

HAMPDEN, SS

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT

CIVIL ACTION No. 05-602

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JAN 18 2007

Brian P. Lees
CLERK-MAGISTRATE

THE ROMAN CATHOLIC BISHOP OF
SPRINGFIELD, A CORPORATION SOLE,
PLAINTIFF

v.

TRAVELERS PROPERTY CASUALTY COMPANY,
MASSACHUSETTS INSURERS INSOLVENCY FUND,
NORTH STAR REINSURANCE CORPORATION,
UNDERWRITERS AT LLOYD'S, LONDON,
CENTENNIAL INSURANCE COMPANY,
INTERSTATE FIRE & CASUALTY COMPANY, AND
COLONIAL PENN INSURANCE COMPANY,
DEFENDANTS

**PLAINTIFF'S STATUS REPORT CONCERNING DISCOVERY
PRODUCED IN RESPONSE TO THE COURT'S ORDER
DOCKETED JANUARY 5, 2007**

In response to the Court's Order dated January 3, 2007, which was docketed January 5, 2007 and sent to the parties on January 8, 2007, ordering the production of further discovery responses by the plaintiff in response to Defendants' Motion to Compel, plaintiff makes the following report.

1. Document G12276 (a news article) is being produced to lead counsel for the insurers in accordance with the court's order and the arrangement between the parties for production of documents.
2. Documents G08076 through G08078 (attorney work product) and the contents of the computer disks referenced therein are being delivered to the Honorable John Agostini in Franklin Superior Court in accordance with the Court's Memorandum

of Decision and Order on Defendants' Motion to Compel for in camera review by the Court.

3. Document G11072 (spiritual counseling material) is being produced to lead counsel for the insurers in accordance with the court's order and the arrangement between the parties for production of documents.
4. The documents which were withheld by the plaintiff on the grounds of applicability of the spiritual counseling privilege, General Laws, chapter 233, § 20A, are being delivered to the Honorable John Agostini in Franklin Superior Court in accordance with the Court's Memorandum of Decision and Order on Defendants' Motion to Compel for in camera review by the Court. This does not include the "laicization" documents for which the plaintiff claimed a privilege in accordance with that statute, as interpreted by the Supreme Judicial Court's decision in Ryan v. Ryan, 419 Mass. 86 (1994), as well as Constitutional privileges under both the state and federal Constitution. These are not now being delivered for in camera review pending the Court's action on plaintiff's motion to extend time, which is being filed herewith. The documents regarding those ecclesiastical privileges and plaintiff's rights of religious autonomy have also not been produced to the defendants pending the court's decision on the motion and plaintiff's decision to seek appellate relief and/or a protective, non-waiver order, all as set forth in Plaintiff's Emergency Motion to Enlarge Time which is being filed and served herewith.

5. With regard to plaintiff's Answers to Interrogatories #7, 8 and 11, the plaintiff has not further answered at this time, pending the Court's action on plaintiff's Emergency Motion to Enlarge Time and plaintiff's decision to seek appellate relief and/or a protective, non-waiver order, all as set forth in Plaintiff's Emergency Motion to Enlarge Time which is being filed and served herewith.

6. The material previously withheld by the plaintiff on the grounds of the psychotherapist-patient privilege, General Laws chapter 233, § 20B, is being produced to lead counsel for the insurers in accordance with the court's order and the arrangement between the parties for production of documents.

7. The documents arising out of or relating to claims of sexual abuse previously withheld by the plaintiff on the grounds of lack of relevancy or materiality are being produced to lead counsel for the insurers in accordance with the court's order and the arrangement between the parties for production of documents to the defendants, except for the material which the Court has, on other grounds, indicated it would conduct in camera review. That material is being submitted to Judge Agostini at the Franklin Superior Court for that review.

8. With regard to the material listed on Exhibit A of the Defendants' Memorandum (listing documents identified in the privilege log without specification of the objection), those items are being produced to lead counsel for the insurers in

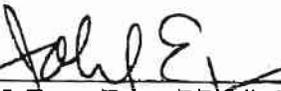
accordance with the court's order and the arrangement between the parties for production of documents to the defendants.

9. With respect to the Court's Order that plaintiff produce a log of destroyed documents relating to allegations of dispute within the last 30 years, plaintiff has made further inquiry and responds that no such documents were destroyed.

Respectfully submitted,

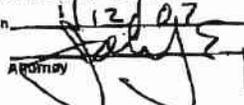
THE PLAINTIFF, THE ROMAN CATHOLIC
BISHOP OF SPRINGFIELD, A CORPORATION SOLE

BY ITS ATTORNEYS:



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I certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by
mail (by hand) on 11/21/07


Attorney