

SHEEHAN
PHINNEY
BASS +
GREEN
PROFESSIONAL
ASSOCIATION



ATTORNEYS AT LAW

July 8, 1993

1000 ELM STREET
P.O. BOX 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0500

Monsignor Francis J. Christian
Chancellor
Diocese of Manchester
P.O. Box 310
Manchester, NH 03105-0310

Re: [REDACTED] v. Gordon MacRae and the
Roman Catholic Bishop of Manchester

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Monsignor Christian:

I enclose a copy of the latest letter received from Peter Heed along with further interrogatories to be answered by the Diocese. The additional questions are quite interesting.

As you note from Mr. Heed's letter, he has reduced his demand by \$25,000 in response to our \$10,000 offer. The case might be settled, but probably only with a substantial expenditure by the Diocese.

I received a call about a month ago from Ray Dumont who indicated that he is managing the various losses for the Diocese. He indicated that he would be requesting a status report from me, but I have not heard from Ray since.

Do you wish to make another proposal at this time in this matter? Perhaps we should talk further about it. What role is Ray Dumont to play in the settlement of these cases?

Best regards,

A handwritten signature in black ink, appearing to be 'J. Higgins', written over a horizontal line.

James E. Higgins

JEH/slb
Enc.

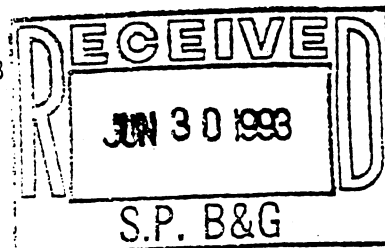
GREEN, McMAHON & HEED
ATTORNEYS AT LAW

3209

DOUGLAS F. GREEN
S. A. McMAHON
R. W. HEED
JOHN A. BELL

JOSEPH T. CRISTIANO
OF COUNSEL
ERIC J. KROMPHOLD, JR.
(1929-1983)

June 28, 1993



James E. Higgins, Esquire
Sheehan, Phinney, Bass & Green, P.A.
P.O. Box 3701
Manchester, New Hampshire - 03105-3701

Re: [REDACTED] v Gordon MacRae and The Roman
Catholic Bishop of Manchester

Dear Jim:

I have your letter of June 17, 1993, and your client's offer to settle in the amount of \$10,000. I have reviewed the letter and the offer with my client, and while the offer is unacceptable, my client does appreciate that a good faith offer has been made and he is willing to continue to negotiate in good faith in an attempt to resolve the case.

I would like to first briefly discuss the issues raised in your letter. While I understand your contention that the fact that no actual "sexual contact" occurred between Father MacRae and my client could lessen the damages to some extent, I would simply state that having a young man pose for pornographic photographs, requiring him to masturbate, and otherwise soliciting for sexual activities is a severe form of sexual abuse. I am quite confident that we would be able to demonstrate to a jury that the damages to my client have been substantial and permanent. Dr. Hollenbeck does a fine job in outlining how Father MacRae's behavior has damaged [REDACTED].

With regard to my client's history of psychological problems, I am pleased that you admit that some of these problems predate his association with Father MacRae. This is precisely why my client was so vulnerable and precisely why he was selected by Father MacRae as a victim. Clearly, [REDACTED] has a number of psychological problems all of which made him a perfect target for a priest on the prowl. Father MacRae simply exploited these psychological problems, and then added to them and made them far worse.

Finally, I understand that it is your position that we

Re: [REDACTED] v Gordon MacRae, et al

June 28, 1993

will not be able to demonstrate that the Diocese had sufficient knowledge of Father MacRae's problems to take appropriate remedial action. Again, I cannot agree. I think it is clear from the records of Catholic Charities and DCYS, together with the Diocese's own statements, that Father MacRae's problems were known or should have been known to the Church. My position in this regard seems to be getting stronger each day, as new evidence and revelations continue to come forth. I have a high level of confidence that a jury will find that the Diocese did not take sufficient action to protect the congregation and the public in Keene from Father MacRae.

I know that you and I could discuss our respective positions on this case at length, and would probably never agree. However, my client and I are pleased to engage in a dialogue with you which may lead toward settlement. My client is clearly not unaware of the difficulties that exist in the case from both the plaintiff's and defendant's perspectives, and, as I indicated previously, he is desirous of putting this matter behind him as best he can. With that in view, I have been authorized to reduce our demand to \$75,000. My client is making this substantial reduction in his demand in good faith and has given me authority to negotiate in the hopes that this matter can be settled. Naturally, the reduction of our demand is without prejudice to our position at trial.


Kindly review our reduced demand with your client and let me hear from you so that we can see if it is possible to move toward settlement.

In the meantime, I am enclosing herewith an original and two copies of a second set of interrogatories to be answered by the defendants.

I look forward to hearing from you soon.

Very truly yours,

GREEN, McMAHON AND HEED



Peter W. Heed

PWH: btp

Enclosures

cc: [REDACTED]

September 8, 1993

Atty. Ron Koch, P.A.
Attorney at Law
503 Slate, N.W.
Albuquerque, NM 87102

Dear Atty. Koch:

In response to your recent letter in reference to the recent indictments involving Gordon MacRae, I am pleased to provide you with the following information.

1. Gordon MacRae's letter of assignment to St. Bernard's Parish in Keene was sent to him at Our Lady of the Miraculous Medal Parish in Hampton on May 27th, 1983. That letter indicated that he was to leave his assignment in Hampton and report to Keene on June 15th, 1983. While there is nothing in our files to show when he actually left Hampton to go to Keene, or that he in fact did report on June 15th, it would be highly unusual that he would not have reported in Keene on that date.
2. Records from our Department of Priestly Life and Ministry record that Gordon attended the Spring Clergy Days at Saint Anselm's College from June 7-9, 1983.
3. Records from that same department indicate that Gordon attended the Clergy Days at the Red Jacket Inn in North Conway from October 25-27, 1983.
4. Father Daniel Dupuis received a letter from Bishop Gendron dated May 20, 1983, granting him a leave of absence effective July 15th, 1983. We have nothing in our files to indicate when he actually left St. Bernard's. It is possible that he left on the 15th of July, or he might have made arrangements with the then pastor to stay for a longer period of time. That is information that the Diocese would not have.
5. The dates and times of weddings, funerals, etc., as well as parish meetings for Our Lady of the Miraculous Medal Parish of Hampton and St. Bernard's, Keene, are not part of any records we have at the Diocese. It probably will be difficult to get such information since yearly planning calendars, etc., might not be kept by local parishes for more

-2-

than a year or so after they have expired. In any case, inquiry would need to be made with the individual parishes involved since they alone would have such records.

Trusting this information is helpful to you, and assuring you of my desire to be of any further assistance that I can, I am

Sincerely,

(Msgr.) Francis J. Christian
Secretary
Chancellor

Rev. Monsignor Francis Christian, Ph.D.
Secretary for Administrative and Canonical Affairs
Diocese of Manchester
P.O. Box 310
Manchester, NH 03105-0310

Dear Monsignor Christian,

As the attorney representing Father Gordon MacRae following his recent indictments from Rockingham and Cheshire Counties, I have advised Gordon to construct a chronology of his activities from May through November of 1983. As is obvious this is a very difficult task to accomplish ten years later.

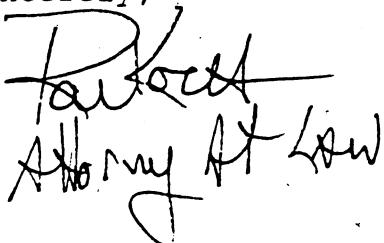
Gordon has indicated that you may be able to be of some assistance in this regard by researching his Personnel file and other records to obtain the following information:

- 1) The date Gordon left OLMM Parish in Hampton and the date he reported to St. Bernard Parish in Keene.
- 2) The dates of the June, 1983 Clergy Convocation in North Conway. Gordon was present at this Convocation.
- 3) The dates and locations of any other retreats, meetings, clergy gatherings etc., that Gordon may have been present at from May to November, 1983 and can be reasonably documented.
- 4) The date that Father Daniel Dupuis left St. Bernard Parish. Gordon has indicated that Father Dupuis remained for most or all of the summer of 1983 and remained in his parish office and living quarters until his departure.
- 5) A list of the dates and times of Masses, Weddings, Funerals, Baptisms, other Sacramental Ministry and/or other meetings such as Parish Council meetings at the two respective parishes. Only those Gordon took part in from May 1 to November 30, 1983 are necessary.

Gordon is innocent of the allegations he has been accused of. The above information should be most helpful in preparing his defense against these false allegations. Your cooperation in this urgent matter is greatly appreciated. Please send the above information to my office as soon as possible.

If you have any questions regarding this request please feel free to contact my office.

Sincerely,


Robert
Attorney at Law

SHEEHAN
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PERSONAL AND CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE



September 16, 1993

1000 ELM STREET
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1 HARBOUR PLACE
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03801-3856
FAX 603-433-8123
603-433-2111

Mr. Raymond Dumont
Gallagher Bassett Insurance
Bedford Commons
Bedford, NH 03110

Re: John Doe [REDACTED] v. Gordon Macrae and
The Roman Catholic Bishop of Manchester
91-C-149 Cheshire County Superior Court
Keene, NH

Dear Ray:

I am writing to apprise you of the status of the above-referenced case. Suit was brought on April 19, 1991 by Plaintiff's counsel, Peter Heed, in the Cheshire County Superior Court alleging on behalf of his then anonymous client intentional sexual abuse against Gordon Macrae arising from acts occurring between April 1, 1986 and November 1988, negligence against Macrae in his actions towards the minor Plaintiff, negligence against Macrae in his conduct as a priest, derivative negligence against the Roman Catholic Bishop of Manchester because of the actions of its employee whom it knew or should have known posed a risk to the Plaintiff, negligence on the part of the Bishop in transferring Macrae to Keene after learning of sexual peccadilloes in Hampton, negligent employment on the part of the Bishop, negligent training, supervision, control of Macrae by the Bishop, and a claim for enhanced compensatory damages. I enclose the original Complaint, our Motion to Dismiss along with the supporting memorandum, the Court's ruling denying our Motion to Dismiss, Plaintiff's Motion to Amend his Writ of Summons, the Court Order granting his Motion to Amend the Writ of Summons, and the Diocese's Special Plea and Brief Statement.

Also included for your information is the interrogatories answered by [REDACTED] with voluminous attachments (including extracts from the police report). The Diocese has answered one set of interrogatories posed by the Plaintiff and is

Mr. Raymond Dumont
September 16, 1993
Page 2

currently working on answers for a second set. Once they are completed I'll forward both sets to you should you desire. Depositions have not been taken yet, but we will obviously take [REDACTED] deposition, the depositions of his parents, and Gordon Macrae's deposition. Peter Heed will request the depositions Father John Quinn, Father Christian, Lois Webb of Catholic Charities, Judy Paterson of Catholic Social Services, Bishop Gendron, Father Watson, Father Boucher, Sylvia Gale and Marilyn Fraser of DCYS, Dr. Henry Guerton Ouellette, Detective James McLaughlin, and perhaps a host of others. Additionally they are going to call Dr. Burt Hollenbeck as an expert and we will need Dr. Hollenbeck's deposition.

The allegations are fairly straight forward. Gordon Macrae befriended [REDACTED] and allegedly enticed him to pose for photographs in the nude., Macrae allegedly paid [REDACTED] and according to [REDACTED] had him ejaculate for one photo session. Macrae pled guilty to the misdemeanor offense of endangering a minor and was convicted on November 18, 1988. He was placed on probation and pled nolo to a violation of probation in August of 1989. He now claims that his plea was ill-considered in the first instance.

Obviously Gordon Macrae will not be the kind of person one would desire to be sitting at the defense table during a trial in Keene, New Hampshire. Wherever the truth lies, the constant drum fire of publicity in connection with this fellow weakens all Defendants.

The Diocese's position is that it had no reason to suspect that Macrae would or could ever do any of the things he is accused of doing to [REDACTED]. Further [REDACTED] own background renders suspect his version of the facts.

The Diocese learned of a complaint or complaints about Macrae from Hampton, New Hampshire after he had been reassigned to St. Bernards. The incidents were reported to the State and the Diocese felt that it was being investigated thoroughly and handled by

█ became involved in fights at school, alcohol and drugs, and has attempted or at least thought of suicide by placing a noose around his neck.

Claiming that as a result of incidents with Gordon Macrae, he questioned his masculinity, █ has gone out of his way to have had sex with as many females as possible. He claims to have sex with 35 different females and allegedly gets tested for AIDS every 6 months. Apparently there is a possibility that he has fathered an illegitimate child who may be 1 or 2 years old at this time.

While a resident at Orion he received psychotherapy from William Ballentyne. Dr. Ballentyne felt that █ significant difficulties centered on an absence of trust which condition existed long before he was "sexually abused." His abandonment by his natural father and physical abuse he reports at the hand of his adopted father did much to form his distorted sense of self. Dr. Ballentyne felt that the sexual abuse experience claimed by █ greatly exacerbated █ emotional difficulties and reinforced his negative sense of self.

Dr. Ballentyne feels that boys who have been sexually abused commonly experience outcomes that lead to difficulties in later life. Much of █ behavior according to Dr. Ballentyne can be viewed as inappropriate attempts to reassert his sense of masculinity. The struggle which underlies his difficulties relates to his confused sexual identity.

As noted above, Dr. Bert Hollenbeck will be an expert witness for the Plaintiff. He did a psychological evaluation of █ meeting with him on October 8, 1992, January 12, 1993, and March 16, 1993. Hollenbeck's records reveal that █ has been in trouble with the law by breaking windshields (he performed restitution and community service), and "borrowing" his step-father's truck and digging it into the mud (his step-father pressed charges).

At one point █ apparently stole a handgun after seeing someone he thought was Gordon Macrae in

Mr. Raymond Dumont
September 16, 1993
Page 5

Keene, feeling that Macrae was back to get him. Hollenbeck stated that the description of the incidents with Macrae which [REDACTED] provided him was consistent with that which he provided the Keene police in 1988.

Hollenbeck stated that his evaluation suggested a number of areas of chronic, psychological and behavioral dysfunction. These included substance abuse, sexual promiscuity in an attempt to quell the fears of being homosexual, severe coping deficits and intense needs. The combination of these symptoms create significant psychological disarray.

This is a case to settle if we can. On May 21, 1993 Heed demanded \$100,000 in full settlement of [REDACTED] claim. We were not sure if he was simply trying to settle the case against the Diocese at that point.

On June 17th I replied that we would not consider settling the case for \$100,000, but I counter-proposed \$10,000 to settle the matter on behalf of all Defendants. On June 28, 1993, Heed reduced his demand to \$75,000 for all Defendants.

Monsignor Christian and I have discussed advancing \$25,000 at this point to attempt to bring Heed down further. I do not believe the \$25,000 will settle it for him, but I do believe that he will take less than \$75,000.

I hope this brings you up to date, Ray, on this matter. I certainly welcome your input concerning the value of the case and what can be reasonably done to bring it to a successful conclusion from the point of view of the Diocese.

Very truly yours,


James E. Higgins

JEH/slb
Enc.

cc: Monsignor Francis J. Christian

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October 8, 1993

PERSONAL AND CONFIDENTIAL

1000 ELM STREET
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Monsignor Francis J. Christian
Chancellor
Diocese of Manchester
P.O. Box 310
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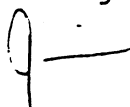
Re: [REDACTED] v. Gordon MacRae and the
Roman Catholic Bishop of Manchester

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Monsignor Christian:

Enclosed please find retyped answers to the Plaintiff's Second Set of Interrogatories as well as Amended Answers to the First Set of Interrogatories. Review them closely and if accurate, kindly have them executed before a Notary Public. Return the original copies to me. I have forwarded herewith an extra copy for your files.

Best regards,



James E. Higgins

JEH/slb
Enc.

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October 19, 1993

PERSONAL AND CONFIDENTIAL

1000 ELM STREET
P.O. Box 3701
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NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Monsignor Francis J. Christian
Chancellor
Diocese of Manchester
P.O. Box 310
Manchester, NH 03105-0310

Re: [REDACTED] v. Roman Catholic Bishop of
Manchester and Gordon Macrae


1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Monsignor Christian:

I enclose a copy of Robert Upton's demand letter and enclosures. The letter is reasonable in tone, but the demand is much too high.

Please call when you have had an opportunity to digest its contents.

Best regards,



James E. Higgins

JEH/slb

Enc.

cc: Bradford E. Cook, Esquire

UPTON, SANDERS & SMITH

10 CENTRE STREET

P.O. Box 1109

CONCORD, NEW HAMPSHIRE 03302-1109

TELEPHONE (603) 224-7791

TELECOPIER (603) 224-0320

3220

ROBERT W. UPTON
(1884-1972)

JOHN H. SANDERS
(1909-1987)

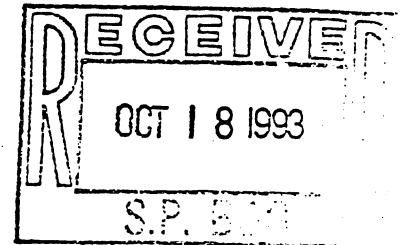
RICHARD F. UPTON
OF COUNSEL

FREDERICK K. UPTON
GILBERT UPTON
WEST T. SMITH, III
PTON, II
HARDSON
JOHN LAGUE
RUSSELL F. HILLIARD
JAMES F. RAYMOND
BARTON L. MAYER
CHARLES W. GRAU
BRIDGET C. FERNS
DAVID P. SLAWSKY

October 14, 1993

James E. Higgins, Esq.
Sheehan Phinney Bass & Green
1000 Elm St.
Box 3701
Manchester, NH 03105

Re: [REDACTED] v. Roman Catholic Bishop
of New Hampshire and Gordon MacRae



Dear Jim:

After our meeting on September 22, 1993 I have given considerable thought to what kind of demand should be made in this case. I have looked at a series of verdicts and settlements involving similar cases and spent a significant amount of time with my client who, as you might guess, has tremendous anger and outrage concerning the abuse he suffered, especially in light of his new recognition of what that abuse has done to his life.

As I indicated in our meeting, I am satisfied that I have adequate evidence of the knowledge of the Diocese concerning MacRae's proclivities and its failure to act to protect young men such as my client. If this case is tried I am convinced I will get to the jury. If I do, I think it is a case where a jury will feel great sympathy for my client and likely have the same sense of outrage. As I also indicated, however, I'm not anxious to put my client through the rigors of such a trial, although he is certainly prepared to do so if necessary.

You also need to know that in making this demand we have taken into consideration the difficulties confronting us. Although I have good reason to believe that the discovery doctrine will apply to this case, there is an obvious statute of limitations concern and it has caused me to discount the value. I have also discounted value because I am sure you and your office will present a defense which exposes the case's weaknesses and at the same time shows sympathy to my client.

Having all of this in mind, my client has authorized me to make the following demand:

James E. Higgins, Esq.

October 14, 1993

Page 2

A. The Diocese will pay for all medical and mental health related care required by my client arising from the abuse. This is intentionally open-ended. Presumably the Diocese would purchase an appropriate health care policy of insurance for [REDACTED], but that would be up to them.

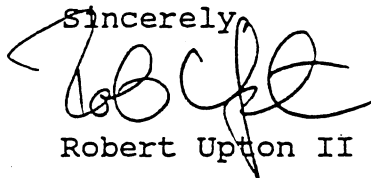
B. In consideration of a General Release and Covenant Not to Sue, the Diocese will pay to my client the sum of Three Hundred Thousand Dollars (\$300,000.00).

I am enclosing for your review copies of some of the verdicts that I was able to locate in other cases.

If it would be helpful to meet again to discuss settlement, I would be happy to do so at our mutual convenience.

I appreciate the courtesy both you and the Diocese have shown me in this matter and I continue to believe that the best approach to resolving this matter is to avoid further publicity.

Sincerely,



Robert Upton II

RUII:jhb
Enclosures

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TVR No. 0068581

Site as: 1990 WL 467996 (LRP Jury)

1 TITLE: DOE v. DIOCESE OF WINONA DOCKET-NUMBER:
C6-89-12659

COURT: USDC

STATE: Anoka County, Minnesota

DATE: Trial: December, 1990 RANGE AMOUNT: \$2,000,000 -

\$4,999,999 OUTCOME: Plaintiff Verdict

TOTAL VERDICT: \$3,555,000

PRIMARY INJURY: Sexual Abuse

LIABILITY: General: Professional Negligence Specific: Cleric

EXPERT-WITNESSES: Plaintiff: FORENSIC PSYCHIATRY, PLAINTIFF:

Blinder, Martin, M.D., San Francisco, CA PSYCHOLOGIST, PLAINTIFF:

Phipps-Yonas, Susan, St. Paul, MN Defendant: PSYCHIATRIST,

DEFENSE: Long, Barbara, M.D., St. Paul, MN

DAMAGES: Compensatory: Other: \$855,000 Total: \$855,000

Punitive: \$2,700,000

ATTORNEY: Plaintiff: Jeffrey R. Anderson/St. Paul, MN Mark A.
Wendorff/St. Paul, MN

TEXT: A 13-year-old male suffered post-traumatic stress disorder, addiction, depression and alcoholism after he was sexually abused by a priest until he was 21 years old. The plaintiff was abused daily until the priest was transferred, and then it was on weekend visits arranged by the priest. The plaintiff alleged that the defendant diocese negligently hired and retained the priest, improperly supervised him, and failed to warn of his prior episodes of sexual abuse. The pastor admitted at trial to his sexual abuse of boys during his employment at the defendants' churches. The defendants contended that they did not willfully employ an unfit priest. The defendants were found 85 percent negligent, and the plaintiff and his parents were each found 5 percent negligent.

DOE v. DIOCESE OF WINONA

JVR No. 0068581, 1990 WL 467996 (LRP Jury)

END OF DOCUMENT

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JVR No. 108592

Cite as: 1992 WL 505276 (LRP Jury)

*1 TITLE: VAN HOUSEN v. IPSEN, ET AL. DOCKET-NUMBER:

355953

COURT: Superior

STATE: San Mateo County, California

DATE: Trial: October, 1992 RANGE AMOUNT: \$1,000,000 -

\$1,999,999 OUTCOME: Plaintiff Verdict

TOTAL VERDICT: \$1,100,000

PRIMARY INJURY: Sexual Abuse

LIABILITY: General: Personal Negligence Specific: Child Abuse

PLAINTIFF: Sex: Female Age: 13

DEFENDANT: Type: Single Individual Sex: Male

EXPERT-WITNESSES: Plaintiff: Psychologist, Plaintiff:

Hatcher, Christopher, Ph.D., Mill Valley, CA Sexual Abuse

Counselor, Plaintiff: Bott, Howard, San Mateo, CA Defendant:

Psychiatrist, Defense: Aaron, Robert S., M.D., San

Francisco, CA

HIGH/LOW AGREEMENT: Yes

HIGH AMOUNT: \$330,000

LOW AMOUNT: \$100,000

CLAIMED PAST WAGE EXPENSE: \$100,000

CLAIMED FUTURE WAGE EXPENSE: \$400,000

DAMAGES: Compensatory: Other: \$1,100,000 Total: \$1,100,000

ATTORNEY: Plaintiff: Julian J. Hubbard/Redwood City, CA Defendant:

M. Judith Johnson/Palo Alto, CA Kenneth P. Barnum/Palo Alto, CA

Judd C. Iversen/San Francisco, CA

JUDGE: Thomas McGuinn-Smith

TEXT: A female suffered acute depression, bulimia, personality disorder, and abuse accomodation syndrome when she was emotionally, sexually, and physically abused between the ages of 13 to 22 by the defendant track coach after she had moved into the defendant's home due to family problems. The plaintiff began to experience flashbacks of the abuse several years after she no longer resided in the defendant's home. The plaintiff contended that the defendant was negligent for exploiting her dream to become a successful runner. The plaintiff further contended that the defendant's wife was negligent for failing to recognize the abuse. The defendant denied the plaintiff's allegations and contended that the plaintiff had testified that at the age of 19, there was no abuse apparent. The defendant further contended that the plaintiff had made the allegations in order to achieve revenge against the defendant, who had barred her from the home following a family argument.

VAN HOUSEN v. IPSEN, ET AL.

JVR No. 108592, 1992 WL 505276 (LRP Jury)

END OF DOCUMENT

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VR No. 45931

(Cite as: 1989 WL 389083 (LRP Jury))

*1 TITLE: MCLAIN v. TRAINING & DEVELOPMENT CORP.

DOCKET-NUMBER: CV 84-565

COURT: Superior

STATE: Penobscot County, Maine

DATE: Trial: February, 1989 RANGE AMOUNT: \$200,000 - \$499,999

OUTCOME: Plaintiff Verdict

TOTAL VERDICT: \$250,000

PRIMARY INJURY: Posttraumatic Stress Disorder

LIABILITY: General: Professional Negligence Specific: Employment Counselor

DAMAGES: Compensatory: Other: \$250,000 Total: \$250,000

ATTORNEY: Plaintiff: George Jabar and Joseph Jabar, Waterville, ME. Defendant: Gross, Minsky, et al. by Edward Gould, Bangor, ME.

TEXT: A 21-year-old male suffered a post traumatic stress disorder manifesting itself in mistrust, abusive conduct, drug abuse and criminality after being assaulted by a job-training counselor employed by the defendant job training and development corporation. The plaintiff maintained that the defendant's counselor was acting within the scope of his employment when he coerced the plaintiff to engage in a variety of bizarre and anti-social activities under the guise of preparing him for entry in the Marine Corps and that the defendant corporation was therefore liable for the conduct of its employee. The plaintiff added that the defendant was negligent in failing to properly screen and supervise its employees. The defendant denied negligence and contended that it had no reason to suspect a problem concerning the counselor in question, that his actions were unforeseeable and that they acted properly in promptly terminating him upon learning of his misconduct. The defendant further contended that it was not responsible for the counselor's conduct because it fell outside the scope of his employment. Past Medical: \$2,500. Plaintiff Attorneys: George Jabar and Joseph Jabar, Waterville, ME. Defense Attorney: Gross, Minsky, et al. by Edward Gould, Bangor, ME.

MCLAIN v. TRAINING & DEVELOPMENT CORP.

JVR No. 45931, 1989 WL 389083 (LRP Jury)

END OF DOCUMENT

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JVR No. 53718

Cite as: 1989 WL 393997 (LRP Jury))

*1 TITLE: MT. ZION BANK & TRUST v. CENTRAL ILLINOIS ANNUAL
CONFERENCE OF THE UNITED METHODIST CHURCH DOCKET-NUMBER: 84-L-93

COURT: Circuit

STATE: Sangamon County, Illinois

DATE: Filing: March, 1984 Trial: September, 1989 RANGE AMOUNT:
\$100,000 - \$199,999 OUTCOME: Plaintiff Verdict

TOTAL VERDICT: \$150,000

PRIMARY INJURY: Emotional Distress

LIABILITY: General: Clergy Negligence Specific: Sexual
Molestation

EXPERT-WITNESSES: Plaintiff: PSYCHOLOGIST, PLAINTIFF: Appleton,
Helen, Ph.D., Springfield, IL SOCIAL WORKER, PLAINTIFF: Cokley,
Karen, Decatur, IL Defendant: PSYCHOLOGIST, DEFENSE: Campion,
Michael, Ph.D., Decatur, IL

DAMAGES: Compensatory: Other: \$150,000 Total: \$150,000

ATTORNEY: Plaintiff: Tom Londrigan, Springfield, IL. Defendant:
Hinshaw, Culbertson, et al., by George Gillespie, Springfield, IL.

TEXT: An 8-year-old male suffered psychological damage when he was sexually molested by the defendant's pastor. The boy's guardian claimed that even after the counselor's pedophilia was known by the defendant church, the counselor was still retained. The counselor admitted liability. The defendant church admitted that it knew of a previous incident where the counselor had sexually abused a young boy, but claimed that it thought that he had been cured. Plaintiff Attorney: Tom Londrigan, Springfield, IL. Defense Attorney: Hinshaw, Culbertson, et al., by George Gillespie, Springfield, IL. MT. ZION BANK & TRUST v. CENTRAL ILLINOIS ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH

JVR No. 53718, 1989 WL 393997 (LRP Jury)

END OF DOCUMENT

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JVR No. 53718

Cite as: 1989 WL 393998 (LRP Jury)

*1 TITLE: MT. ZION STATE BANK & TRUST v. CENTRAL ILLINOIS
ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH DOCKET-NUMBER:
84-L-93

COURT: Circuit

STATE: Sangamon County, Illinois

DATE: Filing: March, 1984 Trial: September, 1989 RANGE AMOUNT:

\$100,000 - \$199,999 OUTCOME: Plaintiff Verdict

TOTAL VERDICT: \$150,000

PRIMARY INJURY: Sexual Assault W/Distress

LIABILITY: General: Admitted Liability Specific: Clergy
Negligence

EXPERT-WITNESSES: Plaintiff: PSYCHOLOGIST, PLAINTIFF: Appleton,

Helen, Ph.D., Springfield, IL SOCIAL WORKER, PLAINTIFF: Cokley,

Karen, Decatur, IL Defendant: PSYCHOLOGIST, DEFENSE: Campion,

Michael, Ph.D., Decatur, IL

DAMAGES: Compensatory: Other: \$150,000 Total: \$150,000

ATTORNEY: Plaintiff: Tom Londrigan, Springfield, IL. Defendant:

Hinshaw, Culbertson, et al., by George Gillespie, Springfield, IL.

TEXT: A 9-year-old male suffered emotional distress when he was sexually abused by a pastor. The plaintiff claimed that the defendant church was negligent for retaining the counselor after learning of his pedophilia. The defendant counselor admitted liability, and the church admitted that it knew of a previous incident where the counselor had sexually abused a young boy. The church further claimed that it thought the pastor had been cured by a counselor. Plaintiff Attorney: Tom Londrigan, Springfield, IL. Defense Attorney: Hinshaw, Culbertson, et al., by George Gillespie, Springfield, IL.

MT. ZION STATE BANK & TRUST v. CENTRAL ILLINOIS ANNUAL CONFERENCE
OF THE UNITED METHODIST CHURCH

JVR No. 53718, 1989 WL 393998 (LRP Jury)

END OF DOCUMENT

THE STATE OF NEW HAMPSHIRE

CHESHIRE COUNTY

SUPERIOR COURT

91-C-149

"John Doe," A Minor By His Mother
And Next Friend

v.

Gordon MacRae
and
The Roman Catholic Bishop of Manchester, Inc.

AMENDED ANSWERS TO
FIRST SET OF INTERROGATORIES
PROPOUNDED BY THE PLAINTIFF TO THE DEFENDANT

13. Please state the name and position of each and every employee of the Roman Catholic Bishop of Manchester, Inc., who had conversations with employees of the Division for Children and Youth Services with reference to Gordon Macrae's sexual misconduct in Hampton, New Hampshire, and the date of each such communication. Please attach hereto copies of all documents which support your answer. In doing so it is unnecessary for you to disclose the name of the victim which may be blacked out.

ANSWER: Objection to the blanket use of the term "sexual misconduct". Monsignor John P. Quinn had communications with an employee of DCYS in connection with an alleged incident on November 21, 1983 and November 21, 1983.

14. Please attach hereto all internal memos of the Roman Catholic Bishop of Manchester, Inc., concerning Gordon Macrae's sexual misconduct. In doing so it is unnecessary for you to disclose the name of the victim which may be blacked out.

ANSWER: Objection to the blanket use of the term "sexual misconduct". We do have memoranda in connection with the alleged 1983 incident. Attached is a July 14, 1988 memorandum relating to the allegations brought by a young man at Spofford Hall.

THE ROMAN CATHOLIC BISHOP
OF MANCHESTER

Dated: October __, 1993

By: _____
Monsignor Francis J. Christian

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH, SS.

Personally appeared the above-named Monsignor Francis J. Christian of the Roman Catholic Bishop of Manchester, Inc., a New Hampshire corporation, on behalf of the corporation, who upon oath declared that the statements in the foregoing Answers by him subscribed are true to the best of his knowledge and belief.

Dated: October __, 1993

Justice of the Peace
Notary Public
My Commission Expires: _____

STATE OF NEW HAMPSHIRE

SUPERIOR COURT
ROCKINGHAM COUNTY

[REDACTED]

vs GORDON MACRAE

Plaintiff

and

GORDON MACRAE,

[REDACTED]

Counter-Plaintiff

vs

Counter-Defendant

ANSWER TO WRIT OF SUMMONS
AND COMPLAINT FOR DAMAGES

COMES NOW the Defendant, GORDON MACRAE, Pro Se, and states in response to the Writ of Summons and Complaint for Damages:

- 1. Defendant admits the allegations of paragraphs 1-5 of the Writ of Summons and complaint for damages.
- 2. Defendant denies the allegations of the remaining paragraphs of the Writ of Summons and complaint for damages.

WHEREFORE, this defendant prays that the Complaint and each cause of action therein be dismissed, or, in the alternative, for judgment over and against the plaintiff, for costs in defending against this action, and for such other and further relief as the Court deem just and proper.

SPECIAL PLEA AND BRIEF STATEMENT OF GORDON MACRAE

- 1. As a separate and alternative affirmative defense, defendant states that some or all of the causes of action in the Complaint fail to state a claim upon which relief can be granted.

2) As a separate and alternative affirmative defense, defendant states that some or all of the causes of action in the Complaint are barred by the applicable statute of limitations.

3) As a separate and alternative affirmative defense, defendant states that if they were negligent, which negligence is specifically denied, then the plaintiff was also negligent if failing and neglecting to exercise that degree of care which would have used by an ordinarily reasonable and prudent person under the same or similar circumstances, and that such negligence proximately caused or contributed to cause the matters complained of in the Complaint.

4) As a separate and alternative affirmative defense, defendant states that the plaintiff herein suffered no damage, injury or otherwise, as a result of this defendant's acts.

5) As a separate and alternative affirmative defense, defendant states that to the extent demonstrated by discovery, the plaintiff failed to mitigate those damages requested in the Complaint.

6) As a separate and alternative affirmative defense, Plaintiff's cause of action is barred by the equitable doctrine of laches.

WHEREFORE, this defendant prays that the Complaint and each cause of action therein be dismissed, or, in the alternative, for

judgment over and against the plaintiff, for costs in defending against this action, and for such other and further relief as the Court deem just and proper.

COUNTER-CLAIM

COMES NOW the Counter-claimant, GORDON MACRAE, Pro Se and alleges the following acts and causes of action in support of his counter-claim:

PARTIES

1) Counter-Plaintiff is currently a resident of the State of New Mexico residing in the Village of Jemez Springs, New Mexico. Plaintiff was, at all times pertinent to this action, a resident of the State of New Hampshire from 1974 to 1990.

2) Counter-Defendant [REDACTED] (hereinafter "Counter-Defendant [REDACTED]" is a resident of Exeter, New Hampshire.

FACTS

3) From July 10, 1982 until June 15, 1983 Counter-Plaintiff was assigned by the Diocese of Manchester as Associate pastor of Our lady of the Miraculous Medal Parish (hereinafter "the Hampton parish".) This was Counter-Plaintiff's first assignment as a priest.

4) On or about October, 1982 Counter-Plaintiff became an acquaintance of Counter-Defendant [REDACTED] who

commenced attendance at religious education classes at the Hampton parish. Plaintiff had no prior acquaintance with Counter-Defendant

5) Counter-Defendant [REDACTED] attended public middle school at Hampton Academy in October of 1982.

6) Counter-Defendant [REDACTED] never expressed any interest to Counter-Plaintiff in the priesthood nor did Counter-Plaintiff have any interest whatsoever in whether middle school students were considering the priesthood.

7) Counter-Plaintiff did not arrange for Counter-Defendant [REDACTED] to transfer full time to Sacred Heart School, a subsidiary of the Hampton parish, nor did Counter-Defendant [REDACTED] ever attend Sacred Heart School at any time Counter-Plaintiff was assigned to the Hampton parish.

8) Counter-Defendant [REDACTED] came to know Counter-Plaintiff by repeatedly seeking advice and assistance for behavior problems experienced by Counter-Defendant [REDACTED] at Hampton Academy.

9) Counter-Plaintiff never purchased gifts for Counter-Defendant [REDACTED], however Counter-Defendant [REDACTED], in the

presence of both his parents, did present Counter-Plaintiff with a rather expensive gift on April 9, 1983, two months prior to Counter-Plaintiff leaving the Hampton parish.

10) At no time did Counter-Plaintiff ever touch Counter-Defendant [REDACTED] on or near the genital area, above or below the clothing, nor did Counter-Plaintiff at any time engage, or attempt to engage, Counter-Defendant [REDACTED] in any of the subsequent and increasingly serious and malicious allegations of sexual misconduct brought repeatedly by Counter-Defendant [REDACTED] against Counter-Plaintiff between 1983 and 1993 apparently in retaliation for being disciplined at the parish school in Hampton which Counter-Defendant [REDACTED] chose to attend after Plaintiff left the parish, and then again three years later in apparent retaliation for being dismissed from a Catholic high school for bringing dangerous and threatening weapons onto the school property.

11) Counter-Plaintiff has never been interviewed, questioned, examined or otherwise approached by any social worker, investigator, Division of Children and Youth Services Worker, or any other person involved in the repeated allegations brought by Counter-Defendant [REDACTED] and the resultant investigations.

12) After leaving the Hampton parish at his own request on June 15, 1983, and for reasons not in any way associate with Counter-Defendant [REDACTED] Counter-Defendant [REDACTED] repeatedly called Counter-Plaintiff, collect, during the day and evenings at St. Bernard Parish in Keene. After a few weeks in the new parish Counter-Plaintiff stopped accepting the calls.

13) Counter-Defendant [REDACTED] first allegation was investigated between November of 1983 and January of 1984. New allegations were investigated and determined to be unfounded in May of 1986. Counter-Defendant [REDACTED] talked to investigators again n November of 1988. Finally Counter-Defendant [REDACTED] made new allegations in August of 1993 after reading newspaper accounts of false allegations brought against Counter-Plaintiff. Each time Counter-Defendant [REDACTED] allegations have been substantially different and of an increasingly slanderous nature.

14) Counter-Plaintiff has had no contact with Counter-Defendant [REDACTED] since June of 1983.

15) Counter-Defendant [REDACTED] [REDACTED] falsely and maliciously accused Counter-Plaintiff of causing Counter-Defendant [REDACTED] to commit numerous sexual acts for Counter-Plaintiff's

sexual gratification, including fondling and masturbation.

16) Counter-Defendant [REDACTED] has made these false allegations in a deliberate effort to ruin the reputation and life of Counter-Plaintiff all for the purpose of trying to obtain payment of huge sums of money from the Roman Catholic Bishop of Manchester, Inc.

17) Counter-Defendant [REDACTED], in concert with his attorneys in a civil cause of action for damages, has brought these false and malicious accusations in an effort to extort financial payment from the Roman Catholic Bishop of Manchester, Inc.

18) The repeated allegations of Counter-Defendant [REDACTED] had been investigated on numerous occasions by police agencies, child protective services, the church, etc., over ten years and on each occasion were determined to be unfounded. Each time Counter-Defendant [REDACTED] has made his accusations he has added more and more alleged facts, each statement being more and more destructive and bizarre.

19) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Counter-Plaintiff with a fabricated public statement that Counter-Plaintiff encouraged Counter-Defendant

██████████ to masturbate in his presence, that Counter-Plaintiff fondled Counter-Defendant ██████████ sexual organs and further fabricated that this took place in the Hampton rectory and on frequent occasions. Counter-Defendant ██████████ has further publicly slandered Counter Plaintiff falsely by alleging that Counter-Plaintiff stripped completely naked and talked to Counter-Defendant ██████████ while showing Counter-Defendant ██████████ a gun, that Counter-Plaintiff held a gun to Counter-Defendant ██████████ head while discussing sex, and Counter-Defendant ██████████ fabricated additional, outrageous statements that Counter-Plaintiff was licking the gun while discussing sex with Counter-Defendant ██████████, that Counter-Plaintiff would lie on top of Counter-Defendant ██████████ while fondling Counter-Defendant ██████████ sexual organs fictitiously alleging also that Counter-Defendant ██████████ was not then free to move away and therefore imprisoned by Counter-Plaintiff, and Counter-Defendant ██████████ has slandered Counter-Plaintiff and another priest by falsely alleging in a civil suit that said other priest witnessed the fictitious sexual misconduct on the part of the Counter-Plaintiff when in fact there was neither such misconduct nor witness, that

Counter-Plaintiff fondled the sexual organs of Counter-Defendant [REDACTED] on at least three or four additional occasions before Counter-Plaintiff was transferred to another parish.

20) Counter-Defendant [REDACTED] has therefore now publicly, maliciously and recklessly fabricated statements to discredit, slander and cause severe and extreme emotional anguish, distress, and other harm to Counter-Plaintiff, and to cause potentially irreparable harm to Counter-Plaintiff's mental and physical health, professional reputation, and current and future employment.

21) In so publicly, maliciously and recklessly fabricating repeated false charges of sexual abuse Counter-Defendant [REDACTED] has caused Counter-Plaintiff extreme suffering and public humiliation as the subject of massive media publicity in the State of New Hampshire, in various other parts of New England, and in other parts of the United States.

22) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff, a self-employed consultant, to suffer immediate loss of employment and irreparable loss of future employment potential.

23) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] did in fact cause Counter-Plaintiff to suffer, and continue to suffer, extreme emotional anguish and did in fact intentionally inflict serious emotional distress on Counter-Plaintiff.

24) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff, who is diagnosed with epilepsy, to suffer, and to continue to suffer, extreme physical, mental and psychological stress which has severely exacerbated Counter-Plaintiff's condition resulting in hospitalization, medical bills, further loss of employment income and further resultant psychological distress requiring ongoing treatment and resultant expenses.

25) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff to suffer immeasurable loss of personal and professional reputation and serious harm to current and potentially future personal and professional relationships.

26) In so publicly, maliciously, and recklessly fabricating

false allegations of sexual abuse Counter-Defendant [REDACTED] has in fact conspired to criminally, litigiously and maliciously prosecute Counter-Plaintiff unjustly and to contribute to potentially further malicious investigation of Counter-Plaintiff for allegations of acts which Counter-Plaintiff did not commit.

27) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff to undergo current and continuing financial distress in liability for fees for legal services to defend himself against allegations of acts which Counter-Plaintiff did not commit.

28) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has also conspired to use these false allegations of sexual abuse against Counter-Plaintiff to maliciously and recklessly create scandal for the Roman Catholic Church and its members for the apparent purpose of receiving profit from the Roman Catholic Church.

29) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has

conspired with others to use Counter-Plaintiff, and to use the current milieu, in which the Roman Catholic Church is honestly and responsibly seeking to address the legitimate needs of real victims of past sexual abuse, especially following vast publicity of past and present cases in the New England area, as a backdrop for bringing false claims of sexual abuse in order to more easily, and without scrutiny, obtain profit from the Roman Catholic Church under false pretense by feigning victimization which did not take place.

COUNT I

30. The allegations contained in paragraphs 1-29 above are hereby incorporated by reference.

31. Counter-Defendant, [REDACTED] did engage in a conspiracy to falsely accuse GORDON MACRAE of committing sexual acts in an effort to extort money from MR. MACRAE and the ROMAN CATHOLIC CHURCH OF THE DIOCESE OF MANCHESTER.

COUNT II

32. The allegations contained in paragraphs 1-31 above are hereby incorporated by reference.

33. Counter-Defendant, [REDACTED], did without justifiable cause, slander and libel the good name of GORDON MACRAE by falsely accusing him of committing sexual acts and other improprieties.

COUNT III

34. The allegations contained in paragraphs 1-33 above are hereby incorporated by reference.

35. Counter-Defendant, [REDACTED], did without justifiable cause, try on numerous occasions to maliciously prosecute GORDON MACRAE on false charges of sexual abuse and then filed a civil cause of action, thereby abusing civil process, where he once again falsely accuses Gordon MacRae of sexual improprieties.

COUNT IV

36. The allegations contained in paragraphs 1-35 above are hereby incorporated by reference.

37. Counter-Defendant, [REDACTED], did without justifiable cause, engage in the intentional infliction of emotional distress of GORDON MACRAE by his malicious and false accusations of sexual abuse leveled against GORDON MACRAE.

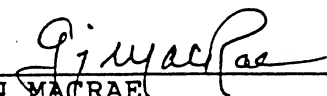
WHEREFORE, Counter-claimant prays he be awarded compensatory and punitive damages, for costs of suit in this action, and for such other and further relief as the Court deem just and proper.

Respectfully submitted,

GORDON MACRAE
Defendant Pro Se
P.O. Box 10
Jemez Springs, New Mexico 87025
(505) 829-3180

CERTIFICATION

I hereby certify that a true copy of the foregoing pleading was sent via first class mail, postage prepaid to Peter A. Gleichman, Esq. 56 Middle Street, P.O. Box 598, Portsmouth, New Hampshire 03802-0598 on this 26th day of November, 1993.



GORDON MACRAE

STATE OF NEW HAMPSHIRE

SUPERIOR COURT
ROCKINGHAM COUNTY

VS

GORDON MACRAE

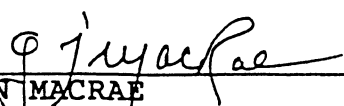
ENTRY OF APPEARANCE

COMES NOW, GORDON MACRAE, Defendant Pro Se and hereby enters his appearance on behalf of himself in the above-entitled cause.

Respectfully submitted,

GORDON MACRAE
Defendant Pro Se
P.O. Box 10
Jemez Springs, New Mexico 87025
(505) 829-3180CERTIFICATION

I hereby certify that a true copy of the foregoing pleading was sent via first class mail, postage prepaid to Peter A. Gleichman, Esq. 56 Middle Street, P.O. Box 598, Portsmouth, New Hampshire 03802-0598 on this 26th day of November, 1993.



GORDON MACRAE

SUPERIOR COURT
HILLSBOROUGH COUNTY

[REDACTED]

vs

GORDON MACRAE,

Plaintiff

Defendant

and

GORDON MACRAE,

[REDACTED]

Counter-Plaintiff

vs

Counter-Defendant

ANSWER TO WRIT OF SUMMONS
AND COMPLAINT FOR DAMAGES

COMES NOW the Defendant, GORDON MACRAE, Pro Se, and states in response to the Writ of Summons and Complaint for Damages:

1. Defendant admits the allegations of paragraph 1 of the writ of Summons and complaint for damages. With respect to the allegations of paragraph 2, Defendant admits he is a resident of Jemez Springs, New Mexico, however, denies the remaining allegations of paragraph 2.

2. Defendant denies the allegations of the remaining paragraphs of the Writ of Summons and complaint for damages.

WHEREFORE, this defendant prays that the Complaint and each cause of action therein be dismissed, or, in the alternative, for judgment over and against the plaintiff, for costs in defending against this action, and for such other and further relief as the Court deem just and proper.

SPECIAL PLEA AND BRIEF STATEMENT OF GORDON MACRAE

)1

As a separate and alternative affirmative defense, defendant states that some or all of the causes of action in the Complaint fail to state a claim upon which relief can be granted.

2) As a separate and alternative affirmative defense, defendant states that some or all of the causes of action in the Complaint are barred by the applicable statute of limitations.

3) As a separate and alternative affirmative defense, defendant states that if he was negligent, which negligence is specifically denied, then the plaintiff was also negligent if failing and neglecting to exercise that degree of care which would have used by an ordinarily reasonable and prudent person under the same or similar circumstances, and that such negligence proximately caused or contributed to cause the matters complained of in the Complaint.

4) As a separate and alternative affirmative defense, defendant states that the plaintiff herein suffered no damage, injury or otherwise, as a result of this defendant's acts.

5) As a separate and alternative affirmative defense, defendant states that to the extent demonstrated by discovery, the plaintiff failed to mitigate those damages requested in the Complaint.

6) As a separate and alternative affirmative defense, Plaintiff's cause of action is barred by the equitable doctrine of laches.

COUNTER-CLAIM

COMES NOW the Counter-claimant, GORDON MACRAE, Pro Se and alleges the following acts and causes of action in support of his counter-claim:

PARTIES

1) Counter-Plaintiff is currently a resident of the State of New Mexico residing in the Village of Jemez Springs, New Mexico. Counter-Plaintiff was, at all times pertinent to this action, a resident of the State of New Hampshire from 1974 to 1990.

2) Counter-Defendant [REDACTED] (hereinafter Counter-Defendant [REDACTED] whose date of birth is [REDACTED] is a resident of [REDACTED] New Hampshire.

FACTS

3) Commencing on June 10, 1979 Counter-Defendant [REDACTED] and members of his family became acquaintances of Counter-Plaintiff when Counter-Plaintiff was serving a ministerial internship at Sacred Heart Parish in Marlborough, New Hampshire.

4) Counter-Defendant [REDACTED] and all members of his family were treated professionally with respect, courtesy and dignity, by Counter-Plaintiff at all times and for the duration of this acquaintance.

5) Counter-Plaintiff at all times conducted himself with Counter-Defendant [REDACTED] and all members of his family in a manner consistent with the ethical standards expected of professional person.

6) Counter-Defendant [REDACTED] and Counter-Plaintiff maintained

this acquaintance up to and including Counter-Defendant [REDACTED] high school graduation and enlistment into the United States Army.

7) Following discharge from the United States Army, Counter-Defendant [REDACTED] resettled his residence to Colorado Springs, Colorado.

8) On or about June of 1988, at the age of twenty-two and after discharge from the United States Army, Defendant [REDACTED] repeatedly called Counter-Plaintiff, collect, from Colorado Springs, Colorado, requesting financial assistance for the repayment of debts accrued by Counter-Defendant [REDACTED]. At the time Counter-Plaintiff was on a leave of absence from ministry as a priest and was Executive Director of the Monadnock Region Substance Abuse Services, Inc. while residing at 52 Summit Road in Keene, New Hampshire.

9) Counter-Plaintiff declined to assist Counter-Defendant [REDACTED] financially, after consultation with Defendant [REDACTED] mother, when all indications were that Counter-Defendant [REDACTED] had irresponsibly lived beyond his means and had failed to obtain suitable employment.

10) On or about September of 1988, at the age of twenty-three and after discharge from the United States Army, Counter-Defendant [REDACTED] repeatedly called Plaintiff, collect, from Colorado Springs, Colorado, and requested financial assistance for the purpose of relocating to New Hampshire from Colorado. Counter-Plaintiff, though owing no debt or obligation to Counter-Defendant [REDACTED]

[REDACTED], other than ties of friendship, then chose to assist Counter-Defendant [REDACTED] financially in an amount necessary to facilitate Counter-Defendant [REDACTED] return to his family in Keene, New Hampshire.

11) On or about September of 1988 Counter-Defendant [REDACTED] called Counter-Plaintiff while in route from Colorado Springs, Colorado to Keene, New Hampshire. Counter-Defendant [REDACTED] requested to be able to reside with Counter-Plaintiff at Counter-Plaintiff's residence at 52 Summit Road in Keene for an unspecified period of time upon arrival in Keene. The reason proposed by Counter-Defendant [REDACTED] was that his mother had moved to a smaller home while Counter-Defendant [REDACTED] was enlisted in the United States Army. Counter-Defendant [REDACTED] indicated to Counter-Plaintiff that Counter-Defendant [REDACTED] would move in with his father within two weeks of his arrival in Keene, New Hampshire.

12) Counter-Plaintiff can demonstrate had also previously promised hospitality to a friend who had accepted an administrative position with the State of New Hampshire. This individual had asked to stay with Counter-Plaintiff for a month while he searched for a home in which to relocate his wife and family from another state. Counter-Plaintiff instructed Counter-Defendant [REDACTED] of this prior commitment and then agreed to allow Counter-Defendant [REDACTED] to live at Counter-Plaintiff's residence for a period of two weeks upon Counter-Defendant [REDACTED] arrival in Keene, New Hampshire, with the conditions that Counter-Defendant [REDACTED] search for meaningful employment, refrain from the use of chemical

substances while in the residence, and actively seek other living arrangements with his father or elsewhere as Counter-Plaintiff had already made a previous commitment to allow another person to stay at the residence after that two week period.

13) Within the specified two week period of time, Counter-Defendant [REDACTED] violated each and every stipulation of the verbal agreement. Counter-Defendant [REDACTED] had neither obtained nor looked for meaningful employment, had repeatedly used alcohol and other chemical substances in the residence, had not sought to obtain other living arrangements, had repeated confrontations with Counter-Plaintiff's neighbors resulting in an official complaint from the apartment complex management, and contributed nothing to his room and board.

14) Following the agreed upon two week period Counter-Plaintiff instructed Counter-Defendant [REDACTED] to vacate the premises within forty-eight hours, as Counter-Plaintiff had made promises to provide hospitality to another individual.

15) Counter-Plaintiff has had no contact with Counter-Defendant [REDACTED] after Counter Defendant [REDACTED] left the residence until Counter-Plaintiff was informed of false allegations brought by Counter-Defendant [REDACTED] and other members of his family.

16) Counter-Defendant [REDACTED] now has falsely and maliciously accused Gordon MacRae of causing [REDACTED] to commit numerous sexual acts for Gordon MacRae's sexual gratification, including anal intercourse and prostitution.

17) Counter-Defendant [REDACTED] has made these false allegations

in a deliberate effort to ruin the reputation and life of Gordon MacRae all for the purpose of trying to obtain payment of huge sums of money from the Roman Catholic Bishop of Manchester, Inc.

18) Counter-Defendant [REDACTED] in concert with his attorneys in a civil cause of action for damages, has brought these false and malicious accusations in an effort to extort financial payment from the Roman Catholic Bishop of Manchester, Inc.

19) Counter-Defendant [REDACTED] did also previously, maliciously and recklessly slander Counter-Plaintiff when, on November 9, 1988, Counter-Defendant [REDACTED] fabricated a story to Keene Police Officer James McLaughlin in which Counter-Defendant [REDACTED] claimed that he, at the age of 23, was asked to leave Counter-Plaintiff's residence at 52 Summit Road in Keene because Counter-Defendant [REDACTED] rejected alleged and fictitious verbal sexual advances by Counter-Plaintiff when in fact the reasons for Counter-Defendant [REDACTED] being asked to vacate are clearly outlined above. In the November 9, 1988 interview with Officer James McLaughlin, Counter-Defendant [REDACTED] made no reference to any allegation of a sexual history which included Counter-Plaintiff though Counter-Defendant [REDACTED] had ample opportunity to make such claims.

20) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Counter-Plaintiff with a fabricated public statement that Counter-Plaintiff brought Counter-Defendant [REDACTED] to St. Bernards Rectory in Keene for the purpose of Counter-Plaintiff's sexual gratification during the period from 1978 to 1983. Counter-Plaintiff can demonstrate that he did not know

Counter-Defendant [REDACTED] in 1978. Counter-Plaintiff can also easily demonstrate that he was never an overnight guest at the St. Bernard Rectory in Keene prior to being assigned there by the Diocese of Manchester on June 15, 1983, two weeks prior to Counter-Defendant [REDACTED] eighteenth birthday and in very close chronological proximity to Counter-Defendant [REDACTED] enlistment into the United States Army. Counter-Plaintiff can also produce ample attestation that Counter-Defendant [REDACTED] was never an overnight guest of Counter-Plaintiff at the St. Bernard Rectory either before or after 1983.

21) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Plaintiff and the now deceased Pastor of St. Bernard Parish during the aforementioned time period with a fabricated public statement that Counter-Plaintiff was allowed access to the St. Bernard Rectory with a minor boy who was unknown to the late Pastor. In demonstrating that Counter-Plaintiff never brought Counter-Defendant [REDACTED] to St. Bernard Rectory between 1978 and 1983, Counter-Plaintiff can also demonstrate that Counter-Defendant [REDACTED], as a former student of St. Joseph Regional School on the grounds of St. Bernard Parish, was actually well known to the late Pastor referred to above, would have been readily recognizable to him, and was never permitted access to the rectory with Counter-Plaintiff overnight or otherwise.

22) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Counter-Plaintiff with further fabricated public statements that, in the above fictional accounts of visits

to St. Bernard Rectory, Counter-Plaintiff allegedly provided Counter-Defendant [REDACTED] with alcohol when Counter Defendant [REDACTED] was younger than the legal drinking age, forced himself on Counter-Defendant [REDACTED], and forced Counter-Defendant [REDACTED] to submit to anal sex. Counter-Defendant [REDACTED] has maliciously and recklessly maligned plaintiff in that none of these alleged events ever occurred, neither by force nor by consent on the part of Counter-Defendant [REDACTED] by or with Counter-Plaintiff in the St. Bernard Rectory or at any other location.

23) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Counter-Plaintiff with fabricated public statements alleging that, during the period from 1979 through 1982, Plaintiff brought Counter-Defendant [REDACTED] on visits to St. John the Evangelist rectory in Hudson, New Hampshire, and stayed with him there for overnight periods for the purpose of prostitution of Counter-Defendant [REDACTED] to other, unnamed priests staying at said rectory. Though Counter-Plaintiff was, in fact, afforded hospitality by the priests and staff of St. John the Evangelist Parish in Hudson during brief periodic breaks in his seminary program in Baltimore, Maryland from 1978 to 1981, Counter-Plaintiff can demonstrate that Counter-Defendant [REDACTED] was never a visitor in the St. John the Evangelist Rectory with Counter-Plaintiff either between 1979 and 1982 or anytime before or after.

24) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Counter-Plaintiff with fabricated public statements which allege that on at least one occasion during the

period from 1979 through 1982 Counter-Plaintiff abused his position of trust and respect to force Counter-Defendant [REDACTED] to submit to forced anal intercourse with other, unnamed priests.

25) Counter-Defendant [REDACTED] has now publicly, maliciously and recklessly slandered Counter-Plaintiff with fabricated public statements that Counter-Plaintiff provided alcohol to Counter-Defendant [REDACTED] in the St. John the Evangelist Rectory in Hudson when Counter-Defendant [REDACTED] was younger than the legal drinking age.

26) Counter-Defendant [REDACTED] has publicly, maliciously and recklessly fabricated statements to discredit, slander and cause severe and extreme emotional anguish, distress, and other harm to Counter-Plaintiff, and to cause potentially irreparable harm to Counter-Plaintiff's mental and physical health, professional reputation, and current and future employment.

27) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] has caused Counter-Plaintiff extreme suffering and public humiliation as the subject of massive media publicity throughout the State of New Hampshire, in various other parts of New England, and in other parts of the United States.

28) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff, a self-employed consultant, to suffer immediate loss of employment and irreparable loss of future

employment potential.

29) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] did in fact cause Counter-Plaintiff to suffer, and continue to suffer, extreme emotional anguish and did in fact intentionally inflict serious emotional distress on Counter-Plaintiff.

30) In so publicly, maliciously and recklessly fabricating false charges of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff, who is diagnosed with epilepsy, to suffer, and to continue to suffer, extreme physical, mental and psychological stress which has severely exacerbated Counter-Plaintiff's condition resulting in hospitalization, medical bills, further loss of employment income and further resultant psychological distress requiring ongoing treatment and resultant expenses.

31) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has in fact cause Plaintiff to suffer immeasurable loss of personal and professional reputation and serious harm to current and potentially future personal and professional relationships.

32) In so publicly, maliciously, and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has in fact conspired with others to criminally and litigiously maliciously prosecute Counter-Plaintiff and to contribute to potentially further malicious investigation of Counter-Plaintiff for allegations of acts which Counter-Plaintiff did not commit.

33) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has in fact caused Counter-Plaintiff to undergo current and continuing financial distress in liability for fees for legal services to defend himself against allegations of acts which Counter-Plaintiff did not commit.

34) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has also conspired with others to use these false allegations of sexual abuse against Counter-Plaintiff to maliciously and recklessly create scandal for the Roman Catholic Church and its members for the apparent purpose of receiving profit from the Roman Catholic Church.

35) In so publicly, maliciously and recklessly fabricating false allegations of sexual abuse Counter-Defendant [REDACTED] has conspired with others to use Plaintiff, and to use the current milieu, in which the Roman Catholic Church is responsibly seeking to address the legitimate needs of real victims of past sexual abuse, especially following vast publicity of past and present cases in the New England area, as a backdrop for bringing false claims of sexual abuse in order to more easily, and without scrutiny, obtain profit from the Roman Catholic Church under false pretense by feigning victimization which did not take place.

COUNT I

36) The allegations contained in paragraphs 1-35 above are hereby incorporated by reference.

37) Counter-Defendant, [REDACTED], did engage in a conspiracy with his attorneys and family to falsely accuse GORDON MACRAE of committing sexual acts in an effort to extort money from MR. MACRAE and the ROMAN CATHOLIC CHURCH OF THE DIOCESE OF MANCHESTER.

COUNT II

38) The allegations contained in paragraphs 1-37 above are hereby incorporated by reference.

39) Counter-Defendant, [REDACTED], did without justifiable cause, slander and libel the good name of GORDON MACRAE by falsely and maliciously accusing him of committing those acts described in paragraphs 16-35, hereinabove.

COUNT III

40) The allegations contained in paragraphs 1-39 above are hereby incorporated by reference.

41) Counter-Defendant, [REDACTED], did without justifiable cause, participate in the malicious prosecution of GORDON MACRAE and has abused the civil process by bringing charges of sexual abuse and by bringing a civil cause of action which he knows to be based upon lies and false accusations.

COUNT IV

42) The allegations contained in paragraphs 1-41 above are hereby incorporated by reference.

43) Counter-Defendant, [REDACTED], did without justifiable cause, engage in the intentional infliction of emotional distress on GORDON MACRAE by his malicious and false accusations of sexual

abuse which he has leveled against GORDON MACRAE. These false accusations have resulted in extreme psychological damage both past, present and in the future.

WHEREFORE, Counter-claimant prays he be awarded compensatory and punitive damages, for costs of suit in this action, and for such other and further relief as the Court deem just and proper.

Respectfully submitted,

GORDON MACRAE
Defendant Pro Se
P.O. Box 10
Jemez Springs, New Mexico 87025
(505) 829-3180

CERTIFICATION

I hereby certify that a true copy of the foregoing pleading was sent via first class mail, postage prepaid to George Dickson, 394 Elm Street, Box 1, Milford, New Hampshire 03055 on this 26th day of November, 1993.

Gordon Macrae
GORDON MACRAE