

PHILADELPHIA COURT OF COMMON PLEAS  
**PETITION/MOTION COVER SHEET**

<b>CONTROL NUMBER:</b> <p style="text-align: center;">14090918</p> <p><b>(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)</b></p>
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FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
<i>Do not send Judge courtesy copy of Petition/Motion/Answer/Response.                  Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a></i>	

February, 2011  
 \_\_\_\_\_  
 Month Term, Year

No. 01128

DOE 10 VS ARCHDIOCESE OF PHILADELPHIA  
ETAL

Name of Filing Party:  
JOHN DOE 10-PLF

**INDICATE NATURE OF DOCUMENT FILED:**  
 Petition (*Attach Rule to Show Cause*)  Motion  
 Answer to Petition  Response to Motion

**Has another petition/motion been decided in this case?**  Yes  No  
**Is another petition/motion pending?**  Yes  No

*If the answer to either question is yes, you must identify the judge(s):*  
JUDGE JACQUELINE ALLEN

TYPE OF PETITION/MOTION ( <i>see list on reverse side</i> ) MOTION FOR RECONSIDERATION	PETITION/MOTION CODE <i>(see list on reverse side)</i> MTRCS
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ANSWER / RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):

<p><b>I. CASE PROGRAM</b></p> <p>DAY FORWARD/MAJOR JURY PROGRAM</p> <p>Name of Judicial Team Leader: <u>JUDGE JACQUELINE ALLEN</u>                  Applicable Petition/Motion Deadline: <u>N/A</u>                  Has deadline been previously extended by the Court: <u>N/A</u></p>	<p><b>II. PARTIES</b> (<i>required for proof of service</i>)                  (Name, address and <b>telephone number</b> of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)</p> <p>RUSSELL M NIGRO                  210 W. WASHINGTON SQUARE SUITE 3NE ,                  PHILADELPHIA PA 19106</p> <p>H. MARC TEPPER                  BUCHANAN &amp; INGERSOLL 50 S. 16TH ST. ,                  TWO LIBERTY PL SUITE 3200 ,                  PHILADELPHIA PA 19102</p> <p>NICHOLAS M CENTRELLA                  CENTRE SQUARE, WEST TOWER 1500 MARKET                  STREET, SUITE 3900 , PHILADELPHIA PA                  19102</p> <p>JEFFREY M LINDY                  LINDY &amp; TAUBER 1221 LOCUST STREET,                  3RD FLOOR , PHILADELPHIA PA 19107</p> <p>DANIEL F MONAHAN                  7 GREAT VALLEY PARKWAY STE. 290 ,                  MALVERN PA 19355</p>
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**III. OTHER**

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

September 8, 2014      DANIEL F. MONAHAN  
 \_\_\_\_\_  
 (Attorney Signature/Unrepresented Party)      (Date)      (Print Name)      (Attorney I.D. No.)

**The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.**

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PA 19355

MARTIN SATCHELL  
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JOHN DOE 10	:	COURT OF COMMON PLEAS
c/o Monahan Law Practice, P.C.	:	
7 Great Valley Parkway, Ste. 290	:	PHILADELPHIA COUNTY,
Malvern, PA 19355	:	PENNSYLVANIA
Plaintiff,	:	
v.	:	CIVIL ACTION
ARCHDIOCESE OF PHILADELPHIA	:	<b>JURY TRIAL DEMANDED</b>
222 N. 17 <sup>th</sup> Street	:	
Philadelphia, PA 19103	:	FEBRUARY TERM, 2011
and	:	
MSGR. WILLIAM LYNN	:	NO. 001128
222 N. 17 <sup>th</sup> Street	:	
Philadelphia, PA 19103	:	
and	:	
MARTIN SATCHELL	:	
Last Known Address: 501 Wayne Drive	:	
Apartment 212	:	
King of Prussia, PA 19406	:	
Defendants.	:	

**ORDER**

AND NOW, this                    day of                    , 2014, upon consideration of Plaintiff's Motion for Reconsideration of Judge Allen's Order dated February 27, 2014, and Defendant's Response thereto, it is hereby

ORDERED and DECREED that Defendant will produce the psychiatric records requested within thirty (30) days of the date of this Order or suffer the imposition of further sanctions.

**BY THE COURT:**

\_\_\_\_\_  
J.

**DANIEL F. MONAHAN, ESQUIRE**  
**ATTORNEY AT LAW**  
Attorney I.D. No. 28557  
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*Attorney for Plaintiff*

JOHN DOE 10	:	COURT OF COMMON PLEAS
c/o Monahan Law Practice, P.C.	:	
7 Great Valley Parkway, Ste. 290	:	PHILADELPHIA COUNTY,
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Plaintiff,	:	
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Last Known Address: 501 Wayne Drive	:	
Apartment 212	:	
King of Prussia, PA 19406	:	<b><u>FILE UNDER SEAL</u></b>
	:	
Defendants.	:	

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF  
JUDGE ALLEN'S ORDER DATED FEBRUARY 27, 2014**

John Doe 10, (hereinafter "Plaintiff") by and through his undersigned counsel, hereby submits this Motion for Reconsideration of Judge Allen's Order Dated February 27, 2014 and sets forth as follows:

1. The Complaint in the above captioned matter was filed on February 14, 2011 in which Plaintiff alleges that he was sexually molested in the early 1990's by Defendant, Martin

Satchell who was, at the time a Roman Catholic seminarian at St. Charles Seminary owned and operated by the Defendant, Archdiocese of Philadelphia (hereinafter "Defendant").

2. On August 16, 2011, Plaintiff served Defendant with Interrogatories and Requests for Production of Documents with respect to the above referenced matter.
3. On June 19, 2013 Defendant provided non-responsive answers to interrogatories and production requests, both objecting to each request and demanding a confidentiality agreement before responding.
4. Thereafter, on July 3, 2013 Plaintiff filed a Motion to Overrule the Objections and Compel Discovery.
5. Subsequently in a discovery conference with all counsel, Justice Russell Nigro advised the parties of his expected rulings on the objections and further requested that plaintiff provide a Supplemental Memorandum of Law on the specific issue of privilege of psychiatric records under the Pennsylvania Mental Health Procedures Act. A copy of Plaintiff's Memorandum which was provided to Justice Nigro is attached hereto and marked as Exhibit "A".
6. Ultimately, Judge Allen issued an Order and Defendant's Privilege Log denying in part Plaintiff's Motion to Compel to produce the psychiatric records. A copy of said Order and the Defendants' Privilege Log produced in conjunction with that Order is attached hereto and marked as Exhibit "B".
7. Subsequent discovery which has taken place since that time has established that the Archdiocese, its hierarchy, its doctors at its treatment facility, and its priests routinely followed a pattern and practice wherein the privilege was explicitly waived by the patient

priest and the information was widely shared, which defeats any claim of confidentiality or privacy.

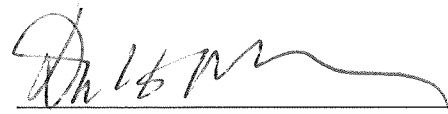
8. Examples of this waiver established during discovery include the following:
  - a. Defendant Satchell provided a written release memorializing a full waiver of any applicable doctor-patient privilege. Deposition of Monsignor McCulken, p. 249-250.
  - b. In an aftercare meeting between Defendant and Satchell's treatment team, discovery revealed that four individuals were present in addition to Satchell and the medical professionals, and a written waiver of confidentiality was made by Defendant Satchell. See attached Exhibit "C".
  - c. It was the pattern and practice of the Director of Social Work at St. John Vianney that members of Defendant's organization attend treatment team meetings after 30 days, and every 90 days thereafter. See attached Exhibit "D".
  - d. As evidenced by the attached Exhibit "E", the purpose of evaluations by offender priests was not to care for individual priests, but rather to provide a risk assessment and investigative team for the Archdiocese as it made plans for placing priests suspected of child abuse in future assignments.
  - e. Exhibit "F" which is attached is evidence that contemporaneous with Defendant's Satchell's ministry, Defendant specifically required sexually abusive clerics to execute waivers. An example of such a release is attached hereto as Exhibit "G" which the Plaintiff reasonably believes is similar and identical to the one executed by Defendant Satchell but which Defendants have chosen not to produce.

- f. The open sharing of information between psychological professionals and defendants is also acknowledged by treating professionals as evidence in the attached Exhibit "J" which memorializes that the purpose of the diagnostic impressions of the individual priest was to aid the Defendant in decision making.
  - g. Defendant's own attorney, C. Clark Hodgson, Jr., Esquire, acknowledges in a letter which is attached as Exhibit "L" that information sent by St. John Vianney to the Archdiocese was not protected by the Mental Health Act of Pennsylvania and there is no control over this information once it is conveyed to Monsignor Lynn.
9. The recent discovery highlights existence of waivers along with extensive sharing of Defendant's Satchell's psychological information with various third parties.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter the attached Order compelling Defendant to produce the requested psychiatric records and related relevant information.

Respectfully submitted,

Date: Sept 8, 2014



Daniel F. Monahan, Esquire  
Attorney for Plaintiff, John Doe 10

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*Attorney for Plaintiff*

JOHN DOE 10 :  
c/o Monahan Law Practice, P.C. :  
7 Great Valley Parkway, Ste. 290 :  
Malvern, PA 19355 :  
Plaintiff, :  
v. :  
ARCHDIOCESE OF PHILADELPHIA :  
222 N. 17<sup>th</sup> Street :  
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and :  
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COURT OF COMMON PLEAS  
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**JURY TRIAL DEMANDED**  
FEBRUARY TERM, 2011  
NO. 001128  
**FILE UNDER SEAL**

**MEMORANDUM OF LAW IN SUPPORT OF  
PLAINTIFF'S MOTION FOR RECONSIDERATION OF  
JUDGE ALLEN'S ORDER DATED FEBRUARY 27, 2014**

John Doe 10, (hereinafter "Plaintiff") by and through his undersigned counsel, hereby submits this Memorandum of Law in Support of Plaintiff's Motion for Reconsideration of Judge Allen's Order Dated February 27, 2014 and sets forth as follows:



**I. MATTER BEFORE THE COURT**

The matter before this Honorable Court is Plaintiff's Motion for Reconsideration of Judge Allen's Order Dated February 27, 2014 wherein Plaintiff requests that Defendant provide the psychiatric records requested for production of documents in light of subsequently produced discovery.

**II. STATEMENT OF QUESTIONS INVOLVED**

1. Under Pennsylvania law, should Defendant be compelled to disclose the content of psychiatric reports of former priest Martin Satchell, and other perpetrator priests, where the doctor-patient privilege was waived in writing or the information was widely shared beyond the doctor-patient relationship as part of a pattern and practice for dealing with priests and seminarians who may sexually abuse children.

Suggested Answer: "YES."

2. Under Pennsylvania law, should Defendant be compelled to disclose communications between Defendants and the treatment facilities regarding Martin Satchell, to which no privilege attaches.

Suggested Answer: "YES."

**III. FACTS**

This case arises out of a Complaint filed on February 14, 2011, in which Plaintiff alleges that he was sexually molested in the early 1990's by Defendant Martin Satchell who was, at the time, a Roman Catholic seminarian at St. Charles seminary owned and operated by the Defendant Archdiocese of Philadelphia (hereinafter "Defendant").

On August 16, 2011, Plaintiff served Defendant with Interrogatories and Requests for Production of Documents with respect to the above referenced matter. On June 19, 2013

Defendant provided non-responsive answers to interrogatories and production requests, both objecting to each request and demanding a confidentiality agreement before responding.

Thereafter, on July 3, 2013 Plaintiff filed a Motion to Overrule the Objections and Compel Discovery, which Motion was heard before the Honorable Jacqueline Allen on August 19, 2013. The matter was referred to Justice Russell Nigro, the Court appointed Discovery Master, for further review. Subsequently in a discovery conference with all counsel, Justice Nigro advised the parties of his expected rulings on the objections and further requested that plaintiff provide a Supplemental Memorandum of Law on the specific issue of privilege of psychiatric records under the Pennsylvania Mental Health Procedures Act. A copy of Plaintiff's Memorandum which was provided to Justice Nigro is attached hereto and marked as Exhibit "A".

Ultimately, Justice Nigro advised the parties that the discovery of psychiatric records of the priest was protected by the privileges set forth in the MHPA and in accordance with *Zane v. Friends Hosp.*, 836 A.2d 25 (Pa. 2003), a Pennsylvania Supreme Court decision rendered when Justice Nigro was a member of that Court. Thereafter, Judge Allen issued an Order granting in part and denying in part Plaintiff's Motion to Compel. The psychiatric records were barred from discovery at that time. A copy of Judge Allen's Order and the Defendants' Privilege Log produced in conjunction with that Order is attached hereto and marked as Exhibit "B".

Subsequently, defendant produced the discovery ordered and various depositions have taken place, in particular of Msgr. William Lynn and Msgr. Michael McCulken, amongst the various parties and witnesses. This subsequent discovery has established that the Archdiocese, its hierarchy, its doctors at its treatment facility, and its priests routinely followed a pattern and

practice wherein the privilege was explicitly waived by the patient priest and the information was widely shared, which defeats any claim of confidentiality or privacy.

Discovery established the following: Satchell applied to enroll in Defendant's seminary, St. Charles Borromeo (hereinafter "St. Charles") early in his adulthood, in approximately 1984. Prior to acceptance in seminary, however, Satchell was required to undergo psychological assessment. Later, during Satchell's attendance at St. Charles, the Defendant's Formation Committee (a committee of priests who supervise the progress and education of seminarians) were informed that Satchell was recommended to receive additional mental health treatment while in seminary. Later, in 1989, while still a seminarian, Satchell renewed his mental health treatment. None of these records have been produced.

While in seminary, the records produced by Defendant also indicate that Satchell was prone to violent outbursts and was undergoing "growth counseling." During this time he received negative evaluations from the formation team and failed his training in Moral Theology. Both contemporaneously to and subsequent to Satchell's sexual abuse of Plaintiff, he was in treatment with Dr. Fitzgibbons at St. John Vianney, a treatment center owned, controlled and operated by Defendant. The treatment was funded by Defendant Archdiocese and operated for the benefit of all Defendants. Significantly, Satchell provided a written release memorializing a full waiver of any applicable doctor-patient privileges which allows his medical and psychological information to be shared with many other parties including the Defendants, among others. Deposition of Msgr. McCulken, p. 249, 7, p. 250, 4, (attached as Exhibit "M"). In turn, the information regarding the treatment and evaluations of Satchell was shared with Defendants and others in both written and oral formats, In fact, Defendant and other third parties even

participated in meetings with the psychological professionals in determining an aftercare safety plan for Satchell. Therefore, Satchell could not have a continuing expectation of privacy.

It is undisputed that Satchell executed written releases waiving confidentiality of his psychological information. On June 2, 1994, Satchell verified that his waivers not only included the Defendant but other third parties as well. Msgr. McCulken testified during deposition to the accuracy of Satchell's statements in the attached memorandum, which states, "Satchell verbally indicated that he signed the release forms giving permission to discuss his after care program and situation with everyone present. Dr. Tyrrell verified this." Deposition of Msgr. McCulken, p. 249-251.

Attached hereto as Exhibit "C" is a true and correct copy of a memorandum discussing the aftercare meeting between Defendant and Satchell's treatment team. Four individuals were present in addition to Satchell and the medical professionals. According to Defendants and the Archdiocese's representatives, a written waiver of confidentiality was made by Satchell. That waiver was relied upon and acted upon by his treating professionals who provided written and verbal reports to Defendants. Furthermore, Satchell's treating professionals included various parties in their meetings with Satchell, including, but not limited to Defendant's representatives when discussing Satchell's conditions, admissions, treatments, and potential assignments within Defendant's organization.

That the information was widely shared is further underscored by the fact that a specific person titled a "Villa liaison person" at the treatment facility was tasked with maintaining contact and informing Defendants of the individual patient's progress. In blunt terms, the treatment facility had a dedicated staff member whose job it was to convey a priest patient's medical

information to Defendants in accordance with the routine written waivers executed by the clerics including Satchell.

#### **IV. LEGAL ARGUMENT**

##### **A. Satchell's Express Waiver Defeats the Privilege and Requires that the Content of His Medical and Psychological Records Be Shared with Plaintiff**

Like other privileges, medical record privileges are not absolute, but rather are subject to waiver. The privilege can be waived through a written waiver and/or through the loss of an expectation of waiver. Satchell waived his privilege in both ways. The Mental Health Procedures Act (MHPA) 50 P.S. Section 7111 provides “in no event, however, shall privileged communications, whether written or oral, be disclosed to anyone *without such written consent.*” (emphasis added) The psychiatrist/psychologist–patient privilege provides a similar standard. In this case (and many others against the Archdiocese Defendant), the privilege was waived in writing, and waived because the client made the information known, or intended to make it known, to third persons. *Rost v. State Bd. of Psychology*, 659 A.2d 626, 629 (Pa. Commw. Ct. 1995); *Doe v. Ensey*, 220 F.R.D. 422 (M.D. Pa. 2004). Here, Satchell provided the exact written waiver contemplated by the MHPA. The existence of this written waiver has been confirmed by the documents produced and by sworn deposition testimony of Defendant’s representatives, all of which demonstrate Satchell had no expectation of privacy.

In *Zane*, plaintiff sought records from a psychological facility when she was assaulted by a patient. In that case, no written waiver existed so the court went on to analyze the issue of whether Zane’s complaint was within the legal proceeding exception contained in the MHPA

which it concluded did not. The Court in *Doe v. Ensey*, 220 F.R.D. 422 (M.D. Pa. 2004) addressed closely the issue of whether psychological information regarding an allegedly sexually offending cleric is discoverable. In that case the Court found that similar to the Defendant's handling of Satchell, the Diocese ordered a psychological examination as a part of its standard practice in investigation of sexual molestation accusations. *Id* at 426. Again, similar to Satchell's situation, the Diocese was to receive either written or oral reports and the priests either consented to or were at least aware of the fact that the Diocese would receive these reports. *Id* at 427. Accordingly, the individual priests had waived any privileges and no longer had an expectation of privacy since third parties had received this information. The Court found that the information required disclosure to the litigants in the case and in an abundance of caution put in place a protective order against public dissemination of the information. Similarly, all information regarding the sexually abusive priests has been waived, as evidenced by the explicit writing and the fact that the purportedly confidential and privileged information was in the possession of Defendant along with the waivers. Accordingly, the content of Satchell's medical and psychiatric records should be produced to Plaintiff.

Defendant's open use of psychological information and involvement in the process of dealing with a priest accused or suspected of child sex abuse is obvious to the individual accused cleric and an important part of the services provided by St. John Vianney and the other treatment centers owned by and servicing the Archdiocese. On February 23, 1993, the Director of Social Work at St. John Vianney wrote to Mgrs. Lynn advising him that he (or another member of Defendant's organization) would be required to attend a meeting with the treatment team after 30 days and every 90 days thereafter. A true and correct copy of this letter is attached hereto as Exhibit "D."

Defendant's pattern and practice of receiving information subject to written waiver and in situations where the individuals did not have an expectation of privacy was consistent across a wide spectrum of treating professionals. Attached hereto as Exhibit "E" is a true and correct copy of a Confidential Psychological Evaluation Prepared for Reverend Monsignor William Lynn Archdiocese of Philadelphia, regarding Monsignor Giliberti but typical of similar psychological evaluations of numerous clerics who had sexually abused children. The evaluation openly memorializes the intent and purpose of the parties:

"The expressed purpose of the evaluation was to provide Monsignor Lynn with an assessment of Monsignor's current level of cognitive and emotional functioning... It is hoped that the assessment will assist Monsignor Lynn in its efforts to determine the veracity of these allegations and to consider the possible existence of a sexual disorder that might threaten the health and safety of those to whom Monsignor Giliberti ministers."

In addition to the explicit written waivers, the reports created by treatment professionals were not prepared solely or primarily for the use of the individuals receiving treatment, but rather for the use of Defendants. The purpose was not to care for the individual priest, but rather to provide a risk assessment and investigative tool for the Archdiocese as it made plans for placing priests suspected of child sex abuse in future assignments. Accordingly, the content of the medical and psychological reports regarding Satchell are discoverable, likely to lead to the discovery of admissible information and directly relevant on their face.

**B. Discovery shows that defendant's practice of treating medical and psychological records as open was a pattern utilized in cases involving additional clergy within the Diocese and involved an open sharing of information between the Defendants and treatment professionals.**

Satchell's waiver of medical privilege is consistent with the pattern and practice of the Archdiocese when handling allegedly sexually abusive priests. Not only does this pattern and practice memorialize the waiver and the open sharing of information between Defendant and

those who treat the sexually abusive members of Defendant's organization, but this pattern and practice by Defendant is integral to Plaintiff's case at time of trial.

The acts of Defendant in gaining the knowledge, information, access methods, cover up methods, victim identities, intent, sexual perversion and propensities of its priests is directly relevant to material issues in Plaintiff's case. Specifically, it was Defendant's pattern and practice of treating and gaining information regarding its abusive clerics while still allowing them to access and abuse children that Plaintiff intends to offer at time of trial to prove Defendant's knowledge, intent, lack of mistake, modus operandi, surprise, conspiracy, pattern and practice in dealing with seminarians and priests who sexually abused children.

Defendants' handling of Satchell illustrates the Defendants' pattern and practice. Satchell exhibited warning signs of the potential danger he posed to children. The Defendant followed these leads by pursuing treatment at its own facility before, during, and after Plaintiff was abused.

Defendants encouraged Satchell to openly share his propensities, sexual and psychological issues with the professionals to whom Defendant sent Satchell for the purpose of conveying this information back to Defendant along with recommendations. This information is the most pertinent and relevant information one could imagine, as it is the precise subject matter of this lawsuit.

Defendant's sexually abusive clerics routinely executed waivers as Satchell did allowing both Defendant and others to share their information. Attached hereto as Exhibit "F" is a letter dated November 25, 1988 (contemporaneous to Satchell) showing that other allegedly abusive priests executed the same waivers. Paragraph 2 reads "you will sign a release of information"



regarding treatment at Southdown, another treatment facility for clerics. Paragraph 3 goes on to ensure that this waiver includes access for the Defendant by enumerating “you will execute a release of information allowing the Chancery and myself access to the assessment.”

Attached hereto as Exhibit “G” is an example of the Release of Information Form used by St. John Vianney. While Defendants have chosen to not produce any such document from St. John Vianney regarding Satchell, it is reasonably believed to be similar or identical to this one. It is of importance to note that the waiver specifically identifies Mgrs. William Lynn from Defendant’s organization as a recipient of the information. Mgrs. Lynn is the same individual who received the information regarding Satchell and was present at St. John Vianney to receive the results of the assessment and the aftercare reports regarding Satchell. The Anodos Center is another facility associated with Defendant’s treatment center (St. John Vianney). A true and correct copy of an Anodos Center Authorization for Release is attached hereto as Exhibit “H”. Note that the Anodos Center documents also include release the information to members of Defendant’s organization, specifically Mgrs. Lynn. The face of the document specifies that no categories of information are to be withheld from the waiver.

Mgrs Lynn explains Defendant’s intention regarding the free sharing of a seminarian’s or priest’s psychological information in a letter dated August 31, 1993, which has been attached hereto as Exhibit “I.” First, Defendant encouraged the individual priest to execute the release per Defendant’s protocol. Second, the letter states that he (Mgrs. Lynn) would be conveying information to the treatment professionals as part of the treatment. This information, termed “necessary background for his treatment,” enjoys no privilege and is directly relevant to the material issues in this case, specifically what Defendant knew and when about the individual priest’s or seminarian’s actions and propensities. Thus, in addition to the waiver of the medical

and psychological record privileges by the seminarian or priest, there is other information in the relevant files in the “necessary background” information. This information was not provided by the patient to the treating professional, but instead a third party and is patently discoverable on its face. Information contained in the individual priests’ psychological and intake information was never privileged at its inception and should not be withheld from discovery, as it is. Thus, Plaintiff does not ask to be compelled solely Satchell’s specific waiver but also the correspondence and communications between Defendants and the treating facilities regarding Satchell.

The open sharing of information between psychological professionals and Defendant is also acknowledged by the treating professionals. Attached hereto as Exhibit “J” is a letter from the treatment facility to Defendant (Mgrs. Lynn) memorializing that the purpose of their diagnostic impressions of individual priests is to aid in “your [Defendant’s] decision-making.” A telling detail exists in the statement by the program director at the treatment center referring to their “mutual ministry in support of” the sexually abusive cleric. The diagnostic impressions of the individual priest are included with the letter and identify several problematic diagnosis including Sexual Disorder; Personality Disorder; Dependent Narcissistic and Obsessive-Compulsive features. These documents were produced to the Commonwealth and used in the criminal trial involving Lynn. The waiver and availability of this type of information have been plainly acknowledged and no basis exists for treating Satchell’s waiver any differently. This type of documentation involving Satchell should be produced as a matter of fairness and consistency.

**C. Once shared, information provided to the Defendant is no longer protected**

Defendant's ability to access, use, and distribute the information provided by the treatment professionals has been openly acknowledged by the treatment providers, the statements of Archdiocesan representatives during depositions, and Defendant's own attorneys. On December 20, 1993, the program director from the Anodos Center (associated with St. John Vianney) acknowledged that Defendant could distribute or use the information as it saw fit, but cautioned Lynn to use the utmost thoughtfulness in disseminating any of its contents. Such a pointed cautionary instruction is pointless unless the writer is aware that Lynn and Defendant have the ability to disseminate the information. A true and correct copy of this letter is attached as Exhibit "K". The letter includes a comprehensive psycho-diagnostic assessment that includes not only the diagnosis of the abusive cleric, but a narrative describing in detail Lynn's referral of the individual and the factual background precipitating the treatment. This information was provided by Mgr. Lynn and Defendant so it was never subject to any medical privilege. Plaintiff reasonably believes similar information exists regarding Satchell that has not been produced.

On August 5, 2004, attorney C. Clark Hodgson wrote a letter on behalf of St. John Vianney. A true and correct copy of this letter is attached hereto as Exhibit "L". The letter asserts that the information St. John Vianney sends to Mgr. Lynn is not protected by the MHPA, and there is no control over it once the information is conveyed to Mgr. Lynn. This is exactly the situation in the case at hand with Satchell. Accordingly, Defendants are intellectually disingenuous when now arguing that this exact information is somehow protected in spite of their direct admission to the contrary. A party cannot be allowed to simply assume diametrically opposed positions as it suits their need.

The recent discovery has highlighted the existence of the written waivers along with the extensive sharing of Satchell's psychological information. As such, these records are not protected from discovery under the MHPA or any other asserted privilege. For all of the foregoing reasons, this development necessitates production of this information.

**V. CONCLUSION**

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter the attached Order compelling Defendant to produce the requested psychiatric records and related relevant information within thirty (30) days the date of this Order or suffer further sanctions as deemed proper by this Court.

Dated: September 8, 2014

BY: \_\_\_\_\_



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**CERTIFICATION OF SERVICE**

I, Daniel F. Monahan, hereby certify that a true and correct copy of the foregoing Motion for Reconsideration of Judge Allen's February 27, 2014 Order was served upon all counsel of record via E-file Service pursuant to the Rules of Civil Procedure on the date dated below.

Date: September 3, 2014

By:



\_\_\_\_\_  
Daniel F. Monahan, Esquire