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NCR joins AP, others in seeking to break protective order

by NCR Staff

Four media organizations -- including *National Catholic Reporter* -- on Tuesday asked the Rhode Island Superior Court to unseal court documents in a civil lawsuit challenging the Legion of Christ's control over the estate of a wealthy widow who spent her final years as a consecrated woman in the order's lay wing.

The case involves the \$60 million estate of Rhode Island citizen Gabrielle Mee, who died in 2008. The documents include depositions of some of the key leadership of the Legion of Christ, including Fathers Anthony Bannon, Owen Kearns and Luis Garza, who was until last year the vicar general and chief financial officer of the Legionaries and is now director of the Legionaries' newly combined North American territory.

A motion to vacate the sealing order was entered in the Superior Court in Providence, R.I., Tuesday afternoon by lawyers representing The Associated Press, *NCR*, *The New York Times* and *Providence Journal*. The motion claims the sealing order violates the First Amendment and state laws "because there is no good cause to justify such a broad restriction on public access to documents regarding a matter of significant public interest, namely a civil law suit concerning the actions of the Legion of Christ with respect to its control over finances of an elderly widow who gave \$60 million to the Legion of Christ."

Shortly after Mee's death, her niece, Mary Lou D'Auray, sought to revoke the will and retrieve the assets on grounds that her late aunt was fraudulently deceived. Last month, Rhode Island Superior Court Judge Michael Silverstein ruled that D'Auray had no standing to bring suit, but in his lengthy decision he "stated *arguendo* that [the court] would have denied Defendants' Motions to Dismiss claims asserted by plaintiff including undue influence, fraud and breach of fiduciary duty as a matter of law," according to the motion the media organizations filed Tuesday.

In his ruling, Silverstein cited extensive information from discovery documents unavailable to the public. Those are the documents the media organizations are seeking to have unsealed.

To learn more about the Mee case, see Legion of Christ Controls \$28 million estate in Rhode Island.

Of the motion, *NCR* editor Dennis Coday said: "We know from long experience that when it comes to scandals in the church -- whether clergy sexual abuse and its cover-up or abuse of power -- justice is not easily won. From Boston to Philadelphia to Los Angeles, it has taken the power of the U.S. judicial system and the persistence of journalists to undo the obfuscating of church officials and bring into the light secrets the church would like to keep hidden.

"*NCR* joins with The Associated Press, *The New York Times* and the *Providence Journal* in bringing this motion in an attempt to continue to tell the truth about all who would do harm to faithful Catholics.

"In his ruling last month, Rhode Island Superior Court Judge Michael Silverstein, raising a host of serious questions, said that Gabrielle Mee had been unduly persuaded to give the Legion her money. 'The transfer of millions of dollars worth of assets -- through will, trust, and gifts -- from a steadfastly spiritual, elderly woman to her trusted but clandestinely dubious spiritual leaders raises a red flag to this Court,' he wrote.

"We will not know the full extent of the undue persuasion until these court documents are unsealed. We hope the court acts quickly so that the entire story might be known. "

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