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October 25, 2018

Most Reverend John F. Doerfler, STD, JCL
Bishop of Marquette
1004 Harbor Hills Drive
Marquette, MI 49855

Re: **NOTICE REGARDING PRESERVATION OF DOCUMENTS**

Dear Bishop Doerfler:

As you are aware, on October 23, 2018, all dioceses in the United States were provided with a request from the U.S. Department of Justice Eastern District of Pennsylvania office asking all dioceses to preserve documents that may be evidence in an open investigation relating to sexual conduct involving minors. You are also aware of an open investigation here in Michigan by the Attorney General regarding the same subject.

Under both Michigan and federal law, when a lawsuit, claim, or investigation is possible against a party, the party has a duty to take reasonable steps to preserve data that might be relevant to the claim and its own defenses. Failure to do so can result in monetary sanctions by the court, a judgment against the party, and even criminal sanctions.

In light of this, and in an abundance of caution, I advise the Diocese of Marquette to take action to preserve any and all documents relating to sexual abuse, as more fully described on the attachment to this letter. While we have no reason to believe that you or Diocesan employees would ever destroy evidence, it is important to set forth clear instructions to avoid the inadvertent destruction of information that you have a duty to preserve.

The first step is to fully review the attachment to acquaint yourself with the documents that you should preserve. In conjunction with this review, you should **stop regular day-to-day destruction** of data that may be happening. This could occur within your information technology (IT) backup or overwriting procedures or with your email provider. You may also have a regular shredding policy for document retention/destruction. Please take action to stop this by advising the relevant people in your organization in writing of this letter and of your duty to preserve data.

Note that the duty to preserve is **not limited to preserving hard copies** of documents. The duty applies to all information from your organization's computer systems in all locations, including email and other electronic communication, word processing documents, spreadsheets,

databases, calendars, telephone logs, contact manager information, internet usage files, and network access information and other storage processes that may be unique to your organization. **Please think about where this data is located and secure it.** Data can be on laptops, home computers, mobile devices like cell phones and tablets, and portable jump drives, as well as other storage media such as CDs, disks, and tapes.

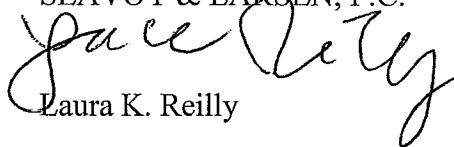
It is important that you **involve your IT provider** in initiating the preservation of data. Your IT provider should be able to assist with making sure that people in your organization avoid doing anything (intentionally or by mistake) that would alter any active, deleted, or fragmented files, such as saving files to drives, running data compression and disk defragmentation routines, or the use of programs to permanently wipe or overwrite files, backup tapes, disks, or drives.

Finally, I would ask you to **please pass along this letter to Diocesan employees.** It is your duty to ensure that your employees comply with the recommendations in this letter. As such, please pass along this letter to all employees that may have access to the documents outlined on the attachment.

If you have any questions about the scope of the duty to preserve or how you need to comply with your duty to preserve data for this matter, please do not hesitate to contact me or my colleague, Patrick Greeley.

Sincerely yours,

KENDRICKS, BORDEAU, KEEFE,
SEAVOY & LARSEN, P.C.



Laura K. Reilly

LKR/PCG

ENCLOSURE TO LETTER OF OCTOBER 9, 2018

It is requested that the following documents be preserved:

1. All documents related to sexual conduct involving a minor—or reported, alleged, suspected, or suggested sexual conduct involving a minor—by any of your current or former officers, directors, employees, contractors, representatives, or agents, as well as any bishop, priest, deacon, other clergyman, member of a religious order, or seminarian currently or formerly assigned to, reporting to, or stationed at the United States Conference of Catholic Bishops or any of its predecessors or affiliates.
2. All documents related to sexual conduct involving a minor—or reported, alleged, suspected, or suggested sexual conduct involving a minor—by any bishop, priest, deacon, other clergyman, member of a religious order, diocesan or parish school or seminary administrator, faculty member, or staff member, or seminarian currently or formerly affiliated with any of the archdioceses, dioceses, archeparchies, eparchies, or personal ordinariate in the United States.
3. All personnel files and other records, communications, and documents related to any of your current or former officers, directors, employees, contractors, representatives, or agents, as well as any bishop, priest, deacon, other clergyman, member of a religious order, diocesan or parish school or seminary administrator, faculty member, or staff member, or seminarian currently or formerly assigned to, reporting to, or stationed at the United States Conference of Catholic Bishops or any of its predecessors or affiliates or currently or formerly affiliated with any of the archdioceses, dioceses, archeparchies, eparchies, or personal ordinariate in the United States, who committed—or who reportedly or allegedly committed or was suspected or suggested of having committed—sexual conduct involving a minor.
4. All documents related to sexual conduct involving a minor—or any report, allegation, suspicion, or suggestion of the foregoing—held or formerly held in the “secret archives,” the “confidential files,” the “historical archives,” any secured or secret record-keeping location or system, any record-keeping location or system accessible only by the diocesan bishop and chancellor, or any archive, place, location, or system created or maintained pursuant to Canons 486, 487, 489, or 491 of the Code of Canon Law (1983), or any analogous provision of any prior codification of the Code of Canon Law.
5. All reports made to any law enforcement agency, insurance company, investigator, Catholic church-related entity, or any other person or entity concerning any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, and all documents related to any such reports.
6. All reports made to you concerning any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, and all documents related to any such reports.
7. All documents produced to any federal, state, county, municipal, or other law

- enforcement agency, or any court, prosecutor, or grand jury, related to any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor or in connection with any investigation of the foregoing.
8. All investigative summaries or reports, and all other documents related to any inquiry or investigation, of actual, reported, alleged, suspected, or suggested sexual conduct involving a minor.
 9. With respect to any person identified in any document preserved in response to Requests 1 through 8 as having committed—or who reportedly or allegedly committed or was suspected or suggested of having committed—sexual conduct involving a minor, all documents related to such person producing, transporting, shipping, receiving, distributing, or possessing a photograph or other visual depiction of a minor or transporting any minor across any state or international border or persuading, inducing, enticing, or coercing any minor to cross any state or international border.
 10. All documents related to any transfer of any bishop, priest, deacon, other clergyman, member of a religious order, or seminarian who committed—or who reportedly or allegedly committed or was suspected or suggested of having committed—sexual conduct involving a minor from one archdiocese, diocese, archeparchy, eparchy, or personal ordinariate to another, or from any one place or position to another, and your role in approving such transfers, or advising, consulting, or being informed of such transfers or anticipated or proposed transfers.
 11. All documents approving, directing, discussing, or otherwise relating to the enrollment or placement of any bishop, priest, deacon, other clergyman, member of a religious order, or seminarian into any treatment facility for sexual or other misconduct or disorders, and all documents concerning related costs and financial transactions.
 12. All applications for insurance coverage for policies that covered, or were intended to cover, sexual conduct involving a minor, or any failure to supervise, including any documents in which representations are made about the occurrence or non-occurrence of any sexual conduct involving a minor or claims or anticipated claims related thereto, as well as all documents relating to claims or notices you made to any of your insurance carriers.
 13. All of your press releases, statements, and other communications relating to actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, or relating to any press reporting, law enforcement activity, litigation, or other reporting or interest concerning the foregoing, and all documents related to any such communications.
 14. All communications advising, counseling, requesting, or suggesting that any person or entity not report, in whole or in part, actual, reported, alleged, suspected, or suggested sexual conduct involving a minor to any law enforcement agency or to any other person or entity, and all documents evidencing or otherwise relating to such communications.

15. All communications and other documents relating to any direction, instruction, suggested course of action, or suggested approach you provided to any archdiocese, diocese, archeparchy, eparchy, personal ordinariate, parish, school, seminary, clergyman, or other person or entity concerning sexual conduct involving a minor or reporting of or prevention of the foregoing.
16. All documents relating to any impact—or anticipated or possible impact—on fundraising, charitable contributions, school tuition payments, or receipts of other funds due to any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, or any press reporting, law enforcement activity, litigation, or other reporting or interest in the foregoing.
17. All documents relating to the creation of entities, establishing of accounts, or transfer of funds, properties, or assets—or any plan or suggestion to undertake such actions—due to actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, or any press reporting, law enforcement activity, litigation, or other reporting or interest in the foregoing.
18. All of your charters, articles of incorporation or organization, bylaws, and similar organizational and governance documents.
19. All of your organizational charts.
20. All directories (including directories of clergymen) created, maintained, or published by you.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to this Enclosure:

1. The term “documents” includes all forms of creation or storage, including any form of computer or electronic storage (such as hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media that can store data); any handmade form (such as writing); any mechanical form (such as printing or typing); any electronic form (such as electronic files, text and other messages, or electronic mail); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies).
2. “You” and “your” refer to, as the case may be, (i) the United States Conference of Catholic Bishops and any of its predecessors or affiliates, as well as any current or former officer, director, employee, agent, or representative of the United States Conference of Catholic Bishops or of any of its predecessors or affiliates; and (ii) an archdiocese, diocese, archeparchy, eparchy, or personal ordinariate and any of their respective predecessors or affiliates, as well as any current or former officer, director, employee, agent, or representative of the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate or of any of its predecessors or affiliates.
3. The term “sexual conduct involving a minor” is not limited to instances of physical contact with a minor but also includes the production, transportation, shipment, receipt, distribution, or possession of child pornography or any communication or contact with a child regarding actual, attempted, or contemplated sexual conduct through any means, including telephonic, computer, electronic, visual, audio, audio-visual, or remote means.
4. For purposes of this preservation request, a bishop, priest, deacon, other clergyman, member of a religious order, diocesan or parish school or seminary administrator, faculty member, or staff member, or seminarian is considered currently or formerly affiliated with an archdiocese, diocese, archeparchy, eparchy, or personal ordinariate if he: (i) resides or resided in the territory of the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate; (ii) is or was employed by or performs or performed work in the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate (iii) is or was assigned to or stationed at the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate; (iv) reports or reported to or is or was subject to the authority of, directly or indirectly, the archbishop, bishop, ordinary, or any of his predecessors; (v) appears or appeared in any directory created, maintained, or published by the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate; or (vi) otherwise is or was currently or formerly affiliated with the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate.
5. Whenever a document or communication is referenced, you are requested to preserve any drafts and non-identical copies of the document or communication.

6. You are requested to preserve all identified documents or communications that are in your possession, custody, or control, whether held by you or your past or present agent, employee, or representative acting on your behalf.