priesthood. At the time of the report, I offered counseling and pastoral care to Mr. [REDACTED] which he refused at the time.
2. As a result of the investigation and Fr. Cote's admission, his priestly ministry has been restricted to private Mass in a private home. He does not function in a public fashion as a priest and will not in the future.
3. At the conclusion of the investigation, I reported the decision to restrict Fr. Cote's ministry to Mr. [REDACTED]. He expressed his displeasure to me at that time and informed me that he might seek legal counsel.
4. Given the broad stroke dates provided, there is no insurance coverage for any settlement of the matter. Whatever resources are used to respond to Mr. [REDACTED] in a pastoral fashion will be church monies.

I trust that both of you can discuss the fact that the civil liability of the Bishop of Manchester in this matter is non-existent. Notwithstanding the absence of a legal liability, I am open to further discussion of the nature and content of our pastoral response to Mr. [REDACTED]

Kindly keep me apprised of this matter.



Diocese of Manchester

Reverend Edward J. Arsenault
Chancellor
Secretary for Administration

153 Ash Street - Box 310
Manchester, NH 03105-0310
(603) 669-3100
Fax: (603) 669-0377

December 21, 2001



PERSONAL AND CONFIDENTIAL

Dear Mr. 

I am pleased that your attorney and my representatives have reached an agreement regarding the response of the Diocese to the report which you made regarding the conduct of Reverend Joseph Cote. As I shared with you during our two telephone conversations, I am deeply sorry that you were affected by Father Cote's misconduct. In my conversations and meetings with Father Cote, he has expressed his remorse as well. You may recall that I offered to arrange for Father Cote to apologize to you personally if you and your counselor thought that this would be helpful to you.

I also want to confirm for you that since your report to me, Father Cote has not exercised his priestly ministry in any public forum, in accordance to the agreement that he and I reached in this regard.

Please be assured of my continued hope that you find a healthy resolution to this difficult time in your life. If I can be of help to you in anyway please contact me personally. With prayerful best wishes, I remain,

Sincerely yours,

Delegate of the Bishop

SETTLEMENT AGREEMENT AND GENERAL RELEASE

This Agreement made this 21 day of December 2001, by and between [REDACTED]
[REDACTED] an individual with an address at [REDACTED], Berlin, New Hampshire [REDACTED]
and THE ROMAN CATHOLIC BISHOP OF MANCHESTER, a corporation sole of 153 Ash
St., P.O. Box 310, Manchester, New Hampshire 03105-0310,

WITNESSETH That:

WHEREAS, [REDACTED] a married adult and has made a claim against the Roman
Catholic Bishop of Manchester, a corporation sole and Rev. Joseph Cote claiming damages for
personal injury; and

WHEREAS, the Roman Catholic Bishop of Manchester, a corporation sole, has denied
and continues to deny that it has any liability for damages allegedly suffered and claimed by
[REDACTED] on account of actions of Rev. Joseph Cote since it had no knowledge of any such
facts (but does not by this statement represent that Rev. Joseph Cote has denied such events as
alleged by [REDACTED] occurred) and denies his entitlement to any relief from the Roman
Catholic Bishop of Manchester in connection with the above-referenced claims, and states that
under no circumstances shall this agreement be construed as an admission of liability by the
Roman Catholic Bishop of Manchester under any state or federal laws; and

WHEREAS, [REDACTED] and the Roman Catholic Bishop of Manchester, a
corporation sole, in good faith, have agreed to avoid the expense and time of litigation
proceedings, to resolve all of their differences by this agreement, to keep all information
concerning [REDACTED] claims and allegations and the terms of this settlement completely
confidential, and that this agreement adequately resolves all of the differences between the
parties;

NOW THEREFORE, [REDACTED] and the Roman Catholic Bishop of Manchester, a corporation sole, agree, for the consideration and upon the terms set forth in this agreement, that:

1. [REDACTED] will not file any lawsuit or otherwise make claims in any forum on account of the matters referenced in this agreement.
2. [REDACTED] does for himself, his heirs, executors, beneficiaries, administrators, successors, and assigns (the foregoing releasing parties being hereinafter referred to as the "Releasers"), hereby release, remise and forever discharge, fully and finally, the Roman Catholic Bishop of Manchester, a corporation sole, the Roman Catholic Bishop of Manchester, the Diocese of Manchester, all parishes within the Diocese of Manchester, and Rev. Joseph Cote, their past, present and future officers, ministers, clerics, priests, Bishops, directors, attorneys, agents, servants, representatives, subsidiaries, partners, representatives, employees, predecessors and successors in interest and assigns, affiliates, and all other persons and/or entities to the extent that such other person and/or entity is liable or could be deemed liable by, through, or under them (the foregoing released parties being hereinafter referred to as the "Releasees") of and from any and all past, present or future cause and causes of action, all manner of actions, suits, demands, claims, debts, sums of money, accounts, reckoning, bonds, bills, specialties, covenants, controversies, judgments, agreements, premises, variances, trespasses, damages, execution, claims and liabilities of whatsoever kind and nature, including, but not limited to, any and all claims for bodily or personal physical injuries, mental anguish, psychological or emotional distress, property damage, medical bills, lost wages, pain and suffering, loss of consortium, and any and all damages and expenses of any nature whatsoever, past, present and future, foreseen or unforeseen, known or unknown, which have been incurred or which may be incurred in the future, upon or by reason of any matter, cause or thing whatsoever from the beginning of the

world to the date of these presents. Without limiting the generality of the foregoing, this release specifically pertains to all events complained of by [REDACTED] with respect to the claims arising from the alleged actions of Rev. Joseph Cote which resulted in personal injury to [REDACTED] and claims that the Roman Catholic Bishop of Manchester knew of such actions or should have known of them, or failed in some way to prevent such actions.

3. The Releasor expressly agrees that he and his agents, including his counsel, will not, at any time, directly or indirectly, publicize, divulge, discuss or disclose any of his allegations, claims, documents, settlement demands, and offers, including, but not limited to, the terms, provisions and obligations of this Settlement Agreement and General Release, or any other information relating to his claims against the Releasees in any manner whatsoever (including all information related to the claims of any other party or person in connection with matters arising out of the same or similar facts to those alleged in the claims), except that the Releasor or his agents may disclose such terms to his legal advisors and accountants as may be necessary to receive professional advice and then only if such persons are expressly made aware of this confidentiality provision and agree in writing to be bound hereby, and except as otherwise compelled by final, nonappealable order from a court of competent jurisdiction. Violation of this confidentiality provision by Releasor or his legal advisors or accountants shall immediately result in cancellation of all obligations of Releasees to Releasor hereunder and the immediate return of all monies paid by Releasees to or on behalf Releasor from Releasees.

4. In consideration of this settlement agreement and in consideration of the below mentioned sum of money, and other good and valuable consideration, [REDACTED] hereby agrees to pay from the settlement proceeds herein described any and all medical bills, property damage claims, attorneys' fees, and medical, wage, attorney, workers' and unemployment

compensation liens, and any and all other claims or liens, subrogation rights or other causes of action arising out of the events complained of by [REDACTED] [REDACTED] for and in consideration of the herein mentioned sum of money, and for other good and valuable consideration, hereby agrees to indemnify and hold harmless the Releasees from any and all liens, including but not limited to, wage liens, workers' compensation and unemployment compensation liens, attorney liens, PIP liens, medical liens, and from any and all subrogation rights and other claims and causes of action arising out of the events complained of which may exist or which may hereinafter accrue, or any claims made by any relative which is derivative of his claims.

5. Upon execution of this Agreement, the Roman Catholic Bishop of Manchester, a corporation sole, agrees to pay, Twenty Five Thousand Dollars (\$25,000) to [REDACTED]

6. It is agreed and understood that this Settlement Agreement and General Release is accepted by the The Roman Catholic Bishop of Manchester as a compromise of disputed claims of its knowledge and/or liability for actions of Rev. Joseph Cote and that it is not to be construed as an admission of liability on the part of The Roman Catholic Bishop of Manchester by which liability is expressly denied.

7. [REDACTED] hereby acknowledges that he fully understands the terms of this Settlement Agreement and General Release and that he voluntarily accepts the agreed upon consideration for the purpose of making a full and final compromise, adjustment and settlement of any and all matters with the Releasees. Further, [REDACTED] acknowledges that he is over the age of majority, and has been advised in this matter by Attorney Charles G. Douglas, III, of Concord, New Hampshire.

The terms of this release are contractual and not a mere recital.

IN WITNESS WHEREOF, [REDACTED] having read carefully the foregoing Settlement Agreement and General Release and knowing and understanding its terms, signs the same as his own free act and deed this 21st day of Dec, 2001.

WITNESS:



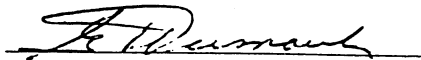
CHARLES G. DOUGLAS, III

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

[REDACTED]

Before me, personally appeared [REDACTED] and took oath and acknowledged that his signature by him herein is his free act and deed.

GERALD L. DUMOULIN, Notary Public
New Hampshire
My Commission Expires July 14, 2005


Justice of the Peace
Notary Public

THE ROMAN CATHOLIC BISHOP
OF MANCHESTER, a corporation sole

Matthew Kipp

By: John P. Quinn
His FINANCE OFFICER

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

Before me, personally appeared John P. Quinn on behalf of The Roman Catholic Bishop of Manchester, a corporation sole. and took oath that that his signature is duly authorized.

Franceen M. Morasse
Justice of the Peace
Notary Public

FRANCEEN M. MORASSE, Notary Public
My Commission Expires April 7, 2004

— Rev. Joseph A. Cote —

FILE SUMMARY

Name	Joseph A. Cote
Date of Birth	01/04/23
Date Ordained	05/19/51
Service	12/17/56 Sacred Heart, Greenville
	12/10/57 St. Martin, Somersworth
	10/10/58 Our Lady of the Mountains Academy, Gorham, Chaplain
	09/07/60 Guardian Angel, Berlin
	04/08/65 St. Joseph, Berlin
	07/01/68 St. Anne, Berlin
	06/10/69 St. Joseph, Berlin
	07/01/85 St. Vincent de Paul Home, Berlin, Chaplain
	06/01/00 Retirement
	Date and Nature of Complaint
Response Action Taken	Joseph Cote was long retired at the time of the accusation and conducting no public ministry. The Diocese dealt with and settled the matter with the complainant to assure additional counseling. A confidentiality agreement was signed. Joseph Cote continued to be restricted in his ministry with no public ministry and the complainant was assured of this.
Additional Complaints	None