

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT  
Suffolk County Civil Action No. **02-04551-T1** (Consolidated with C.A. 02-1296)  
(Originally entered in Middlesex County as  
C.A. No. 02-626)

GREGORY FORD, *et al.*,

Plaintiffs,

v.

BERNARD CARDINAL LAW, *et al.*,

Defendants.

**PLAINTIFFS' MEMORANDUM OF LAW IN  
SUPPORT OF MOTION IN LIMINE TO  
ADMIT EVIDENCE OF PAUL R.  
SHANLEY'S SEXUAL MOLESTATION  
OF OTHERS**

**INTRODUCTION**

Plaintiffs Gregory Ford ("Greg"), Paula Ford, and Rodney Ford (the "Plaintiffs") seek to admit evidence at trial of Paul R. Shanley's ("Father Shanley") sexual molestation of others. The Court should grant the Plaintiffs' motion because Father Shanley's similar sexual molestation of others, under the guise of being a priest and abusing their trust, shows Father Shanley's pattern of conduct in relation to children, like Greg, whom he molested. The central issue before the Court is whether the proffered evidence is logically probative as to whether Father Shanley sexually molested Greg. Based on the schematic and temporal nexus between the proffered evidence and Father Shanley's sexual molestation of Greg, admitting the evidence not

only makes it not improbable that Father Shanley molested Greg, but also serves to corroborate Greg's memories, which the Defendants have challenged in this action.

### RELEVANT FACTS

#### **A. Father Shanley's Sexual Molestation of Gregory<sup>1</sup>**

Father Shanley sexually molested Greg when he was a parishioner at St. Jean's Parish in Newton, Massachusetts ("St. Jean's"), a church in which Father Shanley worked as a priest. See *"Plaintiff Gregory Ford's Objections And Answers To Bernard Cardinal Law's Interrogatories,"* dated September 24, 2002 ("Ford Interrogatory"), No. 9 (attached as Exhibit "1" hereto); Deposition of Gregory Ford ("Ford Depo."), October 8, 2002, pp. 25-26 (attached as Exhibit "2" hereto). Father Shanley sexually molested Greg from the approximate ages of six to eleven or twelve (approximately 1983-1989). See Ford Interrogatory No. 9; Ford Depo., October 8, 2002, pp. 25-26. Father Shanley sexually molested Greg in the bathroom and Father Shanley's bedroom, which were in the Rectory at St. Jean's, during the time Greg attended CCD class. See Ford Interrogatory No. 9; Ford Depo., October 8, 2002, pp. 28-30.

Generally, the molestation consisted of Father Shanley (1) fondling Greg's genitals, (2) forcing Greg to perform oral sex on Father Shanley, and (3) penetrating Greg's anus with something (which could have been his finger). See Ford Interrogatory No. 9; Ford Depo., May 21, 2003, p. 22. In particular, with regard to the forced oral sex,

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<sup>1</sup> The following represents a summary of Father Shanley's sexual molestation of Greg as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive.

Father Shanley usually would face Greg, expose his penis, place his hands on Greg's shoulders, and put his penis in Greg's mouth. See Ford Interrogatory No. 9; Ford Depo., October 8, 2002, pp. 33-34; Ford Depo., May 21, 2003, pp. 43-45. In addition, during oral sex, Father Shanley would stretch out his hands in a way that caused Greg to think of "the Lord's hands on the cross." See Ford Interrogatory No. 9. On other occasions, Father Shanley would have Greg take his pants and underwear off, tell him to turn around and bend over. See Ford Interrogatory No. 9; Ford Depo., October 8, 2002, pp. 32-33; Ford Depo., May 23, 2003, pp. 22, 28, and 36. Then, Father Shanley would take his pants and underwear off and anally penetrated Greg with something that caused Greg pain, which he believes could have been Father Shanley's finger, although he is not sure. See Ford Interrogatory No. 9; Ford Depo., October 8, 2002, pp. 32-33; Ford Depo., May 23, 2003, pp. 22, 28, and 36. Father Shanley sometimes would play card games with Greg to get Greg to take his clothes off and, thereafter, Father Shanley would sexually molest Greg. See Ford Interrogatory No. 9; Ford Depo., October 8, 2002, pp. 33-34. During the molestation, Father Shanley would threaten Greg not to tell anyone about the molestation by telling him that no one would ever believe him and, if he did tell anyone, his parents could get hurt. See Ford Interrogatory No. 7; Ford Depo., October 8, 2002, pp. 69-70.

## **B. Father Shanley's Prior Sexual Molestation of Others**

### 1. Paul W. Busa<sup>2</sup>

Father Shanley sexually molested Mr. Busa when he was a parishioner at St. Jean's. See *"Plaintiff Paul W. Busa's Supplement To Answers And Objections To Bernard Cardinal Law's Interrogatories,"* dated March 4, 2003 ("Busa Interrogatory"), No. 9 (attached as Exhibit "3" hereto); Deposition of Paul W. Busa ("Busa Depo."), dated November 15, 2002, pp. 179-81 (attached as Exhibit "4" hereto). Father Shanley sexually molested Mr. Busa from the approximate ages of six to eleven or twelve (approximately 1983-1989). See Busa Interrogatory No. 9; Busa Depo., November 15, 2002, pp. 179-81; Busa Depo., April 3, 2003, p. 214. Father Shanley sexually molested Mr. Busa in the bathroom and in a "confessional room," which were in the Rectory at St. Jean's, as well as in the parish itself, during the time Mr. Busa attended CCD class. See Busa Interrogatory No. 9; Busa Depo., November 15, 2002, pp. 164-165; Busa Depo., April 3, 2003, pp. 223-27.

Generally, the molestation consisted of (1) voyeurism, (2) forced reciprocal oral sex, (3) Father Shanley fondling Mr. Busa's genitals, and (4) Father Shanley penetrating Mr. Busa's anus with his finger. See Busa Interrogatory No. 9; Busa Depo., November 15, 2002, pp. 179-83; Busa Depo., April 3, 2003, pp. 214-19. In particular, Father Shanley would take Mr. Busa into the bathroom and take his pants down, stand over him, and

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<sup>2</sup> The following represents a summary of Father Shanley's sexual misconduct with Paul W. Busa, as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive.

watch him urinate. See Busa Interrogatory No. 9. When Mr. Busa was done urinating, Father Shanley would not let him pull his pants up, but instead Father Shanley would look at him while he was exposed. See Busa Interrogatory No. 9. On certain occasions, Father Shanley would lead Mr. Busa into a dark bathroom, stand while wearing his robe in the doorway (with light behind him on in the hall) and spread his arms to look like "Jesus." See Busa Interrogatory No. 9. In addition, Father Shanley would sexually molest Mr. Busa by getting him alone to perform "special duties" (sitting in the pews with Father Shanley) and by playing cards with Mr. Busa to get him to take his clothes off. See Busa Interrogatory No. 9; Busa Depo., November 15, 2002, pp. 188-89; Busa Depo, April 3, 2003, pp. 225-27 and 300-01. During the molestation incidents, Father Shanley would threaten Mr. Busa not to tell anyone about the molestation by telling him that no one would ever believe him. See Busa Interrogatory No. 7.

2. Anthony Driscoll<sup>3</sup>

Father Shanley sexually molested Mr. Driscoll when he was a parishioner at St. Jean's. See Deposition of Anthony Driscoll, dated October 24, 2002 ("Driscoll Depo."), pp. 65-77 (attached as Exhibit "5" hereto); see generally, Affidavit of Anthony Driscoll, dated July 21, 2003 ("Driscoll Aff.") (attached as Exhibit "6"). Father Shanley sexually molested Mr. Driscoll prior to the approximate age of thirteen (approximately before 1989). See Driscoll Depo. p. 65-77. Father Shanley sexually molested Mr. Driscoll in a

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<sup>3</sup> The following represents a summary of Father Shanley's sexual misconduct of Anthony Driscoll, as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive.

confessional and in the bathroom, which both were in the Rectory at St. Jean's, as well as in the parish itself, during the time Mr. Driscoll attended CCD class. See Driscoll Depo., pp. 65-67 and 70-77; Driscoll Aff. ¶¶ 2-3.

Generally, the molestation consisted of Father Shanley (1) forcing Mr. Driscoll to touch his penis, (2) penetrating Mr. Driscoll's anus with something, which Mr. Driscoll believes could have been his finger, although Mr. Driscoll does not know for sure, and (3) forcing Mr. Driscoll to perform oral sex on him. See Driscoll Depo., pp. 65-67 and 70-77; Driscoll Aff. ¶¶ 2-4. In particular, Father Shanley asked Mr. Driscoll to help him place bibles in the pews at the parish, and, while doing so, sit down next to Mr. Driscoll and force him to touch his penis. See Driscoll Depo., pp. 65-67. In addition, Father Shanley forced Mr. Driscoll to put his hands on a coffee table and bend over and, thereafter, anally penetrated Mr. Driscoll. See Driscoll Depo. pp. 70-74. Furthermore, Mr. Driscoll recalls being in the main hall at St. Jean's with Father Shanley's and Father Shanley placing his hands on Mr. Driscoll's shoulders, bending over, and kissing him on the mouth. See Driscoll Aff. ¶ 3. Mr. Driscoll also remembers being forced to perform oral sex on Father Shanley, during confession and in the bathroom, to the point of ejaculation. See Driscoll Depo. pp. 76-77; Driscoll Aff. ¶ 2.

3. [REDACTED]<sup>4</sup>

Father Shanley sexually molested [REDACTED] when he was a parishioner at St. Jean's. See Affidavit of [REDACTED], dated July 17, 2003 ("[REDACTED]"), ¶¶ 2-10 (attached as Exhibit "7"). Father Shanley sexually molested [REDACTED] between the approximate years 1983 to 1987 (when [REDACTED] was between the approximate ages of seven and ten). See [REDACTED] ¶¶ 6-10. Father Shanley sexually molested [REDACTED] in his office in the Rectory at St. Jean's, during the time [REDACTED] attended CCD class. See [REDACTED] ¶¶ 6-10.

Generally, the molestation consisted of Father Shanley (1) rubbing his hands over [REDACTED] body, (2) forcing [REDACTED] to perform oral sex on Father Shanley, and (3) penetrating [REDACTED] anus with his finger. See [REDACTED] ¶¶ 7-8. In particular, with regard to the forced oral sex, Father Shanley usually invited [REDACTED] to play a game with Father Shanley, where [REDACTED] would have to "taste" him. See [REDACTED] ¶ 7. Father Shanley usually would tell [REDACTED] that he was "special" and "chosen" for the acts of molestation and [REDACTED] recalls feeling that it would be "the worst thing in the world to tell anyone" about the molestation because he was afraid for his safety and the safety of his family. See [REDACTED] ¶ 9. [REDACTED]

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<sup>4</sup> The following represents a summary of Father Shanley's sexual misconduct with [REDACTED], as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive. [REDACTED] wishes to keep his name out of the public domain for various personal reasons. His name has been provided to defense counsel and has been provided to the Court in unredacted form. The public filing of the memorandum has been redacted.

██████████ attended CCD class with Greg and Messrs. Busa and Driscoll. See ██████████

¶ 4. ██████████ has never spoken with Greg or Messrs. Busa and Driscoll about the molestation or since leaving St. Jean's in the 1980s for that matter. See ██████████ ¶ 17.

██████████ is not familiar with the details of how they were molested by Father Shanley. See ██████████ ¶ 17. ██████████ never has met or spoken with ██████████

██████████ See ██████████ ¶ 16.

4. ██████████<sup>5</sup>

Father Shanley sexually molested ██████████ when he was a parishioner at St. Jean's. See Affidavit of ██████████ dated July 15, 2003 ("██████████"), ¶¶ 2-13 (attached as Exhibit "8"). Father Shanley sexually molested ██████████ from the approximate ages of ten or eleven through fourteen or fifteen (approximately 1980 to 1984). See ██████████ ¶¶ 3-6. Father Shanley sexually molested ██████████ in the bathroom, in the Rectory, and in his bedroom at St. Jean's, during the time ██████████ attended CCD class and on one occasion after a Christmas Bazaar at St. Jean's. See ██████████ ¶¶ 6-13.

Generally, the molestation consisted of Father Shanley (1) fondling ██████████ genitals, (2) forcing ██████████ to masturbate and perform oral sex on him, (3) forcing

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<sup>5</sup> The following represents a summary of Father Shanley's sexual misconduct with ██████████, as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive. ██████████ wishes to keep his name out of the public domain for various personal reasons. His name has been provided to defense counsel and has been provided to the Court in unredacted form. The public filing of the memorandum has been redacted.

██████████ to allow Father Shanley to perform oral sex on him (on one occasion only), and (4) penetrating ██████████ anus with his finger. See ██████████ ¶¶ 10-13. In particular, while Father Shanley instructed ██████████ to perform oral sex on him, he penetrated ██████████'s anus with his finger, which occurred first when ██████████ was approximately eleven years old and various times thereafter. See ██████████ ¶¶ 10-13. During the molestation incidents, Father Shanley would tell ██████████ that he was a "worker of God" and that the molestation was sanctioned by God. See ██████████ ¶ 10. Father Shanley also threatened ██████████ not to report the molestation to anyone and, if he did, Father Shanley would tell ██████████ grandfather that the molestation was ██████████ fault. See ██████████ ¶¶ 14-15. ██████████ has never met Greg or Messrs. Busa, Driscoll, and ██████████ and has not read any detailed accounts of media reports about Father Shanley molesting them. See ██████████ ¶¶ 27-28.

5. John Kelly<sup>6</sup>

Father Shanley sexually molested John Kelly while counseling Mr. Kelly. See generally, Affidavit of John Kelly, dated July 16, 2003 ("Kelly Aff.") (attached as Exhibit "9"). Mr. Kelly was introduced to Father Shanley by his maternal grandmother, who provided significant financial support to Father Shanley and most of the funding for Father Shanley's cabin in Maine, known as "Terrible Mountain." See Kelly Aff. ¶ 3. Mr. Kelly first met Father Shanley at his grandmother's house, where Father Shanley often

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<sup>6</sup> The following represents a summary of Father Shanley's sexual misconduct with John Kelly as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive.

held Mass. See Kelly Aff. ¶ 4. Father Shanley sexually molested Mr. Kelly around the approximate age of 14 (approximately 1968). See Kelly Aff. ¶¶ 2-20. Father Shanley sexually molested Mr. Kelly in his apartment in Boston. See Kelly Aff. ¶¶ 10-20. Generally, the molestation consisted of Father Shanley (1) massaging Mr. Kelly's body while he was naked, (2) masturbating and performing oral sex on Mr. Kelly, (3) forcing Mr. Kelly to perform oral sex on him; and (4) penetrating Mr. Kelly's anus with his finger. See Kelly Aff. ¶¶ 7-20. Mr. Kelly's parents sent Mr. Kelly to see Father Shanley after Mr. Kelly became depressed and his academic grades fell. See Kelly Aff. ¶ 6. Years later (mid 1970s), Mr. Kelly recalls seeing Father Shanley at his brother's wedding and feeling threatened by a comment Father Shanley made to Mr. Kelly's wedding date. See Kelly Aff. ¶ 21. Mr. Kelly does not know Greg or the details of his molestation by Father Shanley. See Kelly Aff. ¶ 22.

6. John Doe (██████████)<sup>7</sup>

Father Shanley sexually molested John Doe when he was a parishioner at St. Patrick Parish in Stoneham, Massachusetts ("St. Patrick's"), a church in which Father Shanley worked as a priest. See generally, Affidavit of John Doe, dated July 17, 2003 ("Doe Aff.") (attached as Exhibit "10"). Father Shanley sexually molested Mr. Doe around the approximate ages of seven or eight to ten (approximately 1963 to 1966). See

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<sup>7</sup> The following represents a summary of Father Shanley's sexual misconduct with ██████████, as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive. ██████████ wishes to keep his name out of the public domain for various personal reasons. His name has been provided to defense counsel and has been provided to the Court in unredacted form. The public filing of the memorandum has been redacted.

Doe Aff. ¶¶ 1-10. Father Shanley sexually molested Mr. Doe in a confessional and another room, which were in the Rectory, in St. Patrick's itself, and in the basement at the Rectory, during the time Mr. Doe attended class at St. Patrick's Catholic School. See Doe Aff. ¶¶ 2-9. Father Shanley also sexually molested Mr. Doe at summer camp (Camp Fatima and Camp Cedarcrest). See Doe Aff. ¶ 10.

Generally, the molestation consisted of Father Shanley (1) fondling and touching Mr. Doe's genitals and buttocks, (2) forcing Mr. Doe to touch Father Shanley's penis and masturbate Father Shanley, (3) forcing Mr. Doe to perform oral sex on Father Shanley; and (4) masturbating Mr. Doe. See Doe Aff. ¶¶ 6-10. In particular, when Mr. Doe was in the second grade, Father Shanley would remove him from class to prepare for his First Communion. See Doe Aff. ¶ 5. During discussions about First Communion, Father Shanley would require Mr. Doe to sit on his lap and Father Shanley would fondle Mr. Doe's genitals. See Doe Aff. ¶¶ 6-7. When Mr. Doe was in the third grade, Father Shanley would request Mr. Doe to leave class for penance and have him meet Father Shanley in the confessional. See Doe Aff. ¶ 8. While in the confessional, Father Shanley would fondle Mr. Doe's genitals and force Mr. Doe to masturbate him. See Doe Aff. ¶8. When Mr. Doe was in the fourth grade, Father Shanley would invite Mr. Doe into the basement in the Rectory, after Mr. Doe was selected to leave class and get milk from the Rectory for the whole class, and force Mr. Doe to masturbate him. See Doe Aff. ¶ 9. When Mr. Doe was at summer camp (during the third, fourth, and fifth grade),

Father Shanley would fondle Mr. Doe's genitals while drying him after a shower and, in the fifth grade, force Mr. Doe to perform oral sex on Father Shanley and engage in mutual masturbation. See Doe Aff. ¶ 10.

Father Shanley told Mr. Doe that what was happening to him was because Mr. Doe did not have a father and that Father Shanley had to teach him about "the birds and the bees." See Doe Aff. ¶ 9. In addition, Father Shanley told Mr. Doe that if he told his mother, she would never believe him and that what was happening then was between Mr. Doe and God. See Doe Aff. ¶ 10. Mr. Doe does not know Greg or Messrs. Busa and Driscoll, or any other Father Shanley victim or the details of their molestation. See Doe Aff. ¶ 11.

7. John Doe ( [REDACTED] )<sup>8</sup>

The Plaintiffs expect the evidence will show that Father Shanley sexually molested Mr. Doe while counseling Mr. Doe. Father Shanley started sexually molesting Mr. Doe at the approximate age of fifteen (approximately 1974). Father Shanley sexually molested Mr. Doe in his apartment and other venues in or around Boston, including St. Jean's. In particular, the molestation consisted of (1) mutual masturbation, (2) Father Shanley forcing Mr. Doe to perform oral sex on him, and (3) Father Shanley penetrating Mr. Doe's anus with his finger. In addition, Father Shanley initiated the

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<sup>8</sup> The following represents a summary of Father Shanley's sexual misconduct with [REDACTED], as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive. [REDACTED] wishes to keep his name out of the public domain for various personal reasons. His name has been provided to defense counsel and has been provided to the Court in unredacted form. The public filing of the memorandum has been redacted.

molestation by playing strip poker with Mr. Doe during his first counseling session. Furthermore, Father Shanley warned Mr. Doe not to tell anyone what happened between them.

8. Joseph S. Ridge<sup>9</sup>

Father Shanley sexually molested Mr. Ridge after befriending him outside of St. Patrick's school. See generally, Affidavit of Joseph S. Ridge, dated July 18, 2003 ("Ridge Aff.") (attached as Exhibit "11"). Father Shanley sexually molested Mr. Ridge from the approximate ages of nine to ten (approximately 1972 and 1973). See Ridge Aff. ¶¶ 1-9. Father Shanley sexually molested Mr. Ridge in the confessional and in his office at St. Patrick's, as well as other places in or around Boston. See Ridge Aff. ¶¶ 4-9. Generally, the molestation consisted of Father Shanley (1) fondling Mr. Ridge's genitals, (2) forcing Mr. Ridge to perform oral sex on him, (3) masturbating Mr. Ridge, and (4) penetrating Mr. Ridge's anus with his penis. See Ridge Aff. ¶¶ 4-9. In particular, Father Shanley initiated the molestation by breaking up a fight (in which Mr. Ridge was involved) in the school yard at St. Patrick's and eventually leading Mr. Ridge into a confessional and forcing Mr. Ridge to perform oral sex on Father Shanley while he proselytized about Jesus and male bodies, among other things. See Ridge Aff. ¶ 4. In addition, Father Shanley would put "a religious spin" on the sexual molestation and made Mr. Ridge believe that their acts were natural and not wrong. See Ridge Aff. ¶¶ 6-7. Father

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<sup>9</sup> The following represents a summary of Father Shanley's sexual misconduct with Joseph S. Ridge, as it relates to the Plaintiffs' argument herein. The summary is not meant to be exclusive.

Shanley also played cards with Mr. Ridge as a precursor to sexual molestation. See Ridge Aff. ¶ 9. Furthermore, Father Shanley told Mr. Ridge that what they were doing together “was a secret.” See Ridge Aff. ¶ 7.

9. Thomas Peter Devlin, Jr.<sup>10</sup>

Father Shanley sexually molested Mr. Devlin when he was a parishioner at St. Patrick’s. See generally, Affidavit of Thomas Peter Devlin, Jr., dated July 16, 2003 (“Devlin Aff.”) (attached as Exhibit “12”). Father Shanley sexually molested Mr. Devlin around the approximate age of 12 or 13 (approximately 1960 or 1961). See Devlin Aff. ¶¶ 1-9. Father Shanley sexually molested Mr. Devlin in his office, which was in the Rectory at St. Patrick’s, during the time Mr. Devlin attended class at St. Patrick’s Elementary School. See Devlin Aff. ¶¶ 4-9.

Generally, the molestation consisted of Father Shanley touching Mr. Devlin’s genitals and forcing Mr. Devlin to engaged in other sexual conduct. See Devlin Aff. ¶ 9. In particular, when Mr. Devlin entered the Rectory office to speak with Father Shanley, Father Shanley told Mr. Devlin that (1) he was a psychologist, (2) he had been at Mr. Devlin’s home looking for pornography, and (3) knew that Mr. Devlin was a “known bisexual” and the head of a sex ring. See Devlin Aff. ¶¶ 5-6. At the time, Mr. Devlin had no idea what a bisexual was. See Devlin Aff. ¶ 6. Father Shanley then asked Mr. Devlin how often he “played with” himself and, after Mr. Devlin asked what that

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<sup>10</sup> The following represents a summary of Father Shanley’s sexual misconduct with Thomas Peter Devlin, Jr., as it relates to the Plaintiffs’ argument herein. The summary is not meant to be exclusive.

