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ROSA JUNQUEIRO, CLERK  
By *Charlene Gray*  
DEPUTY

1 George J. MacKoul, No. 170586  
Sabbah and MacKoul  
2 Attorneys and Counselors at Law  
49 Locust Street  
3 Falmouth, Massachusetts 02540  
4 508-495-4955  
5 Anthony Boskovich, No. 121198  
Law Offices of Anthony Boskovich  
6 28 N. First Street, 6<sup>th</sup> Floor  
San Jose, California 95113-1210  
7

8 408-286-5150  
9 Attorneys for Plaintiffs  
10  
11

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SAN JOAQUIN**

14 KATHLEEN MACHADO, individually and  
in her capacity as Guardian ad Litem for  
15 RACHEL LOMAS and AMBER LOMAS,  
16 *Plaintiffs,*  
17 v.  
18 FATHER JOSEPH ILLO; FATHER FRANCIS  
JOSEPH a.k.a. FATHER FRANCIS ARAKAL;  
19 FATHER RICHARD RYAN; BISHOP STEVEN  
BLAIRE; THE DIOCESE OF STOCKTON;  
DOES 1 through 100,  
20 *Defendants.*

No. CV 018440

**PLAINTIFFS' SETTLEMENT  
CONFERENCE STATEMENT**

Date: 7 Feb. 2005  
Time: 2:00 p.m.  
Dept.: 41

**INTRODUCTION**

22 This case involves the sexual molestation of two young girls (ages 11 and 13) by defendant  
23 Fr. Francis Arakal, a Catholic priest from India. The alleged molestation took place in July of  
24 2001 in the plaintiffs' own home.

25 That is only a small, yet highly significant part of this story, most of which is verified by  
26 testimony under oath. What happens next is equally as extreme and outrageous of an act as the  
27 sexual abuse itself.  
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1 On September 11, 2001, the 11-year-old girl went to the rectory of St. Joseph's Parish in  
 2 Modesto, in confidence to report the sexual abuse to the to the offending priest's Pastor,  
 3 defendant, Fr. Joseph Illo. Rather than protect, and minister to the 11-year-old who was  
 4 confused and in pain, Fr. Illo breach the child's confidences by forcing the child to confront the  
 5 offending priest. The pastor and the offending priest then called the child a "liar", yelled at her  
 6 and then defamed her mother, by insinuating to the 11 year old that her mother was  
 7 "fabricating" the allegations against the offending priest because "all she wanted to do was have  
 8 sex" with the pastor. The child is shocked, humiliated and petrified by what is being said to her,  
 9 so much so that she begins to hyperventilate, and suffers extreme emotional distress. In short, a  
 10 sacred breach of trust has now been broken twice, once by way of sexual boundaries being  
 11 crossed, and a second time by the vicious response of two priest, who in the Catholic faith  
 12 represent God himself.

13 Immediately after the brow beating by the priests, employees of the church call in a  
 14 licensed "therapist" to determine if a report of sexual abuse had to be made to the authorities.  
 15 The therapist in a "handwritten" report, dated September 11, 2001, claimed that the 11-year-old  
 16 "recanted" the allegations made to the pastor. When the therapist's deposition was taken in  
 17 October of 2004, she testified that her handwritten report **dated** September 11, 2001 was  
 18 **drafted** in September of 2004. Shockingly, the therapist **intentionally destroyed** all prior  
 19 records of the events of that day upon which the September 2004 handwritten report was based.  
 20 The destruction of those prior documents were done after the therapist was served with a  
 21 subpoena to produce her records. Needless to say the therapist's lawyer refused to allow her to  
 22 continue to testify about the content of the report, and advised her to assert her 5<sup>th</sup> Amendment  
 23 Rights, which she obliged.

24 Last but not least in a desperate attempt to silence this extremely devout family, the  
 25 pastor, and members of his staff with the blessings of church hierarchy orchestrate a systematic  
 26 campaign to harass and expel the family from the church.  
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1 The facts of this case are as if they were contained in a very poorly written movie script;  
 2 further supported and corroborated by multiple incidents involving other individuals who were  
 3 also emotionally abused by the pastor Joseph Illo, who's custom and practice it is to preys on  
 4 single mothers for their love and affection so that he ultimately spurns and controls them.

5 It is further colored by a prior lawsuit against the very same pastor (Illo) who also "outs" a  
 6 gay choir director, to his parents without his permission, and alleges that the director is a  
 7 pedophile.

8 The story also involves letters written by the pastor to holy and devout members of his  
 9 church. The letters threaten and execute expulsion from ministries all who seek to give support to  
 10 the truth about what happened to this family.

11 And, all of this happens in Modesto, home of Gary Condit and Scott and Laci Peterson,  
 12 and the Diocese that begat Father O'Grady.

13 This is one of few "fresh" case in the nation, involving a recent molestation and not some  
 14 50+ year old with repressed memory with few witnesses the majority of whom are dead.

15 This case has been to unsuccessful mediation, and now, once the matter has become  
 16 public through no fault of plaintiffs' counsel, defendants seek a gag order, falsely accusing counsel  
 17 of misconduct.

18 After admitting that the children were credible, the Church now denies this and has  
 19 decided to come after them with their full force and fury. Plaintiffs have repeatedly attempted to  
 20 take the depositions of Bishop Blaire and Monsignor Ryan to perfect their claim for punitive  
 21 damages against the Diocese, only to be rebuffed with repeated "conflicts", usually at the last  
 22 minute.

23 Plaintiffs have always been willing to discuss settlement, but at this late date only have  
 24 time to prepare for trial. A demand is out there, and the Church can either come to this court in  
 25 good faith or continue its practice of diversion and bad faith.

26 The choice is theirs.  
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II.
FACTS

Kathleen Machado is a survivor of brutal domestic violence. She has three daughters, Rachel, age 16, Amber, age 11, and Kolleen, age 7. When her husband abused her, Kathleen (unlike most victims) terminated her marriage and her and her daughters turned to the Catholic church for help and strength.

Kathleen lives in the small valley town of Hughson, and her parish was St. Anthony's, a part of the diocese of Stockton. At St. Anthony's, Kathleen and her children met an extremely charismatic priest, Father Joseph Illo, who was assistant pastor. Father Illo and Kathleen developed an extremely close relationship, and they exchanged correspondence. From the correspondence, it is obvious that Kathleen fell in love with Father Illo, but in a way that the most devout of Catholics can understand and that does not involve sexual expectations. Father Illo wrote Kathleen reciprocating letters as well, and it is crystal clear that he harbored some strong feelings for Kathleen. This mutual strong attachment was noticeable to others.

Kathleen's children also became extremely close to Father Illo, and they frequently rode bicycles together, and went camping on parish retreats. The children came to trust and depend upon Father Illo.

Father Illo, however, has a dark side that is acknowledged in church documents as well as the testimony of former church employees and the Bishop himself. Father Illo is a cruel and hurtful man when he becomes angry, manipulates and he tends to fits of rage. His former secretary, Mary Mullins, has described Father Illo as a priest who has frequently done hurtful things to others because of his temper, and that he repeatedly does it without abatement. The Bishop has received many written complaints about Father Illo from parishioners, but he has delegated their investigation and resolution to others, and even though Bishop Blaire has come to the belief that Father Illo frequently exercises poor judgment, he has chosen to do nothing about it, and has simply chalked it up to what he described as a common problem when a new priest enters a new parish.



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1 Father Illo is also an extremely controlling man, and has attracted several single mothers  
 2 who have fallen under his spell. Those closest to Father Illo have hinted that he enjoys the  
 3 attention, and in fact might encourage it. Father Illo's pattern and practice is to gain control  
 4 over needy women, mostly newly divorced or separated mothers, and then to eventually spurn  
 5 them in the most humiliating and un-Christian of ways, often resorting to threats of legal action  
 6 in writing. Father Illo has in fact required a female parishioner to sign a legal document  
 7 acknowledging that they had never engaged in a sexual relationship.

8 An example of Father Illo's cruelty and megalomania, directed at Kathleen Machado,  
 9 occurred on a camping trip to Yosemite. Father Illo held the then 2½ year old Kolleen over a  
 10 railing next to a 1000 foot cliff, a la Michael Jackson, and demanded that a terrified Kathleen  
 11 promise to him that she trusted her life and the life of her children with him before he would pull  
 12 Kolleen to safety. This act is corroborated by a photograph of Father Illo holding Kolleen next  
 13 to the cliff.

14 Father Illo is also a rising young star in the Diocese, and he was promoted from St.  
 15 Anthony's to the position of Director of Vocations and transferred to the Chancery in Stockton.  
 16 Kathleen and the family helped him move and Kathleen and the children visited him, went to  
 17 dinner, and rode bikes together. Because the new pastor at St. Anthony's was somewhat boring,  
 18 Kathleen and the children began to worship at St. Joseph's in Modesto, the largest parish in the  
 19 Diocese, and registered there.

20 The extent of this family's devotion is unparalleled. Kathleen attended daily mass even  
 21 though she suffered from debilitating migraines that caused photo phobia, and she brought her  
 22 children with her when they were not required to be in school. Kathleen's spiritual life was  
 23 centered around her Catholicism and the church, and she taught her children the same. The  
 24 children became altar servers as soon as they were old enough, and they served at both daily  
 25 mass and Sunday mass. It is undisputed that the children attended and served at mass more than  
 26 any other children, and it is undisputed that the children were and are pure, simple, and devout.  
 27  
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1 After a period of time in the Chancery, Father Illo was assigned to St. Joseph's parish in  
 2 Modesto because its pastor, Father Joe O'Hare, was seriously ill. It became obvious that Father  
 3 Illo would succeed him as pastor, a true plum of an assignment.

4 When Father Illo came to St. Joseph's, Kathleen attempted to continue her friendship  
 5 and devotion to Father Illo, and he reciprocated by giving her great attention, and he often  
 6 publicly touched her, rubbing her back and shoulders. St. Joseph's parish is full of gossips,  
 7 particularly the parish staff, who noticed this, and there was talk about Kathleen and Father Illo.  
 8 Being no fool, Father Illo decided his career required that he distance himself from the  
 9 Machados, and in mid-1999 he wrote Kathleen a letter in which he acknowledged his feelings  
 10 but essentially "called it off".

11 Father O'Hare eventually passed away, and Father Illo succeeded him. Attempting to  
 12 cover his tracks, Father Illo told his staff, and in particular his secretary Mary Mullins, that  
 13 Kathleen Machado was stalking him and that he was troubled by this. He shared letters that  
 14 Kathleen had sent, but did not share letters showing that he had reciprocated. The effect of this  
 15 was to turn Mary Mullins against Kathleen Machado, who in turn discussed the matter with  
 16 staff. Mary Mullins never had a discussion with Kathleen Machado.

17 Kathleen Machado developed friendships within the parish, particularly Elaine Shields,  
 18 Eva Kristman, and Deanna Watson, all of whom were extremely devout and attended daily  
 19 mass. Elaine Shields in particular is a saint of a woman who volunteered for several ministries  
 20 such as administering the sacrament in hospitals and prisons, and was parish sacristan and  
 21 Eucharistic minister.

22 Eventually, Father Illo contacted Monsignor Richard Ryan, the Vicar General of the  
 23 Diocese of Stockton. The Bishop of the Diocese, Stephen Blaire, is vested with absolute  
 24 authority in his Diocese subject only to the edicts of the Pope. The Vicar General is vested with  
 25 the same absolute authority subject only to the control of the Bishop, described by Bishop Blaire  
 26 as meaning that Monsignor Ryan acts on his behalf with absolute authority subject only to the  
 27 veto of the Bishop, and that veto is rarely, if ever exercised, and Bishop Blaire admits that he  
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1 engages in infrequent and cursory scrutiny of the Vicar General's actions. Thus, Monsignor  
2 Ryan acts with the full authority of the Bishop.

3 When Father Illo contacted Monsignor Ryan, plaintiffs believe he told Monsignor Ryan  
4 that he was having difficulty with Kathleen Machado, and sought his guidance. Plaintiffs believe  
5 that Monsignor Ryan suggested that a "team" of people and parishioners be assembled to deal  
6 with the problem. Father Illo delegated to his Business Manager, Owen Kummerle, the task of  
7 assembling the team. Included in this team was an attorney, Ralph Gaarde, and a licensed  
8 therapist, Yvonne McLoughlin.

9 Mr. Kummerle met with Ms. McLoughlin behind closed doors for an hour, discussing the  
10 situation. Ms. McLoughlin said she would need to contact a legal department, apparently from  
11 her therapist's association, to determine if she could be a part of this team. She did so, and let  
12 Mr. Kummerle know that she could be a part of the team.

13 Mr. Kummerle was told by Father Illo to try to get close to Kathleen Machado so that he  
14 could recommend a meeting with Father Illo and the team. When approached, Kathleen  
15 declined.

16 In approximately February 2001, Father Francis Arakal, a Carmelite native of India,  
17 transferred into the parish from Fresno for no apparent reason. Father Francis immediately  
18 began to pay inordinate attention to Kolleen, who was the most outgoing of the children. Father  
19 Francis made Amber and Rachel feel uncomfortable from the beginning, but Kolleen repeatedly  
20 brought Father Francis up to Kathleen and the other girls, and at Father Francis' prodding  
21 Kolleen asked if Father Francis could come to their home. Eventually, Kathleen gave in and  
22 invited Father Francis to the home for dinner.

23 When Father Francis came to the Machado home, he immediately made himself at home  
24 by taking off his shoes and wandering freely through the house. He began to refer to the home as  
25 "his" home. After dinner, he lifted his shirt up and showed his stomach, talking about how full  
26 he felt. This made the family extremely uncomfortable, and they discussed the matter when he  
27 left.

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1 Father Francis kept asking to come over after mass, and Kathleen always declined. He  
2 began calling the house in the afternoon when he knew that Kathleen was not at home and  
3 began leaving messages for Rachel. Rachel, a lovely young girl just beginning to blossom and a  
4 straight-A student, was extremely uncomfortable, and was very worried. As teenage girls are  
5 wont to do, she told nobody about her feelings.

6 One Sunday, the family was bike riding in Hughson near St. Anthony's church when  
7 they saw father Francis in a car, and he stopped and talked to them. He then invited himself to  
8 their home. Kathleen was stunned, but was too embarrassed to say no to the insistent priest, so  
9 he followed them home in his car while they rode their bicycles.

10 When they went inside, Father Francis made himself at home. He began to talk about a  
11 mole on his face or neck, and told them that he had heard if you take a hair and wrap it around  
12 the mole, it would come off. The girls were disgusted by this, but eventually Rachel tried it just  
13 to get rid of him. Father Francis then asked Kolleen to put her hand in his front pants pocket to  
14 see what she might find. Father Francis had his collar in his pocket. Kathleen was stunned, and  
15 told Father Francis that was inappropriate and asked him to leave. Father Francis left, and the  
16 family discussed that this man should not be allowed in their home. Kathleen made no  
17 complaint because this was a priest, and her devotion caused her immense conflict.

18 Father Francis continued to call the house, and continued to ask to come over.

19 One day after mass, Kathleen was speaking with a fellow parishioner who asked if  
20 Kathleen's house had been blessed. Father Francis overheard this question, and he immediately  
21 bounded over to them and repeatedly said that he could do this. Kathleen politely declined, but  
22 Father Francis was insistent, and the other parishioner, who knew nothing of the past  
23 inappropriate conduct, vigorously encouraged Kathleen to accept. Rather than be rude to a  
24 priest in front of the church and parishioners, Kathleen reluctantly agreed.

25 On about 25 July 2001, Father Francis came to the house, and, as was becoming his  
26 custom, he made himself at home. He strew pillows over the living room floor and lay down.  
27 While Kathleen was in the kitchen, Kolleen began tickling Father Francis, and he reciprocated.  
28



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1 Amber joined in. Rachel heard what was going on, and she feared for Kolleen, who had seemed  
2 to be the target for Father Francis at church. She intervened by tickling Kolleen and tried to lure  
3 her away from Father Francis. Father Francis began tickling Rachel, and somehow they ended  
4 up on the floor with Rachel on her back. Father Francis was kneeling next to Rachel, and he  
5 pinned her hands above her head. He then groped her breast and Rachel let out a yell. He  
6 stopped, but then did it again. Rachel yelled out again, this time louder. Kathleen rushed into  
7 the room, and Father Francis began to stand, and in a frightened tone of voice said "I didn't do  
8 anything!"

9 Rachel ran into her room, and bundled herself up into a ball. Amber followed to see  
10 what was the matter, having seen the grope and also having been touched inappropriately herself  
11 in the incident. Rachel begged Amber not to tell Kathleen, and Amber promised her sister that  
12 she would not tell. Both sisters were deeply troubled, and neither told Kathleen what had  
13 happened.

14 Amber and Rachel changed, with both becoming more withdrawn and troubled. Rachel  
15 went from straight-A's to failing grades and no activities, and Amber was troubled by the secret  
16 and not being able to tell because of her promise to Rachel. Amber's schoolwork suffered as  
17 well. Everybody still felt extremely uncomfortable around Father Francis.

18 Finally, Amber could not keep it in any more, and she needed to tell somebody that she  
19 could trust with a confidence. The most logical choice for her was Father Illo, the parish priest  
20 who was so loving to her and her family, and who was so loved and trusted by her mother and  
21 her family. On 10 September 2001, Amber asked Kathleen if she could meet with Father Illo  
22 the next morning after mass, and Kathleen, having faith in God and Father Illo, agreed.

23 On the morning of 11 September 2001, Kathleen asked Father Illo if he could speak with  
24 Amber in confidence because she wanted to talk with him, and after they were done to take  
25 Amber to her day care. Kathleen is a single mother and has a low-level job that is not very  
26 tolerant of tardiness, so Kathleen needed this favor from Father Illo. Father Illo agreed without  
27 hesitation.

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1 Father Illo and 10 year old Amber went back to Father Illo's office, and Amber told  
 2 Father Illo about what had happened with Father Francis, including the molestation of herself  
 3 and Rachel. Amber viewed this meeting as confidential and in some respects as a form of  
 4 confession. Father Illo asked Amber if she would like to talk with Father Francis about it, and  
 5 Amber became visibly afraid and said absolutely not. Father Illo then said that he needed to  
 6 make a telephone call and would be right back. He left the room, and Amber sat and waited,  
 7 holding and reading her bible and prayer book.

8 The window from Father Illo's office looks out onto the courtyard and walkway to the  
 9 residence, and Amber saw Father Illo walking back to the office with Father Francis. Amber  
 10 began to panic, and it dawned on her that Father Illo had a working telephone on his desk and  
 11 that his excuse was a ruse to go get Father Francis. She felt betrayed by the man she trusted the  
 12 most - her priest and close friend.

13 Fathers Illo and Francis walked into the office, and shut the door behind them. Blocking  
 14 the door, they both began to shout and yell at Amber, browbeating her. Amber was terrified,  
 15 and asked them to stop. These two priests refused. Instead, they repeatedly called Amber a liar.  
 16 Father Illo was particularly cruel and sadistic; he repeatedly stated that he was never Amber's  
 17 friend, never a friend to the family, and made the statement that "All your mother wants is to  
 18 have sex with me." Amber became hysterical, and began hyperventilating.

19 Father Illo stormed out of his office and went to his secretary, Mary Mullins, and ordered  
 20 her to come to his office and "witness" something. Ms. Mullins had no idea what was going on.

21 When they arrived at the office, she saw Amber huddled in a chair, with Father Francis  
 22 sitting in another chair. She could tell that Amber was extremely distraught. In an effort to calm  
 23 her down, Ms. Mullins asked her what school she went to. Rather than let her respond, Father  
 24 Illo answered for her. Then, Father Illo angrily demanded that Amber repeat what she had said.  
 25 A terrified Amber refused Father Illo, in true inquisitorial style, then told Ms. Mullins that  
 26 Amber had said that her mother told her to complain about Father Francis showing his stomach  
 27 and the mole incident, but conspicuously left out mention of the molest. When Father Illo was  
 28



1 done with his tirade, he asked for Father Francis to begin, and he also began to yell and shout his  
 2 denials as well as accusing Amber of lying. Mary Mullins has testified that Amber was being  
 3 "badgered", "browbeaten", and "mistreated", that these priests knew what they were doing, and  
 4 that they did not care. After Ms. Mullins gained her composure, she angrily told the priests to  
 5 stop and took Amber from the room and took her to the conference room, and Ms. Mullins  
 6 ordered Jackie Tucker to sit with Amber, who was still hysterical.

7 Ms. Mullins went back to the office, and chastised Father Illo and Father Francis. Ms.  
 8 Mullins devotion to Father Illo and hatred of Kathleen Machado ran so deep, however, that she  
 9 began to focus on the fact that Kathleen had left Amber alone with Father Illo, and she soon  
 10 began to characterize that as the greater evil. She chastised Father Illo, and then set to work.  
 11 Father Illo then, by his own admission, left to have some breakfast.

12 Ms. Mullins first called Kathleen and asked her to come to the church immediately to get  
 13 Amber. The conversation apparently was an angry one.

14 Then, Ms. Mullins got the business manager, Own Kummerle, to accompany her back  
 15 into the conference room. She saw two photographs that Amber kept in her prayer book: one of  
 16 her mother and another woman with Father Illo and one of Amber and Kolleen on Father Illo's  
 17 lap at Yosemite. Ms. Mullins interpreted from those photographs that Kathleen had put Amber  
 18 up to lying about Father Francis and that Amber was willing to lie because she wanted attention  
 19 from her mother. Mr. Kummerle immediately realized that something was wrong, that perhaps  
 20 child abuse was involved, and that something needed to be done. He recommended that they  
 21 call Yvonne McLoughlin; the therapist he had consulted with months before about the situation.  
 22 Ms. Mullins agreed, and the call was made. This was, however, not the policy and procedure of  
 23 the Diocese.

24 As is known by anybody who has ever picked up a newspaper, the Catholic church has  
 25 been embroiled in a controversy involving sexual molestation of children by its priests. It has  
 26 reached an epidemic proportion in the United States, and is threatening the very existence of the  
 27 Church in America. One of the worst cases to reach the light of day involved another Diocese of  
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1 Stockton priest, Father O'Grady, which resulted in a \$37,000,000 jury verdict. As a result of the  
 2 controversy and the problem, the Church in California developed guidelines for handling claims  
 3 of child abuse in 1998, and the Diocese of Stockton implemented a written policy as well.  
 4 According to these policies, all mandatory reporters as defined by the Penal Code are to receive  
 5 training and sign an acknowledgment of their training. To date, Father Francis has never  
 6 received this training, and although Mary Mullins was aware of it, she never received any  
 7 training until 2003, and was not even sure if a copy of the policy was available at St. Joseph's in  
 8 2001. Owen Kummerle, the then-personnel director of St. Joseph's parish, was never informed  
 9 of the Diocese' policy, its training requirements, the fact that a signed acknowledgment was  
 10 required to be in every personnel file, that there were mandatory reporting requirements, and  
 11 that failure to report child abuse was a crime. Deanna Watson, the former religious education  
 12 director, was never made aware of the policies and mandatory reporting requirements, and  
 13 related an incident in which a child reported child abuse and for which no mandatory report was  
 14 made. Ms. Watson was not aware at the time that a report should be made, but felt that the  
 15 diocese should be notified. When she called the diocese, she was informed that there was policy  
 16 and that it would be sent to her; it never was, and the abuse was never reported.

17 According to the Diocese policy in effect in 2001, any suspected child abuse, not limited  
 18 to sexual abuse, must be reported to Child Protective Services and the Vicar General, or, in his  
 19 absence, the Bishop himself, and the Church is to take care of the accuser regardless of the truth  
 20 or falsity of the accusation, including offering counseling. With her current understanding, Mary  
 21 Mullins now believes that the abuse by Fathers Illo and Francis on September 11<sup>th</sup> should  
 22 probably have been reported.

23 In any event, on 11 September 2001 Mr. Kummerle called Ms. McLoughlin and asked  
 24 her to come down because they had an upset child, and also told her that it was Kathleen  
 25 Machado's daughter. Ms. McLaughlin, a licensed therapist, immediately came to the church  
 26 and met with Mary Mullins, Owen Kummerle, and eventually Father Illo. During this briefing,  
 27 Ms. McLoughlin was never told that Amber had been verbally abused by Fathers Illo and  
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1 Francis, and instead was told about the shirt-lifting, mole removing, and that Kathleen Machado  
2 had inappropriately left Amber at the church, and that Kathleen had apparently put Amber up  
3 to it.

4 By this time Amber's aunt arrived, and was allowed to sit alone with Amber in the  
5 conference room, eventually moving to the outside plaza. Ms. McLoughlin then came to them,  
6 introduced herself as a therapist, and proceeded to ask Amber if anybody had touched her  
7 inappropriately that day. Amber said that no inappropriate touching had occurred that day.

8 Ms. McLoughlin then returned to the office and reported that Amber had said that no  
9 inappropriate touching had ever occurred, and that no report to Child Protective Services  
10 needed to be made. Ms. McLoughlin never asked Amber, or anybody else for that matter, why  
11 Amber was so upset so as to be hysterical. Ms. McLoughlin acknowledged in her deposition that  
12 had she known what Fathers Illo and Francis had done that day that it might well be considered  
13 child abuse that would have necessitated reporting.

14 Kathleen arrived a few minutes later with the daycare provider, and Ms. McLoughlin  
15 went back to speak with the family. Again, all Ms. McLoughlin wanted to know was if Amber  
16 had been touched that day. When the response was in the negative, Amber was told to leave.  
17 Kathleen Machado still did not know that her two daughters had been molested by Father  
18 Francis.

19 An intense discussion with Kathleen Machado then occurred, and it was decided that Ms.  
20 McLoughlin would "mediate" the situation with Father Illo. The issues to be discussed were  
21 Father Illo yelling at Amber, Kathleen leaving Amber with Father Illo and leaving, and Kathleen  
22 having named Father Illo as the guardian of the children upon her death. These issues were  
23 discussed, and the meeting was concluded. Ms. McLoughlin then discussed with Mary Mullins  
24 and Father Illo that they needed to take steps to protect themselves from Kathleen and her  
25 daughters, and that Father Illo should never be alone with the girls in the sacristy. Ms.  
26 McLoughlin never had a follow-up conversation with Kathleen because that was "not my role".  
27  
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1 The pressure at St. Joseph's mounted against Kathleen and the children. Father Illo was  
 2 hell-bent to have Kathleen removed from the church, and he engaged his staff to begin a  
 3 campaign of harassment against her. Mary Mullins and the parish staff had an extreme dislike of  
 4 Kathleen. They considered her to be disruptive at mass because she genuflected inappropriately,  
 5 wore sunglasses at mass, chewed gum, fidgeted inappropriately during the consecration, and that  
 6 Kathleen did not receive the sacrament frequently enough. Because of this, the staff, at Father  
 7 Illo's direction, began a campaign of harassment affectionately now labeled as the "pew squeeze"

8 Most people who attend daily mass sit in the same spot. For Kathleen Machado, it was in  
 9 the front pew with Eva Kristman. As a result of the plan, church staff members got to mass early  
 10 and all sat in the front row in an admitted attempt to squeeze Kathleen and her family out.  
 11 Additionally, at one point after communion the seating was particularly tight, and a hefty staff-  
 12 member literally sat on Kathleen's lap, commenting that it must be the devil that kept Kathleen  
 13 from receiving the sacrament.

14 Father Illo was not idle during this time period. In October 2001, he focused on a friend  
 15 of Kathleen's, choir director Jose Muñoz. Father Illo began to harass Jose, who is a wonderful  
 16 man who also happens to be gay. Jose was loved by all, including Mary Mullins, in whom he  
 17 had confided that he was having difficulty telling his parents about his sexual orientation. Father  
 18 Illo took care of that. He fired Jose from his position as choir director, and then proceeded to  
 19 call Jose's father, Jose, Sr., and "outed" him, which caused the family extreme distress. The  
 20 choir and other parishioners were up in arms, and Father Illo convened a meeting in which he  
 21 claimed that Jose was living the "homosexual lifestyle" and that he had been terminated for  
 22 cause. While making his claims, he held up a file, shouting that "it's all in here". That in fact  
 23 was a lie, and Father Illo admitted to Mary Mullins and Owen Kummerle that he had lied to the  
 24 group in a fit of rage.

25 The choir did not take this lying down, and began a letter-writing campaign to Bishop  
 26 Blaire about Father Illo's inappropriate and aggressive behavior and his mistreatment of Jose  
 27 Muñoz. Mary Mullins agreed in her deposition that Jose had been abused by Father Illo.  
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1 Against this backdrop, Father Illo was not content with the progress of the persecution of  
2 Kathleen and her family. In December 2001, staff meetings were held on how to turn up the  
3 heat on Kathleen. At the direction of Monsignor Ryan, a letter was sent to Kathleen Machado  
4 over Father Illo's signature expelling her and her family from St. Joseph's, forbidding her from  
5 making statements about him and his associate pastors, threatening legal action, and  
6 recommending that she seek counseling. The staff wanted the letter to be more harshly worded,  
7 but Monsignor Ryan stated that he feared media attention, that he wanted to save the big guns,  
8 defined as legal action by church lawyers, for the next round. Monsignor Ryan directed that  
9 Father Illo block his e-mail, and, knowing about how vicious Father Illo was and in the midst of  
10 the Jose Muñoz fiasco, directed Father Illo "to be very direct with Kathleen, 'get in her face', tell  
11 her to and tell her very forcefully "I don't want you near this parish. I don't want you talking  
12 about me, my priests, and my staff." Monsignor Ryan accused Kathleen of using her children,  
13 and directed Father Illo to push the children away. Monsignor Ryan suggested the use of 2 or 3  
14 "well-balanced" ushers to escort Kathleen from church. Monsignor Ryan made it clear that the  
15 Diocese was now in control, and expressed his concern that Kathleen was speaking with Deanna  
16 Watson, who had complained about Father Illo to the Bishop, after the "pew squeeze".

17 Father Illo was more than willing to, and capable of, executing this incredibly cruel plan,  
18 and he did it to perfection.

19 The children were specifically permitted to continue to receive their Religious Education  
20 at St. Joseph's for the expressed reason that to do otherwise might attract media attention, and  
21 this disappointed Father Illo and his staff.

22 Upon receipt of the letter, a devastated Kathleen immediately wrote to Bishop Blaire on  
23 9 January 2002. She explained her relationship with Father Illo, and emphasized that she never  
24 "lost sight" of his collar. She also enclosed a few letters from Father Illo showing that the  
25 attraction had been mutual. She explained how Father Francis had repeatedly called Rachel  
26 and made them all uncomfortable, and described the September 11<sup>th</sup> incident. She described her  
27 despair, and asked for help. Kathleen still had not been told about the molestation's.  
28

1 In late January Deanna Watson, wrote a supportive letter to Bishop Blaire about  
2 Kathleen.

3 In February, at Father Illo's instruction, the girls were ordered to disrobe, meaning to  
4 take off the vestments, and were forbidden from participating as altar servers at Saint Joseph's.  
5 This was another devastating blow to the family. They clearly realized that their church - their  
6 rock - was abandoning them. The girls felt extremely uncomfortable in the confessional, and  
7 confession is the prerequisite for receipt of the sacrament, and the sacrament is necessary for  
8 salvation. This has put the girls in extreme distress. Kathleen wrote again to Bishop Blaire in  
9 February and informed him of this, and asked why he had not responded, especially given that  
10 he had commented in the Modesto Bee that he wanted to be informed of all misconduct. At  
11 about this time Father Illo responded to an inquiry from Bishop Blaire and stated that he had  
12 banished the children at the Bishop's direction. Bishop Blaire denies giving this direction.

13 Bishop Blaire, apparently realizing that the situation was fast spinning out of control,  
14 decided to open a canonical investigation in March 2002. Kathleen Machado responded with a  
15 list of grievances, including inappropriate touching and affection toward children by Father  
16 Francis, and Bishop Blaire essentially bifurcated the investigation into one involving the conduct  
17 of Father Illo and the other regarding the conduct of Father Francis. The latter was to be  
18 handled by Father Skillen and Sister Beverly, while the allegations against Father Francis were to  
19 be handled by Monsignor Ryan and Sister Barbara.

20 Kathleen became very concerned about her daughters' religious life, and was unsure  
21 whether Rachel would be confirmed and if Kolleen would receive her first communion in April  
22 because she had heard nothing from St. Joseph's. Bishop Blaire allowed the children to continue  
23 at St. Joseph's. Despite this, and apparently at the direction of Monsignor Ryan and Bishop  
24 Blaire, the children's religious education materials and baptismal certificates were returned to  
25 Kathleen with a letter instructing her to seek services elsewhere on 7 May 2002.

26 On 13 May 2002, Kathleen and Amber were interviewed by Monsignor Ryan and Sister  
27 Barbara regarding the allegations against Father Francis. The interview was tape recorded, and  
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1 Monsignor Ryan speaks with an Irish brogue. With the interview impending, Amber finally told  
 2 Kathleen about the molestations, and Rachel confirmed it. Rachel was, and still is, suffering  
 3 immensely, and declined to participate.

4 During the interview, Kathleen and Amber told the interviewers of the inappropriate  
 5 conduct and molestation by Father Francis. Sister Barbara stated that this would have to be  
 6 reported to the police. Kathleen also reported the incident where Father Illo had held Kolleen  
 7 over the cliff. The written report made a passing notation of the allegation of the molestation,  
 8 but made no mention of the allegation regarding the cliff. The Hughson police department was  
 9 informed of the allegations.

10 Fearing the worst, Bishop Blaire suspended Father Francis, but chose not to inform  
 11 Father Francis' superiors in India. He decided to defer all investigation to the police, which is  
 12 against canon law and church policy. Nobody at St. Joseph's was alerted other than Father Illo.  
 13 No assistance of any kind was ever offered to Kathleen, Rachel, or Amber.

14 Father Illo was not content to let the investigation take its natural course, and instead  
 15 copied Kathleen's letters to him and sent them to the police, which was against church policy.  
 16 He did not send the letters that showed his involvement. Also, against church policy, somebody  
 17 from the church called approximately every three days asking the police to quickly conclude its  
 18 investigation because it was having a devastating effect on Father Francis.

19 The girls were interviewed by the Stanislaus County District Attorney, and the  
 20 interviews were video recorded. The interviews were credible, and the police and district  
 21 attorney agreed the report was credible. Because of pressure from the church, because the family  
 22 had a lawyer, and most especially because of the letters written by Kathleen Machado, the  
 23 district attorney declined to prosecute because he believed that it would be difficult to prove his  
 24 case beyond a reasonable doubt. The prosecutor and police both have stated that they believe  
 25 the molestations occurred, but believe that the relationship of Kathleen Machado and Father Illo  
 26 sufficiently clouded the issue to prevent prosecution.

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1 The police informed the church of the decision not to prosecute on 12 July 2002.  
2 Immediately, plaintiffs believe Father Illo, a priest with an Irish brogue, most likely Monsignor  
3 Ryan, and a lawyer appeared at the police department and requested a letter stating that Father  
4 Francis was eligible for immediate reinstatement. This sort of letter is unprecedented in law  
5 enforcement, but was written as requested.

6 Father Illo was buoyed by these events, and then made a concerted effort to completely  
7 dissociate Kathleen and her family from the church. In July 2002, he took Kathleen's friends,  
8 Eva Kristman and Elaine Shields, out to the plaza for a chat. He told Elaine that she was no  
9 longer welcome at St. Joseph's because she was a friend to Kathleen, and she would be stripped  
10 of her ministries if she supported Kathleen and did not publicly disavow her. Eva was given a  
11 simple warning; that fate awaited her if she did not dissociate herself from Kathleen. Kathleen  
12 had not been attending St. Joseph's for over 6 months by this time. Both ladies were hurt and  
13 distressed. Father Illo followed his threats up with a letter to Elaine Shields on 20 July 2002,  
14 explicitly telling her that she had two months to disavow Kathleen or lose her ministries. Elaine  
15 did nothing, and two months to the day later, on 20 September 2002, Father Illo stripped her of  
16 her ministries by bringing her into the office and proceeding to tirade against her while holding  
17 what appeared to be a highlighted copy of the complaint in this case, and, as his style, followed  
18 up and confirmed it in writing.

19 Father Francis was immediately reinstated by Bishop Blaire, and at that point Father  
20 Francis' superiors in India was informed that there had been an allegation but that he had been  
21 exonerated. Today, Father Francis is involved in children's ministries at St. Joseph's.

22 The canonical investigation was concluded by Father Skillen, who concluded that Father  
23 Illo had acted inappropriately. Bishop Blaire has declined to conclude that investigation until  
24 this lawsuit is terminated.

25 Kathleen Machado and her children remain expelled from St. Joseph's, and have  
26 experienced difficulty in finding another parish to accept them. Kathleen has been devastated by  
27  
28

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1 these events, and prays to God that justice be done. She feels that her church has abandoned  
2 her, and it has led her to question her God. Kathleen's amazing faith is all that sustains her.

3 Amber cannot control herself when she thinks or speaks about these events. She no  
4 longer trusts priests, and is questioning her church.

5 The one most devastated by these events is Rachel. Rachel is a beautiful young woman,  
6 but is clearly troubled by the events. Although she has recovered in school, it is clear that she is  
7 scarred by the molestation. She hides her bosom, and becomes very emotional when she recalls  
8 the events. Rachel has withdrawn into herself. She too has questioned her church and her faith.

9  
10 **III.**

11 **DAMAGES**

12 Both Amber and Rachel have been evaluated by an expert psychiatrist and have been  
13 treated by a psychologist.

14 The psychologist, Dr. Stephen's testified recently in deposition that Fr. Arakal molested  
15 Rachel, and that the church had betrayed the family, causing emotional damage.

16 The expert's opinion, Dr. Sonnie Weedn, is that both girls have been deeply scarred and  
17 are suffering from a condition very similar to Post Traumatic Stress Disorder, and that the  
18 actions of the defendants will cause them severe emotional difficulties in the future.

19 A copy of Dr. Weedn's report is attached as an exhibit to this statement.

20 Further, plaintiffs believe that prior to trial, they will be able to amend and add a claim  
21 for **punitive damages** against the Diocese, for ratification of the acts of its agents.

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IV.

GAG ORDER

There have been two articles printed recently regarding this litigation; one in the Stockton Record, one in the Modesto Bee. Defendants have indicated that they are requesting a gag order, and have accused plaintiffs' counsel with misconduct. Plaintiffs oppose this motion on several grounds.

First and foremost, plaintiffs' counsel never contacted the press; the press contacted them. Upon inquiry, counsel referred the reporters to the court file, and the articles are clear that the file was reviewed prior to the printing of the article. Counsels' comments were minimal. The press and the people have a right to know about these proceedings, and plaintiffs' counsel have been ethical in there commentary. Defendants' accusations to the contrary, plaintiffs' counsel have shown remarkable restraint in this most explosive of matters, and in fact it is apparent that the old saying that "evil fears the light of day" is true in this case.

Immediately upon publishing of the articles, Mr. Kozina wrote plaintiffs' counsel making accusations of misconduct and threatening with a suit for malicious prosecution. Mr. Boskovich immediately called Mr. Kozina from his car as he was on his way to appear for the first day of trial and explained the truth, and counsel discussed ways to deal with the press. There were a few potential inaccuracies in the Stockton Record article that plaintiffs' counsel wished to correct, but were not allowed to because of Mr. Kozina's threats. When the Modesto Bee requested comment from defense counsel, plaintiffs have been informed that counsel for defendants communicated a threat to the newspaper as well. Most disturbingly, even after discussion with counsel, defense counsel continues with his accusations without informing the court of the truth that he knows.

Additionally, the Modesto Bee references information contained in police reports regarding the alleged molestations. These reports were provided by court order from the Stanislaus Superior court which restricted their dissemination, and plaintiffs' counsel have not shown those documents to anybody. **Plaintiffs are concerned that the only source of**

1 those documents is from the defendants, and the privacy rights of minors have  
2 been violated, as well as a court order. Plaintiffs respectfully request that this court make  
3 inquiry into how these documents got into the hands of the press.

4 Plaintiffs oppose any gag order on the grounds that trial is imminent, and that the matter  
5 will be public virtually immediately. Additionally, counsel for plaintiffs have been scrupulously  
6 ethical in this regard, and should not be gagged. This court should not reward defendants  
7 because their conduct has been exposed in the press and they are now embarrassed; they have  
8 had over **three** years in which to resolve this matter with a family that has always sought  
9 reconciliation with their church.

10 In sum, there are no grounds for their request.

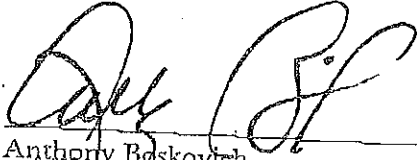
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12  
13 **V.**

14 **DEMAND**

15 Plaintiffs have engaged in good faith mediation efforts, and have made a formal demand  
16 with no response other than a ridiculous offer pursuant to code of Code of Civil Procedure  
17 section 998. Attorney Jack Williams in San Jose has pursued those mediation efforts. Mr.  
18 Williams is an expert in these types of mediations, having resolved many clergy abuse cases all  
19 over the state. He has made every effort to resolve this matter, however, the defendants continue  
20 to ignore the testimony under oath, and the facts of this case, making settlement difficult.

21 Based upon the conduct of defendants and their counsel, plaintiffs are diligently  
22 preparing for trial and are willing to listen to any reasonable offer. Therefore, plaintiffs will defer  
23 a demand until a reasonable offer is tendered.

24 Dated: 6 February 2005

25  
26   
27 Anthony Boskovich  
28 Attorney for plaintiffs

Law Offices of Anthony Boskovich 28 North First Street, 6th Floor, San Jose, CA 95113 (408) 286-5150

November 28, 2004

George MacKoul, Esq.  
Sabbath and MacKoul  
49 Locust Street  
Falmouth, MA 02540

**RE: Rachel Lomas and Amber Lomas**

Dear Mr. MacKoul:

This report is submitted in compliance with your request for an independent psychological evaluation of Rachel Lomas, age 16, and her sister, Amber Lomas, age 13, in order to provide you with information that would be useful in determining their current mental state and any current or future need for mental health services. My findings and recommendations are based upon clinical interviews, psychological testing, and review of records itemized below.

**Sources of Information:**

**Clinical Interviews and Psychological Testing:**

Amber Lomas – I met with Amber Lomas on November 12, 2004, for approximately three hours. During this time she was interviewed and administered The Rorschach: Comprehensive System, The Millon Adolescent Clinical Inventory, and the Minnesota Multiphasic Personality Inventory – Adolescent version.

Rachel Lomas – I met with Rachel Lomas on November 12, 2004, for approximately three hours. During this time she was interviewed and administered The Rorschach: Comprehensive System, The Millon Adolescent Clinical Inventory, and The Minnesota Multiphasic Personality Inventory – Adolescent version.

I spoke very briefly with the sister's mother, Ms. Machado, to explain what my procedures would consist of and what she could expect for the day of evaluation and to obtain her permission for the evaluation process.

**B: Records Reviewed:**

A letter and case notes from Diane L. Stephens, R.N., M.F.T., dated August 30, 2004.



A deposition of Amber Lomas, dated October 7, 2004.  
A deposition of Rachel Lomas, dated October 6, 2004.

A report from Johnny Smith Investigations dated October 20, 2004.

Notes made by George MacKoul from the deposition of Yvonne McLoughlin, M.F.T.

Progress notes for Yvonne McLoughlin, M.F.T., dated September 11, 2001.

**Introduction:**

This report will begin with a brief introduction and statement of the issues under consideration in this evaluation, followed by a report of my clinical evaluations of the individual family members. I will also present information from any relevant information from my review of records. Lastly, I will integrate the findings and make recommendations.

**Evaluation of Amber Lomas**

**Psychological Procedures:**

Clinical Interview, The Rorschach: Comprehensive System, The Minnesota Multiphasic Personality Inventory-II (MMPI-A), and The Millon Adolescent Clinical Inventory (MACI), and review of records.

**Social History:**

Amber Lomas is a thirteen-year-old girl, currently living with her mother and an older and younger sister in Hughson, CA. She is in the 8<sup>th</sup> grade at Sacred Heart School in Turlock, CA. She transferred to this school from her previous middle school because her grades had dropped and she was associating with children whom her mother judged to be a poor influence on her. At her new school, she is doing better. She believes it was a good move.

Amber's parents are divorced and she reports that she is glad of that fact because her father, Rosalio Machado, was physically abusive to her mother and to the children. Amber says that she does not see him often and does not want to see him because of his abusive behavior. Her mother retains sole physical custody of all the children.

She is involved in several extra-curricular activities, including raising a meat goat for 4-H.

It is critical to note in understanding this child that Amber comes from a devoutly Catholic family and is used to attending Mass on almost a daily basis. Her daily life and the culture of her family are steeped in religious faith that permeates most aspects of her thinking and value system. She has been an active participant in all phases of Roman Catholic religious life as has been age-appropriate (catechism, altar-serving, first communion, confession, etc.).

### **Behavior During Evaluation:**

Amber Lomas was pleasant and cooperative throughout the process of evaluation. She was shy, but friendly. She appeared forthcoming in all of her answers to my queries. She stated that she has a "good" relationship with her mother. She reports that she has angry outbursts at times that she cannot account for (her mother affirmed this). She believes that she is doing better in school since she moved to Sacred Heart School.

Amber reported that the process of her deposition was very stressful to her. She stated, "It was hard. Sometimes I didn't understand and they jumped from subject to subject."

When asked about her dealings with Father Illo, she was vehement in stating that the most upsetting thing for her was that he lied to her face about his relationship to her and her family, that she was fired from her job altar serving with no real explanation to her, and that he angrily accused her family of stalking him in front of other parishioners, which was humiliating and seemingly untrue. His handling of her attempt to receive help from him regarding her discomfort and concerns about Father Francis were especially traumatizing and disconcerting to her. She could not understand why he betrayed her and was angry with her. Amber became tearful, but tried to hold back her tears when discussing the details of these events.

From Amber's standpoint, Father Illo was her priest; a vaunted position denoting his deserving of the utmost respect and trust. He was her confessor and a family friend.

Amber stated that she does no longer receive communion on a regular basis. She said that one should not receive communion without first going to confession. She can only bring herself to go to confession about once a month. She stated that it is frightening for her to go to confession now because it means being alone in the confessional with a priest. She says that she has

worked out a system in her own mind whereby she makes her confession directly to God and then says an Act of Contrition in order to feel that she is doing what she is supposed to do to honor the requirements of her religion.

Results are believed to be an accurate reflection of her current level of psychological functioning.

**Cognitive Aspects:**

No tests of cognitive ability were given. Amber was oriented times four and alert. It would appear from observation that Amber falls into at least the Average Range of intelligence when compared to the general population. No signs of cognitive slippage or other cognitive difficulties were noted.

**Emotional Aspects:**

Psychological testing indicates that Amber Lomas is capable of attending to her own experience in a reasonably open and flexible manner. She shows an adaptive balance between being able to deal with situations in a detached and uninvolved manner sometimes, and, at other times, in a concerned and engaged manner.

She appears extremely committed to seeing the world accurately. She is consequently capable of perceiving people and events realistically, but she is also likely to be highly precise in the impressions she forms of situations. Only rarely will she allow herself the risk of forming an impression that may be inexact.

Her thinking is logical and coherent, and she is, for the most part, as capable as most people of her age of coming to reasonable conclusions about relationships between events and of maintaining a connected flow of associations in which ideas follow each other in a comprehensible manner.

Amber's personality pattern is submissive, dependent, and of the type that seeks affection, attention, and security. Her fear of abandonment often leads her to be overly compliant within her family and obliging with her peers. She may act at times in a socially gregarious and charming manner to attract the positive attention of others. She is likely to be quite naïve and immature about interpersonal and social matters and to show thinking that is more childlike than others her age. When she is faced with family or peer tensions, she is likely to try to be superficially untroubled and buoyant, seeking to deny in a Pollyanna way all disturbing emotions or inner discomforts. In her heterosexual relationships she is likely to be immaturely admiring and accommodating.



Despite her need to ally herself with the leadership and competencies of family and friends, she is not sure that these relationships will fulfill her needs fully or even protect her against loss. Because of her disillusionment with others, she has become alert to signs of potential hostility and rejection and seeks to minimize the dangers of their indifference and disapproval.

There are significant indications that situational stress is making more demands on her adaptive capacities than she is ordinarily required or accustomed to confront, and this may be reducing her usual level of effectiveness in making decisions and pursuing courses of action. Her excess situational stress is being imposed on a pre-existing stimulus overload, resulting in considerable vulnerability to becoming upset, anxious, and disorganized. Insufficient psychological resources to meet the demands she is experiencing are also likely to impair her capacity for self-control and to create a marked tendency toward impulsiveness.

Amber was already in a state of stimulus overload resulting from persistent difficulty in mustering adequate psychological resources to cope with the demands being imposed on her by external and internal events in her life. Consequently, she is at risk for recurrent episodes of overt anxiety, tension, nervousness, and irritability. She is at risk for becoming psychologically incapacitated (at least temporarily) and for appearing to others as noticeably agitated and distraught to others.

Though her testing indicates that she has the adaptive capacity to anticipate and establish close, intimate, and mutually supportive relationships with other people, she shows a propensity to appear awkward or inept in social situations. Though she seeks to acquire a measure of independence and maturity, she feels helpless when faced with adult-like responsibilities that demand autonomy or initiative. The loss of a significant source of support or identification may prompt severe dejection on her part. At these times, she will openly seek signs of reassurance. Guilt, illness, anxiety, and depression may be frankly displayed. In addition, she claims greater distress concerning sexuality than is typical for her age. She reports feelings of confusion and unhappiness in this area.

It is clear from the testing that Amber is experiencing episodes of affective disturbance involving depression. Though she may not complain of feeling depressed, indications point to her being disposed to affective malaise that interferes with her ability to function effectively. In addition, she feels atypically apprehensive and she may be experiencing an anxiety disorder.

## Evaluation of Rachel Lomas

### Psychological Procedures:

Clinical Interview, The Rorschach: Comprehensive System, The Minnesota Multiphasic Personality Inventory – Adolescent version, (MMPI-A), and The Millon Adolescent Clinical Inventory, (MACI), and review of records.

### Social History:

Rachel Lomas is sixteen years old and attends Hughson High School, where she is a junior. She is the eldest daughter of her parents, who are now divorced. She states that she is close to her mother and has a good relationship with her. She says that her mother supports her activities, which include FFA, keeping animals, sports, and 4-H.

She states that when her father lived with them it "was a living hell." He apparently became angry "over stupid things", and if anyone argued with him he became violent. Her mother has sole physical custody of her and her sisters. She says that she sees her father twice a month when he comes by to drop off money for them. Nowadays he is pleasant toward them, but she has no desire to see him or interact with him. She reports that he does not seem to want to see her or her sisters very much.

She does not currently have a boyfriend and says she does not want this type of relationship at the current time.

It is important in understanding this young woman to know that, like her sister, she comes from a family, which is devoutly Catholic. The theology of the church is held sacrosanct, and Rachel has been taught to hold priests in very high regard, believing that priests are called by divine inspiration to the priesthood. In her particular case, having survived the domestic violence and physical abuse of her father, she and the other members of her family looked to the church and its environs as especially important to their sense of safety and coherence. She was used to attending Mass almost every day and had been a regular altar server until she was fired from that job without explanation. Both she and her sister reported altar serving as one of their favorite things to do.

### Behavior During Evaluation:

Rachel was pleasant and cooperative during the course of the evaluation. Her story regarding what had transpired with Father Illo and Father Francis was

essentially as she reported it in her deposition. Therefore, the reader is directed to her sworn deposition for these details. However, Rachel emphasized that Father Francis made her uncomfortable from his first visit to their home. She had tried to distract him from tickling her sister, because this activity was making her uneasy. She stated that it had all happened very quickly and she could not really recount the exact sequence of events because it had happened so fast. In her view, one minute she was distracting Father Francis from Kolleen and the next minute he was on top of her and grabbing her breast. She stated that she had kept this all a secret because she thought no one would believe her because "priests are supposed to be holy people".

Rachel was clearly agitated as she was queried about these various events. Her body language was closed and she became tearful when speaking about not being willing to participate in the sacrament of confession anymore. This should preclude her from participating in the sacrament of holy communion, however, she does receive communion once a month without going to confession. She said that she just hoped no one would stop her from doing this as she cannot tolerate the idea of being alone with a priest in the confessional.

Rachel was also tearful when speaking of having been barred from altar serving. She said, "I loved to serve. I loved being on the altar. I was an active participant in worship and now I can't do it." She said that she would prefer to never see Father Illo again, given his betrayal of her and her family. She said that she had gotten "the vibe of his attraction to my mom" after several years of his friendship with the family. She was quite distressed about his humiliating her mother outside of church by accusing her of gossiping about him. According to Rachel, who overheard the women's conversation, they were actually talking about rosaries they were going to make. Rachel moved her sisters away when father Illo began yelling, but she believes they heard him.

Results are believed to be an accurate description of her current level of psychological functioning.

**Cognitive Aspects:**

No test of intellectual functioning was given, however it can be assumed that Rachel is functioning in the Above Average or Superior Range of intelligence when compared to the general population based on observation and her reported grades in high school.

She was oriented times four and alert. There were no indications of cognitive slippage or other neurological difficulties.



**Emotional Aspects:**

Psychological testing indicates that Rachel is capable of attending to her experience in a reasonably open and flexible manner that constitutes a personality asset. She shows an adaptive balance between being able to deal with situations in a detached and uninvolved manner and, at other times, in a concerned and engaged manner.

She demonstrates fairly good abilities to form accurate impressions about herself, to interpret the actions and intentions of others without distortion, to adequately anticipate the consequences of her own actions, and to correctly construe what constitutes appropriate behavior in various kinds of situations. Her adequate reality testing constitutes a personality strength.

She shows a potentially adaptive repertoire of styles for experiencing and expressing affect in which she modulates emotions in much the same way as most people.

She shows an adaptive capacity to establish close, intimate, and mutually supportive relationships with other people. Nevertheless, her limited social skills make it difficult for her to sustain and enjoy interpersonal attachments. She reports that it is very difficult for her to be around other people, and she much prefers to be alone now. She frequently avoids situations where there are likely to be a lot of people. She reports having difficulty making friends and she does not like to meet new people. She seems less capable than most people of dealing effectively with everyday experience, especially with respect to social situations.

Rachel is experiencing a fair amount of stress that is giving rise to unpleasant affect and makes her susceptible to depression. Her scores on testing suggest that she flattens her emotions in an effort to deaden apprehensive and fearful mistrust of others. She exhibits shyness and a chronic social awkwardness that stems from a pattern of avoiding close peer and family relationships. Her desire is for closeness and affection, but this has been self-protectively restrained so severely that there is little spark and vitality to her current existence. Despite her efforts to dampen feelings, she experiences both anxiety and depression. Her thoughts about her self-esteem and social life are often so painful as to be intentionally confused. She is over-concerned with social rebuff and is ever ready to anticipate rejection.

Rachel shows a chronic self-deprecation of aptitudes and a needy and dependent search for supportive persons or institutions. Despite her

unrequited desire to be accepted and cared for, she has felt it best to bury these needs and maintain a safe distance from others who may prove hurtful. She has learned to fade into the background, assuming a passive role, and willingly submitting to the expectations of others. As a consequence, she is likely to have withdrawn into increasing peripheral social, academic, and social roles. Her self-image of being unattractive and undesirable makes ordinary demands and relationships often seem frightening and potentially dangerous. In addition to her expectation of humiliation, her withdrawal may stem from low energy, anxiety, restrained anger, and depression and hopelessness. Sadly, Rachel reacts to her deep frustration and unhappiness by becoming self-punitive, self-demeaning, and hypersensitive to her shortcomings. She shows diminished capacity for pleasure, sleep difficulties, problems with appetite, and she may have periodic thoughts of suicide.

**Discussion:**

The discussion section is meant to shed light on the circumstances of both Amber and Rachel Lomas.

In evaluating these sister's current situation and need for current or future mental health services, it is important to keep several factors in mind. First of all, these girls have experienced the trauma of domestic violence in their family. They have a very poor, if currently peaceful relationship with their biological father, who is easily nettled and prone to violence when someone disagrees with him. In addition, there is apparently a restraining order against the paternal grandparents, as they have been deemed a threat to the family safety. This state of affairs reduces the pool of supportive adults for these girls. It is to their mother's credit that she was able to leave this marriage. It is good modeling for her girls, as it is a well-known fact that many, if not most, victims of domestic violence do not leave their abusers. Since she had little work experience, this took courage and determination.

During this very stressful time, this family took refuge in their church. They were deeply involved and faithful participants in the life of the church. This was at a time when they were all extremely vulnerable and had turned to the church as a place of safety, support, community, and meaning. Adults in this type of stressful situation typically seek guidance, healing, companionship, and community from their church. Children and adolescents seek stability, structure, and a place to belong. Male clergy often fill the role of a father for children who have been abandoned or brutalized by their own fathers.

It would appear from the sworn statements of Rachel and Amber Lomas and the evidence in their psychological profiles showing them to be generally

forthcoming and highly moralistic girls, that there was misconduct on the part of both Father Illo and Father Francis that has traumatized them both. It is important to note that for the victims of clergy abuse, there are a plethora of variables that complicate a prognosis: age at time of abuse, frequency and severity of abuse, prior history of abuse, educational level, economic resources, etc. All of these variables need to be addressed when treating a survivor of abuse by a spiritual leader. But what makes abuse of any kind by a spiritual leader different from other forms of trauma is the crisis of faith that is inherent in this form of abuse, and which is so obvious in the interviews with both girls.

People who survive this type of abuse are usually left confused or angry with God. Some reject their religion altogether. For many persons of faith, there is an assumed reverence that is given to a spiritual leader. The culture of most religions tends to foster this reverence. Catholic theology teaches that the priesthood is the sacrament of Holy Orders, whereby God calls a man to the priesthood. This call is believed to be divinely inspired. Spiritual leaders are assumed to have an enlightened spirituality, are more knowledgeable about religion, or are considered to be "holy". Again, this view was evident in the interviews with both girls. It is because of this perceived position or perceived special relationship with God that abuse in this milieu can be so catastrophic. When individuals are abused and betrayed by their spiritual leader, many feel abused and betrayed by their God. Any treatment should include an assessment of the impact of the abuse on their relationship with their God and the effects that impact has had on their lives.

Clearly, both girls have been significantly impacted by the events that occurred in their relationships with Father Illo and Father Francis. The disclosure of the problem with Father Francis by Amber to Father Illo was horribly mishandled, worsening an already difficult and damaging situation, and further traumatizing Amber. Sadly, the actions of Yvonne McLoughlin, MFT, in her professional capacity, further muddied the waters, harming Amber, and enabling Father Illo to proceed with his maltreatment of Amber. The behavior of the adults in charge of this situation was largely unhelpful, at the least, and further damaging, at the worst. Subsequent to the events of September 11<sup>th</sup>, there was further emotional abuse in the form of the girls being dismissed from altar serving, with no explanation, being made to feel unwelcome in the church, and witnessing verbal/emotional abuse of their mother by Father Illo on church property.

## Recommendations

### For Amber Lomas:

- 1) Amber should be evaluated by a psychiatrist to determine if medication is indicated to treat her diffuse anxiety states, and to increase her alertness and vigor. She is plagued by fatigue, lethargy and anxiety.
- 2) Environmental changes, recommended in the testing, in the form of a change of schools have already been implemented. Any determination of damages should take into consideration the need for a change of schools due to her faltering emotional state at the time of the change.
- 3) Long-term psychotherapy is indicated with a clinical psychologist well versed in post-traumatic stress disorder and clergy abuse. The indications for long-term therapy are Amber's excessive dependency and willingness to subjugate herself to anyone she perceives to be strong, helpful or an authority. This extreme submissiveness is problematic. She will resist any overt pressure toward independence and will require slow, gentle progression toward independence and autonomy. Breaking her dependency bond (which she will, hopefully develop with her therapist) too soon can only precipitate intense emotions or erratic behavior. This type of therapy is typically not included in insurance coverage by HMO's and other managed care and will typically cost from \$90 - \$135 an hour. Some treatments for trauma require hour and a half sessions. Weekly psychotherapy is indicated for a period no less than eighteen months at this time. There will likely be a further need for therapy at various developmental milestones in the future, such as when dating commences, when leaving home for the first time (for marriage, job, college, etc.), at the time of further religious sacraments for herself or her children. It will be ideal if Amber can return to therapy on an "as needed" basis whenever she needs to. It is well known that trauma occurring during the development of the brain (in childhood) predisposes victims to the very problems Amber is experiencing (anxiety, dependency).

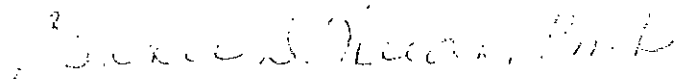


**For Rachel Lomas:**

- 1). It is imperative that Rachel be evaluated by a psychiatrist to determine if medication is indicated to treat the depression and anxiety evident in her psychological evaluation.
  
- 2) It is recommended that Rachel be seen in weekly psychotherapy by a clinical psychologist well versed in the treatment of post-traumatic stress disorder and clergy abuse. This treatment should commence immediately and continue for a minimum of eighteen months. Treatment should focus on countering her withdrawal tendencies, poor interpersonal skills, and diminishing her self-deprecating thoughts and behaviors. As noted previously, psychotherapy with a psychologist generally costs between \$90-\$135 an hour. Some treatments for trauma (such as EMDR) run an hour and a half a session. Rachel will require considerable support at developmental milestones, which will occur when she begins dating, leaves home for college or other pursuits, and especially in her dealings with men who are important to her (husbands, bosses, etc.). It will be ideal if Rachel can return to therapy on an "as needed" basis at these various potentially stressful times.

If there are further questions you may have regarding my evaluation and recommendations in this case, please call me directly.

Signed,



Sonnee D. Weedn, Ph.D.

1 George J. MacKoul, No. 170586  
 Sabbah and MacKoul  
 2 Attorneys and Counselors at Law  
 49 Locust Street  
 3 Falmouth, Massachusetts 02540  
 4 508-495-4955

5 Anthony Boskovich, No. 121198  
 Law Offices of Anthony Boskovich  
 6 28 N. First Street, 6<sup>th</sup> Floor  
 San Jose, California 95113-1210  
 7

8 408-286-5150  
 9 Attorneys for Plaintiffs  
 10

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 12 **COUNTY OF SAN JOAQUIN**

14 KATHLEEN MACHADO, individually and  
 in her capacity as Guardian ad Litem for  
 15 RACHEL LOMAS and AMBER LOMAS,  
*Plaintiffs,*

No. CV 018440  
 PROOF OF SERVICE

16 v.

17 FATHER JOSEPH ILLO; FATHER FRANCIS  
 JOSEPH a.k.a. FATHER FRANCIS ARAKAL;  
 18 FATHER RICHARD RYAN; BISHOP STEVEN  
 BLAIRE; THE DIOCESE OF STOCKTON;  
 19 DOES 1 through 100,  
*Defendants.*

21 I am employed in the County of Santa Clara, State of California.

22 I am over the age of 18 and not a party to the within action; my business address is 49 Locust  
 23 Street, Falmouth, Massachusetts 02540.

24 On February 7, 2005, I caused to be served the foregoing **PLAINTIFFS' SETTLEMENT**  
 25 **CONFERENCE STATEMENT** on the parties involved in said cause by personally delivering  
 26 a true copy thereof to:

27 / / /

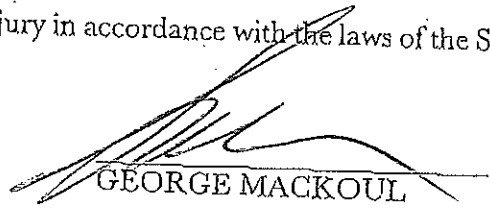
Law Offices of Anthony Boskovich 28 North First Street, 6<sup>th</sup> Floor, San Jose, CA 95113 (408) 286-5150

1 Michael Coughlan, Esq.  
 2 Coughlan & O'Rourke, LLP  
 3 3031 W. March Lane, Suite 210 West  
 4 Stockton, CA 95219

5 Vladimir F. Kozina, Esq.  
 6 Mayall, Hurley, Knutsen, Smith & Green  
 7 2453 Grand Canal Blvd., 2nd Floor  
 8 Stockton, CA 95207-8253

9 Executed on 7 February 2005, at Stockton, California.

10 I declare under penalty of perjury in accordance with the laws of the State of California that  
 11 the foregoing is true and correct.

12   
 13 GEORGE MACKOUL

14 Law Offices of Anthony Boskovich 28 North First Street, 6th Floor, San Jose, CA 95113 (408) 286-5150  
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