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## Catholic church seeks abuse case sanctions

### Archdiocese files motion questioning truthfulness of plaintiff's sex charges

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The Archdiocese of Chicago is asking a Cook County judge for sanctions against a man it alleges filed a lawsuit based on false allegations of sexual abuse by defrocked priest Daniel McCormack.

The archdiocese's motion, presented this morning to Cook County Circuit Judge Kathy M. Flanagan, alleges that, although plaintiff John J. Doe voluntarily dismissed his suit in June with plans to refile, his "entire case is based on a lie."

The motion alleges the plaintiff discussed his desire to sue the church while in prison during phone conversations with his cousin as well as a girlfriend he had at the time.

His cousin had previously settled a lawsuit against the archdiocese.

Citing a transcript of a recorded January 2014 phone call between Doe and his girlfriend, the archdiocese alleges Doe discussed his cousin's settlement with her and stated, "I'm just ready to get out man so I can get my little slice of the pie ..."

And in mid-June 2014, the motion alleges, Doe's cousin indicated

during a phone call that he was considering helping Doe contact lawyers who could help him "bring a case." The motion alleges part of Doe's response included the sentiment, "... As long as m\*\*\*\*f\*\*\*\*\* ain't got to touch me for real, I don't give a f\*\*\*\*."

The archdiocese alleges Doe has tried to conceal his conversations through litigation and has falsely indicated in other case filings McCormack previously made physical contact with him.

The motion is asking for sanctions in the form of costs associated with defending Doe's claim, along with any other relief seen fit, assessed against Doe himself since it appears he also misled his lawyers on the matter.

During a hearing this morning, Flanagan granted Hurley, McKenna & Mertz P.C. partner Michael T. Mertz's motion to withdraw his firm as counsel in Doe's case. She continued the case to Aug. 30, where either Doe is expected to resume litigation with a new lawyer or the parties will continue to move forward on deciding the motion.

After the hearing, Patricia C. Bobb, owner of Patricia C. Bobb & Associates who represents the archdiocese, said she's currently unsure of the exact dollar amount sought against Doe. But regardless of that number, she said, it filed the motion because "we have to send the message that these false claims ... really do a disservice to real victims in a case."

"As lawyers and officers of the

court, we have an obligation to bring it to the court's attention when someone files a false claim and tries to perpetrate a fraud on the court for money," she said after the hearing.

Bobb said while she's unsure of how many similar types of motions the archdiocese has filed in its other abuse cases, the motion filed against Doe is its first to cite a plaintiff's own words as an evidential basis to request sanctions.

After the hearing, Mertz issued a statement defending his firm's work on the case. He also expressed confidence that his now-former client may have avenues to defend against the motion.

"My firm's withdrawal from the John J. Doe matter is not a reflection of our view of the merits of the case or of the merits of the archdiocese's motion for sanctions against John J. Doe. There are many reasons clients and attorneys cease working together, and this case is no exception," Mertz said in the statement. "John J. Doe and I believe he has defenses to the archdiocese's motion for sanctions, and the court may very well deny the motion."

He then blasted the archdiocese for alerting the media to the public proceeding in which its motion would be heard.

"The Archdiocese of Chicago's decision to involve the press in this motion — before the court has ruled or even set a briefing schedule — reveals its true intent is to use the John J. Doe case to gain an advantage over

other victims of childhood sexual abuse by its clergy," his statement continues.

"For decades, the Catholic church and the Archdiocese of Chicago have failed in their solemn duty to protect children from sexual predators masquerading as priests. Calling reporters to attend a motion, where the archdiocese feels it has an advantage, is a disappointing return to business as usual for an institution that claims to live by the word of Christ. Perhaps the cardinal should be asked to explain what he hopes to gain by publicizing this matter."

Doe's initial June 2015 lawsuit against the archdiocese alleged McCormack engaged in inappropriate conduct and cultivated a "sexually and/or otherwise abusive relationship" with him through his various visits to St. Agatha's Catholic Church in June 2004.

McCormack pleaded guilty in 2007 to molesting five boys, served a five-year prison sentence and was remanded to a mental health facility in Rushville upon his release.

Doe also filed a motion in early June requesting leave to seek punitive damages against the archdiocese. However, nearly 10 days later, Circuit Judge Patricia O'Brien Sheahan entered an order voluntarily dismissing the suit with leave to refile.

The case is *John J. Doe v. The Archdiocese of Chicago, et al.*, 15 L 6189.