

Fr. Magaldi Which I hope he would think twice before he just uses my name (inaudible words).

McCarthy I said that to him; these are serious allegations, you don't just throw these around.

Fr. Magaldi Very serious. I've been a Priest for thirty-eight years. I have a tremendous support everywhere I've been. I have never had any such allegations like this, and I can't conceive of how I could possibly have done that and been good the rest of my priesthood. I just don't understand that at all.

McCarthy Delaney says that he ah, let you listen to the tape that I forwarded to him.

Fr. Magaldi Yes.

McCarthy And then he mentioned to me, he said what I found disturbing was we had similar allegations on a نما.

Fr. Magaldi Ah ha.

McCarthy And money ah, with a young man several years ago. Now how would even know about that?

Fr. Magaldi He wouldn't.

McCarthy Correct. He wouldn't. Secondly ah, if again is to be believed, that all he is looking to do is to get back with

Fr. Magaldi Ah ha.

10-04-04 Order
0562

McCarthy No publicity, doesn't want to sue anybody. Ah, as far as I know he has not gone to the police. As far as I know he has not ah, filed civil action.

As far as I know he hasn't gone public. Then my question is what is his

motivation? What is motivating him to do this? And he is very emphatic about identifying you.

Fr. Magaldi Yeah, that's the part that I (inaudible words)

McCarthy As I said, I have a photo array I'd like him to look at with everybody who looks the same, same kind of collar. I'm gonna ask him to pick out Philip Magaldi. Ah, I don't know if he's able to do that or not.

Fr. Magaldi—Uhm hmm.

McCarthy His ah, story, if it's to be believed, is a shame, if a guy turns to drugs ah, dealing with this and then...

Fr. Magaldi I agree (inaudible words)

McCarthy And then ends up being

mean it's terrible.

Fr. Magaldi It is.

McCarthy By the same token I don't discount what you say, that it could be somebody else using your name.

Fr. Magaldi which in turn is a real injustice to me.

McCarthy That's my next point, that...

10-04-04 Order
0563

Fr. Magaldi The fact that...as I say ha, I...my...my so-called record would not be considered squeaky clean, because I did service over there. But there again too, and this has not been ever made public and some day I'm gonna have to do it, that boy that was found with the hundred thousand dollars in his bank account had a deal with the Attorney General's Office

that he was ready to testify to the veracity of fifteen or twenty statements

that we got only through the...the uhm...

McCarthy Interrogatories.

Fr. Magaldi The ah, what do they call that?

McCarthy Discovery.

Fr. Magaldi Discovery, discovery, okay. Everyone of those things that he had on

there was a lie, but there were two things that he had on there, one thing

in particular, that I as a Priest, as a Catholic, as a respecter of the Church,

the Priesthood and Episcopate could not let happen, and that was he put

on there that I

That is

absolutely the most false thing that could ever happen. Now I know there

are allegations about _____ all

this kind of baloney, all this rotten stuff that had happened. But he and I

had no kind of relationship like that.

McCarthy Just...

Fr. Magaldi (Inaudible words)

McCarthy Just to satisfy that, I can tell you that I have been given those allegations

about I _____, I can tell you that I use to be the

Supervisor of Cases and Reports.

Fr. Magaldi Yeah.

McCarthy And if that had occurred that would have come before me, and...and I

specifically told those people who made an inquiry in Rhode Island, that it

never happened.

10-04-04 Order
0564

Fr. Magaldi Good.

McCarthy The next thing I know this story then spread to say it happened in
the State of Rhode Island. Well I can then tell you a high ranking
State Police Officer is the one that made the inquiry of me in
Massachusetts, so it certainly didn't happen in Rhode Island.

Fr. Magaldi Right.

McCarthy Then I was informed that it was done by ah, caught by...not by a Trooper
but by a natural resource guy.

Fr. Magaldi Well I...

McCarthy That never happened either.

Fr. Magaldi Yes.

McCarthy Because I've already...I've made...

Fr. Magaldi That's right.

McCarthy It's like you're chasing a story who got it from somebody, but nobody
gives it firsthand.

Fr. Magaldi Unfortunately, Mr. Dimitri...

McCarthy So there's not much veracity.

Fr. Magaldi Mr. Dimitri said that he had to put [redacted] on the stand at my trial.

McCarthy Uhm hmm.

Fr. Magaldi And question him. And I said to him, I cannot let him be exposed to that.

That will be all over the newspapers. It will be all over TV and everything

else. It's gonna cause him disgrace.

10-04-04 Order
0565

McCarthy Why would that guy allege that?

Fr. Magaldi I pled...because they...we think, and if you ever talk to Dimitri he'll tell you the same thing, this...he didn't even have an attorney with him when they drew up these things and the uhm,...what do you call it, the investigator that ah, I can't even think of his name, Gallagher or...with the Attorney General's Office at the time.

McCarthy I wouldn't know. I was out of state.

Fr. Magaldi It was an agreement between the Attorney General's Office and this boy, that he was gonna go to jail for ten years if he - unless he agreed to testify against me.

McCarthy How would he know there was a relationship between you and

Fr. Magaldi Because he also said that he was invited by ~~to go to an, watch~~ Hill.

McCarthy Who is this.

Fr. Magaldi Himself alone.

McCarthy Who is this guy?

Fr. Magaldi His name is _____ . I don't where he is or what happened. He was one of the most...he was like a son. I trusted him.

McCarthy Did he do time? Did he do time?

Fr. Magaldi No, he did nothing, because they made an agreement with him, that if...

McCarthy A plea bargain?

Fr. Magaldi A plea bargain. If he testified against me that he would not go to jail.

However, they say...

McCarthy Did he testify?

10-04-04 Order
0566

Fr. Magaldi No, he couldn't, because the trial I pled guilty. The only way I was gonna keep _____ safe from that was to plead guilty, so I pled guilty to something I did not do. That's the whole thing, and that is that's so...but and again the afternoon of...what happened was when the Attorney General's Office took all those...those uhm, ah, checks made out to cash, one of which for example was a three thousand dollar check that I paid to the...a Parishioner who was a cement contractor. We needed a new walk around the Rectory.

McCarthy But I want to get back again to _____ What does this have to do with _____ ?

Fr. Magaldi It does, it has nothing to do with _____ I'm just trying to take away some of the...the ah, opinion that well this Magaldi is an embezzler, he's a crook.

McCarthy That's

Fr. Magaldi So he must be also a predator.

McCarthy I got to tell you, Father.

Fr. Magaldi Yeah.

McCarthy In over thirty years of being in this business, that has not even entered my mind.

Fr. Magaldi Hmm.

McCarthy I can tell you that ah, I make the judgment based upon the facts.

Fr. Magaldi Okay.

McCarthy And that a person is innocent until proven guilty.

10-04-04 Order
0567

Fr. Magaldi Okay.

McCarthy That they have the right to their good name until such time as it's not a good name, and that I told them when I came here, if you're looking for a cover-up you've got the wrong guy. But ah, I try to handle this as discretely and as quietly as possible, that the report goes directly to the Bishop or whoever he designates me to send it to that this is a Canonical inquiry, not a civil...

Fr. Magaldi Yeah, yeah.

McCarthy ...or a criminal inquiry.

Fr. Magaldi Okay.

McCarthy Ah, as far as a criminal matter is on this is concerned, I guess the guy that would be able to answer those questions to me would be ah, the CPAC Commander in the USA's Office up in Worcester County, cause he alleges that these events took place in Worcester. Ah...

Fr. Magaldi Is there some kind of a statute of limitations?

McCarthy Well this is my point.

Fr. Magaldi Right.

McCarthy My point is to get a clarification from him as to whether or not first of all.

Fr. Magaldi (Inaudible words)

McCarthy What is alleged to have occurred.

Fr. Magaldi Yeah.

McCarthy Was in fact a crime at the time. If it wasn't a crime, there is no statute of limitations, cause it wasn't a crime. Example, in the State of

10-04-04 Order
0568

Massachusetts, common law crime of rape concerned forcible sexual penetration of a woman by a male. That has been amended in subsequent years to read that it can be a male with a male, it can be a female with a female, a male with a female or a female with a male. As long as it...it can even be digital penetration. Now he ah, I have to see on what date he's alleging. That's why I was trying to get specific...

Fr. Magaldi Yeah.

McCarthy ...about the time, because there may have been changes in the Statute So if that had occurred here in the State of Rhode Island, that would not be ah, a case that could be triable now, because it...did not allegedly involve a male with a female. They didn't have a crime of rape involving a male with a male, that's number one. Number two, there may be lesser or included offenses in that crime of rape, such as sodomy, sexual assault, things along those lines. Then you'd have to go look at the statute that covers all of those acts. Once you define the act, then you have to look for a statute that fits that. Those will all have statute of limitations, because we can't be bringing complaints up twenty, thirty, forty years later when peoples' memories are foggy.

Fr. Magaldi Ah ha.

10-04-04 Order
0569

McCarthy Somebody may have died, and at this point there'd never be any closure. So that's one of the reasons we have statute of limitations. So you'd have to look at what the statute of limitations was on that offense at the time that it was committed, cause you cannot be held (excuse me) ex post

facto. You can't have done something, then I make a law, then we charge you with that. It has to be what's in effect.

Fr. Magaldi Yeah.

McCarthy At the time.

Fr. Magaldi Okay.

McCarthy Based upon my training and knowledge of the law, I would say ah...well looking at the statute, that there's probably not a criminal violation of rape there. I'd have to see what the statutory requirements were on first degree sexual assault, because that's what it sounds like, or ah, unnatural acts of sodomy is I think a term for a particular chapter and section that covers what he alleges. But I have to specifically look at it ah, as anybody else, because nobody would know off the top of their head without going back.

Fr. Magaldi Right.

McCarthy You wouldn't need to know unless you had to go back and look at the statute.

Fr. Magaldi Another thing, if I could just mention. He mentioned something there about me always having a bottle of liquor or something with me, scotch or something like that.

McCarthy He said liquor, yeah.

Fr. Magaldi That...any...now you could ask any Priest of this Diocese, anybody that I've been associated with.

McCarthy Yup.

10-04-04 Order
0570

Fr. Magaldi At parties and everything, I hate hard liquor. I have never drunk scotch...I tasted it once. Naturally, I had to taste it. Father Mancini, my Assistant, who's...I said how can you be an Italian and drink that stuff. That's Irish stuff.

McCarthy Yup.

Fr. Magaldi And he claims that I always had a bottle.

McCarthy Uhm hmmm.

Fr. Magaldi So I deny vehemently that I have ever been a drinker that I have brought liquor with me ah, anywhere.

McCarthy Well if that's true, that begins to take away from his credibility, right.

Fr. Magaldi Well I think so. Yeah that...this is why in a way when I saw this, the first...I had no idea. They the Chancellor called me. I had had a Mass at 8:15. We have a school Mass on Fridays every week and it just happened to coincide with my thirty-eighth anniversary. The school kids, six hundred and fifty-six kids presented me with individual handwritten cards...gratulations, you're the best Priest we ever had. We love you.

You're good. You're this, you're that.

McCarthy Yup.

Fr. Magaldi And I was in ecstasy. I go home and I have a call from the Chancellor, the Bishop wants to see you Saturday morning. I said, oh? I'm sorry to tell you this. There's been an allegation of sexual ah, misconduct. I said, Oh God, now what! I said...he couldn't tell me anything on the phone,

Father Wilson. So I went down. When I...I went into the Office...the two

10-04-04 Order
0571

peop...I don't know if one's a psychiatrist or one's (inaudible words) I forget what their status is, but the Chancellor was here and the Bishop's there. He's got this tape and he hands me this uhm, copy of the transcript.

McCarthy Transcript, yup.

Fr. Magaldi So, I sit down and the first thing I see,

McCarthy

Fr. Magaldi Huh?

McCarthy

Fr. Magaldi Oh, okay.

McCarthy Ah, a feeling inside me said, oh thank God. Ha, this whole thing is cooked up. Somebody's cooking up a story, cause there was no bearing...and I...I had to sit and listen to this thing. He had to turn the tape/tape and all that stuff, and at one point he said, can I say something. I said it's evident to me that the devil is at work, and I said this whole thing is all... And what else can I say. That's all I can say, because it is. Now I don't deny and I feel badly for this kid if he was abused by somebody whether it was a priest or no priest. Maybe this is, you know, in his mind, but to name me as the one, I just cannot conceive of how...how he could do this. Neither can I conceive of how ...I love kids. I absolutely love kids. I've even joked about that sometime and said, God didn't let me get married because I...I couldn't have two thousand children. I mean I've Baptized thousands of kids. I had a hundred and ten weddings when I

CONFIDENTIAL

10-04-04 Order
0572

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

was here. People... altar boys that I've had have called me back. I've had just a wedding a couple of weeks ago of a former altar server at Saint Anthony's who got married. They wanted me.

McCarthy Uhm hmm.

Fr. Magaldi I've been gone for ten years. These people have not forgotten me, and any number of... I could get any number of (inaudible word) at the school the same, and that's what kills me because you're walking along and the kids are coming out to recess and they cart from where they are and to come and give you a hug, and we've said, hey, we just... what am I suppose to do stand there like a statue because somebody's gonna think

because I...
DOCUMENT IS NOT TO BE REPRODUCED.

McCarthy No, I think hugging in public in front of a lot of people, I don't see any problem with that. I do see a problem with hugging in private.

Fr. Magaldi Oh yeah. Well I...

McCarthy You leave yourself wide open for allegations.

Fr. Magaldi I understand that.

McCarthy And in today's society.

Fr. Magaldi Yeah, unfortunately.

McCarthy As litigious as it is, you've got to be on the defense all the time.

Fr. Magaldi You know, when I was first Ordained, the Synod of 1952 was in force and we could not have a woman in the passenger seat of the car. Bishop McVinney was the Bishop then, God rest his soul. I use laugh about it, cause I'd say to my mother, Ma, you've got to ride in the back seat. She

10-04-04 Order
0573

said, what do you mean I'm your mother! I said, well we'll have to put a sign around you're neck. There never was a question about riding with a boy in the car.

McCarthy Yup.

Fr. Magaldi But now, my God! You know. In fact, here's another thing. There have been...I've been there five years at Saint Ann's at Saint John The Apostle. We have a big school auction every year to raise money, and

one of the live auction prizes is a day for your children with Father Phil. In those five years parents have given over Five Hundred Dollars each so that their kids, two of their kids or three (inaudible words) would have a day with me.

McCarthy Uhm hmm.

Fr. Magaldi Now, does that say anything? Would anybody...but God forbid if anything like this ever went into the paper, what would they say, we were ascaresd to have our kids with him.

McCarthy My question though is what does he have to gain? He says that ah, first of all civilly says he's not interested in suing the Church or you or anybody.

Fr. Magaldi Okay (inaudible words).

McCarthy But I...I have a question whether or not he can even sue, whether the statute of limitations has run out on that.

Fr. Magaldi Okay.

10-04-04 Order
0574

McCarthy But that's not...

Fr. Magaldi Somebody else has something to gain.

McCarthy But that's not...

Fr. Magaldi Somebody's trying to destroy me.

McCarthy ...for me to determine.

Fr. Magaldi If somebody is trying to destroy me and using him to get at me.

McCarthy Who would that person be?

Fr. Magaldi Well, I...I...I can't make a rash judgment, but it's gonna be someone like
this

McCarthy One of the people you say is

Fr. Magaldi Could be one.

McCarthy You're saying a priest that you have not identified yet.

Fr. Magaldi Yup.

McCarthy Who use the word incardate.

Fr. Magaldi Yeah, right. I don't know who that is. We...we...incardinate.

McCarthy I never heard of that word until I came here.

Fr. Magaldi Is that right?

McCarthy So it is not public knowledge.

Fr. Magaldi It's a clerical word.

McCarthy Yup. And I concur with the Bishop that obviously...

10-04-04 Order
0575

Fr. Magaldi And what about that statement that I was thrown out of San Antonio,
because money was in my car from a collection. That's a complete lie.
But every other thing on that type written letter was exactly the same as
what...and here's another thing, let me just say this.

McCarthy Yup.

Fr. Magaldi It shouldn't be on the record maybe.

McCarthy Okay. I'll go off the record and I'll shut this machine off.

McCarthy All right we're back...back on the record.

Fr. Magaldi Okay. I hold that it may be true that [redacted] was assaulted in his youth by someone, but I absolutely in the name of God with my hand on any Bible that (inaudible words) swear that I never, ever was the person

that did this; that I have never raped or forced myself on anyone. I have loved children. I...I...I'm known to be...like they call me a pied piper sometimes. The children react to me, and people have said they do not

understand how any kind of suggestions can be made like was made in the article trying to hook me up with Father Teczar. Ah, anyway, that's...that's my only statement. I...I...I cannot say how else I can prove it. I don't have appointment books from back in 19 whatever it was, 1969 to '70 to prove where I was on that...those days. Ah...

McCarthy How could I get a hold of you between now and Saturday?

Fr. Magaldi Okay, I...I'm staying in ah, in ah Cape...in Cape Cod, which is another one when I heard Cape Cod from this guy.

McCarthy Uhm hmm.

Fr. Magaldi Ah, the number is [redacted] This is the residence of a

[redacted] He's a former parishioner of...of ah,

10-04-04 Order
0576

McCarthy 2

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Fr. Magaldi - A really wonderful guy.

McCarthy Where does he live down there?

Fr. Magaldi He lives at...in ah, I think they call it. You have to get off at the

McCarthy Yeah,

Fr. Magaldi Yeah, yeah, and then I go up by the and down...it's...it's really the area that he's in.

McCarthy Yeah, I know exactly where it is.

Fr. Magaldi His address is I think

McCarthy And when you get done at ah, Saint John's, how would I contact you?

You're going back to your Parish?

Fr. Magaldi (Inaudible words) at Saint John's

McCarthy I mean at

Fr. Magaldi I'm suppose to fly right back from Dallas...

McCarthy And you're going back to the Parish?

Fr. Magaldi Yeah, to the Parish. Well, I have a house. I mean I'm at my house. I don't know where this is gonna stand.

McCarthy Okay, what's your house number, Father?

Fr. Magaldi Ah, Area Code 817.

McCarthy Yup.

10-04-04 Order 0577

Fr. Magaldi Ah, _____

McCarthy And your mailing address so I can send you a copy of this transcript. That probably would be the best place to send it?

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Fr. Magaldi Okay, yeah, [redacted]

McCarthy Wait a minute.

Fr. Magaldi Oh, I gave you the Church address first didn't I, 734 (inaudible words)

McCarthy Yeah, but I'm gonna say if I'm gonna send this "Personal and Confidential" to your house.

Fr. Magaldi Oh, okay yeah. That's [redacted]

McCarthy Yup.

Fr. Magaldi Two words, [redacted]

[redacted] and the town is

[redacted] You can put Fort Worth, but North Richland Hills is

more exact. It's like saying Watch Hill or Riverside or something, okay.

McCarthy And that's...

Fr. Magaldi

McCarthy 761

Fr. Magaldi

McCarthy

Fr. Magaldi [redacted] (Inaudible words)

McCarthy That's [redacted]

Fr. Magaldi Yup.

McCarthy

Fr. Magaldi Yup, that's it.

10-04-04 Order
0578

McCarthy Any questions that you have of me, or thoughts or comments?

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Fr. Magaldi Well, I just...what are we gonna do about this ah, polygraph? Is there any possibility that...that somebody can do it before Sunday? They're not gonna do it New Year's Day, that's for sure.

McCarthy There is a possibility that it could be probable, and that's why I needed to know this number here on Cape Cod.

Fr. Magaldi Okay.

McCarthy Ah, but I can't speak for the polygraph examiners as to whether or not they're available on the Saturday, cause you're flying out of here on Sunday. Is that correct?

Fr. Magaldi Right.

McCarthy So it would have to be Saturday. I need to know this number here so I can call you in Hyannis to give you either a yes or a no answer.

Fr. Magaldi Okay.

McCarthy Now how much of this have you shared with

Fr. Magaldi Most of it.

McCarthy You have?

Fr. Magaldi Yeah, because he's a personal friend.

McCarthy Okay, what's...what's his first name anyway?

Fr. Magaldi And he could also give you some kind of background on me I'm sure from what he knows of the Parish. He was only in the Parish a couple of years.

McCarthy Now you're saying a Parish in Texas.

Fr. Magaldi Yes.

10-04-04 Order
0579

McCarthy Or a Parish in Rhode Island. Oh, okay.

Fr. Magaldi Texas.

McCarthy Oh, okay.

Fr. Magaldi Texas. Yeah, he's not from Rhode Island.

McCarthy Now, well I don't want to leave too much if he...he must have an answering machine?

Fr. Magaldi Yes.

McCarthy I will leave a message for you to call me back.

Fr. Magaldi Yeah.

McCarthy At a certain time.

Fr. Magaldi That's fine, that's fine.

McCarthy Anything else? Any thoughts or comments?

Fr. Magaldi No. I don't...I can't think of anything else that I need to say ah, other than I...I...

McCarthy Do you feel that you've been treated fairly so far?

Fr. Magaldi Not by Mr....you mean by you?

McCarthy Yeah, by myself.

Fr. Magaldi Absolutely.

McCarthy Bishop Delaney.

Fr. Magaldi I had to know this. I mean I had a right to know this.

McCarthy Absolutely.

Fr. Magaldi And ah, I just, like I said, I just feel badly for this...this man, cause I know people who've had these problems, you've read in the papers and stuff.

10-04-04 Order
0580

McCarthy Yup.

Fr. Magaldi But so help me God, before God I am not the one who caused these problems to him.

McCarthy I'm gonna endeavor to contact the ah, polygraph operator today, one of the three.

Fr. Magaldi Okay.

McCarthy To see if I can get this thing scheduled for Saturday morning. This would probably be a good location because there's nobody in the building.

Fr. Magaldi Over here, okay.

McCarthy Yeah, there's nobody in the building on Saturday.

Fr. Magaldi Right.

McCarthy Probably use the office where the secretaries are next door.

Fr. Magaldi Okay.

McCarthy Ah, as I said before I don't want to speak for them saying that this is a definite, because I don't know what their schedule is. Uhm, and I certainly don't want to bring you up here for nothing either.

Fr. Magaldi Yeah, okay.

McCarthy Ah, so let me see ah, if I can ah, arrange that for Saturday. If I can I'll call you at this number in _____ and ah, we'll make some kind of...arrange a specific time to do it on that date. Ah, probably sometime around midmorning will probably be the best for everybody, for you commuting here.

Fr. Magaldi Yeah.

10-04-04 Order
0581

McCarthy And for him commuting here.

Fr. Magaldi It takes me about an hour.

McCarthy You didn't have any problem finding this place did you?

Fr. Magaldi Oh, no. I...I know this place. I've been here, Catholic Charity Office.
Don't forget I was here for twenty-eight years.

McCarthy Uhm hmm.

Fr. Magaldi In the Diocese of Providence, and I only left because the Bishop felt that there was no...no way that I could be at peace. That every time I was in church they'd be coming up to me with ah, ah, a reporter's microphone or something like that.

McCarthy Your...your ah...relationship with Bishop Delaney is a good relationship?

Fr. Magaldi Oh yeah, right, and I know this is troubling for him because he knows me one way. But then he knows of this stupid thing, you know, which added to...I was stupid. I know that, but jeeppers crow.

McCarthy Uhm hmm.

Fr. Magaldi Ah...

McCarthy Well, I want to thank you first of all for coming in.

Fr. Magaldi You know, one thing that troubled me though is that you told him or he told me that you told him that in your experience on all your investigations...

McCarthy Uhm hmm.

Fr. Magaldi You felt that this is telling the truth.

McCarthy I said that — appears to be credible.

10-04-04 Order
0582

Fr. Magaldi Oh.

McCarthy I said ah, but I said I...

Fr. Magaldi (Inaudible words) that's your privilege (inaudible word)

McCarthy But I have not spoken to the other side of the coin.

Fr. Magaldi Yeah.

McCarthy And you also appear to be very credible. Ah, you're an excellent communicator. I mean it's obvious. I can see why you have a good

following, but I have to ask myself again what ah... as troubling as this... is what does have to gain? What is his motive?

Fr. Magaldi Well, my feeling is it may not be only he. Is someone putting him up to this, maybe with the idea that he would get some money.

McCarthy Uhm hmm.

Fr. Magaldi And then share some of that money with this person. I...this is just speculation. I mean I have no...no justification for even saying that, but I just can't conceive of how he came up with my name all these years later.

McCarthy It's been two months and there's not a word of this publicly.

Fr. Magaldi No, I know that. That's wonderful. How do you think...what are they gonna do with me in...in Fort Worth if it appears in the paper that...

McCarthy I don't know. That's...

Fr. Magaldi ...(inaudible words) raped a kid.

10-04-04 Order
0583

McCarthy That is... allegations. What Bishop Delaney does with them is up to him. My only role in this is to conduct a Canonical inquiry as to the nature of the complaint and whether or not there's any substance to it,

and forward the facts to the Bishop for him to make a determination. I

mean I'm not empowered to do that.

Fr. Magaldi Well fortunately you know the policy of the Diocese (inaudible words) most of them is when an allegation is made the guy is immediately removed from his assignment until the thing is resolved. They respectfully didn't do that with me. Cause this...that was on Saturday I was told this.

Sunday, we have a policy that one of the priests preaches at all the Masses. He doesn't say them all, but gives the homily, so the same homily for the whole Parish.

McCarthy Uhm hmm.

Fr. Magaldi We have eight Masses okay. It was my turn to preach. So that was gonna be a problem. Secondly Uhm, Christmas and everything else. What was gonna happen without me being there, okay? So, they at least, thank God, let me do that.

McCarthy I can tell you we have had here allegations that have been true, unfortunately. We have had allegations that are false, allegations that are an out and out, concocted lie. We have had allegations that ah, were false because a person was mentally disturbed. We've had ah, allegations that were partially true but expanded upon to punish. Some of these were consenting relationships. Ah, I think if you ask some of the Clerics who've been absolved, they're thankful for this process.

Fr. Magaldi Uhm hmm.

10-04-04 Order
0584

McCarthy Because it's allowed them to go back into Ministry with a clean and unblemished record ah, that the accusation was either not sustained or was unfounded. But unfortunately we've had some that have been sustained.

Fr. Magaldi Yeah.

McCarthy Ah, I try to be as objective as possible.

Fr. Magaldi Uhm hmm.

McCarthy As low profile as possible. That's why specifically this office is located where it is.

Fr. Magaldi Yeah.

McCarthy And not down the Chancery.

Fr. Magaldi Right.

McCarthy Because it's nobody's business down there, and I don't have to tell you being at work at the Chancery what it's like down there. So it's nobody's business and ah, it certainly won't be made public by this office. Most of the time people don't even know we exist, and I like it like that.

Fr. Magaldi I just hope, well all I can do if it happens is to...is to...is to publicly say what I told you. I can't say everything. That's another thing. See the Bishops' attitudes are always no comment, no comment, and to me sometimes that...that makes things worse, because if you're challenged with something and you say I have no comment, you say, God if he's innocent why doesn't he say something. You know what I mean? And it's just that I...

McCarthy But you've got to admit in this one there is a correlation between the two complaints of enemas, money, males, young males.

Fr. Magaldi But in young male...one...this one is almost a...well is an adult, eighteen years old, that helped me with a procedure that I was not intending to do by myself.

McCarthy Could you have given yourself an enema?

Fr. Magaldi Could I have? With that particular thing that had to be done it had to be with one of those apparatuses.

McCarthy Uhm.hmm.

Fr. Magaldi I told Bishop Delaney it wasn't one...he thought it was one of those little squeeze things that you buy in the store.

McCarthy Uhm hmm.

Fr. Magaldi It had to be water warm water.

McCarthy Uhm.hmm.

Fr. Magaldi Flowing through the bag.

McCarthy But

Fr. Magaldi I could of...

McCarthy Could you have done that yourself?

Fr. Magaldi I guess I could of if I tried hard enough, but..

10-04-04 Order
0586

(END OF SIDE ONE, TAPE TWO)

Fr. Magaldi I put the...the....the object into myself.

McCarthy Uhm hmm.

Fr. Magaldi He didn't have to do that. All he had to do was hold the bag. And so there...and there was nothing...that's what I'm saying. I mean it seems...yah okay, the word, enema, fine, which is unfortunate, but according to ah, ah, what's his name, this was forced on him.

McCarthy Correct.

Fr. Magaldi The other situation, this person is helping me

McCarthy Don't forget, he says at that time he's in his young teens; thirteen,

fourteen, fifteen
DOCUMENT IS NOT TO BE REPRODUCED.

Fr. Magaldi Yeah, I know...thir...okay, fine. But still that...

McCarthy But you see when...when you do things like that you leave yourself wide open for allegations.

Fr. Magaldi But see you don't think of...but if you don't think of...of som... Whoever thought that that kid would go to, the second one, would go to Bishop Delaney with a...that he was advised by another priest that he should go and share that with Bishop Delaney.

McCarthy See my point?

Fr. Magaldi I understand that.

McCarthy I mean in today's day and age.

Fr. Magaldi I know that. I know it.

10-04-04 Order
0587

McCarthy It's not only that you are clean but the perception is.

Fr. Magaldi (Inaudible words) just naive and stupid, maybe call... call it stupid.

McCarthy Uhm hmm.

Fr. Magaldi But I...you know this wasn't just a casual person that I picked up off the street. This was a boy that was...was looking, that always initiated a hug to me when he left the apartment. This is what drives me crazy about this.

McCarthy Could ah, could one allege that this relationship was struck up in order to motivate him toward some kind of a clandestine meeting?

Fr. Magaldi Who are you talking about?

McCarthy I'm talking about a boy in Texas who went to

Fr. Magaldi Was struck to... to motivate him?

McCarthy Yup.

Fr. Magaldi No, it was a natural...it was a natural thing.

McCarthy Just a natural relationship. A friendship.

Fr. Magaldi Yes. And I know, like Bishop Delaney said to me, listen, cause I was supposedly counseling him. The kid was mixed up. He had problems with his girlfriend and this and that.

McCarthy Uhm hmm.

Fr. Magaldi Wanted to go to college. He didn't know ...he didn't want to ask his parents for money, because they needed their money and he was doing and all that kind of stuff, and it just was like a natural thing. Cause Delaney said you shouldn't socialize with someone you're...you're...you're counseling. But I mean to go out to dinner...

10-04-04 Order
0588

McCarthy Tell me, when you do that do you cross the line?

Fr. Magaldi How do you mean?

McCarthy In other words if ah, my wife says I have a problem. The physician who I have is a neighbor and a friend, and she thinks that there's a conflict there because I'm being treated by a friend who can't be objective because of friendship. Could somebody use the same argument that it would be difficult if somebody who you're in a confessor relationship with and also a counseling relationship ah, that once you get into the friendship part, either one has to go. Either you gonna be a friend or you're gonna be a counselor, but you can't be both because of ethical decisions.

Fr. Magaldi I don't think in terms like that, cause I consider that I have a

McCarthy It's kind of like a psychiatrist dating a patient.

Fr. Magaldi Okay yeah, but that's different.

McCarthy Cross the line.

Fr. Magaldi That's not right...like we had cases of a minister counseling married women and supposedly...

McCarthy Dating them.

Fr. Magaldi Not dating them, but having sex in his office with them.

McCarthy That cross the line?

10-04-04 Order
0589

Fr. Magaldi But I don't...that to me crossed the line yeah. But I would not consider my relationship with that...that young man the same thing (inaudible words).

McCarthy But I think originally the reason that that relationship began with that young man is the fact that you are a Cleric.

Fr. Magaldi And he trusted me.

McCarthy And he trusted you.

Fr. Magaldi Yup. And I...and I also...

McCarthy So now you're in danger...

Fr. Magaldi Automatically extend myself to anybody that is in need. I have helped a lot of kids with...with uhm, uhm, recommendations to college and stuff like that.

McCarthy That's all fine, but there's got to be a line that cannot be crossed.

Fr. Magaldi All right, well see that's...

McCarthy And you're...you're tacking along that line.

Fr. Magaldi Okay, I understand that. Maybe that's a fault of mine. Like he said, acting more with the heart than with the head.

McCarthy Did someone say then that this was a manipulation, because of the power imbalance? That you're...

Fr. Magaldi No, I don't (inaudible words)

McCarthy a cleric and they're not. You're older

Fr. Magaldi No.

McCarthy They're younger.

Fr. Magaldi No. No, I was not overpowering or overbearing to him. I was looked upon as...

McCarthy Not being overpowering or overbearing, but by position where you are.

I mean the relationship...

Fr. Magaldi (Inaudible words) to say that.

10-04-04 Order
0590

McCarthy The relationship would not be one that you would say is on an even keel, that both have equal power.

Fr. Magaldi Of course not.

McCarthy There's no doubt that you're in the superior part of that relationship.

Fr. Magaldi Oh sure.

McCarthy And he's in the subordinate.

Fr. Magaldi Yeah.

McCarthy Could somebody then see that as an abuse of that relationship?

Fr. Magaldi Somebody could see that I guess.

McCarthy That's what I'm talking about, leaving yourself open.

Fr. Magaldi Well, that's it. I left myself open, stupidly, but because I had no evil intent in my mind.

McCarthy I have no idea who that Priest was that told him to report that to Bishop Delaney, but could that individual perceive that? Would that be a fair presumption? Could that occur?

Fr. Magaldi Well he might have figured well this was not proper for a...a priest to be having a guy help him with...I don't know if he said anything about the enemas. See that part...

McCarthy See I have no idea. But I'm just saying to you, could that...

Fr. Magaldi All I know is that if he had come to me with that same situation, I don't think I would have advised him to go to the Bishop on that, whoever that other priest was.

McCarthy Uhm hmm.

10-04-04 Order
0591

Fr. Magaldi I don't think so.

McCarthy Well, I can't speak for him.

Fr. Magaldi No, and I can't...I can't either. I can't either.

McCarthy But could you look upon that as improper?

Fr. Magaldi Is what improper?

McCarthy Giving someone an enema ah, who you have in a subordinate/superior relationship. I mean we're not talking about ah, going to a nurse who gets paid to do this. We're talking about a friend.

Fr. Magaldi That's right.

McCarthy Who is a lot younger and troubled, you described.

Fr. Magaldi Yes.

McCarthy Ah...

Fr. Magaldi Not...

McCarthy Could that...

Fr. Magaldi ...badly troubled. I mean (inaudible words)

McCarthy No, but what I'm saying is counseling, also Father confessor all, that by anybody's standards that would be ah, a subordinate and superior relationship.

Fr. Magaldi Yeah, I suppose. See I...see I...

McCarthy This is an abuse of power.

Fr. Magaldi I have always felt, you know, may be it's a mistake to feel that way, but

I...I usually do not feel that subordinate relationship when I'm dealing with someone.

10-04-04 Order
0592

McCarthy Yeah, but they may not.

Fr. Magaldi Huh?

McCarthy They may not feel that way. It's not just what you feel, it's what they feel and they may not feel that way.

Fr. Magaldi Yeah.

McCarthy But the...the next point is this. In the hundreds of cases that we've done here, the question of an enema has never...

Fr. Magaldi Never come up.

McCarthy Ever, ever. Not even in passing until this case.

Fr. Magaldi Ah ha.

McCarthy He specifically said in the first five minutes of my talking with him, crying while he's telling me this, that if anybody ever comes up with the word, enema, and says they got an enema or had to give him an enema, you'd better place some credence in that because he has this thing with enemas.

Fr. Magaldi (Inaudible words)

McCarthy And he calls it holy water.

Fr. Magaldi (Inaudible words) sacrilegious.

McCarthy And I think that's when the bells went off with the Bishop.

Fr. Magaldi Yup, yup. Definitely. I know that.

McCarthy If you were in Bishop Delaney's shoes...

Fr. Magaldi Yup.

Fr. Magaldi ...bells would go off ringing in your head.

10-04-04 Order
0593

Fr. Magaldi Yup. I understand. I understand.

McCarthy I mean this comes out of nowhere.

Fr. Magaldi Well, is it...

McCarthy Half way around the country.

Fr. Magaldi It is possible...

McCarthy Two years later.

Fr. Magaldi It is possible...what do you mean two years later?

McCarthy When did the incident...

Fr. Magaldi It's three...thirty-six years later supposedly.

McCarthy No, no. I'm talking about the incident that took place in Texas.

Fr. Magaldi Yeah.

McCarthy It was several years ago, is that correct?

Fr. Magaldi No, it's only like three years I think. Two or three.

McCarthy That's what I said, several years ago.

Fr. Magaldi Yeah.

McCarthy And then this comes out of the blue here half way around the country.

That's in Texas. This guy's in Massachusetts.

Fr. Magaldi Right.

10-04-04 Order
0594

McCarthy And makes an allegation similar to what took place three years earlier in Texas, but he didn't even know who this guy is or what the guy alleges.

Fr. Magaldi Yeah, yeah. I know it seems very coincidental unfortunately, but I'm still saying can it be that whoever did this to him was involved with that kind of stuff.

McCarthy Yup.

Fr. Magaldi Because I had read that this happens in...very frequently out in California.

McCarthy I have...

Fr. Magaldi (Inaudible words) are used as ah, sexual ah, things or something.
Something to do with...

McCarthy I have a photo array that I will show him ah, which includes your
photograph.

Fr. Magaldi Uhm hmmm.

McCarthy And of other clerics who look similar to you, as far as hair color, age, etc.,
etc.

Fr. Magaldi Yeah.

McCarthy (Inaudible word) and ah...

Fr. Magaldi Are those his that picture... does that picture have glasses that you have of
me.

McCarthy (Inaudible words).

Fr. Magaldi Because I didn't get glasses until 1981. (inaudible words)

McCarthy No, I'd have to go back and look. But I'm sure in the archives I can come
up with a photograph of you, maybe in the Diocesan Directory. I'd have to
go look at that.

Fr. Magaldi Yeah, I think (inaudible words) it was after 1981 that I got glasses for the
first time. (Inaudible words)

McCarthy He didn't say glasses in his description.

10-04-04 order
0595

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Fr. Magaldi But this business of the scotch, the liq...see that ~~is it~~ if he's mistaken in one thing, he can be mistaken in everything can't he.

McCarthy Oh, absolutely. And he can be only mistaken in that. Remember, we're talking some twenty-five odd years ago.

Fr. Magaldi Yeah.

McCarthy Ah, if you were to ask me specifics...

Fr. Magaldi If we can get back to the...did he say anything about seeing this article in the newspaper in the past two months or whenever it was?

McCarthy Not that I recall.

Fr. Magaldi Because that's...that to me is a very crucial thing.

McCarthy Not that I recall.

Fr. Magaldi How did he know that I had been in prison? He mentioned that I was in prison.

McCarthy Uhmmmm.

Fr. Magaldi How did he know that?

McCarthy He told me the reason that precipitated this complaint was to deal with the demons that he had to deal with.

Fr. Magaldi Right.

McCarthy And that he had relapsed after he began to deal with them. Because I made an appointment to meet him at his house in I specifically drove down there.

Fr. Magaldi He lives in in his own house?

McCarthy He did. He now ah, is back in

10-04-04 Order
0596

Fr. Magaldi He had a roommate over there too?

McCarthy He's now back in

Fr. Magaldi You don't know who it is, huh?

McCarthy I don't. He's now back in at his folks' house, but he wants to go to

Fr. Magaldi And his parents are still living?

McCarthy His mother and father (inaudible words)

Fr. Magaldi Has he shared any of this with his parents?

McCarthy He told me he did not.

Fr. Magaldi Interesting, because Bishop Delaney is from Fall River. That was another thing that that reporter in Texas did. He had three little, three little towns, Fall River, Providence and Worcester, showing Father Teczar from Worcester, me from Providence and Bishop Delaney from Fall River, almost as if the three of us were in cahoots with one another. They're vicious. This guy's an anti-Church man.

McCarthy

Fr. Magaldi This...this Brooks ah, Brooks what his...Pinkerton or whatever his name is, and the word was around that he told...a priest called me that a friend of his who happened to know this guy's wife, told her and she told the priest...she told the priest that that reporter was coming up to Rhode Island, so it was after the article back in ah...

McCarthy Do you have a copy of that article?

10-04-04 Order
0597

Fr. Magaldi Yeah, I don't have his article here. I can get it for you. I've got the article that came up the day after that said...

McCarthy So you're saying there were two articles?

Fr. Magaldi Oh there were two, yeah.

McCarthy Okay.

Fr. Magaldi Well the one...the first was about the uhm, the Bishop.

McCarthy Uhm hmm.

Fr. Magaldi Hiring priests. This one was, "Priest Vows to Keep Job Despite Reports Of Embezzlement." This is the one that was in the news. Now see they've got a picture of me. That's that's taken from my...my ah, being

arraigned at the at the courthouse. That's an old picture.

McCarthy Uhm hmm.

Fr. Magaldi Do you want to keep this?

McCarthy I can make a copy of it and return it back to you.

Fr. Magaldi Okay.

McCarthy I don't have a problem doing that.

Fr. Magaldi No. I ah, this is when Bishop Roos, not knowing about allegations against priests, he was talking about that Father Teczar.

McCarthy Okay.

Fr. Magaldi And ah...

McCarthy These appeared where?

Fr. Magaldi In the...

10-04-04 Order
0598

McCarthy What paper?

Fr. Magaldi This is the Dallas...

McCarthy The Star Telegram?

Fr. Magaldi One was the Star Telegram. The Dallas Fort Worth...the Dallas paper I don't have.

McCarthy Uhm hmm.

Fr. Magaldi Unfortunately, which was the original article that ah, and was repeated in ah, ah, it was repeated in ah, Worcester.

McCarthy What is this?

Fr. Magaldi This was the second day also...third day. This was August the 14th.

McCarthy Uhm hmm.

Fr. Magaldi "Priest's Conviction Not News At His Church" see my parishioners all knew about that.

McCarthy Yup.

Fr. Magaldi Ah, this is a thing...somebody wrote to the...the Bishop. They wrote to the...letters to the Editor and all that stuff. I just have a couple of these.

McCarthy Uhm hmm.

Fr. Magaldi About people.

McCarthy But you're saying that this may have motivated somebody to bring this forward and create this.

Fr. Magaldi That he...what man, not the reporter.

McCarthy No, not the reporter. I'm talking about somebody else.

10-04-04 Order
0599

Fr. Magaldi: Somebody else motivated him or is it possible that there was a priest and he didn't know what the priest's name was, and when he saw my name in the paper?

McCarthy: Uhm-hmm.

Fr. Magaldi: If he saw my name in the paper with all of this stuff. Now see, I don't understand how he knew anything about me being in all the work release program, arrested for embezzlement. Somebody had to tell him that.

McCarthy: Uhm-hmm.

Fr. Magaldi: So, who told him? Can he be questioned. Does he know ?

McCarthy: Yeah, sure. He could have read that himself. Those are...

Fr. Magaldi: What would he be doing in [redacted] with the Worcester paper?

McCarthy: Well, this is...

Fr. Magaldi: Did it appear down there too?

McCarthy: This is some of the things that we're gonna be asking in the polygraph.

Fr. Magaldi: Yeah.

McCarthy: I mean those are obvious concerns of ours too. I mean they're glaring.

Fr. Magaldi: Yeah.

McCarthy: When you say...you know...but ah again ah, he says ah, as soon as I can get one I want to take one. So I said (inaudible words).

Fr. Magaldi: That's fine.

McCarthy: But I don't think it's proper to give one.

Fr. Magaldi: (Inaudible words)

McCarthy: Oh, absolutely. And if these's guys are lying, these guys will catch 'em.

10-04-04 Order
0600

Ah, we use them all on ah, all of the major homicide cases and...

Fr. Magaldi Uhm hmm.

McCarthy ...embezzlement cases, and they've been very effective. Ah, we just had a case where ah, a priest took a polygraph and ah, also the complainant took the polygraph. The complainant ah, was caught in a lie, and then admitted that they had concocted this whole thing, and that the priest was absolved and he had passed it with flying colors. Let me get my secretary to make some copies of these and I'll give you these right back.

Fr. Magaldi Okay. You...you don't want the letters to the Editor and stuff, do you?

McCarthy No, I...they don't have any bearing on this.

Fr. Magaldi No, not really.

McCarthy Okay.

(END OF TAPE TWO, SIDE TWO)

10-04-04 Order
0601



DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

January 21, 1999

Reverend Philip A. Magaldi

**PERSONAL AND CONFIDENTIAL
INVESTIGATOR'S WORK PRODUCT**

RE: Polygraph Examination
January 2, 1999

Dear Father Magaldi:

Enclosed with this letter is the results of the polygraph examination that was given to you on January 2, 1999, at the Office of Education & Compliance, by ^{senior} Polygraph Examiner.

This report arrived at this office on today's date and is immediately being forwarded to you at your home address as agreed on.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me by calling (401) 941-0760 or Fax (401) 941-1195.

With my good wishes and best regards, I remain

Very truly yours,

Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

Enclosures

10-04-04 Order
0613

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

August 30, 1998

TO: ROBERT N. McARTHY, DIRECTOR OF EDUCATION & COMPLIANCE

From: Senior Polygraph Examiner

Subject: Services Rendered

RECEIVED

Dear Mr. McCARTHY

The fee for the examinations extended to Rev. Magaldi will be five hundred dollars (\$500.00). If there are any questions regarding this matter, please contact me at the following phone #. Please make the check out to,

DOCUMENT IS NOT TO BE REPRODUCED.

Sincerely,

10-04-04 Order
0614

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

CONFIDENTIAL



RECEIVED

JAN 21 1999

[Handwritten signature]

DOCUMENT IS NOT TO BE REPRODUCED.

Lt. Robert N. McCarthy (RETI)
433 Elmwood Avenue
Providence, R.I. 02907

02307-1766

10-04-04 Order
0615

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 147-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

January 19, 1999

Lt. Robert N. McCarthy (RET)
433 Elmwood Avenue
Providence, R.I. 02907

RECEIVED

JAN 21 1999

RE: _____

Dear Lt. McCarthy:

As per our conversation on Monday, January 18, 1999, please be advised that I represent _____ regarding a matter on which you are presently conducting an investigation.

As I explained to you, I will be out of town from January 21st until February 3rd, but will call you thereafter to set up an appointment to discuss the future handling of this situation.

In the meantime, if you need to talk with someone regarding same, please feel free to call my office and speak with _____

Very truly yours,

10-04-04 Order
0616

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

CASE NUMBER

MEMO

On Tuesday, February 9, 1999, I spoke with Bishop Joseph Delaney of the Diocese of Fort Worth regarding this matter.

I advised Bishop Delaney that I had forwarded the copy of the second opinion of the polygraph examination given to Father Magaldi on February 2, 1999, and that I had forwarded the bill for this to _____

I further advised Bishop Delaney that it was sent directly to Father Magaldi, Return Receipt Requested.

In concluding my discussion with Bishop Delaney I advised him that it was my opinion that the work required from this office regarding the investigation of this matter is concluded unless a new request for additional information would be made by either Bishop Delaney or Bishop Mulvey.

DOCUMENT IS NOT TO BE REPRODUCED.

CONFIDENTIAL

10-04-04 Order
0617

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.



DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

February 9, 1991

Reverend Philip A. Magaldi

RE: Second Opinion
Polygraph Examination
January 2, 1999

**PERSONAL AND CONFIDENTIAL
INVESTIGATOR'S WORK PRODUCT**

Dear Father Magaldi:

DOCUMENT IS NOT TO BE REPRODUCED.

Enclosed with this letter is the second opinion of the results of the polygraph examination that was given to you on January 2, 1999, at the Office of Education & Compliance, by

This report is based on a review of the charts of the polygraph test utilizing the Positive Control Technique format by applying a three point scale.

This review and report made by _____, Senior Examiner is being directly forwarded to you by U.S. Certified mail on the above date.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me by calling (401) 941-0760 or Fax (401) 941-1195.

With all good wishes and best regards, I remain

Very truly yours,

Lieutenant Robert N. McCarthy (Ret.)
Director: Office of Education & Compliance
Diocese of Providence

Enclosure

10-04-04 Order
0619

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

DIOCESE OF PROVIDENCE
Robert N. McCarthy, Director
Office of Education & Compliance
433 Elmwood Avenue
Providence, R.I. 02907

February 6, 1999

Re: Philip Magaidi

DOCUMENT IS NOT TO BE REPRODUCED.

Polygraphic Services - \$ 250.00

Senior Examiner

10-04-04 Order
0620

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 147-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

In re: Magaldi, Philip
Date: February 19, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: February 19, 1999
In re: Father Philip Magaldi

Father Wilson and I met with Father Magaldi this morning to continue the discussion of the status of the allegations against him.

In summary: PM went to Rhode Island on December 28 and had an interview with Robert McCarthy of the Diocese of Providence which led to a polygraph exam the results of which were to be sent only to PM. PM then went to [redacted] on January 4-7 for a psychological evaluation. I was present for the final session on the 7th. Although [redacted] recommended that PM return for extended therapy, I told PM that we would wait for a while before making that decision. Specifically, I was waiting for the results of the polygraph exam.

Those results were sent to PM in mid-January. McCarthy, however, had promised PM that he would give the full computer info about the exam to another polygraph examiner for a second opinion. The results of this second review were mailed to PM on February 9. As of today, he has not received them. PM has mailed the results of the first review to his attorney. I asked PM to show me the results of the second review when they arrive. He admitted to me what McCarthy had intimated, namely that the exam indicated that PM was not telling the truth in answering several of the questions. I gather that the second review will indicate the same.

In view of the presumed polygraph results about the allegation of [redacted] the report from [redacted] and the incident of three years ago, I have concluded that PM should not continue in ministry in the Diocese, at least until the [redacted] allegations have been proved false. There are two lines of reasoning to support this decision: 1) If the allegations are true, given the acting out of three years ago and the indications from [redacted] of PM's lack of awareness of his own sexuality, PM could be a danger to young people in his ministry; and 2) whether the allegations about [redacted] are true or not, the likelihood of the press finding out about them (since [redacted] has retained an attorney to represent him in this regard) is very great and such publicity would do great harm to this Diocese.

Therefore I explained to PM my conclusion and that I could try to assist him to find a place in ministry in another diocese, or that he could retire. His immediate concern, of course, is that he is the care giver for his mother and his aunt, both of whom are in their 90's. I asked him to think about how we might deal with all of this during the next week. We plan to meet a week from now to continue the discussion.

10-04-04 Order
0623

FEB-23-1999 13:57 FROM

TO 1817427377 P.01

FAX COVER SHEET

DATE: February 23, 1999

TO: Philip Magaldi

FROM:

RE:

YOUR FAX NUMBER: (817) 427-3777

(including cover sheet)

TOTAL PAGES: 5

COMMENTS:

CONFIDENTIAL

10-04-04 Order 0624

CONFIDENTIALITY NOTE

The information contained in the following facsimile message is legally privileged (ia) information, intended only for the use of the addressee named above. If message is not the intended recipient, you are hereby notified that any distribution, or copy of this facsimile is strictly prohibited. If you have a question in error, please immediately notify us by telephone and return the message to us at the address listed above, via U.S. Postal Service. Any costs incurred in returning the message to us will be reimbursed. Thank you.

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 1 AT-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

FEB-23-1999 13:57 FROM

TO 1817427377 P.02

CONFIDENTIAL

Facsimile Transmittal Sheet

CONFIDENTIALITY NOTICE

The documents accompanying this facsimile transmission may contain legally privileged and confidential information. The information is intended only for the use of the recipient named below. If you are not an intended recipient, you are hereby notified that any disclosure, copying, distribution or exploitation or the taking of any action in reliance on the contents of this facsimile, is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the original documents to us at our expense.

DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET 3

DATE 2-22-99

TO _____

FROM: _____

MESSAGE:

10-04-04 Order
0625

IF YOU DO NOT RECEIVE ALL PAGES INDICATED ABOVE OR IF ANY ARE ILLEGIBLE, PLEASE TELEPHONE.

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

FROM

TO

18174273777

P.01

BACKGROUND:

Certified Polygraphist

ADDITIONAL INFORMATION:

DOCUMENT IS NOT TO BE REPRODUCED.

CONFIDENTIAL

10-04-04 Order
0626

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Place PROVIDENCE, RI

Date 2-21-99

I, PHILIP A. MAGALLI, voluntarily — without threats, duress, coercion, force, promises of immunity or reward — agree and stipulate to be interviewed and/or take a polygraph (truth verification) examination for the mutual benefit of myself, and MY LAWYER *PM*

I fully realize that: I am not required to take this examination, I may remain silent the entire time I am here, anything I may say can be used against me in any court of law, I may consult with an attorney or anyone I wish to before either signing this form or being interviewed and/or making the examination. I may have an attorney present, if I cannot afford an attorney and desire one an attorney will be appointed for me prior to any questioning, and I have the opportunity to exercise all these rights at any time I wish to during the entire time I am here. Furthermore, I realize that I can refuse and discontinue the interview and/or polygraph examination at any point, and I can decline to answer any specific questions asked of me at any time. Nevertheless, I consent to the use of electronic hearing and recording devices and I voluntarily request and authorize *PM* to now proceed with the interview and/or examination *PM*

I do hereby authorize its directors, officers, employees, and/or agents to disclose both orally and in writing the interview/examination results and opinions to directors, officers, employees, and/or agents of my attorney *PM*

I am fully aware that opinion may be that I have not been truthful. Notwithstanding such, in consideration of and as an inducement for *PM* to give

as this interview/polygraph examination, I — for myself and my successors, assigns, heirs, executors, and administrators — knowingly hereby release, absolve, remise, covenant, promise, agree to save harmless, waive, forever discharge and hold free from all harm, liability or damage whatsoever to me, the above-named, and their respective directors, officers, employees, and agents individually, collectively, and personally from any and all suits, actions, or causes of actions at law, claims, demands, or liabilities either in law or in equity including but not limited to false arrest, false imprisonment, libel, slander, or invasion of all my rights which I, my successors, assigns, heirs, executors, or administrators have now or may ever have resulting directly, indirectly, or remotely from being interviewed/examined, possible liabilities or damages flowing from the operation of all electronic hearing and recording devices, the rendered oral and written opinions and statements, and/or all future actions taken by any and/or all of the above based upon the interview/examination *PM*

As further consideration and inducement to have 10-04-04 Order
 conduct the interview/examination, I represent that not only am I in good mental and physical 0627
 condition but that I know of no mental or physical ailment which might be impaired by the interview/examination *PM*

Important Notice: This agreement, stipulation, and release form is a legally binding contract. If not completely understood, do not sign but seek competent advice, such as that rendered by an attorney (lawyer) *PM*

NEEDED

Philip A. Magalli 8:24 AM
 SEAL (Signature of person to be examined) TIME

This interview/examination was concluded at 10:19 AM on the above date. I completely affirm in its entirety by above agreement. In addition, I knowingly and intelligently consented to waive all my rights, including those listed in the second paragraph above, and willingly made all the statements that I did make. *PM*

I also certify that during the entire time I was here I have been well treated, submitted myself freely to the interview/examination knowing that I could stop any time I desired by simply saying I wished to stop or that I wished to consult an attorney or any other person. I remained of my own free will knowing that I could leave this room at any time I so desired, that there were no threats, promises, or any harm whatsoever done to me during the entire time I have been here, either in connection with the interview/examination or during the entire signing of this agreement stipulation, and release form *PM*

February 21, 1999

Dear Sir:

On this date, at 8:16 a.m., Philip A. Magaldi, age 62, voluntarily came to this polygraph suite a polygraph examination.

The main issue under consideration, was whether or not Mr. Magaldi was telling the truth when he claimed that he had no guilty knowledge of nor had he participated in any sexual contact with a person by the name of _____ in Worcester, Massachusetts, when _____ was a teenager.

Before his pre-test interview, Mr. Magaldi voluntarily signed a permission form stating that he was taking the examination of his own free will. One copy of this executed form is enclosed with this report.

In the polygraph recordings, there are indications of truthfulness when Mr. Magaldi answered "No" to the following three pertinent test questions, which were:

Did you personally give three-hundred dollars to a teenager by the name of _____ for sexual favors?

Did you ever engage in oral sex with a person by the name of _____ while in the City of Worcester, Massachusetts?

Did you at anytime have anal sex with a person by the name of _____?

It is the opinion of the polygraphist, based upon the polygraph examination of Mr. Magaldi, that he is telling the truth to the above listed pertinent test questions. In order to verify this opinion, it is recommended that _____ be given the opportunity to submit to a polygraph examination, administered by a qualified independent examiner. This examination concluded at 10:29 a.m.

Respectfully submitted,

10-04-04 Order
0628

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 147-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Facsimile Transmission



Diocese of Fort Worth
The Catholic Center - 800 West Loop 820 South,
Fort Worth, Texas 76108
1-817-560-3300

From: Name: Bishop Joseph P. Delaney
Fax Number: (817) 244-8839
Voice Phone: (817) 560-3300

To: Name: Mr. Robert McCarthy
Company: Diocese of Providence
Fax Number: 1 401 941-1195
Voice Phone:

DOCUMENT IS NOT TO BE REPRODUCED.

Fax Notes:

Attached document - Total of 5 pages including cover page.

*Comp page for
the report on pm
bon*

Date and time of transmission: Wednesday, February 24, 1999 2:14:12 PM
Number of pages including this cover sheet: 01

10-04-04 Order
0629

A RightFAX® Communicated Document

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

In re: Magaldi, Philip
Date: February 24, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: February 24, 1999
In re: Father Philip Magaldi

Father Robert Wilson and I met with Father Magaldi today to continue the conversation about his future ministry. When asked whether the second report on the polygraph had arrived (it had been sent from Providence on 2/7), he said it had not. In fact, he said, he got so frustrated that he called his attorney in Providence and went up to that city last Saturday and took another polygraph test on Sunday, given by a [redacted]. He gave me a copy of the results of that test which showed that he was telling the truth in denying the principal allegations made by [redacted].

Because I was puzzled as to why he had not got the report of the earlier polygraph, I called Bob McCarthy in Providence in PM's presence. McCarthy told me on the phone that the report had indeed been delivered to PM's residence and that someone had signed for it (the writing looked like [redacted]). He had difficulty reading the signature, but it was not PM's. I asked PM if he would allow McC to fax a copy of the report to us right then. He agreed and McC did. [PM called me later to say that he found the envelope with the report unopened in a pile of magazines in his mother's room, and that apparently one of her care givers had signed for it and forgot about it.]

The report of the first polygraph test shows that PM was not telling the truth in denying virtually the same questions that were asked on the second. Thus the two testers came to very different conclusions.

Since the second test was made in the presence of [redacted] PM's attorney, a professional with (according to McC in a later conversation) a reputation for being a very effective lawyer, and since the test was given by [redacted] a person whom McC says he has used in the past and had confidence in, it seemed to me to make the whole process moot, at least for the moment. Accordingly, I suggested to PM that we sit on all this for a while until I can think more about it.

McC asked me if I could send him a copy of [redacted] report. PM wanted to call [redacted] for advice. He called me back to say that it was fine to send it. Naturally, since it exculpates him, he would want it to be a part of the file in Providence. I faxed the report to McC this afternoon.

Personal observation: I realize that I am uncomfortable with making any decision on PM's future without further consultation, probably with RW, JS and the two members of the investigative committee, [redacted] and [redacted]. I need to pursue this.

+ JA
10-04-04 Order
0630

In re: Magaldi, Philip
Date: March 11, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: March 11, 1999
In re: Father Philip Magaldi

I celebrate Mass this afternoon at St. John the Apostle church as part of a vocation program for the fifth grade pupils from the Catholic schools of the diocese.

Before Mass, I was standing at the door of the sacristy and I observed Father Philip Magaldi helping the altar servers to vest. The servers were all fifth-grade boys from the parish. I saw him tying the cincture for one boy. He had his arm around the child and had his cheek pressed against the child's cheek while he worked on the cincture. I judged it to be a very inappropriate gesture.

A moment later I called him aside and told him what I had seen and how concerned I was by it. He seemed to be oblivious to what he had been doing.

DOCUMENT IS NOT TO BE REPRODUCED.

10-04-04 Order
0631

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Megale, P.
3-18-99

Bishop Delaney

From: Bishop Delaney
Sent: Thursday, March 18, 1999 9:13 AM
To: Robert Wilson; Joe Schumacher
Subject: Providence

I spoke with R. McCarthy today. He says the same people who did the last test would be the ones to do the test with _____ and also the second review. Since this is what we have wanted all along, I told him to go ahead and arrange it, but to make _____ the intermediary so that we are not directly involved.

DOCUMENT IS NOT TO BE REPRODUCED.

CONFIDENTIAL

10-04-04 Order
0632

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

Magaldi, P.

Bishop Delaney

From: Joe Schumacher
Sent: Wednesday, April 07, 1999 11:30 AM
To: Bishop Delaney
Cc: Robert Wilson
Subject: FW: "Confidential"

came by at 10 a.m. today, Wednesday, April 7, 1999. He was very nervous and many times would interject the phrase, "I am not asking you to do anything about this. but my sponsor in Dallas and

Diocese, namely that Phil Magaldi has about a dozen young boys (age 13 and 14) who serve at his Masses. One of them told me that he goes to Fr. Phil's home to help take care of Fr. Phil's mother there. I asked him if the boy stayed overnight and he said he was sure that he did not.

I asked why Joe Mangione didn't assign altar servers for the Masses of the priests, he said he didn't know why, but that Phil always got his own boys to serve.

He did admit several times that he was perhaps paranoiac about this in light of his past 33 years in the priesthood; he didn't go any further with that and I didn't pursue anything there.

He asked if anything was done about this, could we not involve his name since he like Phil. I said that I would tell the bishop, but that I couldn't promise anything in that regard.

I reminded him of our policy about having any non-priest/leacon staying overnight in a rectory with the priest(s), other than a blood relative, without the permission of the Ordinary. But I said we didn't have any other regulations as to associations. He said that he just thought it wasn't a wise thing for Phil to do - associate with the 13 and 14 year old that much and have one at his house during the day.

From: Joe Schumacher
Sent: Tuesday, April 06, 1999 2:58 PM
To: Bishop Delaney
Cc: Robert Wilson
Subject: "Confidential"

A telephone call at 2:35 from [redacted] to me at C.C. today:

"Joe, I need to talk to you about something very confidential. Can I see you?"

I said, "Of course." [redacted] was in Dallas, having lunch with a friend of his, he said. I set the appointment for St. Matthew tomorrow morning at 10:30.

Let's see what's up.

CONFIDENTIAL
DOCUMENT IS NOT TO BE REPRODUCED.

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 147-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

APR-14-1999 11:35

EDUCATION + COMPLIANCE

481 941 1195 P.01

April 9, 1999

RECEIVED

APR 13 1999

Office of Education and Compliance
433 Elmwood Avenue
Providence, RI 02907

RE: - Father Philip Magaldi

Dear Mr. McCarthy:

Attorney [redacted] and I have held interviews with
our client, [redacted] and you on the interview
between [redacted] and yourself held on November 29, 1998.

DOCUMENT IS NOT TO BE REPRODUCED.

It is apparent that [redacted] was sexually abused by Fr. Magaldi over a period of years. It is clear from this report that [redacted] suffered suppressed memory of the sexual events for many years and has further suffered psychologically and physically as a result of the acts of Fr. Magaldi, which were outrageous beyond all standards of human decency.

From the facts set forth in [redacted] interview with you [redacted] it would appear that the Diocese of Providence and the Diocese of Fort Worth conspired to suppress any information concerning Fr. Magaldi's pedophilic propensity over the [redacted] years.

Enclosed is a copy of the results of a polygraph test administered to [redacted] on April 3, 1999.

Please forward a copy of this letter and the polygraph test results of [redacted] to Attorney John W. Crumley, Counsel for Bishop Delaney of Fort Worth.

10-04-04 Order
0637

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

RECEIVED

APR 13 1999

Page 2

April 9, 1999

We expect to hear from Attorney Crumley within ten days of his receipt of this letter, before we file a Complaint

if an appropriate settlement of claim cannot be attained.

Very truly yours,

DOCUMENT IS NOT TO BE REPRODUCED.

CONFIDENTIAL

10-04-04 Order
0638

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.



April 3, 1999

TO: ATTORNEY
FROM: SENIOR POLYGRAPH EXAMINER
SUBJECT: POLYGRAPH EXAMINATION

RECEIVED
APR 13 1999

Re:

Dear Attorney

On April 3, 1999 a polygraph examination was extended to the above captioned individual. The purpose of the exam was to determine whether the polygraph technique could be employed to support the statements of the above referenced individual regarding his involvement in the allegations of sexual misconduct with a person named Father Philip Magaldi. A series of polygraph tests followed the pre-operational interview with him. The interview established a rapport and also clarified those questions that were to be put to him. The Reali Positive Control method was employed. A Stoelting Ultrascrite four (4) pen polygraph was used. This instrument renders a permanent graph of three phenomena peculiar to polygraph. The following relevant questions were asked during the tests administered to him. His answers follow each question.

1. Did Father Magaldi ever give you an enema?

ANSWER: YES

2. Did you ever engage in oral sex while in the city of Worchester with Father Magaldi?

ANSWER: YES

3. Did you ever have anal sex with Father Magaldi?

ANSWER: YES

10-04-04 Order
0639

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

In re: Magaldi, Philip
Date: April 16, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: April 16, 1999
In re: Father Philip Magaldi

I met today with a group of advisors to discuss how to proceed in the light of the accusations against PM. Present at the meetings: Fathers Robert Wilson, Joseph Schumacher and Charles King, Sr.

The purpose of the meeting was to receive the advice of these persons in the light of my conclusion that PM had to be removed from active ministry.

I presented the events in sequence as they began in the first week of December with the accusations against PM by [redacted]. The latest information was a report from a polygraph test taken by [redacted] (given by the same people who gave PM his first test), showing that [redacted] was truthful. There had also arrived a letter to John Crumley from [redacted] attorney, charging PM with misconduct and threatening a lawsuit against the Diocese of Fort Worth.

The meeting lasted two and one half hours. Every aspect of the case was discussed. The unanimous advice that I was given by the group was this: that PM be removed from active ministry, preferably through retirement in a way that would separate him from the responsibility of the Diocese; and that Jeff Hensley prepare a statement for the press to be used when the matter becomes public.

Father Robert Wilson and I met with PM later in the afternoon and told him of my decision to have him retire. I acknowledged the responsibilities he has toward his mother (95 years old) and his aunt, for whom he is the primary care-giver. I promised that he would receive adequate support from the Diocese, in a way yet to be worked out. He was upset and felt that he was the victim of a grave injustice, but also admitted that if the matter became public, his credibility would be undermined and he would not be able to continue in ministry. We agreed to think over all the implications over the weekend and to meet again on Monday.

10-04-04 Order
0640

In re: Magaldi, Philip
Date: April 19, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: April 19, 1999
In re: Father Philip Magaldi

I received a telephone call this morning from Monsignor Charles King, pastor of St. John's Church, telling me that PM had called a meeting of about 70 people last evening, all of them his friends and supporters, and told them the whole story about the accusations against him and that the bishop was retiring him. CK was present and was nonplused by it all. He felt that PM was trying to manipulate the group, but also felt that he may have overdone it and raised suspicions.

I am meeting with PM this afternoon to continue the discussion of preparing for his retirement.

Father Robert Wilson and I met with PM this afternoon. He told about the meeting last night and his decision to tell his friends that he was retiring and why. He was obviously not feeling well and said that he had been nauseated all day. He is clearly resigned to going inactive, but it is causing him a lot of stress. I gave him my decision that as of today he is to be no longer active in priestly ministry.

PM gave me a summary of his monthly income and I promised to put together a package for him that would take effect on May 1. St. John's will provide for him until then. I also promised to prepare a letter that would detail the conditions of his new status and sit down with him in a week or so and discuss it. I gave him permission to be sponsor at two confirmations in the next week. I will consider allowing him to celebrate the marriage of a cousin on June 6.

10-04-04 Order
0641

JOHN W. CRUMLEY, P.C.

ATTORNEY AT LAW
316 UNIVERSITY CENTRE I
1300 SOUTH UNIVERSITY DRIVE
FORT WORTH, TEXAS 76107-5735

JOHN W. CRUMLEY

TELEPHONE (817) 334-0291
FACSIMILE (817) 334-0775
E-MAIL crumleyj@airmail.net

April 21, 1999

UNITED STATES EXPRESS MAIL

DOCUMENT IS NOT TO BE REPRODUCED.

Father Philip A. Magaldi

Dear

The first information that the Diocese of Fort Worth received concerning polygraph examination was your letter of April 9, 1999 forwarding an unsigned memorandum and the first page of an unsigned report. However, the documentation you sent does not reflect that you followed the accepted procedure of verifying the accuracy of the interpretation of a polygraph examination by obtaining a second opinion from a second polygraph operator to review the complete record to independently verify the results. Therefore, without a second opinion verifying the accuracy of the interpretation of the polygraph examination by the unsigned interpretation of the polygraph examination test results you forwarded to me, at best, is questionable.

Even if the polygraph examination results had been independently verified, I was surprised and perplexed to receive a letter from you claiming that the Diocese of Fort Worth conspired to suppress information concerning Philip A. Magaldi's alleged "pedophilic propensity over the years". There has not been a conspiracy by the Diocese of Fort Worth to suppress any allegations concerning Rev. Magaldi. The facts are to the exact contrary. There has been an investigation and the Diocese of Fort Worth has requested that take a polygraph examination. Such actions are an attempt to discover what actually occurred and not an attempt to suppress information.

It is my understanding that the statute of limitation has expired on any claim, including alleged repressed memory claims, that may feel he has against Rev. Magaldi or the Diocese of Providence for the alleged incidents. Even if the claims by were not barred by the statute of limitations, prior to, at the time of, and for several years after the alleged incidents, Rev. Magaldi was not a priest with, employed by, or associated with the Diocese of Fort Worth.

10-04-04 Order
0642

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

April 21, 1999

Page 2

Therefore, the Diocese of Fort Worth is not responsible for any alleged misconduct by Rev. Magaldi. Further, the Diocese of Fort Worth has not conspired to suppress information concerning the alleged pedophilic propensity of Rev. Magaldi.

Therefore, I am at a loss to understand the basis of your request for "an appropriate settlement of _____ claims". At most, your letter appears to be an attempt to extract a payment from the Diocese of Fort Worth in return for not filing a frivolous claim intended to injure and harm the good name of the Diocese of Fort Worth. Since there is no basis for a claim against the Diocese of Fort Worth, there is no reason for the Diocese of Fort Worth to be made a party to any lawsuit filed on _____ behalf. Accordingly, the Diocese of Fort Worth will not contribute to or participate in any payment to you simply to prevent the filing of a frivolous claim against it.

I cannot prevent you from filing a lawsuit against the Diocese of Fort Worth even if the claims are frivolous. However, I call your attention to Rule 11(c) of the Federal Rules of Civil Procedure. Subsection (c) of Rule 11 provides that the court may "impose an appropriate sanction upon the attorney, law firms, or the parties that violate subsection (b) or are responsible for the violation" by filing claims for improper purposes or frivolous claims. The attorney who will represent the Diocese of Fort Worth in _____ lawsuit, if one is filed, will be requested to review the possibility of Rule 11 sanctions against any lawyer and law firm connected with the filing of a claim against the Diocese of Fort Worth on _____ behalf.

Yours very truly,

ORIGINAL SIGNED BY
JOHN W. CRUMLEY
John W. Crumley

JWC:irw

cc: ✓ Most Rev. Joseph P. Delaney

10-04-04 Order
0643

April 21, 1999

Page 3

bcc: Rev. Robert W. Wilson

1

Rev. Philip A. Magaldi

DOCUMENT IS NOT TO BE REPRODUCED.

CONFIDENTIAL

10-04-04 Order
0644

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

N. Richland Hills priest quits amid misconduct allegation

Claim focuses on sexual abuse in the 1970s

By TARA DOOLEY
Star-Telegram Staff Writer

NORTH RICHLAND HILLS — A priest at St. John the Apostle Catholic Church has retired amid sexual misconduct allegations from a Massachusetts man who says he was abused about 20 years ago, representatives of the diocese of Fort Worth said.

The Rev. Philip Magaldi's retirement was announced to parishioners yesterday after a 35-year-old man, whose name was unavailable, said Magaldi abused him in Massachusetts for several years in the 1970s, according to a diocese statement.

"Father Magaldi vehemently denies the truth of these accusations and insists that he has never met or had any contact with the person," the statement reads.

During Masses, St. John the Apostle Monsignor Charles King read a statement that Bishop Joseph P. Delaney announced that Magaldi retired because of the seriousness of the accusations.

"These are allegations at this point," King said. "No charges have been filed."

Magaldi, who is in his 60s, could not be reached to comment yesterday.

The retirement is effective immediately, said Jeff Hensley, diocese director of communications. He declined to comment further, saying it is a personnel matter.

Since Magaldi arrived at St. John the Apostle in 1993, he had become a popular and respected priest, particularly for his

work with senior citizens and children, King said.

"He was particularly strong in personal relations with people in the parish," he said.

Many parishioners trust Magaldi, said Oliver Pettit of Richland Hills, who has been a member of St. John the Apostle for 32 years. He said he appreciates the kindness and support the priest shows Pettit's daughter, who has been hospitalized with diabetes.

Pettit said he is withholding judgment about the allegations. Based on his experiences with Magaldi, Pettit said he doubts the allegations are true.

"I have to have a lot more facts before I can make an assumption, much less an analysis," Pettit said.

In 1992, Magaldi pleaded guilty to charges of misappropriating more than \$120,000 from a Rhode Island church and served 18 months in a work-release program.

When he arrived at St. John the Apostle, parishioners were notified of the conviction in the church's weekly newsletter.

The new allegation shocked parishioners, King said. Church staff will be available to those seeking guidance, he said.

"It is going to be very difficult for everyone to handle," King said.

Tara Dooley, (817) 935-3814
tdooley@star-telegram.com

10-04-04 Order
0645

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

on third
s will be
Thurs-
y for the
Air Kicker
k of North
Long to
e closed
dnight Sat-
1 carnival
nd night
/from Hat-
be closed
p.m. today

Magaldi, P.

WCK May 14, 1999

ies, lined the side-
etown University to
nt of Peter Singer as
iversity's Center
and rally was orga-
nized by Students
Against Infan-
tization for several
years. Christopher
Flynt at Princeton The-

do with free speech, as some may claim,"
Lori said in a statement issued later that
day. "No Catholic university should pro-
vide a platform which furthers the degra-
dation of women, immoral behavior and
the antireligious opinions Mr. Flynt rep-
resents. This is utterly contrary to the
Catholic identity of Georgetown Universi-
ty." A press release on Lori's statement
noted he was speaking on behalf of Cardinal
James A. Hickey of Washington, who
was out of the country.

known in the United
States as animal rights move-
ment. *Animal Liberation*,
an animal rights, especially
anti-fur, anti-vivisection and euthana-
sia movement, have drawn grow-

Fort Worth priest retires amid sex abuse charges

Fr. Philip Magaldi, the controversial pas-
tor at St. John the Apostle Church in North
Richmond Hills, Texas, has been accused of
sexual abuse and has retired from active
ministry. Fort Worth diocesan officials
announced April 25.

Magaldi, who was accused by a 30-year
old Massachusetts man of years of abuse
dating to the 1970s, vehemently denies the
charge.

"I view this as an attempt to blackmail
the diocese of Fort Worth, and to embar-
rass the church I have served for 38 years
and four months," said Magaldi. "I have
loved children all my life and am repelled
by the thought that anyone would think
I would perpetrate the horrible things I am

Magaldi pleaded guilty in 1992 to steal-
ing more than \$120,000 from his former
parish in North Providence, R.I. Prosecutors
said he used some of the money for tropi-
cal vacations with teenage boys and once
gave a boy he had met in a park enough
money to buy a car.

A Boston-based advocate for clergy sex
abuse victims said Magaldi never should
have been allowed to work in the Fort
Worth diocese. "If the allegations are true,
then Magaldi joins a growing number of
priests who have been transferred to rural
communities in Texas after having molest-
ed youths in Massachusetts," said Phil
Saviano, leader of the New England chap-
ter of the national Survivors Network of
those Abused by Priests. *The Dallas Morning
News* previously identified two other Mas-
sachusetts priests who were allowed to

draw national and
international attention to
the disability and
rights of students, politi-
cians, and the university.

rejects call for death penalty

se has rejected a mea-
sure to reinstate the

April 21, the House
put a measure on the
floor asking voters to
repeal the constitutional
ban on capital punish-
ment in place since 1846.

The resolution had
to be rejected. Rep.
John Dingell, who op-
posed the resolution,
said in a *Washington
Post* interview that the
resolution was "not
specific enough on how
it would be implemented
and how the consequences

would be handled. It
was passed quickly
through the House
vote just a week after
the vote on the
resolution. A two-hour
vote.

ry Flynt at Georgetown

shop called it "indefen-
sible." Georgetown
University would
earn a reputation for
being a "safe haven"
for the speaker.
Flynt's first appearance
at the Jesuit-run

Cuban-American and



the northern Albanian town of Kukes
ovo, Yugoslavia, are living in

10-04-04 Order
0646

P. Magaldi

4-28-99

TELETYPE

FORT WORTH

Serving: Aledo, Azle, Benbrook, Blue Mountain, Burleson, Cleburne, Crowley, Edge

WEDNESDAY, APRIL 28, 1999

Priest says allegation is 'blackmail' attempt

The retired clergyman from North Richland Hills says his accuser is ruining his life.

By TARA DOOLE
Star-Telegram Staff Writer

NORTH RICHLAND HILLS — A sexual misconduct allegation against the Rev. Philip Magaldi is "false and frivolous" and an attempt to extort money from the Diocese of Fort Worth, the

retired priest said yesterday. "I view this as an attempt to blackmail the Diocese of Fort Worth and to embarrass the church I have served for 38 years and four months," said Magaldi, 62, a former associate pastor of St. John the Apostle Catholic Church in North Richland Hills. "I have loved children all my life and am repulsed by the thought that anyone would think I would perpetrate the horrible (More on ALLEGATION on page 5B)

DOCUMENT CONTAINED HEREIN IS UNCLASSIFIED

COPIES

10-04-04 Order 0647

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

ALLEGATIONS

From Page 1B

things I am accused of," he said.

According to a statement issued Sunday by the Diocese of Fort Worth, Magaldi has been accused of sexual misconduct by a 35-year-old Massachusetts resident who contends that Magaldi abused him for several years in the 1970s in that state.

Magaldi, according to the statement, "vehemently denies the truth of these accusations."

Magaldi, whose retirement was announced at Masses on Sunday, said yesterday that he feels obliged to defend himself against the allegation.

High profile cases of sexual abuse by priests such as Dallas diocese priest Rudolph "Rudy" Likos, who was convicted of molesting four boys and sentenced to life in prison, have led the public to question judge priests accused of misconduct, Magaldi said.

"I just feel at this point that saying 'The statement' is not helping me one bit. I need to say 'This is a lie,' he said.

A representative of the Diocese of Fort Worth declined further comment on Magaldi's retirement on the allegation.

"We still hold the position that it is a personnel matter," said Jeff Hensley, the diocese's director of communications. "Father Magaldi is free to speak for himself."

No court cases have been filed against Magaldi or the diocese, Magaldi said. A check of some Massachusetts district courts did not turn up any litigation.

The allegation surfaced at the end of December, Magaldi said. But this month, the diocese was officially notified by a lawyer in Randolph, Mass., who said his client was making the allegation, he said.

The lawyer, Thomas M. Sullivan, declined to comment yesterday on the matter or to say whether he had a client who has sued or contacted the Fort Worth diocese.

"As a matter of ethics, I'm not at liberty to reveal anything at all," he said.

Magaldi said he does not know the man who is making the allegation. He said that when the allegation was made, he was required to take a lie detector test. He said he passed it.

In addition, Magaldi said he has never worked in Massachusetts. However, he did work in a Rhode Island parish about 50 miles from the town where the man said he grew up.

From the time Magaldi was ordained in 1960 until 1988, he worked in the Diocese of Providence in Rhode Island, said William Halpin, that diocese's director of communications.

During Magaldi's tenure at the diocese, there were "no indications" of sexual misconduct against him, Halpin said.

But in 1988, Magaldi resigned because of financial mismanagement in the parish where he worked, Halpin said. In 1992, Magaldi pleaded guilty to embezzlement charges in Rhode Island and served time in a work-release program.

When he joined St. John the Apostle in 1993, the congregation was told of the embezzlement charges, church officials have said. As associate pastor, Magaldi was not allowed to handle money.

However, Halpin said that it is not unusual for sexual misconduct cases to be filed years after the alleged abuse occurred.

People make false allegations, but they are rare, said Richard Sipe, who has studied cases in which priests were accused of sexual misconduct. He said he is not familiar with Magaldi's situation.

"It is a great deal of conquering self-embarrassment to admit that someone was involved in this way," Sipe said about those who make abuse allegations.

For Magaldi, the accusation has taken him away from his life's work.

"I feel bad in this guy," he said. "I'm sorry for his troubles. But he's ruining my life."

Staff Writer
Doolley@fortworthdiocese.com
(817) 685-3614

10-04-04 Order
0648

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.