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March 21, 2011

Douglas F. Spesia  
(1940-2010)

**CONFIDENTIAL**

Mr. Terrance M. Johnson, Esq.  
North Pier Chicago  
455 East Illinois Street  
Chicago, Illinois 60611

Re: [REDACTED] *vs Burnett and  
The Diocese of Joliet*

***Document Production***

Dear Mr. Johnson:

Enclosed herewith is the document production that is due on March 21, 2011.

Subsequent to your Motion to Compel, the Court entered Orders on November 23, 2010 and December 14, 2010 setting forth which documents were discoverable and that was then modified by the Court Order of March 11, 2011.

The Diocese had filed a Motion on January 27, 2011 seeking a Contempt Order to Perfect an Appeal pursuant to Supreme Court Rule 304(b)(5).

That Motion set forth the documents that the Diocese would produce pursuant to the above Court Orders, as well as the documents that the Diocese would not produce until ordered by a Reviewing Court.

Redacted April 2014  
TMJA  
Released April 2014

Mr. Terrance M. Johnson, Esq.  
March 21, 2011  
Page 2

The Diocese herein is now delivering documents as set forth in its above said Motion which consists of six categories, which are as follows:

- Category I – Diocesan Priests as specified.
- Category II – Religious Order Priests as specified
- Category III – Review Committee Investigative Records regarding Fr. Burnett
- Category IV – Investigative Records in addition to Review Committee Records
- Category V – Personnel Records of Parishes
- Category VI – In-Camera Records of Fr. Burnett (pursuant to the February 22, 2011  
(Court Order)
- Category VII – List of Civil Lawsuits

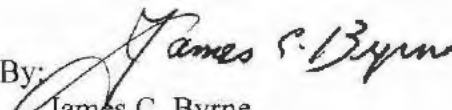
In addition to the above is a copy of [REDACTED]'s Priest File up to November of 1982.

Regarding Diocesan written policies on child sexual abuse allegations prior to November 20, 1982. I have previously stated in Court there are no such policies. Also prior to 1982 there was no Diocesan Review Committee or any other group that functioned in a similar matter.

The attached documents are consistent with the Diocese's statement of those documents that it would produce as set forth in its Motion for an Order of Contempt to Perfect an Appeal.

My Best Regards,

SPESIA & AYERS

By:   
James C. Byrne

JCB/skm  
Enclosures

cc: Mr. Joseph M. Laraia, Esq.  
Mr. Stuart L. Bressler, Esq.

Redacted April 2014  
TMJA  
Released April 2014

(Category III)

**REVIEW COMMITTEE**  
**OF**  
**DIOCESE OF JOLIET**  
**REGARDING**  
**ALLEGATIONS AGAINST FR. BURNETT**

**February 9, 2006 Meeting** (See attached records)

- Allegations of [REDACTED]
- Minutes of meeting – See Privilege Log

**May 24, 2006 Meeting** (See attached records)

- Allegations of [REDACTED]
- Minutes of meeting – See Privilege Log

**January 17, 2007 Meeting** (See attached records)

- Allegations of [REDACTED]
- Allegations of [REDACTED] (additional interviews)
- Minutes of meeting – No Privilege Log

**April 28, 2010 Meeting** (See attached records)

- Allegations of John Doe
- Allegations of [REDACTED]
- Allegations of [REDACTED]
- Minutes of meeting – See Privilege Log  
Attorney-Client & Work Product

Redacted April 2014  
BMJA  
Released April 2014

**PERSONAL  
CONFIDENTIAL**

**Review Committee**

**Allegations  
of**

[REDACTED]

Redacted April 2014  
TMJA  
Released April 2014

CONFIDENTIAL MINUTES OF THE JOLIET DIOCESAN REVIEW COMMITTEE

February 9, 2006

PLACE Conference Room, Chancery Building

TIME 7:30 a.m.

PRESENT

[REDACTED]

Others: Mr. James Byrne, Sr. Judith Davies, Fr. Joseph Tapella

EXCUSED

[REDACTED]

OPENING

The meeting opened at 7:30 a.m. with prayer.

POLICY

Sections of the *Pastoral Policy Regarding Sexual Abuse of Minors* have been reviewed: Introduction and I, II, III, IV, VI, VIII and XI. Needing review: V ([REDACTED])

[REDACTED]

VOTING

Mr. [REDACTED] suggested that any voting be conducted by means of a paper ballot. Balloting would take place only after a full discussion.

SHANAHAN

Information regarding the allegation of [REDACTED] against Father James Burnett was sent to Committee members in advance of the meeting. Members determined that more information was needed before they could proceed. Members may interview Father Burnett once sufficient information has been gathered.

Mr. Byrne reported that DCFS is asking the Diocese to take certain action when an allegation is made. The allegation against Father Burnett was reported to DCFS.

Motion: Having completed a preliminary review, the Committee requires further investigation of the charges, and finds with the removal of Fr. Burnett by the Bishop, it is unnecessary to consider the need for the temporary removal from ministry of the accused since it has already been done. Motion carried.

The Committee asked that information be obtained from classmates of Mr. [REDACTED] Fr. William Virtue; men who would have served as altar servers; Mr. [REDACTED] family members including [REDACTED] Fr. Vytas Memenas; Sr. [REDACTED] Sr. [REDACTED] Sr. [REDACTED] and DOC records. The goal is to discover if anyone else was abused or if there had been any questionable behavior on the part of Father Burnett.

[REDACTED]

DELETED

CASES

DELETED

UPDATES

DELETED

MEETING

Next meeting March 15, 2006.

Redacted April 2014  
TMJA  
Released April 2014

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08

INVESTIGATIVE REPORT

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

I N T E R V I E W

O F

[REDACTED]

O N

December 21st 2005

AND

December 22nd 2006

CONFIDENTIAL

WEDNESDAY, DECEMBER 28, 2005

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Redacted April 29, 2014  
TMJA  
Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Wednesday, December 28, 2005

09

PREDICATION

The client requested that this office interview [REDACTED], age [REDACTED] who resides at [REDACTED]. The client advised that within the past few days, Mr. [REDACTED] has made allegations that Father James Burnett, formerly of St. Mary's Parish in Mokena, Illinois, sexually molested him as a child in the 1970's. It was the client's understanding that the reported molestation allegedly took place in a confessional area.

Subsequent to interviewing Mr. [REDACTED] the client requested additional investigation, including interviewing [REDACTED] sister, [REDACTED] interviewing Father James Burnett; and conducting background investigation on [REDACTED] and [REDACTED].

INVESTIGATION

[REDACTED]

On Wednesday, December 21, 2005, Investigator Steven L. Kirby telephoned Mr. [REDACTED] at [REDACTED]. Mr. [REDACTED] identified himself and agreed to speak to the investigator. The investigator explained to Mr. [REDACTED] that he represented the Review Committee and his job was to gather facts to present to the Review Committee for their consideration in this case. During the course of the interview, Mr. [REDACTED] made the following relevant statements:

- He stated he attended St. Mary's Grade School, grades one through eight, graduating in [REDACTED].
- He stated that at the time, he lived in [REDACTED] Illinois.
- He stated that his entire family were members of St. Mary's Parish, [REDACTED].

- [REDACTED]
- He stated that the molestations occurred on numerous occasions between the ages of eight and ten.
  - He described those molestations as Father Burnett fondling his genital area both through his clothes and while he was naked from the waist down.

Redacted April 2014  
TMJA  
Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Wednesday, December 28, 2005

10

- He stated that all of these incidents occurred in the confessional area, which he described as an open room, on the left side, down a hallway past Sister Mary James' room. He stated it was to the left, across from the bathroom. He stated the room contained two chairs and a table and was designed for face-to-face confessions.
- He stated that Father Burnett told him not to tell anyone and stated, "He threatened to kick out me out of school" if I told anyone. He also stated that Father Burnett told him this was "a secret between you, me and God."
- He stated that he always remembered that Father Burnett molested him but never felt compelled to bring it to light until just recently. He did not specify why he felt the need to bring it to light but said when a church official in [REDACTED] was recently charged in a sex scandal, he started thinking about it.
- He stated that the first person that he told was his sister, [REDACTED] who resides in [REDACTED]. He said he told [REDACTED] on either December 20 or 21, 2005.
- He also stated that he found [REDACTED] telephone number and contact information on the Internet. He stated he contacted [REDACTED] who, in turn, apparently contacted the reporter for the Herald News whose name, [REDACTED] recalled, was [REDACTED]. He stated that [REDACTED] contacted him and he told [REDACTED] of the alleged molestation. He stated all of this occurred on December 20, 2005.
- He stated that he did call Father Burnett on five or six occasions over the past several years and left him several messages wanting him to call him back. He stated he also left questions on the voicemail asking Father Burnett why he molested him. He stated that Father Burnett never called him back [REDACTED]  
[REDACTED]

- When asked about the supposed "protection on the playground" that Father Burnett provided, [REDACTED] stated that what he meant was that Father Burnett kept him out of trouble from the nuns at St. Mary's, as opposed from other students bullying him.
- He stated that the molestation stopped by the fifth grade. He did not recall a specific incident, which caused it to stop, other than that, it just did.



Redacted April 2014  
TMJA  
Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Wednesday, December 28, 2005

11

- He stated that he believed his brother, [REDACTED] was molested by "Father Bill". He stated that he recalled when he was seven or eight years old, being with [REDACTED] in a forest preserve with a priest (Father Bill) and seeing [REDACTED] with his pants down and the priest nearby. [REDACTED]
- He denied being molested or abused by any other members of the Joliet Diocese or Catholic Church or anyone else in his life.
- When asked what he would like to see happen in this matter, he stated he wanted to make sure that Father Burnett was not in a position to molest any other children and stated he would like to see a "big ad" put out in the paper asking other people who Father Burnett may have molested to come forth.
- He stated he was willing to discuss this matter in the future with the investigator should there be need to. He stated that he can normally be reached on his cell phone anytime.

[REDACTED]

\* \* \* \*

On Thursday, December 22, 2005, the investigator received a telephone call at approximately 9:30 AM from [REDACTED] stated he had received a telephone call from a Sister [REDACTED] or similar name with an (815) area code and 263 exchange but he did not know the remaining four numbers. He asked the investigator if he knew whom this was and why he was being contacted. The investigator replied that he did not know for sure but would check and advise Mr. [REDACTED] of his findings.

Mr. [REDACTED] also mentioned at this time that, after speaking with the investigator, he recalled being fondled by Father Burnett on occasion while he was putting on his altar server robes. He stated that Father Burnett would attempt to fondle him while assisting him in putting on the robes.

The investigator, at the client's instructions, inquired as to whether or not the alleged molestations in the confessional occurred when he was actually going to the sacrament of confession or if that was just the room that Father Burnett took him to. Mr. [REDACTED] replied that the incidents occurred when he went to the sacrament of confession.

[REDACTED]

12

Redacted April 2014  
TMJA  
Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Wednesday, December 28, 2005

As promised, after checking with the client, the investigator recontacted Mr. [REDACTED] and informed him that the person from the diocese who was attempting to call him was from the Victim's Assistance Program and that she was not an investigator.

[REDACTED]

[REDACTED]

[REDACTED]

On December 27, 2005, Investigator Steven L. Kirby telephoned [REDACTED] at [REDACTED]. The investigator identified himself and requested an opportunity to speak with Ms. [REDACTED]. The investigator explained he had gotten her name and number from her brother, [REDACTED]. She confirmed that she had spoken with [REDACTED] and knew he had spoken with the investigator. [REDACTED] agreed to meet with the investigator on Thursday, December 29, 2005 at 8:30 PM at her residence, [REDACTED].

At one point in the brief telephone conversation, she mentioned that she felt that the Diocese had totally ignored the alleged molestation of her brother, [REDACTED] by a member of the Joliet Diocese (she did not name this individual). She claimed that she and her brother, [REDACTED] had made "25 calls" to either Sister Judith or Sister [REDACTED] and had not received a satisfactory response. The investigator explained to her that he was aware of the particulars of that case but that if she were to discuss it with the investigator, he would be willing to listen.

Approximately one hour after the investigator made the appointment with [REDACTED], she called the investigator and advised that she would not be able to meet with him on the advice of her brother's attorney. When the investigator asked for the name of the attorney, she refused to provide it, but stated that the diocese could expect to receive something in the mail from him in the next few days.

13

Redacted April 2014  
TMJA  
Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Wednesday, December 28, 2005

**Father James Burnett**

On December 27, 2005, the investigator attempted to contact Father Burnett in order to interview him. The investigator was advised by the receptionist that Father Burnett was taking the week off and was not expected back until after the first of the year.

**This Investigation Is Continuing With Supplemental Reports To Follow.**

Redacted April 2014  
TMJA  
Released April 2014

From: [REDACTED]  
To: [REDACTED]  
Sent: Friday, January 06, 2006 11:18 AM  
Subject: [REDACTED]

[REDACTED] I told you about the sexual abuse in November of 2005. I have hidden this for my whole life because of

- 1) Total embarrassment
- 2) Didn't want to face the consequences from Father Burnett who told me I would get kicked out of school.
- 3) Scared of what people would say if I was in the room with them.
- 4) Father Burnett fondled me at least over a hundred times. I told Mr Kirby I didn't know but my memory comes back the harder I have to think about it. It makes me sick everytime I have to think about what Father Burnett did to me. He was my favorite priest and always so sweet to me, yet he built up the trust between me and him and GOD never tell anyone our secret.

[REDACTED] everyone trusted Father Burnett and I also believe from the bottom of my heart that if I ever said one word that I would be called a liar and I didn't need that to be on my shoulders as well. This is the worst thing someone from the priesthood could do to a boy. It is worth than death because if I was dead than I wouldn't have to suffer like I did for so long and continue to do so.

[REDACTED] I felt so lucky to have Father Burnett there for me all the time. He treated me better than all the kids always. He was my hero. I have to stop for now I will continue later. Sorry [REDACTED]

Redacted April 2014  
TMJA  
Released April 2014

Interview  
Jan. 6 & 7, 2006

Redacted April 2014  
TMJA  
Released April 2014

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15

SUPPLEMENTAL REPORT

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

SUPPLEMENTAL--INTERVIEW

OF

[REDACTED]

ON

JAN 5th 2006 and Jan 7th 2006

CONFIDENTIAL

FRIDAY, JANUARY 13, 2006

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Re: Allegations of [REDACTED]  
Q4 File No. [REDACTED]  
Date: Friday, January 13, 2006

Redacted April 2014  
TMJA  
Released April 2014

In the continuing investigation, and supplementing this office's initial report dated December 28, 2005, the investigator spoke with [REDACTED] on two additional occasions and also interviewed Father James Burnett. The investigator tried to arrange to interview [REDACTED] but she did not respond to a message left to her. (It is noted that she had previously told the investigator she was not willing to meet with him.) The following is a summary of those interviews and/or attempts to interview.

Interviews with [REDACTED]

In the continuing investigation, on Thursday, January 5, 2006, at approximately 5:00 PM, Investigator Steven L. Kirby received an unsolicited telephone call from [REDACTED] wanting to know the status of the investigation. The investigator explained to Mr. [REDACTED] that the investigation was continuing but that he really could not discuss the results with him at this time. The investigator then mentioned to Mr. [REDACTED] that it was the investigator's understanding from Mr. [REDACTED] sister, [REDACTED] that he had an attorney representing him in this matter. Mr. [REDACTED] replied that although he had spoken with a number of attorneys, he had not retained anyone to handle his case. He then asked the investigator if he should represent himself and, if so, whom would he contact at the diocese to negotiate. The investigator replied to Mr. [REDACTED] that he was in no position to give Mr. [REDACTED] any type of advice in this case but did tell him that the attorney representing the diocese was Mr. James Byrne of Joliet.

In the continuing investigation, on Saturday, January 7, 2006, the investigator spoke with [REDACTED] by telephone. The investigator told Mr. [REDACTED] that since he was not represented by counsel and that his sister, [REDACTED] was apparently mistaken, that he would like to speak with her and asked Mr. [REDACTED] if that would be okay with him. Mr. [REDACTED] stated that he had no problem with the investigator speaking with his sister and that he would contact her over the weekend to advise her that it was okay with him if she spoke with the investigator. The investigator stated he would call her the early part of next week.

The investigator and Mr. [REDACTED] then began discussing whom he had discussed this matter with. [REDACTED]

The investigator also asked for clarification as to whether or not, during the times he attempted to contact Father Burnett, if he ever specifically told Father Burnett what he wanted to discuss, i.e. his alleged molestation by Father Burnett. Mr. [REDACTED] replied that he never specifically told him that was what he wanted to talk about. He stated that when he would leave either a voice mail message or a message with the secretary; he would say that it was [REDACTED] and he wanted to talk with Father Burnett. He

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Friday, January 13, 2006

Redacted April 2014  
TMJA  
Released April 2014

17

stated he never received a return call. He also stated that when he sent his letter he was not specific as to why he wanted to talk with Father Burnett.



[REDACTED] He stated that to this day, "A day doesn't go by that I don't think about it." He stated that whenever he reads or hears about a similar incident on television he turns the television off so that he does not have to relive his circumstances.



FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 769

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Jan. 18, 2006

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18

SUPPLEMENTAL REPORT II

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

I N T E R V I E W

O F

O N

JAN 18th 2006

CONFIDENTIAL

**THURSDAY, JANUARY 19, 2006**

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Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Thursday, January 19, 2006

Redacted April 29, 14  
TMJA  
Released April 20, 14

In the continuing investigation and supplementing this office's reports of December 28, 2005 and January 13, 2006, on Wednesday, January 18, 2006, Investigator Steven L. Kirby met with and interviewed [REDACTED] who is the sister of [REDACTED]. [REDACTED] agreed to meet with the investigator after initially declining, after discussing the matter further with her brother, [REDACTED]. She also provided the investigator with copies of several emails relating to this case, of which accompanying this report. It is noted that she is the first person confided in by [REDACTED] regarding alleged molestation by priests serving at St. Mary's Church in Mokena, Illinois. During the course of an approximate one hour and fifteen minute interview, the following information was learned and is summarized as follows:

[REDACTED]

[REDACTED]

• [REDACTED]

• She stated that she first learned of [REDACTED] abuse in October of 2005 [REDACTED]

It was at this time that he related to her, in general terms, that he was abused by "Father Bill" (subsequently, identified as Father Bill Virtue) while at St. Mary's in Mokena, Illinois. [REDACTED]

[REDACTED]

• She stated that sometime in early December or late November, she began to confide with other family members about [REDACTED] alleged abuse by Father Virtue.

• She stated when she told [REDACTED] he told her that he had also been molested by Father Burnett. According to [REDACTED] stated that this occurred on numerous occasions. [REDACTED] descriptions of his abuse (as told to her by [REDACTED] were consistent with what he told Investigator Kirby.

Re: Allegations of [REDACTED]  
Redacted April 2014 File No. [REDACTED]  
TMJA Date: Thursday, January 19, 2006  
Released April 2014

10  
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- She stated she was not sure of the exact sequence and time that she received a letter from [REDACTED] and when she notified [REDACTED] that her brother was molested and that he, in turn, confirmed that he was also molested. [REDACTED]

[REDACTED]  
She stated that all of the revelations and letters were occurring in late November and early December through the present.

- It is noted that the allegations that [REDACTED] made relating to Father Burnett are similar to the initial allegations against Father Virtue made by [REDACTED] in that a) both initial molestations occurred in the confessional room; b) that both [REDACTED] allege that the priest told them that what "goes on in here is sacred and between us and God"; and c) that the first molestation was fondling over clothes. It is further noted that [REDACTED] allegations of molestations only included fondling while [REDACTED] allegations included anal penetration on, at least, three occasions.

- [REDACTED] stated that [REDACTED] also told her that he recalled the instance when Father Bill Virtue, [REDACTED] and he were in the forest preserves and that Father Virtue allegedly anally raped [REDACTED]. According to [REDACTED] [REDACTED] told her that he was not a witness to the assault but that he recalled Father Virtue picking up [REDACTED] and him and that the two of them went ahead of [REDACTED] in the forest preserve and that he and his brother ended up running home rather than riding home with Father Virtue.

[REDACTED]

- [REDACTED] also confirmed that confessions were, in fact, heard in the office as described by both [REDACTED]. She stated that this would have included school confessions. She specifically recalled that the school children would slide down the pews as each one entered the confessional room. She described that there were two options to go to confession in the office. There was a screen that a person could kneel in front of or they could go behind the screen and have a face to face confession.

[REDACTED]

- She confirmed that [REDACTED] were, in fact, altar boys when they were at St. Mary's Parish.

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Thursday, January 19, 2006

Redacted April 2014  
TMJA  
Released April 2014

21

- She stated that she feels that this matter has not been handled appropriately by the Joliet Diocese and that her family's needs and complaints are essentially being dismissed.

[REDACTED]

- She agreed to discuss any follow-up questions the investigator might have concerning this matter.

END OF REPORT

Redacted April 2014  
TMJA  
Released April 2014

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Sunday, January 08, 2006 11:11 PM  
**Subject:** sexual abuse

Sister Judith I am very disappointed and ashamed that I am or was a part of the Joliet Dioseces. [REDACTED]

[REDACTED] the same school that I now know my brothers were sexually assaulted at. You already know all of this because I spoke to you about my brother [REDACTED] with father Bill Virtue. What you don't know is the horrific and morally disgusting things that he did in order to protect our [REDACTED]. All of that was in vain because it was happening to [REDACTED] also with another priest father Burnette, whom I would have considered a friend of the family. Now I consider him a pedifiler and unworthy person to be addressed as a priest and anyone associated with Jesus. I have a baptism to attend soon at Saint Mary but I can't go because it is too difficult to think of how my brothers' lives took a turn for the worse that would forever change them. I forgot that you and Sister [REDACTED] are both well aware of these abuse but I still understand that Father Burnette is still at St Ray and Father Bill is still in Peoria. I think you both have forgotton your position to help the victims. I have failed to see how either of you have helped my family. You both have ignored that sexual abuse allegations which in your heart you believe is true, I feel saddened for both and all of this so call review board. I am forwarding you my recollections of how you have treated my brother [REDACTED] in case you needed some reminders. My brothers lives have been broken down by these 2 men who told them that this abuse was between them and God and it was sacred. If you did your job at all you should have a file and will have my contact numbers.

Redacted April 2014  
TMJA  
Released April 2014

23

**From:** "Sr. Judith Davies" [REDACTED]  
**To:** [REDACTED]  
**Sent:** Tuesday, January 10, 2006 12:03 PM  
**Subject:** RE: sexual abuse

Dear [REDACTED]

This is a response to your message of January 9.

The Diocese of Joliet takes all allegations of sexual abuse very seriously. When the allegation of abuse by Father Virtue was made, I contacted the Diocese of Peoria since Father is a priest of that diocese. It is appropriate that the Peoria Diocese handle [REDACTED] allegation and deal with Father Virtue since the Diocese of Joliet has no jurisdiction whatsoever over Father.

When the Joliet Diocese became aware of your brother [REDACTED] allegation, we took immediate action. [REDACTED] was interviewed on behalf of the Diocesan Review Committee as soon as possible prior to the Christmas holidays.

The process of information gathering is continuing so that when the Review Committee convenes in mid-February, it will be able to review the allegation and all information received to date, then determine if more information is necessary. If the Committee decided more information is needed before proceeding, more will be gathered. Otherwise, the Committee will make a recommendation to Bishop Imesch regarding the accused priest.

[REDACTED]

You said in your message that you were forwarding your recollections of how [REDACTED] has been treated. Would you please resend? The forwarded message never arrived.

I am available to speak with you by phone [REDACTED] or in person should you wish.  
May God bless you.

Sister Judith Davies, OSF

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 776

Redacted April 2014  
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Released April 2014

Fr. Burnett  
(Jan. 10, 2006)



Redacted April 2014  
TMJA  
Released April 2014

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27

SUPPLEMENTAL REPORT

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

I N T E R V I E W

O F

FR. JAMES BURNETT

ON  
JAN 10th 2006

CONFIDENTIAL

FRIDAY, JANUARY 13, 2006

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Interview of Father James Burnett

On Tuesday, January 10, 2006, Investigator Steven L. Kirby met with and interviewed Father James Burnett at St. Raymond's Rectory in Joliet, Illinois. The purpose of the interview was to discuss with Father Burnett the allegations of [REDACTED] and for Father Burnett to respond to those allegations. During the course of an approximate forty-minute interview, Father Burnett stated the following in summary:

- He denied ever sexually touching [REDACTED] or any other minor during the course of his ministry. This would specifically include the time he was at St. Mary's in Mokena or any of his other assignments.
- Father Burnett denied ever inappropriately touching or sexually engaging in any type of sexual activity with any minors during the course of his ministry, while at St. Mary's Church or any other time.
- He denied ever being accused of any sexual misconduct during the course of his priesthood.
- Father Burnett stated he was ordained in 1968 and has had the following four assignments: St. Charles Boromeo, Bensenville, Illinois, 1968-1974; St. Mary's Parish, Mokena, Illinois, 1974-1990; St. Peter and Paul Parish, Naperville, Illinois, 1990-2002; St. Raymond's Parish, Joliet, Illinois, 2002-present.

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TMJA  
Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Friday, January 13, 2006

[REDACTED]

- He stated that he first became aware of the abuse allegations by [REDACTED] when he was contacted by a reporter, who happens to be a parishioner of St. Raymond's, sometime in mid December. He stated that he immediately told Bishop Imish about the reporter's statements. He stated that he subsequently learned on Christmas Eve that the situation had escalated and would be looked at by the Review Committee.
- Father Burnett stated it is his understanding that the allegation was essentially that he had [REDACTED] remove his pants while in a confessional area.
- The investigator explained to Father Burnett that [REDACTED] allegations were that on several occasions, when [REDACTED] was between the ages of eight and ten, he was fondled both on his bare genital area and through his clothing by Father Burnett in a "confessional type room across from a bathroom, down a hallway, past Sister [REDACTED] room."
- He specifically denied ever molesting or sexually touching [REDACTED] Father Burnett stated he was familiar with that room but denied that he heard confessions in that room, particularly during school confessions. Father Burnett explained that all of the school confessions were heard in the traditional confessional in the back of the church. Father Burnett stated he may have, on a rare occasion, heard a face-to-face confession in that room but stated that it was not used for confession on even a semi-regular basis.
- Father Burnett was also advised that [REDACTED] alleged that while he was putting on altar server robes, he was fondled by Father Burnett.
- He stated that concerning the altar robes, he did not even think that [REDACTED] was an altar boy but specifically denied ever molesting him or touching him while [REDACTED] may have been putting on his altar server robes.

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Released April 2014

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Friday, January 13, 2006

- Father Burnett stated he had no idea why [REDACTED] would make these allegations and he denied ever engaging in any type of conduct with [REDACTED] that could even remotely be construed sexual or inappropriate.
- He denied knowing that [REDACTED] was allegedly molested by a member of St. Mary's.
- He further denied knowing of any other priests at St. Mary's or anywhere else who were engaging in sexual misconduct during the times that it was allegedly happening.
- When asked if he had received any letters from [REDACTED] he stated that he recalled receiving one letter from [REDACTED]. He stated that in the letter, [REDACTED] requested that Father Burnett keep him in his prayers. Father Burnett stated it was obvious that the letter was heartfelt [REDACTED]. Father Burnett denied that there was anything in the letter that even remotely suggested that [REDACTED] was complaining of sexual misconduct.
- Father Burnett denied ever receiving any voicemails or messages to call [REDACTED] or any messages that [REDACTED] was trying to contact him. He stated that the only contact he had with [REDACTED] was the letter he received when [REDACTED] was overseas.

[REDACTED]

- He agreed to submit to a polygraph examination to investigate the truthfulness of his denials.

\* \* \*

On Thursday, January 12, 2006, Investigator Steven L. Kirby arranged for Father Burnett to submit to a polygraph examination to be conducted at the office of F.L. Hunter & Associates, 930 North York, Hinsdale, Illinois. After discussing the matter with Attorney Jim Byrne and Polygraph Examiner Hunter, the following four relevant questions were agreed upon:

1. Did you ever touch [REDACTED] bear penis?
2. Did you ever fondle [REDACTED] bare genitals?
3. Did you ever touch [REDACTED] genitals through his clothing?

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 781

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Friday, January 13, 2006

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TMJA  
Released April 2014

28

4. In the 1990's, were you made aware of any attempts by [REDACTED] to contact you by phone?

The examination is scheduled for Thursday, January 19, 2006 at 1:00 PM.

Attempted Interview with [REDACTED]

On Tuesday, January 10, 2006, Investigator Kirby attempted to contact [REDACTED]. The investigator left a message for [REDACTED] to contact him but to date a return call has not yet received.

This Investigation Is Continuing With Supplemental Reports To Follow.

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 782

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Polygraph  
(Jan. 19 & Feb 2)

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TMJA  
Released April 2014

# F.L. Hunter and Associates, Inc.

1000 YORK ROAD HINSDALE, ILLINOIS 60521 (630) 920-0571 Fax (630) 920-0587

FRED L. HUNTER  
DIRECTOR

Mr. James C. Byrne  
Attorney at Law  
815 N. Larkin  
Joliet, IL.  
60434

February 02, 2006

On January 19, 2006, Rev. James R. Burnett voluntarily submitted himself to a polygraph examination in this laboratory. The purpose of this examination was to investigate his involvement in the alleged sexual touching of [REDACTED] genitals in the 1970's while at St. Mary's Parish in Mokena, Illinois.

Prior to his exam, he signed an agreement to take the polygraph examination and to allow the results and any relevant statements to be reported to Attorney James Byrne, the Joliet Archdiocese, and Investigator Steve Kirby. He also released all parties involved from any liability as it may relate to the provisions of this agreement. All executed agreement and health forms are incorporated as part of our file in this case.

## PRETEST INTERVIEW

He indicated that he knew of a number of [REDACTED] families belonging to the St. Mary's Parish in Mokena when he was there. However, he was never really friendly with [REDACTED] family. He denied that he had ever been at their home for any type of social event.



He stated that he did not recall that [REDACTED] was ever an altar boy. However if he did this would have been when he was in the 6<sup>th</sup> grade (12 or 13 years old).

He indicated that his parish in Naperville upgraded their phones in the late 1990's (98) so that it had voicemail ability. He said that when [REDACTED] wrote him, he did receive the letter in Naperville and he would have replied on church stationary.

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Page 2  
Mr. James C. Byrne  
Attorney at Law  
Rev. James R. Burnett

### Test Results

The following listed questions were asked of this subject during the polygraph exam.

1. Did you ever touch [REDACTED] genitals through his clothing? Answer (NO)
2. Did you ever touch [REDACTED] bare penis? Answer (NO)
3. Did you ever sexually fondle [REDACTED] bare genitals? Answer (NO)
4. In the 1990's, were you ever made aware of any attempts by [REDACTED] to contact you by telephone? Answer (NO)

**There was a void of any significant physiological responses throughout his polygraph records on the above listed relevant questions.**

**His polygraph records were also void of any significant physiological responses to the comparison and truthful questions utilized during his exam.**

**There was a consistent series of deeper breathes or sigh anomalies throughout his polygraph records on all test segments that did distort his respiration pattern.**

### DISCUSSION

**Due to the lack of valid physiological responses, it was suggested by this laboratory that Rev. James R. Burnett should be re-examined on a later date. On February 02, 2006, he returned to this laboratory for this suggested re-exam. He was encouraged to try and refrain from the deeper breathes or sighs during this exam.**

**It should be noted that this date his responses were identical to his previous evaluation from January 19, 2006. His records also continued to show the deeper breathes or sighing type responses on a consistent basis.**

**Based on the entire Polygraph evaluation of both dates, no valid opinion as to either truth or deception could be rendered to any of the relevant questions under investigation.**



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Page 3

Mr. James C. Byrne  
Attorney at Law  
Rev. James R. Burnett

**The regularly placed deeper breathes or sighs during the exams seem to be anomalies more consistent with nervousness than any intentional countermeasure by which to cause distortions of his physiological data. However, all said and done, these anomalies are still suspect.**

**Absent of a valid polygraph evaluation, it is suggested that further conventional type investigation be done to try and substantiate the credibility of allegations made by parties in this investigation. Specifically, whether or not Rev. James R. Burnett did or did not visit socially the [REDACTED] family home as indicated by witnesses to this allegation, as well as any other opposite points of contention.**

Respectfully submitted,



Fred L. Hunter

# FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 786

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Fr. Burnett  
Background

32  
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**Fr. James Burnett**  
**(Ordained 6-25-68)**

6-15-68	to	2-15-74	Associate	-	St. Charles Borromeo, Bensenville
2-15-74	to	7-14-74	Associate	-	St. Mary Parish, Mokena
7-14-78	to	6-20-90	Pastor	-	St. Mary Parish, Mokena
6-20-90	to	6-19-02	Pastor	-	St. Peter & Paul, Naperville
6-19-02	to	Present	Pastor	-	St. Raymond Cathedral, Joliet

**Fr. Burnett's Priest File**

Fr. Burnett's priest file was reviewed and there are no allegations of any type of misconduct.

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33

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BACKGROUND INVESTIGATION

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

CONFIDENTIAL

FRIDAY, JANUARY 13, 2006

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I don't know the exact age that it started. I was attending school at St. Mary's in Mokena IL. The first encounter happened when I got caught eating the host that they use for communion. The communion comes in bags, well I was eating them when Fr. Bill caught me and told me that the the hosts where blessed and that it was a mortal sin, for me to be eating them. Fr. Bill took me into a back little hallway where they stored stuff. He told me to bend over, and he hit me on my butt. Fr. Bill did not hit me hard. He would hit me once then tell me not to look at him, it would be a little while till he hit me again. After that episode he told me that what I did may cause me not to go to heaven, and that I needed to go to confession, and that he would hear my confession. There was a room down from the class rooms, across from the boys and girls bathrooms. this is where they herd confessions, it was here that he first touched me in a inappropriate way. Fr. Bill did not make me get undressed. He just rubbed his hands on me or fondled me. I don't know what my reaction was I think I was in shock. I didn't know what to think. This was after I told him that I ate the hosts. He told me that what goes on in here is sacred or something like that, it was between us and God and that I was in enough trouble. The first sexual assault happened next. I'm having a hard time writing this down, because I didn't stop him. Why didn't I stop him? It was in the same room that he heard confessions. He told me to pull my pants down, he was touching me on my butt and penis. I don't remember what he was saying to me while he was doing this. The next thing he did was stick his finger in my rectum. I remember him pushing it in and out. He did not stick his penis in me at that time. He did take his pants down and masterbated. After he was done he told me to get dressed.

The next episode happened in a forest preserve in [REDACTED] IL. Fr. Bill came to my house in [REDACTED] and picked me up. He took me to [REDACTED] it is a part of the neighborhood. The forest preserve is located at the end of

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[REDACTED] He took me deep into the woods. He pulled my pants down. He then sodomized me with his penis. I remember it hurt so bad. I can remember screaming and him putting his hand over my mouth saying something like he was almost done. He finished I remember pulling my pants up. Him taking me home. He told me not to say nothing to no one or I was going to go to hell or something was going to happen to me or my brother. (I don't know if that was word for word but it is close enough) He took me home my rectum hurt so bad, I went to the bathroom pulled my pants down and my underwear my underwear was full of blood. I started crying I wanted to run and tell my mom what happened, but I couldn't I didn't want the same thing happening to my brother. I cleaned myself up and through my underwear away. [REDACTED]

The last episode happened in the same forest preserve. Fr. Bill came to my house and picked me up. But before we left he asked my brother if he wanted to go with. I tried to get him not to go but Fr. bill influenced my brother to go. Well when we got to the woods we all got out started walking down the trail. When we got to the creek. I said I was going to the other side of the creek I told my brother that I would look for a place that he could cross. Fr. Bill followed me accross the creek I walked far enough so my brother could not see me. Fr. Bill again took my pants down telling me to be quiet he told me to turn around and bend over I told him that it hurt bad he stuck his penis in my butt, again he told me if I screamed he was going to hurt my brother when he finished I was getting dressed after I got done I turned around I seen my brother so I ran I told my brother to come with me. I ran he asked me why, I don't remember exactly what I told him I just said run. Fr. Bill caught up to us he asked why are we

09

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Running I told him we where going home he said to get in the car I said no I said we were walking home. He tried to grab me I told him that I would scream. There were people outside in the open so he let me go, me and my brother ran home. That was the last time he touched me. He left the parish soon after that.

The physical torture was done now it was the mental aspect of it. I became a lost kid I didn't know what to do I knew I hated St. Marys I hated anything that had to do with God most of all I hated God. How could he let that man do that to me.





Diocese of Joliet

Chancery

Received April 2014

Released April 2014

425 Summit St.  
Joliet, Illinois 60435

815-722-6606  
Fax 815-722-6602

10

January 24, 2006

Rev. Msgr. Steven P. Rohlfis  
Diocese of Peoria  
607 N.E. Madison Avenue  
Peoria, IL 61603

Dear Monsignor Rohlfis,

Enclosed are two pieces of information that might be helpful to your Diocese.

The first may be part of a letter from [redacted] to his sister, [redacted] detailing the abuse he suffered at the hands of "Father Bill."

The second is a copy of an e-mail from [redacted] which is self explanatory.

As I said above, these may be of use to the Peoria Diocese as it proceeds with [redacted] allegation. Please call me if I can be of any assistance.

May God bless you.

With every best wish, I am

Sincerely yours in Christ,

Sister Judith A. Davies, OSF  
Chancellor

Enclosures



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Phoenix, Arizona 85003-1732  
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207 East Ohio Street, Suite 275  
Chicago, Illinois 60611-7223  
Telephone: (877) 782-7670  
Facsimile: (877) 782-7679  
Illinois License: 115-000879

**Date:** February 28, 2006  
**Re:** [REDACTED]  
**File:** [REDACTED]  
**Client:** Kirby & Associates / Steven L. Kirby

[Info@SubrosaPI.com](mailto:Info@SubrosaPI.com)  
[www.SubrosaPI.com](http://www.SubrosaPI.com)

**PREDICATION**

The Client requested that this office conduct an investigation into the background of [REDACTED]

[REDACTED]

**INVESTIGATION**

During the course of this investigation, the following information was developed about the Subject.

Personal Data


[REDACTED]

**REUTERS** 

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000029

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## New turmoil in Catholic Church abuse scandal

Tue Feb 7, 2006 5:19 PM ET

By Michael Conlon

CHICAGO - [REDACTED] came forward on Tuesday to say that as a boy he had been molested by a Roman Catholic priest -- still in a prominent Church position -- who told him what happened was a secret between them and God.

The statement by [REDACTED] was the latest in a recent series of disclosures that have focused fresh attention on the four year-old scandal and given critics new ammunition to charge that reform in the Catholic priesthood is still a promise, not a reality.

There is "a continuing pattern of concealment by the bishops ... across this country," said Jeff Anderson, a Minnesota attorney who has filed dozens of lawsuits against the Church and arranged the news conference at which [REDACTED] told his story.

"While they have given a lot of lip service to change there is no real change under way ... this is a grave and serious problem and it was two thousand years in the making. As far as we can tell there is no fundamental change," Anderson told Reuters.

[REDACTED] said he was sexually abused from age eight for about four years by a parish priest in suburban Chicago whom he considered "my best friend."

When he went public, he said, because the priest, the Rev. James Burnett, was serving as rector of the cathedral church in the Diocese of Joliet, southeast of Chicago. He said he felt the need to talk about it because "I felt guilty" that by keeping quiet other children may have become victims.

Burnett told him at the time of the abuse to keep quiet because what they were doing "was a secret between you, me and God," he said.

The Diocese of Joliet issued a statement saying that Burnett denies the allegations but "has been placed on administrative leave until the matter is resolved."

But Anderson said the diocese, headed by Bishop Joseph Imesch, had protected the priest and "at least 29 other offenders that we know of" over the years by denying they had done anything wrong.

### 'ZERO-TOLERANCE'

The [REDACTED] case and others have called into question the effectiveness of a "zero tolerance" policy the bishops enacted in 2002 after the abuse scandal first broke.

Cardinal Francis George of Chicago, who played a prominent role in the U.S. bishops' response, has been hit with a home-grown scandal involving a parish priest charged with abusing three boys, one as recently as late last year. The priest remained a pastor despite allegations against him dating back several years.

George last week took the blame for that case and ordered a policy change under which any priest accused of abuse would be removed immediately from the ministry until the allegation is investigated. Previously in such cases monitors were assigned to watch over those accused, but the priests were allowed to keep working under certain conditions.

James Dwyer, spokesman for the Archdiocese of Chicago, said that overall "we are happy with our policies and procedures" though in the recent case they were not implemented properly. He said the concept of a "nonjudgmental leave" for those accused will provide "justice to the priest and the parish."

**FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 847**

Last week the Diocese of Spokane, Washington, which filed for bankruptcy because of suits against it by people who said they had been abused, announced it was offering victims \$45.75 million to settle their claims.

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Released April 2014

1 Kentucky, the Diocese of Covington last week settled abuse claims for \$85 million.

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David Clohessy, national director of the Survivors Network of Those Abused by Priests, said there has been a "tremendous amount of progress over the years" in confronting the scandal but "all of that progress came outside and often in spite of the hierarchy."

"Bishops and cardinals have a fixation with policies and procedures and paperwork," he told Reuters. "It's not about that. It is about having common sense and courage ... you suspend the priest and then investigate."

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[Info@SubrosaPI.com](mailto:Info@SubrosaPI.com)  
[www.SubrosaPI.com](http://www.SubrosaPI.com)

March 14, 2006

Mr. Steven L. Kirby  
Edward R. Kirby & Associates, Inc.  
783 N. York Road  
Elmhurst, Illinois 60126-1313

RE:



Dear Mr. Kirby:

Among the enclosed, you will find our supplemental investigative report concerning the background research of [REDACTED] and the neighborhood interviews conducted at the Subjects' former address.



[REDACTED] I have reviewed our file and have not found any reference to [REDACTED] to date. Should you have any questions or if we can assist you further, please feel free to call anytime.

Sincerely,

Daniel G. Perez  
President

**Subrosa Investigations, LLC.**

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INVESTIGATIVE REPORT

000089

ALLEGATIONS OF [REDACTED]  
(SUPPLEMENTAL REPORT 13)

OUR FILE NO. [REDACTED]

INTERVIEW  
OF  
[REDACTED]

CONFIDENTIAL

MONDAY, JANUARY 29, 2007

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COPY

Re: Allegations of [REDACTED]  
On File No. [REDACTED]  
Date: Monday, January 29, 2007

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On Saturday, January 27, 2007, Investigator Steven L. Kirby met with and interviewed [REDACTED] at his father's address, [REDACTED]. Mr. [REDACTED] advised that he currently resides at [REDACTED]. During the course of an approximate forty-five minute interview, [REDACTED] made the following relevant statements regarding his knowledge of the allegations of [REDACTED]

- He has known [REDACTED] since the [REDACTED] grade. They maintained a close friendship throughout grade school. They went to different high schools but remained friends. For several years after high school, they did not see each other often but in 1999, [REDACTED] moved to [REDACTED] where he roomed with [REDACTED] for a few months. Between 2001 and 2003, while they both lived in [REDACTED] they did not have much contact. [REDACTED] returned to Chicago in September of 2004 and maintains a close friendship with [REDACTED] speaking with him often on the phone [REDACTED]

[REDACTED]

[REDACTED]

- He stated he was unaware that [REDACTED] had ever been molested by Father Burnett or anyone else for that matter until he heard the reports on the news media in late 2005. He stated he was surprised that over the years [REDACTED] had never said anything to him about the alleged molestation.
- He stated that his first instinct was to believe that the molestation had occurred but now "I don't know who to believe." He stated that he has no factual knowledge one way or the other as to whether the incidents ever occurred as [REDACTED] described.
- [REDACTED] acknowledged that in December of 2005 or January of 2006, when [REDACTED] returned to Chicago, he did go to dinner with him but stated that it was a social event because he was his friend and they did not talk about the issue at dinner at night. He stated that he subsequently questioned him about it later over the telephone.

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 912

Re: Allegations of [REDACTED]  
File No. [REDACTED]  
Date: Monday, January 29, 2007

Redacted April 2014  
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- He stated that he has spoken with [REDACTED] a couple of times about the matter. He stated that initially, [REDACTED] told him that the events occurred in the school and in the confessional area, similar to the reports that [REDACTED] provided the media. He stated that [REDACTED] told him that it occurred "lots of times." [REDACTED] said that he questioned [REDACTED] as to how it could have occurred that many times at school. He stated [REDACTED] started to relate that sometimes he was picked up in a car in his own neighborhood. When questioned closely on that, [REDACTED] stated that upon further recall [REDACTED] may have been talking about an instance when he and [REDACTED] were taken to the forest preserves by a different priest.
- [REDACTED] stated that he was never bothered by Father Burnett or any other member of the clergy at any time in his life. He stated that he always liked Father Burnett and never suspected that Father Burnett would engage in that type of activity as alleged by [REDACTED]
- [REDACTED] denied that he ever visited Father Burnett or attempted to visit Father Burnett in November or December of 2005.

[REDACTED]

- [REDACTED] advised that he remained a close friend of [REDACTED] but acknowledged, "One of them is lying."

At the conclusion of the interview, [REDACTED] confirmed that his cellular telephone would be the best way to reach him. He told the investigator that he would be willing to talk with the investigator again in the future should there be any further questions.

END OF REPORT

EDWARD R. KIRBY & ASSOCIATES, INC.

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000115

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STEVEN L. KIRBY  
PRESIDENT

JAMES R. KIRBY  
VICE PRESIDENT

December 30, 2009

James C. Byrne, Esq.  
Spesia, Ayers & Ardaugh  
1415 Black Road  
Joliet, Illinois 60435

Re: [REDACTED] / James Burnett  
Our File No. [REDACTED]

Dear Jim:

Per your request, our office undertook an investigation to locate and interview [REDACTED] [REDACTED] formerly of St. Charles Borromeo Parish in Bensenville, Illinois regarding whether or not he was aware of or experienced any physical or sexual abuse while attending St. Charles Borromeo.

[REDACTED]

On Tuesday, December 29, 2010, I telephoned [REDACTED] and left a message for him requesting that he contact me.

On Wednesday, December 30, 2009, I received a telephone call from a male who identified himself as [REDACTED] returning my call from the previous day. I explained to him that I was investigating allegations of abuse on behalf of the Diocese and was contacting him as to whether or not he was aware of any abuse while he attended St. Charles Borromeo. He immediately and unequivocally responded that he was not aware of any abuse, that he never saw it and never experienced it. He stated he had, "nothing but good experiences" at St. Charles Borromeo. He stated that his family was actively involved in the parish, that he was an altar boy at [REDACTED]. The subject stated that he graduated from St. Charles Borromeo Grade School in [REDACTED].

[REDACTED]

I asked him if he recalled the names of the priests who



James C. Byrne, Esq.  
Redacted April 2014  
TMJA Spesia, Ayers & Ardaugh  
Released April 2014

Wednesday, December 30, 2009

000116

Page 2 of 2

were there when he attended St. Charles Borromeo and he stated he recalled [REDACTED] and Father Burnett as the primary priests. He stated others "came and went".

This completes the requested assignment and therefore we are closing our file in this case. Upon review, if you have any questions, please do not hesitate to contact our office. This letter will serve as our report regarding this matter.

Very truly yours,

EDWARD R. KIRBY & ASSOCIATES, INC.

Steven L. Kirby  
President

SLK/amd

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TMJA  
Released April 2014

FOR THE CONFIDENTIAL USE OF THE CLIENT ONLY

INVESTIGATIVE REPORT

000124

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

BACKGROUND CHECK

ON  
[REDACTED]

CONFIDENTIAL

MONDAY, DECEMBER 18, 2006

This report has been exclusively prepared by Edward R. Kirby & Associates, Inc. for the confidential use of the client only. If prepared under the direction of an attorney, it was done so in anticipation of litigation. This report is confidential and privileged communication. The information contained within is provided in good faith and has been gathered by sources deemed reliable. However, no guarantee or other representation is made to its accuracy or its suitability for any particular purpose. Neither Edward R. Kirby & Associates Inc. nor its employees and agents shall be held responsible for any inaccuracies in public record information or any other information as it has been presented herein. By acceptance of this report, the client accepts full responsibility for any use or disclosure of this report or its contents.

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Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Monday, December 18, 2006

000125

PREDICATION

The client requested that this office conduct a limited background investigation regarding [REDACTED]. According to information supplied by the client, the subject has a date of birth of either [REDACTED]. Specifically, the client requested that this office determine if the subject has any civil, criminal or traffic history in all relevant jurisdictions.

INVESTIGATION

[REDACTED]

[REDACTED]

[REDACTED]

EDWARD R. KIRBY & ASSOCIATES, INC.

PROFESSIONAL INVESTIGATORS

783 N. YORK ROAD

ELMHURST, ILLINOIS 60126-1313

PHONE (630) 941 - 1700

FAX (630) 941 - 1750

www.kirbyinvestigations.com

000127

KEVIN M. READ  
CHIEF INVESTIGATOR

JILL M. LONGMIRE  
DIRECTOR OF RESEARCH

KAY M. HALL  
SR. INVESTIGATOR

Redacted April 2014

EDWARD R. KIRBY  
Released April 2014



STEVEN L. KIRBY  
PRESIDENT

JAMES R. KIRBY  
VICE PRESIDENT

March 28, 2007

OF COUNSEL  
GLENN P. EIDEN  
U.S. CUSTOMS RET.

Mr. James Byrne  
Spesia, Ayers & Ardaugh  
1415 Black Road  
Joliet, Illinois 60435

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]

Dear Jim:

Per your request, our office undertook an assignment to locate and interview [REDACTED] regarding the above captioned matter.

Our research indicated several addresses for [REDACTED] some of them previously in St. Charles Borromeo's Parish. Eventually, the most likely current address appeared to be [REDACTED]

On Thursday, March 15, 2007, I proceeded to that address. Upon arrival, at approximately 7:30 PM, I rang the doorbell. A female voice from inside informed me that no one by the name of [REDACTED] resided at that residence.

After conducting additional research indicating that the [REDACTED] car and driver's license both registered to that address, on Saturday, March 17, 2007, I returned. At this time, I spoke with a female in her late forties, early fifties, who initially denied knowing [REDACTED] When I informed her that all of the research we had done indicated that he was living there, she then became emotional stating that she could "not talk about it." I then asked her if she would take a business card and have [REDACTED] contact me.

Approximately two hours later, I received a call on my cell phone from an individual that identified himself as [REDACTED] I explained to him that I represented the Review Committee and wanted to talk to him regarding any information he might have regarding Father Burnett. [REDACTED] stated at this time he was going through many personal problems and that his mother had recently died. He stated that he did not wish to discuss anything related to Father Burnett at this time. It was obvious, however, that without me saying specifically what I wanted to talk with him about, that

Mr. James Byrne

Spesia, Ayers & Ardaugh

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000128

Tuesday, March 27, 2007

Page 2 of 2

he understood the purpose of the call. He mentioned that he told his friend (presumably your source) that he "wasn't ready" to talk about any issues with Father Burnett. He concluded the conversation by stating that if he changed his mind he had my phone number and would be in touch. He also remarked that he had checked my company on the Internet and realized I was in Elmhurst. [REDACTED]

Per your instructions, we conducted a limited background check on [REDACTED]

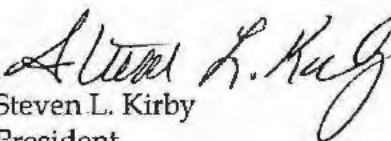
[REDACTED]

At this time, we are holding any further investigation in suspense since we have not heard from [REDACTED]. The only way we know how to contact him is through the address at [REDACTED].

Upon receipt, if you have any questions or we can be of further assistance, please do not hesitate to contact me.

Very truly yours,

EDWARD R. KIRBY & ASSOCIATES, INC.

  
Steven L. Kirby  
President

SLK/amd

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000129

The client requested that this investigator contact and interview [REDACTED] regarding whether or not he had any information regarding notification of his abuse that reportedly occurred at St. Charles Borromeo parish in Bensenville IL in the 1970's. The client provided a home address of [REDACTED]

On Thursday, August 20, I left a message for [REDACTED] on his voice mail. No return call was received.

On Wednesday, August 26, I left a message for [REDACTED] on his voice mail. No return call was received.

On Wednesday, August 26 I traveled to [REDACTED] which is a single family two story brick residence in an upper middle class neighborhood on Chicago [REDACTED]. Upon arrival, at approximately 7:10 PM I met with and briefly interviewed a male who identified himself as [REDACTED]. During the course of an approximate 10 minute interview he related the following:

- He attended St. Charles Borromeo School through [REDACTED] grade.
- He was sexually abused by Father Burnett on several occasions in his office when he was in [REDACTED] grade.
- The only person he ever confided to at that time was his mother who didn't believe him.
- He does not know whether or not his mother ever informed anyone of his complaints.
- As a result of his complaints to his mother, his parents removed him from St. Charles Borromeo
- He has had no contact with Burnett since that time.
- When he was being abused by Burnett no one ever walked in on it or otherwise became aware of the abuse to his knowledge.
- The only person who he knew was aware of his even being alone with Burnett was the woman (identity unknown) who let him into Burnett's office on one occasion. He is unaware of any other person (student) who may have been abused by Burnett but thinks that a former classmate, [REDACTED] may have been abused based upon a gut feeling. [REDACTED] also said that he was contacted by phone in the past by a female who said she was investigating this matter and he told her about [REDACTED]. She stated she was going to try and locate [REDACTED] in Joliet. [REDACTED] said that he didn't know who she actually represented and assumed that she was working for the Diocese.

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 955

000130

Redacted April 2014

TMJA

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• He said that neither [REDACTED] nor anyone else at Charles Borromeo ever told him that they had been abused by Burnett or anyone else and he did not know of anyone else ever abused.

Throughout the interview, [REDACTED] repeatedly stated that he wanted to put all of this behind him and didn't want to discuss the matter now or in the future. He stated that while he appreciated "Peter's" (Bishop Sertain) willingness to meet with him he did not wish to rehash any of this situation. The investigator told him that undoubtedly the offer would stand should he change his mind.

He also questioned the investigator as to whether or not he was the person who went to his sister's house in [REDACTED]. The investigator told him that he was that person but explained that he never told his sister the purpose for the interview. [REDACTED] said that he knew that was the case because his sister would have told him had the reason for the investigator's visit disclosed.

He stated that he wanted nothing to do with the Catholic Church.

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INVESTIGATIVE REPORT

000131

ALLEGATIONS OF [REDACTED]

OUR FILE NO. [REDACTED]

ADDITIONAL INTERVIEWS IN FEB 2007

Fr James Dvorscak

Sr. [REDACTED]

CONFIDENTIAL

**THURSDAY, FEBRUARY 15, 2007**

This report has been exclusively prepared by Edward R. Kirby & Associates, Inc. for the confidential use of the client only. If prepared under the direction of an attorney, it was done so in anticipation of litigation. This report is confidential and privileged communication. The information contained within is provided in good faith and has been gathered by sources deemed reliable. However, no guarantee or other representation is made to its accuracy or its suitability for any particular purpose. Neither Edward R. Kirby & Associates Inc. nor its employees and agents shall be held responsible for any inaccuracies in public record information or any other information as it has been presented herein. By acceptance of this report, the client accepts full responsibility for any use or disclosure of this report or its contents.



Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Thursday, February 15, 2007

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000132

PREDICATION

In the continuing investigation, under the directions of James C. Byrne, Investigator Steven L. Kirby met with and interviewed Father James Dvorscak and Sister [REDACTED] regarding whether or not individuals could see into the office through the glass blocks, which separated the office at St. Mary School and the hallway. The following is a summary of those interviews:

**Father James Dvorscak**  
**Interviewed Saturday, February 10, 2007**

Father Dvorscak stated that he was assigned to St. Mary's from 1987 to 1994 and then again from 2002 until the present. He stated that during his tenure at St. Mary's he has walked by the office in question on countless occasions. He stated that in the past six months they have remodeled the school and that the glass blocks separating the office from the hallway have been dismantled.

It was Father Dvorscak's contention that a person glancing through the glass blocks could determine whether the people were sitting across the table from each other or next to each other. He recalled that someone walking by the room could look through the glass blocks, determine whether there were one or two people in the room, and determine their proximity to each other. He stated that while they could not identify the person through the glass blocks they could certainly determine if the people were sitting apart or sitting together. He described the figures that he could determine through the windows as "blobs."

Father Dvorscak also stated that a person's general posture could be discerned as to whether they were sitting or standing would be obvious. Father Dvorscak also pointed out that the room was not sound proofed well and that at times he would have to tell people that he was either talking within the office or particularly hearing confessions with to lower their voice so they would not be heard in the hallway.

Father Dvorscak said that usually when face-to-face confessions were heard in that room the priest sits around the corner of the table from the penitent. He stated that the reason is that while they do not want a desk between the person making the confession and the priest and that it is also believed to be a violation of body space for the priest to sit face to face with the penitent.

**Sister [REDACTED]**  
**Interviewed Monday, February 12, 2007**

On this date, Investigator Steven L. Kirby met with and interviewed Sister [REDACTED] at her office at St. Raymond Cathedral in Joliet, Illinois. She stated that she was at the school from [REDACTED] as a teacher and again from [REDACTED] as Director of Religious Education.

Sister [REDACTED] stated that she clearly recalled that a person could see through the glass blocks and determine whether someone was in the room. She stated that while someone could not identify the person in the room, they could see movement and

Re: Allegations of [REDACTED]  
Our File No. [REDACTED]  
Date: Thursday, February 15, 2007

Redacted April 2014  
TMJA  
Released April 2014

000133

determine whether it was a priest or a nun in the room. She further stated that a person would be able to determine whether there were one or two people in the room and determine their proximity to each other. She stated that the priest would typically sit on one side of the table and the child making his confession on the other side. Sister [REDACTED] stated that anyone looking through the glass blocks would have been able to determine whether a child was sitting on someone's lap during the course of the confession as opposed to sitting across a table. She stated that the table in that office was to the left in the front of the room as someone entered the office.

Sister [REDACTED] stated that to her recollection the only time they used that room for confessions was for the first confession, which would be for students in third grade. She stated that it was an event where the parents had to be present. She stated that was always the case during both of her tenures at St. Mary's. She stated that the parents would stand in line while they were waiting for their children to make their first confession and then wait outside the door while their child went inside. She stated that typically, third graders were only in there a matter of minutes and then they would come out to greet their parents. She stated afterwards, they would then have a small reception in the all-purpose room.

She stated that while the school did have all school confessions for Advent and Lent, it was her recollection that those were held in the traditional confessional booths in the back of the church. She stated that occasionally, a priest would use the old sacristy as a second confessional during the all school confessions.

Sister [REDACTED] showed the investigator a glass block in the St. Raymond's classroom that she said was the same consistency and visibility as the glass blocks in the office of St. Mary's. She stated that despite the opaqueness of the glass blocks she was certain that you could determine the activity in that room.

**END OF REPORT**

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(Category V)

**PERSONNEL RECORDS OF PARISH**

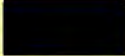
**St. Charles Borromeo Parish**

School Personnel  
Parish Personnel  
Religious Education Personnel  
Priest Personnel – see Diocese answer to Plaintiff's Interrogatory #12

**St. Mary Parish – Mokena**

School Personnel  
Parish Personnel  
Religious Education Personnel  
Priest Personnel – see Diocese answer to Plaintiff's Interrogatory #12

**Religious Education First Communion Class**

Parish School Year Book – St. Mary's School   
Students and Faculty

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Released April 2014

**ST. MARY'S MOKENA SCHOOL**

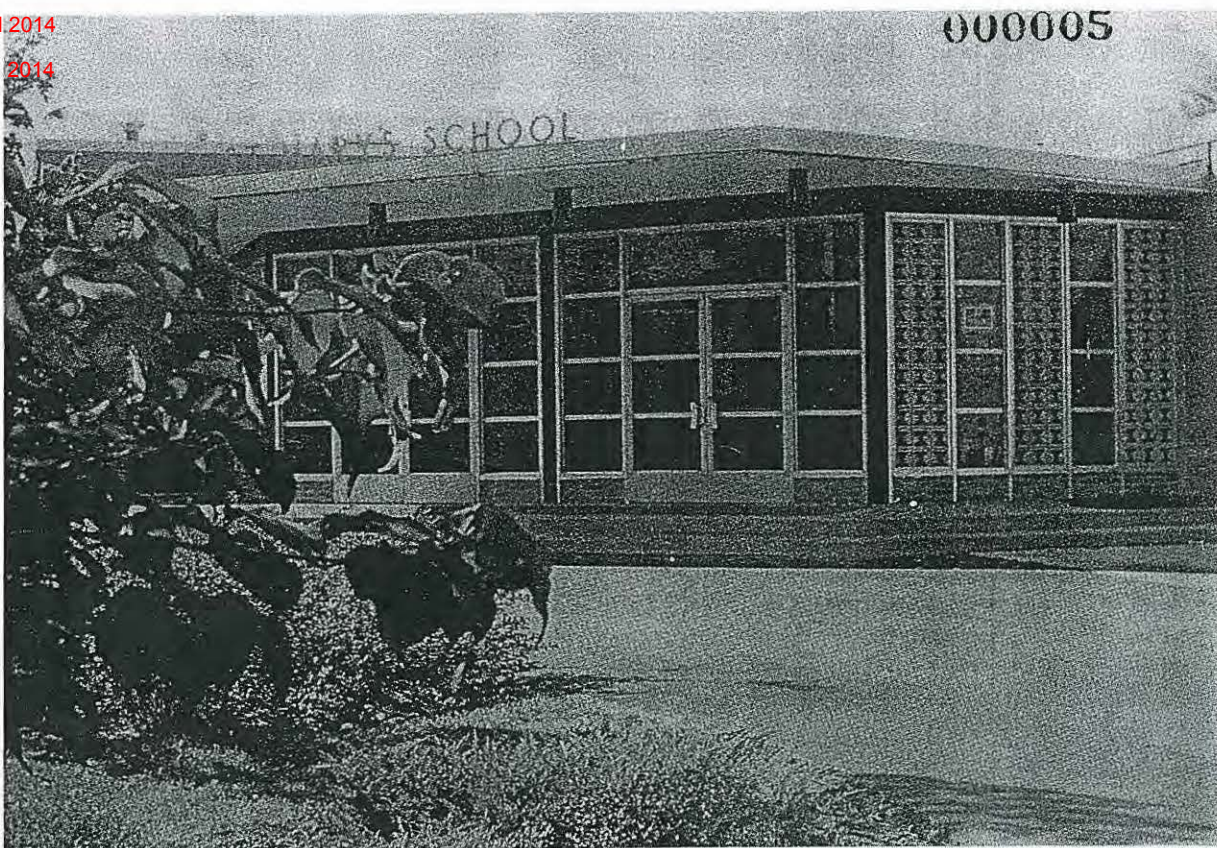
**School Year Book – Academic Year September 1982 to June 1983**

See Attached

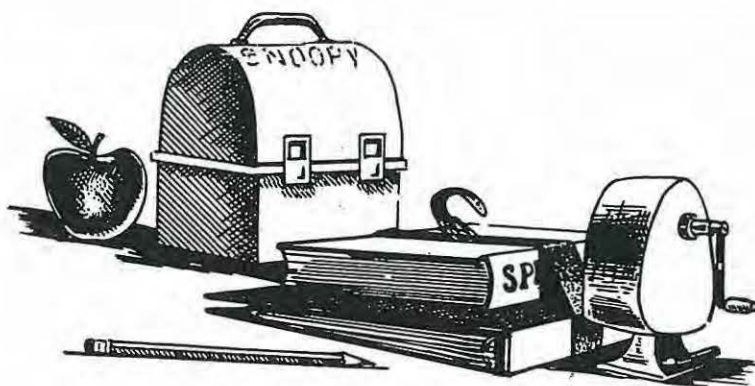
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TMJA  
Released April 2014

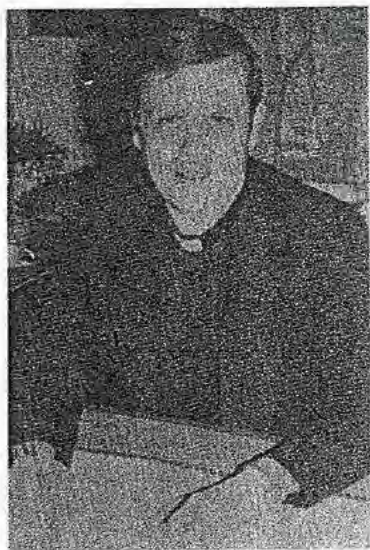
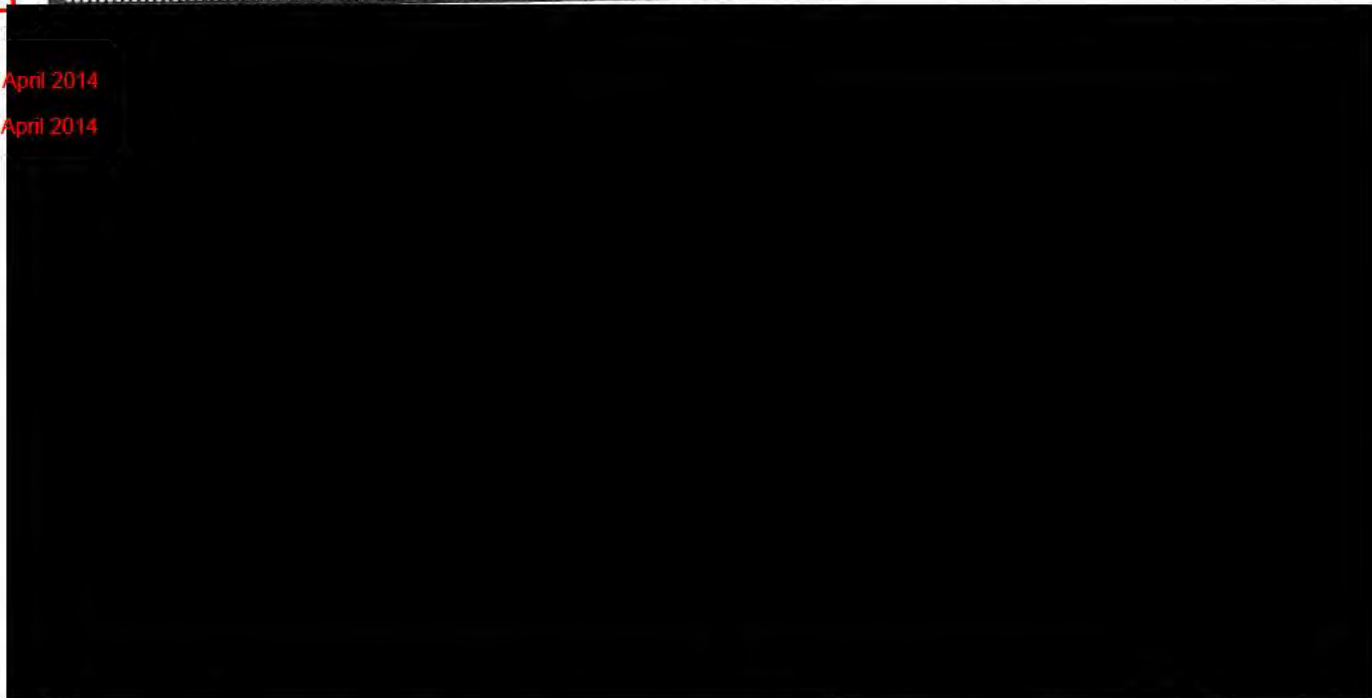
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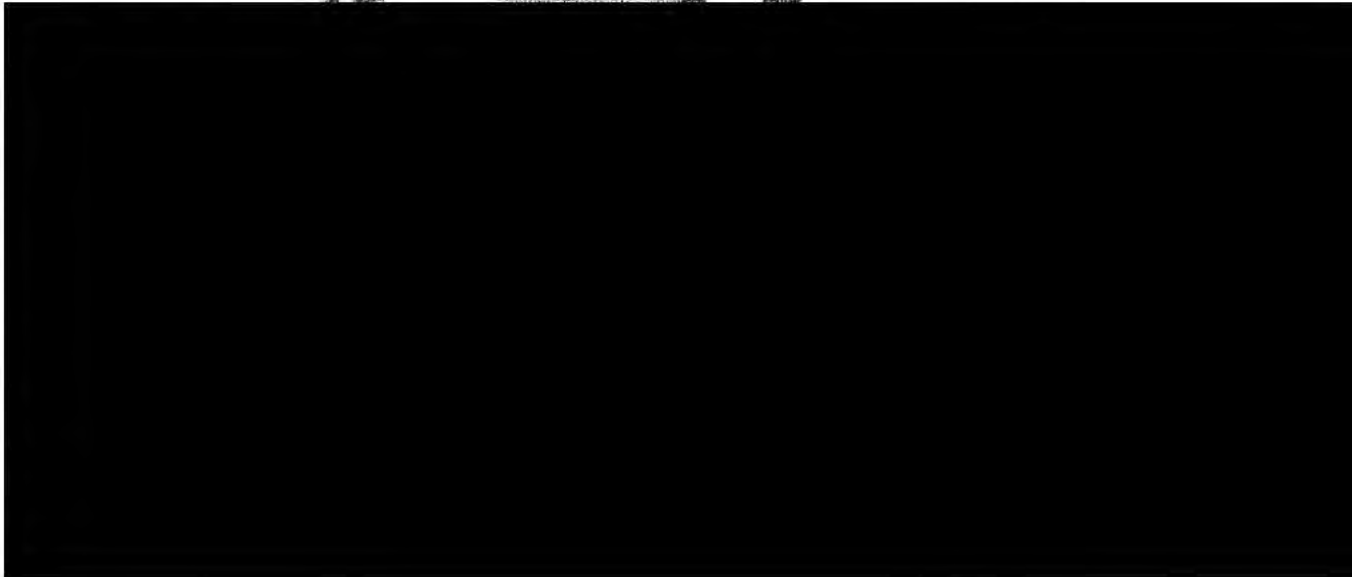
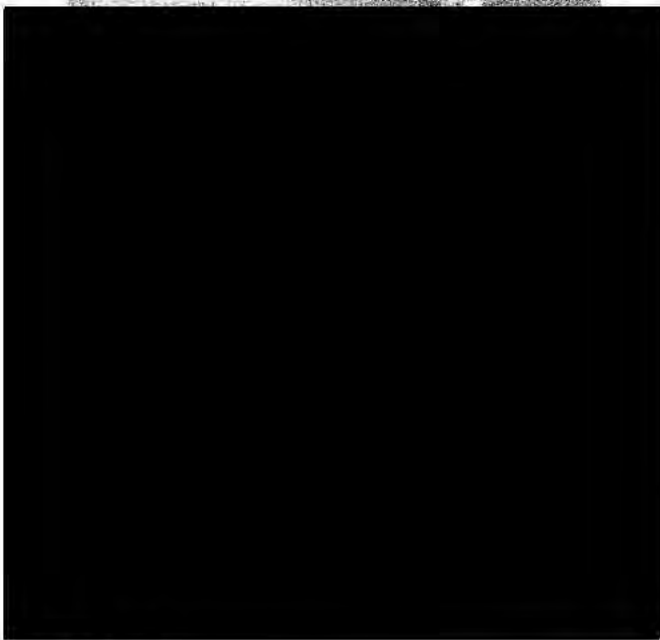
**ST. MARY SCHOOL**  
**Mokena, Illinois**  
**1982-1983**



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**Father Burnett, Pastor**



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Released April 2014

00 589

May 3, 2007

[REDACTED]

Dear Mr. [REDACTED]

[REDACTED]

As you know, it has come to my attention that recently you made reference to the fact that Fr. James Burnett acted inappropriately with you when you were a child. Mr. [REDACTED] I take such matters very seriously, and that is the reason I am writing you today.

First, if you were harmed by Fr. Burnett when you were a child, I want to extend the help of the Church to you. When children are abused, the effects can be serious and long-lasting, and if you are in need of help in order to heal, I would like to offer our assistance in a caring and compassionate way. It might be very difficult for you to speak about this matter if something did occur years ago, and I want you to know that we would listen to you with great respect and concern. Also I would want to extend my profound apologies to you.

Second, you may be aware that Fr. Burnett is currently out of ministry because of allegations of misconduct from many years ago, which have not yet been fully resolved. It is very important to know if you were involved in any type of misconduct by Fr. Burnett so that I can make the right decision regarding Father's future ministry, and I want to make sure that children are protected.

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Released April 2014

00 590

Page 2

I hope you will understand why it is necessary to have you amplify about any misconduct of Father, and I want to assure you that we will make every effort to keep your name from being made public if that is your desire.

I am willing to speak with you or meet with you to address any of your concerns. If you would prefer I can arrange to have someone else meet with you at any place that you might find convenient and comfortable. I will leave to your discretion any decision regarding the place and person to speak with.

I need to stress the importance of hearing from you as soon as possible. If you would like to call me you may do so at [REDACTED] Ask for my secretary [REDACTED] and you only need to indicate that your name is [REDACTED]

If I am not available at the moment that you call, I will make sure the message is given to me as soon as possible and contact you immediately. If you prefer to write me a letter you may do so at:

Bishop Peter Sartain  
Diocese of Joliet  
425 Summit Street  
Joliet, IL 60435

Mr. [REDACTED] would like to thank you in advance for your help, which I truly need. And once again, I assure you that you will be treated with respect and dignity. I promise you a place in my prayers.

Sincerely in Christ,

Most Reverend J. Peter Sartain  
Bishop of Joliet



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Released April 2014

Memo to file

00 601

July 31, 2007

[REDACTED] called today in response to my letter. He mentioned, and I agreed, that he had called on July 11 when I was not available but that he was unable to work it out to call back soon thereafter. [REDACTED] had told him that I would be available the next morning between 9:30 and 10:00 should he wish to call then, but he did not call].

[REDACTED]  
He mentioned that he had made an offhanded remark, overheard by [REDACTED] regarding Fr. James Burnett. He expressed some regret for having done so, adding something to the effect that he didn't know why he did that.

He mentioned that the address which Mr. Kirby visited and to which my letter was delivered was his sister's house, and the fact that we used that address caused some difficulty for him. I apologized for having caused him any difficulty in that regard.

He made mention of the fact that he was referring to something which occurred when he was in the 3<sup>rd</sup> or 4<sup>th</sup> grade at St. Charles Borromeo in Bensenville. He said that his life was affected by it, and from then on he hated school. [REDACTED]

[REDACTED]  
[REDACTED]  
He had pretty much blocked this out through the years.

He said several times that he wanted me to know that I had made the right decision to take Fr. Burnett out of ministry.

I asked if whatever he was referring to with regard to Fr. Burnett was just one occurrence or more than one, and he indicated it was more than one occurrence. I asked if he would be willing to give me a little detail about what happened, and he said that he was not ready "to go there."

[REDACTED]

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Released April 2014

00 602



I asked if he would mind giving me a phone number to contact him, and he declined, noting that he would make contact with me later.

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TMJA  
Released 1/20/14



Diocese of Joliet

Office of the Bishop

000609-B-

425 Summit St.  
Joliet, Illinois 60435

815-722-6606  
Fax 815-722-6632

November 16, 2007

[REDACTED]

Dear [REDACTED]

Once again, I want to thank you for your phone call during the summer. I have kept you in my prayers since then and hope you are doing well. I am sorry to be contacting you again, but a brief conversation with you would be invaluable to me. I realize that this may be difficult for you, but it is important, and I have only a few questions. My office phone number is [REDACTED]. Simply tell my secretary, [REDACTED] your first name and she will put you in touch with me. If you prefer to call my home, that number is [REDACTED].

God bless and keep you, [REDACTED]

With every best wish and prayer, I am

Sincerely in Christ,

*+ Peter Sartain*

Most Reverend J. Peter Sartain  
Bishop of Joliet

copy

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TMJA  
Released April 2014



Diocese of Joliet

Office of the Bishop

000620

425 Summit St.  
Joliet, Illinois 604

815-722-6606  
Fax 815-722-6632

*I sent the original*

December 29, 2008

Mr. [REDACTED]

Dear [REDACTED]

I hope this letter finds you well and that the Christmas Season brings you peace and joy in the Lord. I thank you for receiving and reading yet another letter from me.

It has been more than a year since I last wrote, but I am writing once again to renew my request that you and I have an opportunity to speak either in person or over the phone.

When we spoke by phone last year you indicated that you were not ready to "go there," [REDACTED] I understood that to mean that you were not ready to disclose any details about Father's misconduct.

In order to make decisions that will be fair to all involved I need all information about any type of misconduct by Father. Therefore it is critical to have reasonable details about the type and the extent of Father's misconduct with you.

I truly understand that this can be very difficult, and I have wanted to consider your feelings and give you adequate time. However, I ask that you understand that I have no other choice than to pursue this matter.

I would be very grateful if you would call my secretary, [REDACTED] All you need do is mention your first name and she will transfer your call to me or find me quickly if I happen not to be in the office. I will be out of state during the holidays until January 8.

I look forward to speaking with you as soon as possible. In the meantime, may the Lord bless you richly during this holy time.

Sincerely in Christ,

*+ Peter Sartain*

J. Peter Sartain  
Bishop of Joliet

SPESIA, AYERS  
&  
ARDAUGH

000642

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- E. F. Spesia
- E. Kent Ayers
- John R. Ardaugh
- James C. Byrne
- John M. Spesia
- Christian G. Spesia
- Jeffrey S. Taylor
- Martin J. Shanahan, Jr.
- Mark A. Lichtenwalter
- Gabriel G. Orenic
- Michael R. Stiff
- Tricia M. Pellegrini

Attorneys at Law

1415 Black Road  
Joliet, Illinois 60435  
  
Ph 815.726.4311  
Fx 815.726.6826  
www.spesia-ayers.com

June 30, 2009

Of Counsel:  
Thomas M. Ewert  
Kent Slater

Mr. James Glasgow  
Will County State's Attorneys Office  
121 N. Chicago Street  
Joliet, IL 60432

Re: *Allegations of* [REDACTED]  
*vs Father Burnett*

Dear Mr. Glasgow:

This letter is pursuant to the policy of the Diocese of Joliet to inform the State's Attorney of allegations of sexual abuse by one of its clergy or other personnel.

On January 23, 2006 you were notified of the first allegation against Father Burnett by a [REDACTED]

Thereafter on August 7, 2006 you were notified again that there was a second individual by the name of [REDACTED] who also accused Father Burnett of sexually abusing him when he was a minor.

The purpose of this letter is to report that a third individual by the name of [REDACTED] has also accused Father Burnett of sexually abusing him in the early 1970's when he was a minor.

The latest address on [REDACTED]  
[REDACTED] has requested that his name not be released to the public.

If you need any further information, do not hesitate to call.

My Best Regards,  
  
SPESIA, AYERS & ARDAUGH  
  
By: *James C. Byrne*  
James C. Byrne

JCB/skm  
cc: The Most Rev. J. Peter Sartain

COPY

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SPESIA, AYERS  
&  
ARDAUGH

000656

Attorneys at Law

1415 Black Road  
Joliet, Illinois 60435

Ph 815.726.4311  
Fx 815.726.6828

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John R. Ardaugh  
James C. Byrne  
John M. Spesia  
Christian G. Spesia  
Jeffrey S. Taylor  
Martin J. Shanahan, Jr.  
Mark A. Lichtenwalter  
Gabriel G. Orenic  
Michael R. Stiff  
Tricia M. Pellegrini  
Michael S. Hopkins

November 9, 2009

Of Counsel:  
Thomas M. Ewert  
Kent Slater

Mr. Alex F. McGimpsey III  
Assistant State's Attorney – Criminal Division  
DuPage County States Attorney  
503 N. County Farm Road  
Wheaton, Illinois 60187

Re: *Allegations of*  
[REDACTED]  
*vs Father Burnett*

Dear Mr. McGimpsey:

This is to advise you that a [REDACTED] who is currently [REDACTED] years of age was sexually abused by Father James Burnett in the early 1970's when he was attending St. Charles Borromeo Parish in Bensenville, IL.

[REDACTED]

[REDACTED] is represented by legal counsel out of Springfield, Illinois.

The first information that the Diocese had regarding any sexual misconduct with a minor by Father Burnett was in the years 2006 when [REDACTED] who is approximately age [REDACTED] filed a lawsuit in DuPage County alleging that he was sexually abused by Father Burnett from 1978 to 1982 at the St. Mary's Parish in Mokena which is Will County. That lawsuit has been dismissed.

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SPESIA, AYERS  
&  
ARDAUGH

000657

Mr. Alex McGimpsey  
November 9, 2009  
Page 2

Attorneys at Law

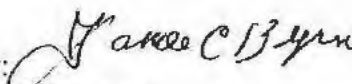
The next notice of any allegations regarding sexual misconduct of a minor was by [REDACTED] (who is approximately [REDACTED] years of age) who alleges that he was sexually abused by Father Burnett in 1983 which was also at St. Mary's Parish in Mokena.

[REDACTED] filed a civil lawsuit in Will County, which is still pending.

If you need any further information, do not hesitate to call.

My Best Regards,

SPESIA, AYERS & ARDAUGH

By:   
James C. Byrne

JCB/skm

cc: Sister Judith Davies, OSF

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 1040

Redacted April 2014  
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CONFIDENTIAL MINUTES OF THE JOLIET DIOCESAN REVIEW COMMITTEE

May 24, 2006

PLACE Catholic Schools Office Conference Room, St. Charles Borromeo Pastoral Center

TIME 7:30 a.m.

PRESENT



Others: Mr. James Byrne, Sr. Judith Davies, Fr. Joseph Tapella

EXCUSED



OPENING The meeting opened at 7:30 a.m. with prayer.

PROCEDURES Procedural items relative to persons appearing before the Review Committee were reviewed as well as the criteria used for determining credibility of an allegation. Mr. [redacted] will ask questions of the person.

BURNETT The Review Committee viewed a DVD of [redacted] allegations of abuse, Fr. James Burnett spoke with the Committee, the Committee discussed his statement, questioned Father Burnett, and then discussed all available facts to date. By consensus, the Committee has deferred from making a decision regarding credibility until the next meeting.

~~\*\*\*~~

OMITTED Unrelated matter on the Agenda  
CONSTITUTIONAL RIGHT OF PRIVACY  
OF THIRD PARTIES

2/15

MEETING The next meeting of the Review Committee is scheduled for June 29, 2006, 7:30 a.m., at the Chancery.



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**PROOF REQUIRED  
FOR  
A FINDING OF A CREDIBLE ALLEGATION**

In order to have a finding of a credible allegation there must be a "Preponderance of Evidence".

A "Preponderance of Evidence" has been defined by civil law and by the Review Committee as follows:

**"The criteria for determining the credibility of an allegation is:**

***Considering all the evidence presented whether it  
(the allegation) is more probably true than not true".***



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7/1/14  
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## Diocese of Joliet

### Chancery

425 Summit St.  
Joliet, Illinois 60435

815-722-6606  
Fax 815-722-6602

### MEMORANDUM

May 12, 2006

TO: Members of the Joliet Diocesan Review Committee  
FROM: Sister Judith A. Davies, OSF  
RE: Enclosures for the Meeting of May 24, 2006

Enclosed, please find the following:

- Map and directions to St. Charles Borromeo Pastoral Center
- Agenda
- Documentation relating to the Burnett case  
(Please remove previously received documentation from the binder and insert this material. Bring both sets with you.)
- Article by Amy Strickland: *Canonical Standard of Proof in Child Abuse Cases*

Thank you.

  
Sister Judith A. Davies, OSF  
Chancellor

**Canonical Standard of Proof in Child Abuse Cases**

By Amy Strickland, JCL

Delegate for Investigations, Archdiocese of Boston

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When my canonical studies reached the topic of ecclesiastical penalties, my professor told the class, "You will never use this." Since nearly all my work for the past several years has been in the field of penal law, I have repeated this story to other canon lawyers, nearly all of whom had similar experiences. Needless to say, this means most canonists were unprepared when this neglected portion of canon law was thrust into the spotlight in 2002.

One way in which this has manifested itself relates to confusion surrounding the standard of proof required at different stages of the canonical process used in child sexual abuse cases. For example, the expression, *credible allegation*, does not appear in the *Charter*, the *Essential Norms* or the *Code of Canon Law*. Yet, one finds it used as the standard to be met for actions as varied as the start of a canonical investigation, the public release of an accused cleric's name, the transmission of an accusation to the Holy See for further canonical adjudication at the end of a preliminary investigation, the placement of an accused cleric on temporary "administrative leave," and the permanent restriction of an accused priest from any public exercise of ministry.

I would argue that the term *credible allegation* be avoided entirely, in all these circumstances, in justice to both the accused and the accuser. For example, when an allegation is initially received, a canonical investigation is to be commenced if the claim describes a possible canonical crime and has the *semblance of truth*. While substituting *semblance of truth* for *credible allegation* might seem merely a matter of semantics, both parties have to be considered equally credible until/unless there is actual evidence to tip the scales. But, if the Church states at the outset that the allegation is credible, there is a risk of implying that there has already been a decision made that the denials of the accused are not.

To inflict a penalty on a cleric for child sexual abuse, much more is needed than a *credible allegation*. One must have reached *moral certitude* that the crime has been committed, either by the cleric's own admission or by a formal canonical process. This must be made clear to all parties from the start, especially since the burden of proof canonically is on the accuser. Moreover, the necessary proof to establish moral certitude will be limited in many cases, both due to the nature of the alleged act itself and the length of time that often transpires before it is reported. If the Church does not make this clear, we may unintentionally be communicating to the accuser that the Church has determined he or she is not credible if the case is not sent to the Holy See. A better expression for the threshold of proof needed at this step may be *probable cause*.

In summary, I recommend using three different standards during three different stages of the penal process. To initiate a canonical process, *semblance of truth* is sufficient. To send the case on to the Vatican, it should rise to *probable cause*. To arrive at the conclusion that the allegations are substantiated, the standard should be *moral certitude*. Ultimately, the important point to remember is that the issue is not credibility; it is proof. The proof necessary escalates at each stage of the canonical process.

For more information contact Amy Strickland at [astrickland@rcab.org](mailto:astrickland@rcab.org).

Vicar For Clergy Newsletter is published quarterly by the USCCB's Secretariat for Priestly Life and Ministry, and Saint Luke Institute. Send correspondence to [steve@slf.org](mailto:steve@slf.org) or [ckiley@usccb.org](mailto:ckiley@usccb.org).

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COMMUNICATION WITH MR. [REDACTED]  
REGARDING HIS PRESENCE AT THE MAY 24<sup>TH</sup> MEETING

SJ – April 24, 2006: [REDACTED] invited to meet with Committee May 24, 2006.

[REDACTED] – April 25, 2006 (11:02 a.m.) Will be present as long as his attorneys can be present. Described investigator as being sneaky. Wants family and attorneys present.

[REDACTED] – April 25, 2006 (9:40 p.m.): States he is excited about meeting the Committee with his attorneys.

SJ – April 26, 2006: Purpose of meeting to address Committee. Committee members are not in the employ of Diocese. Meetings are not taped and are confidential. Statements made by a person would not be adversely used against him/her anytime. Welcome to attend but without attorneys or family members.

[REDACTED] – April 27, 2006: His attorneys feel that there is no need for Committee to ask questions without representation by attorneys. Diocese does not care about victims.

SJ – April 27, 2006: Diocese cares. Welcome to attend without attorneys and family members.

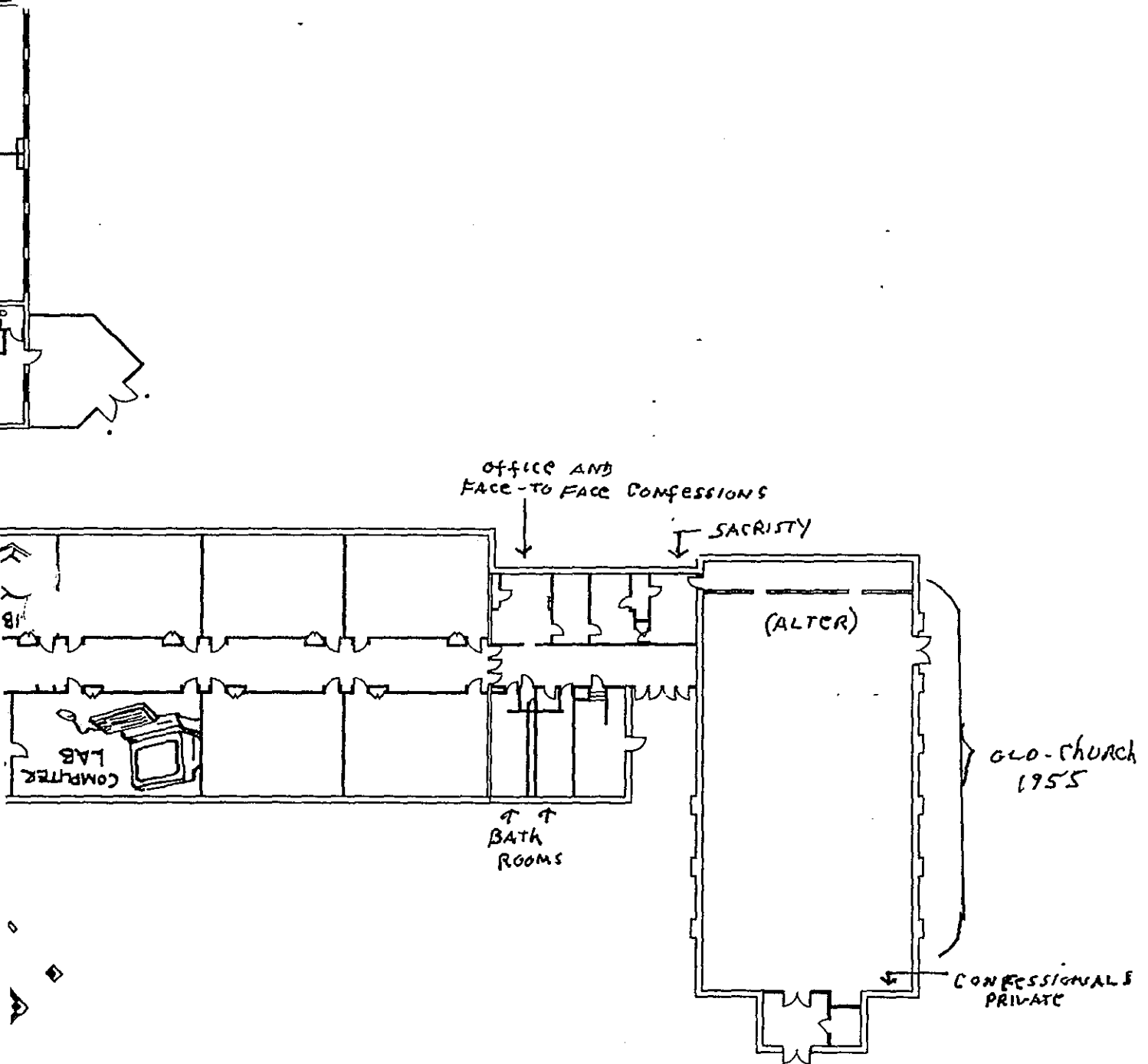
[REDACTED] – April 29, 2006: Wants to come but thinks it is unfair that attorneys cannot be present. Wants Review Committee to go to Mokena to see the facility.

April 28, 2006: Phone conversation. [REDACTED] said that he wants to come to the meeting even though his attorneys think he ought not to attend without them. I told him that the Diocese would pay reasonable airfare; ground transportation his responsibility.

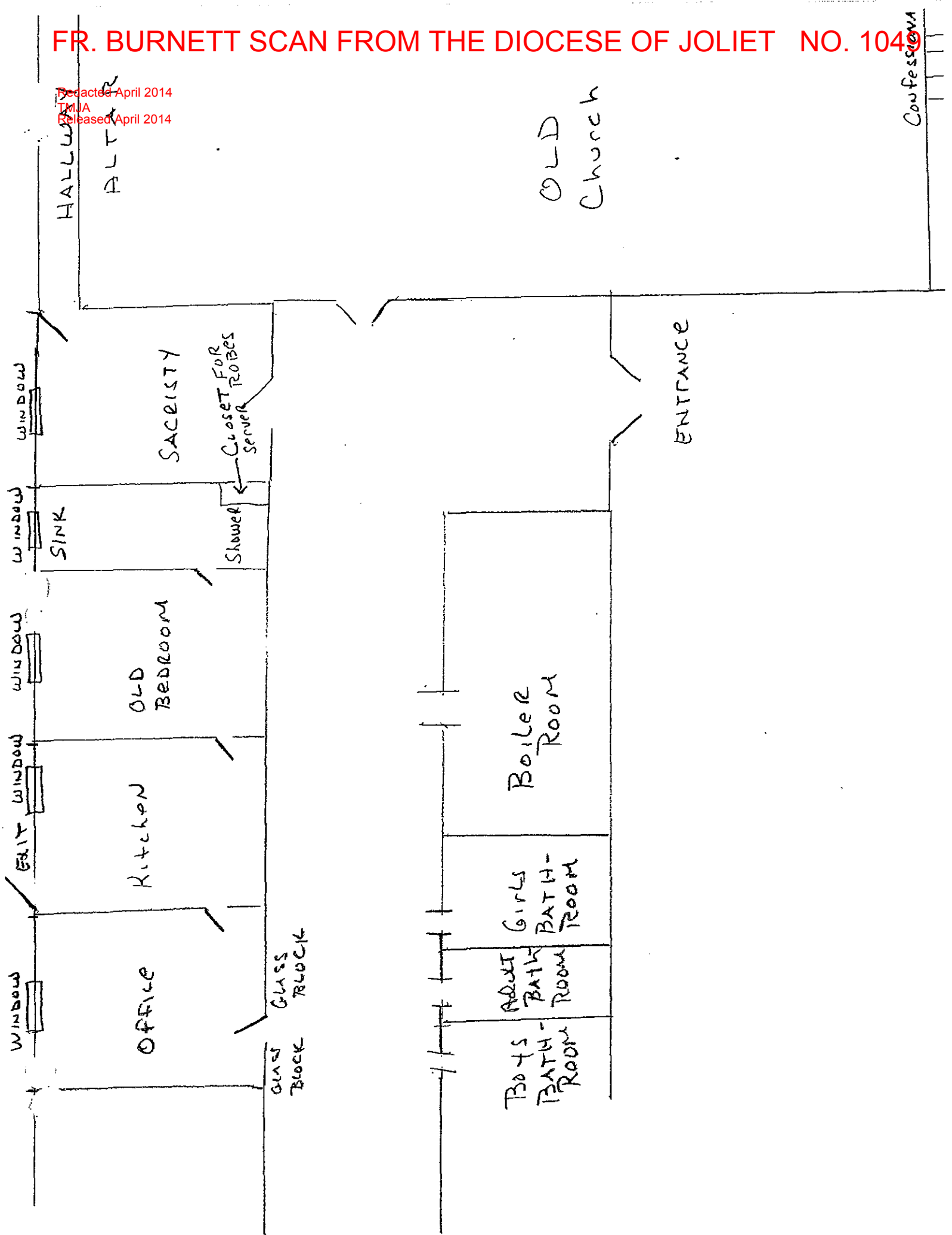
SJ – May 1, 2006: Confirmed phone conversation of April 28 with e-mail. Diocese will pay airfare, information about booking a flight. Attend without attorneys or family members.

May 2, 2006: Letter to Mr. Byrne from Mr. Anderson.

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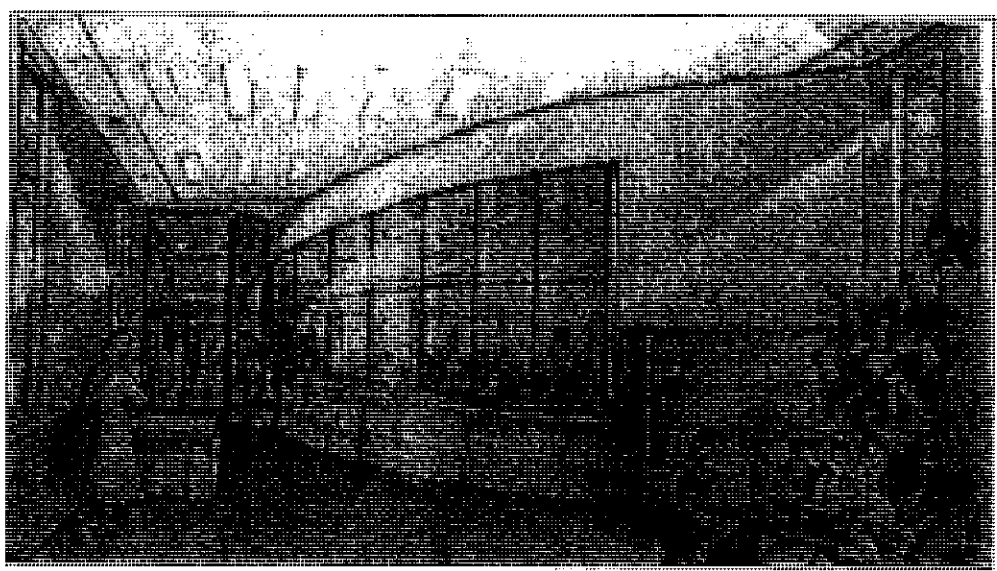
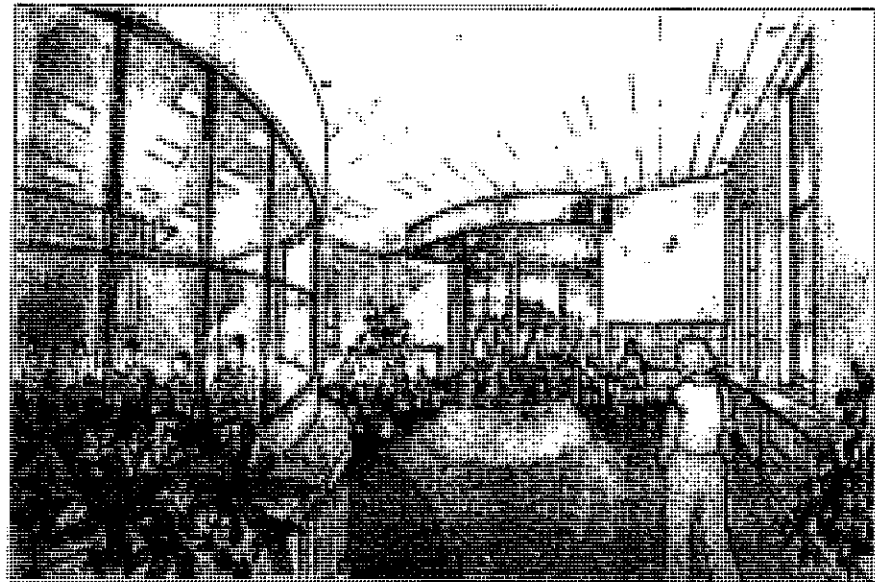
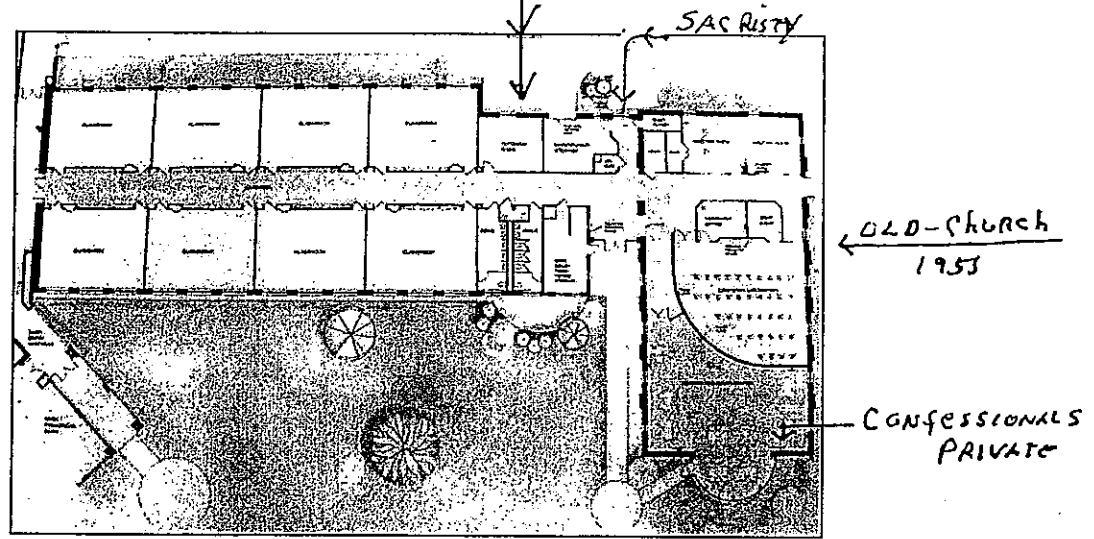


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FR. BURNETT SCAN FROM THE <sup>OFFICE AND</sup> ~~FILE~~ <sup>CONFESSORIAL</sup> OF JOLIET NO. 1050

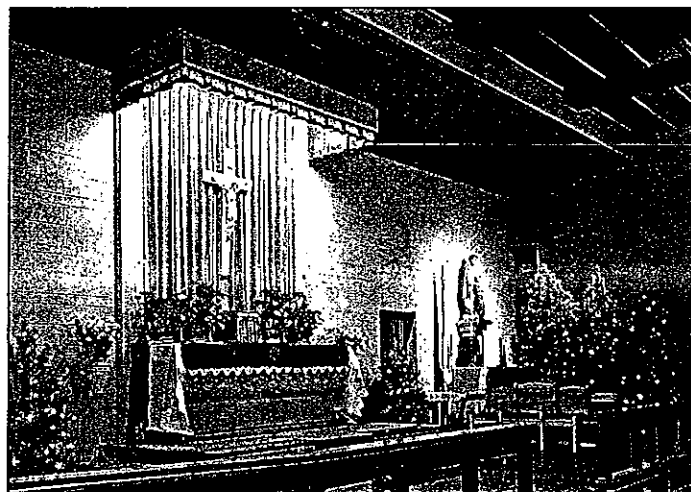
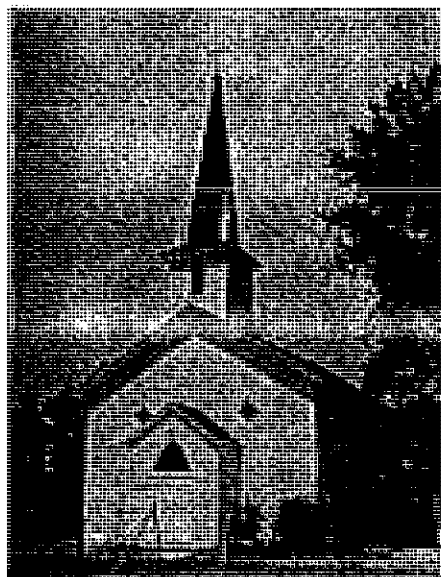
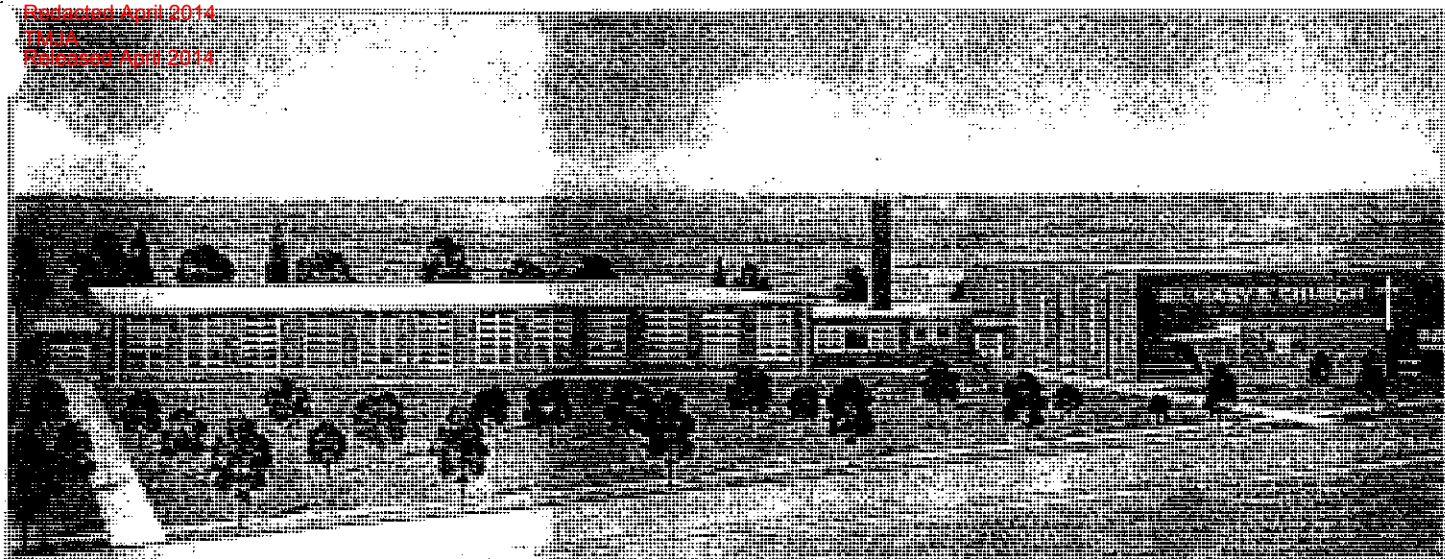
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FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 1051

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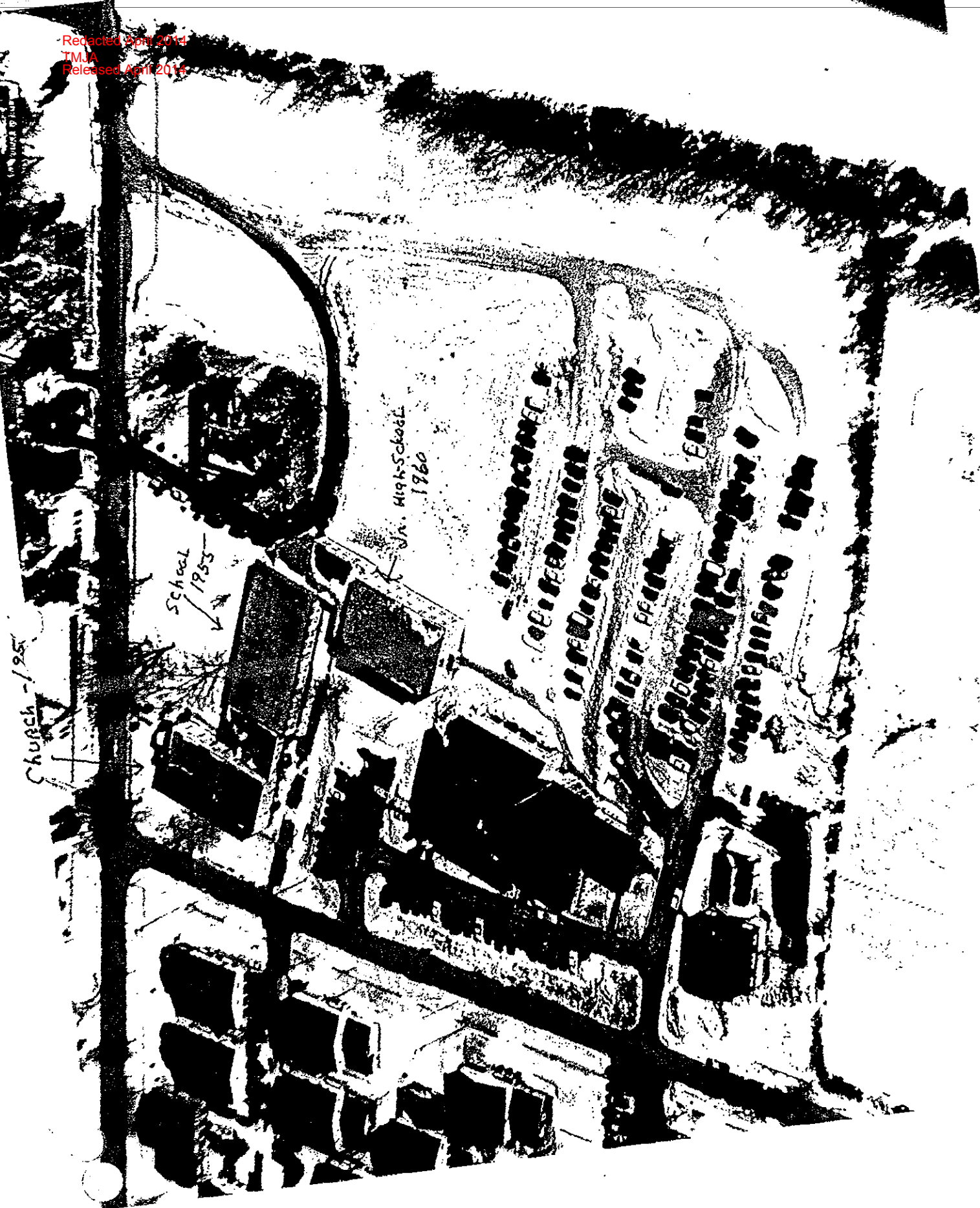




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Revised April 2014  
TMJA  
Released April 2014



Revised April 2014

7/11/14

Revised April 2014

## A HISTORY OF THE PARISH

Mathias Ender and Margaret Summers Ender, an early pioneer family who immigrated from Germany, owned most of the property on which Mokena is now built. On February 20, 1860, the Enders deeded land to the diocese. It was on this land that the original St. Mary Church was erected. Mathias Enders served as the first church sexton and died in 1871. He is buried in the cemetery adjacent to the original church.

The first church was built at the cost of \$1,400. There were approximately nine families in the original church community. It was a mission parish at that time with mass said by Rev. Peter Fassbender. The original church, now referred to as Old St. Mary Church, was renovated in 1976 and is still in service to the parish.

From 1914 until 1972 St. Mary Parish was served by the Franciscan Fathers. In 1947 Rev. Benedict Pfeifer, O.F.M. opened St. Mary School. Sister M. Charlotte, O.S.F., a Franciscan Sister of the Sacred Heart, was the first principal. The Franciscan Sisters of the Sacred Heart of Mokena have served the people of St. Mary ever since.

Under the direction of Fr. Cecil Koop, O.F.M. plans were made for the building of a new church/school building. Mass was celebrated in the new church for the first time on Christmas Eve in 1955. By that time the number of parish families was 500. This church building will soon serve as a gymnasium.

In 1983 with the growth of the parish up to 1400 families, St. Mary Parish responded to the need to expand their facilities by beginning plans for the building of a new church and parish hall to replace the present church and "Cow Palace", which served as the parish hall.

On December 16, 1985, Bishop Joseph Imesch authorized the parish to proceed with plans to conduct a fund drive, complete the architectural drawings, and seek approval for a diocesan loan to the parish. Groundbreaking for the new facility took place on June 29, 1986.

Meeting the needs of today and planning for the future, our new church will seat approximately 1,000 people, with a daily chapel seating 100. The lower level parish hall will seat 500 and has space for a fully equipped kitchen facility.

Today's celebration of dedication is a further milestone in the history of our parish, a history that spans over 125 years. From the days of our early pioneer parishioners until this day, St. Mary Parish has been blessed with dedicated and enthusiastic people, committed to their faith in God and enlivened by their hope for the future.