

IN THE MISSOURI COURT OF APPEALS
EASTERN DISTRICT

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.)	

WRIT SUMMARY

IDENTITY OF PARTIES AND THEIR ATTORNEYS IN THE UNDERLYING ACTION:

Relators and Defendants in the underlying action, Archdiocese of St. Louis and Archbishop Robert J. Carlson (“Defendants” or “Archdiocese”), represented by Carmody MacDonald P.C. and Lewis Roca Rothgerber LLP (*pro hac vice* application pending); Jane Doe 92 (“Jane Doe”), Plaintiff in the underlying action, represented by Chackes Carlson and Halquist, LLP, Ken Chackes and Nicole Gorovsky; and Respondent Judge the Honorable Robert H. Dierker.

NATURE OF UNDERLYING ACTION:

Jane Doe has filed suit in the Circuit Court of the City of St. Louis (Twenty-Second Circuit) as Case No. 1122-CC10156, seeking relief for the injuries she suffered due to the alleged sexual abuse perpetrated upon her by a priest, Joseph Ross (“Ross”). In her petition, Jane Doe claims that the Archdiocese failed to supervise Ross and should therefore be held responsible for the alleged actions of Ross.

ACTION OF RESPONDENT BEING CHALLENGED, INCLUDING DATE THEREOF

December 31, 2013 Order which, in pertinent part: (1) compels Relators' disclosure by 5 p.m. on January 3, 2013 of the identities of dozens of complainants and the clergy accused of sexual abuse of minors, which claims were made between 1983 and 2003. Further, Respondent Judge is requiring disclosure of the last known addresses, telephone numbers and email addresses of the previously mentioned individuals; (2) strikes paragraphs 49 and 50 of the Defendants' answers on the issue of their knowledge that harm was certain or substantially certain to result from the assignment of Ross to St. Cronan's parish and entering partial judgment in Plaintiff's favor on that point; (3) deeming admissible in evidence at trial a chart of all claims of sexual abuse of minors, against lay or clergy, and without further showing authentication or foundation; (4) awarding \$5,000 in attorneys' fees to Plaintiff; and (5) assigning a Special Master at the Archdiocese's expense (with \$1,000 being deposited with the trial court by January 3, 2014), to contact each complainant of sexual abuse of minors identified on an ex parte basis by Plaintiff to ascertain if the complainant wishes to cooperate with Plaintiff; and, even if unwilling, allowing Plaintiff to either contact the person nonetheless or seek a subpoena with leave of court to depose such person.

RELIEF SOUGHT BY RELATORS:

Writ of Prohibition issued against Respondent, Judge Robert H. Dierker, prohibiting him from enforcing his December 31, 2013 Order and to refrain from giving further effect to his decision granting the Order.

DATE CASE SET FOR TRIAL, IF SET, AND DATE OF ANY OTHER EVENT BEARING

UPON RELIEF SOUGHT:

Trail is set for February 24, 2014.

DATE, COURT AND DISPOSITION OF ANY PREVIOUS OR PENDING WRIT

PROCEEDING CONCERNING THE ACTION OR RELATED MATTER:

None.

Respectfully submitted,

CARMODY MacDONALD P.C.

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