

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

MICHAEL SHOVAH)
Plaintiff,)

Case No. 2:11-cv-201

v.)

FR. GARY MERCURE, THE ROMAN)
CATHOLIC DIOCESE OF ALBANY,)
NEW YORK, INC.)
Defendants.)

**PLAINTIFF'S NOTICE OF DEPOSITION OF DEFENDANT
ROMAN CATHOLIC DIOCESE OF ALBANY, NEW YORK, INC.
PURSUANT TO FED.R.CIV.P. 30(b)(2),(6)**

**TO: THE ROMAN CATHOLIC DIOCESE OF ALBANY, NEW YORK
AND ITS ATTORNEYS AND OTHER DEFENDANTS AND THEIR COUNSEL**

PLEASE TAKE NOTICE that pursuant to Fed.R.Civ.P. 30(b)(2)(6) Plaintiffs in the above captioned cases will take the stenographic video deposition of Defendant Roman Catholic Diocese of Albany, New York before a qualified notary public at 84 Pine Street, Fourth Floor, Burlington, Vermont on February 27, 2012 commencing at 9:00 a.m. and thereafter by adjournment until the same shall be completed.

Pursuant to Fed.R.Civ.P. 30(b)(6), Defendant Diocese is required to designate and fully prepare one or more officers, directors, managing agents, or other persons with the most knowledge concerning the following designated matters or other persons who consent to testify on its behalf, and whom Defendant Diocese will fully prepare to testify regarding the following designated matters and as to such information that is known or reasonably available to the Diocese:

1. The existence of the documents requested below pursuant to Fed.R.Civ.P. 30(b)(2),(6);
2. The electronic creation, duplication and/or storage of the documents requested below pursuant to Fed.R.Civ.P. 30(b)(2),(6);
3. Any and all document retention/destruction policies that would relate to any of the documents requested below pursuant to Fed.R.Civ.P. 30(b)(2),(6);

4. The location of the documents requested below pursuant to Fed.R.Civ.P. 30(b)(2),(6);
5. The organization, indexing and/or filing of the documents requested below pursuant to Fed.R.Civ.P. 30(b)(2),(6);
6. The method of search for the documents requested below pursuant to Fed.R.Civ.P. 30(b)(2),(6);
7. The completeness of the documents produced pursuant to Fed.R.Civ.P. 30(b)(2)(6); and
8. The authenticity of the documents produced pursuant to Fed.R.Civ.P. 30(b)(2)(6).

Pursuant to Rules 30(b)(2)(6) of the Federal Rules of Civil Procedure, Plaintiffs requests that Defendant Roman Catholic Diocese of Albany, New York, produce the following documents, as that term is defined in Fed.R.Civ.P. 34(a)(1)(A), and tangible things, as well as permit Plaintiffs' counsel to inspect and copy the following documents and tangible items in the possession, custody, or control of Defendant Roman Catholic Diocese of Albany, New York, its attorneys or other representatives or agents:

SCHEDULE OF DOCUMENTS

1. All documents constituting any and all parts of the personnel records of the Roman Catholic Diocese of Albany, for any priest, deacon, or other church personnel (i.e., employees and volunteers)[hereinafter collectively referred to as "**church personnel**"] as to whom the Diocese has received or is aware of any complaint, assertion, allegation, information or report [hereafter collectively referred to as "**complaints**"] that any **church personnel** at any time had or might have engaged in conduct since 1950 that could, did or might constitute childhood sexual abuse as that term is defined in 12 V.S.A. § 522(c), the equivalent New York statute, or in the Preamble to Sexual Misconduct Policy of the United State Council of Catholic Bishops [hereinafter collectively referred to as "**childhood sexual abuse**"]. This includes but is not limited to here and in each subsequent paragraph of this Notice documents as to any priest, deacon, church employee or volunteer from outside the Albany Diocese who may have or is alleged to have committed such acts within the Albany Diocese. This paragraph specifically includes any documents kept separately by the Bishop (or anyone else) from Diocesan personnel records or documents.
2. All documents constituting **complaints** received by the Diocese, directly or indirectly, from any source asserting that any **church personnel** engaged in **childhood sexual**

abuse, including but not limited to documents generated or received by any other agency of the Diocese as well as documents constituting responses to such complaints in any form.

3. All documents setting out policies or directives of the Diocese, the United States Conference of Catholic Bishops or the Roman Catholic Church with respect to the handling of actual or potential **childhood sexual abuse** by **church personnel** since 1950;
4. All documents that in any respect could or do constitute **complaints** of or in any other respect refer to actual or possible **childhood sexual abuse**, as to any **church personnel** since 1950, including but not limited to internal documents with reference to such **complaints**.
5. All documents that in any way refer to the Diocese's or the Roman Catholic Church's handling generally of **childhood sexual abuse** complaints or matters or specific **complaints** of **childhood sexual abuse** committed by **church personnel**.
6. All documents since 1950 setting out or which refer in any way to screening, review or considerations for the soliciting of, hiring, ordination or appointment of **church personnel**.
7. All documents as described above in paragraph 1-6 which have been or are maintained by any **church personnel**, including so called personal files or documents maintained by anyone outside the Diocesan filing system. This includes but is not limited to files maintained by Diocesan Vicars, administrators and lawyers, as well as individual pastors, priests, deacons and lay people in any respect ever associated with the Diocese.
8. All quinquennial reports.

PLEASE TAKE NOTICE that these requests are deemed continuing to and through trial of each case. Should you in the future discover any items relating to any of the above matters of these requests, you are required to notify Plaintiffs' counsel of said information by way of supplemental answers to these requests.

O'NEILL KELLNER & GREEN



JEROME F. O'NEILL

Attorneys for Plaintiffs

84 Pine Street, Fourth Floor

P.O. Box 5359

Burlington, VT 05402-5359

(802) 865-4700

January 23, 2012

c: Thomas E. McCormick, Esq.
Matthew Hart, Esq., Esq.
Michael L. Costello, Esq.