

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2179CV00049

JOHN DOE, )  
Plaintiff )  
vs. )  
ROMAN CATHOLIC BISHOP )  
OF SPRINGFIELD, )  
a CORPORATION SOLE; )  
ARCHBISHOP MITCHELL T. ROZANSKI; )  
PATRICIA MCMANAMY; )  
MONSIGNOR CHRISTOPHER CONNELLY; )  
JEFFREY TRANT; KEVIN MURPHY; )  
MARK DUPONT; JOHN J. EGAN, ESQ.; )  
and JOHN HALE, )  
Defendants )

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED

APR 20 2021

  
CLERK OF COURTS

REQUEST (NON-JOINT) FOR SPECIAL ASSIGNMENT  
[Pursuant to Standing Order No. 9-80, as Amended]

Pursuant to Standing Order Number 9-80, plaintiff, John Doe, respectfully requests that this highly sensitive case, involving allegations of sexual abuse by a Bishop of the Catholic Church and an alleged subsequent cover-up of same involving nine (9) separate defendants, be assigned to a justice of the Superior Court to be specially designated by the Chief Justice to conduct proceedings herein. **A copy of the current docket entries is attached hereto as Exhibit 1.**

As discussed in greater detail below, special assignment of this case to a Superior Court justice is appropriate to spare plaintiff further traumatization and in light of: the lengthy and detailed factual history of the case; the novel legal issues involved; the role of a prominent attorney as defendant; and the anticipated length of trial.

1. Parties and Counsel of Record.

PLAINTIFF

John Doe

COUNSEL

Nancy Frankel Pelletier, Esq.  
Davis S. Lawless, Esq.

DEFENDANTS

Roman Catholic Bishop of Springfield;  
Archbishop Mitchell T. Rozanski;  
Patricia McManamy;  
Monsignor Christopher Connelly;  
Jeffrey Trant;  
Kevin Murphy;  
Mark Dupont;  
John J. Egan, Esq.; and  
John Hale

COUNSEL

Michael G. McDonough, Esq.  
Kevin D. Withers, Esq.

DEFENDANT

John J. Egan, Esq.

COUNSEL

John G. Bagley, Esq.

2. Brief Description of the Case.

Plaintiff's Complaint and Demand for Jury Trial ("Complaint") alleges that plaintiff was sexually assaulted as a child by Bishop Christopher J. Weldon (deceased) and others, and that as an adult he has been further victimized by the defendant, Roman Catholic Bishop of Springfield, a corporation sole (the "RCBS"), and its agents, servants, and employees and/or other individuals. According to the Complaint, when the RCBS's review board ultimately found plaintiff's complaint to be credible, the RCBS and the individual defendants undertook a concerted effort to knowingly create a false narrative and publicly branded the victim as a liar, further revictimizing him.

3. This Case Should Be Specially Assigned.

This case will involve extensive motion practice and extensive discovery. Defendants have served a joint motion to dismiss pursuant to Massachusetts Rules of Civil Procedure 12(b)(1) and 12(b)(6) invoking common law charitable immunity as it existed at the time of the alleged abuse

of plaintiff by Weldon and others, which pre-dates the enactment of M.G.L. c. 231, § 85K, and the protections of the First Amendment.

The case involves novel issues or questions of law. The RCBS is a corporation sole organized pursuant to Chapter 368 of the Acts of 1898. "A corporation sole consists of only one person at a time, but the corporation may pass from one person to the next without any interruption in its legal status." *Roman Catholic Bishop v. City of Springfield*, 724 F.3d 78, 84 n.1 (D. Mass. 2013). At the time that Weldon allegedly abused plaintiff, Weldon was the corporation sole. Defendants have asserted common law charitable immunity from all claims arising from the alleged sexual abuse of plaintiff by Weldon and others in the 1960's. Common law charitable immunity was essentially abrogated in 1971, when M.G.L. c. 231, § 85K was enacted. M.G.L. c. 231, § 85K is not retroactive. See *Ricker v. Northeastern University*, 361 Mass. 169, 171-172 (1972). Prior to its enactment, the Supreme Judicial Court never held that common law charitable immunity applies to intentional torts. To plaintiff's knowledge, it also never considered the application of charitable immunity to intentional torts committed by the current incumbent of a corporation sole. In short, this action involves novel issues of law arising from an antiquated common law defense.

The case is also factually complex. There are two distinct periods at issue. The first period relates to the sexual abuse that plaintiff suffered at the hands of Bishop Weldon and other members of the clergy on the 1960's. The second period begins in 2013 and runs through at least 2020. The facts relating to both periods are detailed and complex and each of the nine defendants plays a distinct role or roles in plaintiff's claims. For example, Judge Peter A. Velis' (retired) report of his investigation of plaintiff's allegations of abuse and defendants' conduct, which covers both periods, runs to 373 pages with exhibits.

Absent special assignment, educating and re-educating judges on the factual history of the case will expose all parties to undue burden and expense. Plaintiff has been traumatized and re-traumatized by having to relive his allegations of abuse from 2013 to the present. Special assignment will protect him from further harm by allowing one judge to become familiar with the facts of the case. Special assignment will also promote judicial economy by allowing one judge to become familiar with the basic facts of the case and enable her or him to make informed decisions on discovery and other matters in a timely fashion.

Plaintiff has brought suit against defendant, John J. Egan, Esq., a prominent attorney practicing in Springfield, Massachusetts and a former partner of the Honorable Edward McDonough, who regularly sits in Hampden County Superior Court. Special assignment will avoid the need for recusal.

This case will likely require a lengthy trial, which also militates in favor of special assignment. The Complaint includes fourteen (14) Counts as against nine (9) defendants. Trial will involve at least 20-30 witnesses, extensive documentary evidence, and expert testimony. In light of the foregoing, plaintiff estimates that trial will last at least four to six weeks.

4. Parties Opposing the Request.

All defendants oppose this request.

5. Suggested Judges.

Plaintiff suggests that a judge be chosen from outside of the four Western Counties. As noted above, Attorney Egan is well known to the judges who sit in these counties and his former partner primarily sits in Hampden County. Further, Judge Peter Velis (ret.) authored the well-publicized Velis Report, and is likely to be a witness. Finally, Judge Daniel Ford (ret.) is Chair of the Bishop's Independent Task Force on the Response to Sexual Abuse within the Diocese of

Springfield created specifically in response to the allegations which form the subject matter of this case. As such, plaintiff suggests that that the following judges would be acceptable for this special assignment<sup>1</sup>:

1. The Honorable Janet Kenton-Walker.

PLAINTIFF,  
JOHN DOE

By /s/ Nancy Frankel Pelletier  
Nancy Frankel Pelletier, Esq., BBO# 544402

~and~

By /s/ David S. Lawless  
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Both of  
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<sup>1</sup> It is understood that the Chief Justice reserves the right, however, to designate **any** justice of the court.

CERTIFICATE OF SERVICE

I, Nancy Frankel Pelletier, Esq., hereby certify that on this 19<sup>th</sup> day of March, 2021, I served a copy of the above upon the parties in the action by email to counsel:

John J. Egan, Esq.  
Michael G. McDonough, Esq.  
Kevin D. Withers, Esq.  
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Subscribed under the penalties of perjury.

/s/ Nancy Frankel Pelletier  
Nancy Frankel Pelletier, Esq.