

IN THE EASTERN COURT OF APPEALS
EASTERN DISTRICT OF MISSOURI

ARCHDIOCESE OF ST. LOUIS, <i>et al.</i> ,)	
)	
Relators,)	Case No.
)	
vs.)	
)	
HONORABLE ROBERT H. DIERKER,)	
JUDGE, CIRCUIT COURT FOR THE CITY)	
OF ST. LOUIS,)	
)	<u>FILED UNDER SEAL</u>
Respondent.)	

MOTION FOR IMMEDIATE STAY
OF ENFORCEMENT OF DECEMBER 31, 2013 ORDER

COME NOW Relators Archdiocese of St. Louis and Archbishop Robert J. Carlson (“Relators”), and move this Court for an order staying enforcement of the Order entered by the Honorable Judge Robert H. Dierker on December 31, 2013 pending adjudication of Relator’s Preliminary Writ of Prohibition and Mandamus which Relators have applied for contemporaneously with the filing of this Motion. As grounds for this Motion, Relators state as follows:

1. This case arises out of a single plaintiff’s claim that she was sexually abused by a former priest, Joseph Ross (“Ross”), between 1997 and 2001. She has alleged that Relators intentionally failed to supervise Ross and she seeks money damages from Relators and Ross. Plaintiff is pursuing her claim anonymously.

2. In discovery, Plaintiff has sought discovery from Relators on over a half-century’s worth of unrelated sexual abuse claims, irrespective of their facts and credibility, by and against unrelated individuals at disparate locations within the Archdiocese of St. Louis. Most

significantly, Plaintiff sought the identities of all the complainants and the accused, claiming a desire to contact all of them notwithstanding her own desire to remain anonymous.

3. After initially allowing and ordering that this expansive discovery be had, Relators sought limitations from the Respondent Judge on the scope of discovery, including that the privacy rights of the complainants and accused be protected and their identities not disclosed. Indeed, one priest sought to intervene in the underlying action, seeking to prevent the disclosure of his identity in what was an unsubstantiated claim against him.

4. On December 31, 2013, Respondent Judge significantly curtailed the original, expansive scope of his discovery order, but nevertheless reaffirmed that the identities of the accused clergy and their complainants be provided (the "Order").

5. Despite recognizing that Relators' positions merited the Respondent Judge modifying the Order, Respondent Judge issued severe sanctions against Relators by having partial judgment entered against them on a key defense, awarded fees to Plaintiff's counsel, and, in an unprecedented fashion, ordered the appointment of a Special Master to assist Plaintiff in contacting the sexual abuse claimants whose identities Respondent Judge ordered disclosed, all at Relators' expense.

6. Critically for purposes of this Motion, Respondent has given Relators until the close of business on Friday, January 3, 2014, to provide the identities of certain accused clergy and complainants to Plaintiff's counsel and deposit \$1,000 with the Special Master so that Plaintiff's counsel can begin to contact the individuals on the matrix.

7. Respondent's order should not be enforced until this Court has had ample opportunity to determine the merits of this application for a writ of prohibition.

8. Prohibition will lie to prevent a trial court's abuse of discretion by improperly ordering the production of confidential information. Indeed, the Missouri Supreme Court has issued a writ of prohibition to prevent disclosures of confidential, third-party information far less than that at issue here. *See State ex rel. Delmar Gardens North Operating, LLC v. Gaertner*, 239 S.W.3d 608, 610 (Mo. 2007) (en banc).

9. There will be no prejudice to the plaintiff in the underlying proceeding by virtue of any delay in the disclosure of this information.

WHEREFORE, Relators request that this Court immediately stay enforcement of the Order pending the outcome of the writ process and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

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