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Ruling Goes against Diocese on Questioning of Reilly

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Worcester, MA - A Superior Court judge yesterday ruled against attempts by the Diocese of Worcester to limit questioning of Bishop Daniel P. Reilly in a coming deposition and to prevent the release of transcripts to the media. The deposition is for a lawsuit that accuses Auxiliary Bishop George E. Rueger of child rape.

Judge Mary Lou Rup's action echoed similar rulings by Suffolk Superior Court Judge Constance M. Sweeney, who has ordered the unsealing of tens of thousands of Boston Archdiocese documents and the deposition of former Cardinal Bernard F. Law.

Daniel J. Shea of Houston, lawyer for plaintiff Sime J. Braio of Shrewsbury, said thorough questioning of Bishop Reilly was necessary because he has been closely involved with some cases of alleged priestly sexual abusers.

Diocese lawyer James G. Reardon argued, however, that Bishop Reilly, who became bishop of Worcester in December 1994, should not be questioned about that case, which allegedly happened in the early 1960s.

Judge Rup said Bishop Reilly has institutional knowledge that makes it legitimate to question him. She said she would not allow discovery in the case to be delayed until the court rules on a diocesan motion to dismiss the lawsuit.

The depositions had been scheduled for yesterday but were postponed.

Mr. Reardon had hoped to prevent Mr. Shea from asking Bishop Reilly about the House of Affirmation, a Whitinsville treatment center for priests with psychological problems, including sexual problems. The House of Affirmation opened in 1970 and closed in 1989.

"Discovery has to have some relevance," Mr. Reardon said.

Judge Rup said she was skeptical that questions about the House of Affirmation would be relevant. But she said if either bishop admitted to any involvement with it, the questioning would be allowed. Bishop Reilly once served on its board of directors.

Mr. Reardon noted that Mr. Braio's complaint contains no allegations about the House of Affirmation. He said that Mr. Shea wanted to question Bishop Reilly to find names of other alleged abuse victims.

Mr. Shea said the House of Affirmation is relevant to the lawsuit because in 1995 Bishop Reilly signed off on a \$42,500 settlement in a case where Rev. Thomas A. Kane, who ran the House of Affirmation, was accused of sexually abusing Mark Barry of Uxbridge beginning at age 9. The settlement agreement had been attached to another priest sexual abuse lawsuit filing and was uncovered last year.

The settlement named three priests who had not been named in the lawsuit -- Rev. Thomas Teczar, Rev. Robert Shauris and Monsignor Brendan Riordan.

"What the Barry settlement suggests is there is a ring of priests that have been operating in the diocese," Mr. Shea said. "Kane was on the payroll over 10 years after being administratively

separated from the diocese."

The diocese has denied that any such priest sex ring existed, and Bishop Reilly has said he signed the agreement "in good faith as prepared and approved by the legal counsels representing all the parties and agreed upon by Mr. Barry at the time."

Bishop Reilly last year placed seven priests accused of sexual abuse on administrative leave.

But much of the evidence of his knowledge of sexual abuse allegations against his priests dates to his time in the administration of the Providence Diocese in the 1960s and 1970s and his time as bishop in Norwich, Conn., from 1975 to 1994.

Since coming to Worcester, Bishop Reilly signed a \$300,000 lawsuit settlement with a Spencer man who accused Rev. Peter Inzerillo and one other priest of sexual abuse. In 2000, Bishop Reilly reassigned Rev. Inzerillo, who had been on administrative leave, to St. Leo Church and St. Leo Elementary School in Leominster. Last year, the bishop again placed Rev. Inzerillo on leave.

Mr. Braio's lawsuit alleges that Bishop Rueger, then a parish priest, began sexually molesting him in the early 1960s when he was 13. The suit alleges that the abuse resulted in behavior that landed Braio, now 52, in the former Lyman School for Boys in Westboro.

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