

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
FLORIDA

CASE NO:

FATHER JOHN GALLAGHER,

Plaintiff,

v.

DIOCESE OF PALM BEACH, INC.

Defendant.

COMPLAINT

COMES NOW the Plaintiff, FATHER JOHN GALLAGHER, by and through his undersigned attorneys, and brings this action against the Defendant, DIOCESE OF PALM BEACH, INC., and alleges:

1. This is an action for defamation and libel per se on behalf of a priest in the Catholic Church who was intentionally defamed as part of a cover-up for his heroic attempt to report and prevent child abuse by another Catholic priest in Palm Beach County, Florida.

2. Plaintiff, FATHER JOHN GALLAGHER, is a resident of Florida, and the actions complained of herein occurred in Palm Beach County, Florida.

3. Upon information and belief, the Defendant, DIOCESE OF PALM

BEACH, INC., is a religious entity, believed to be a not-for-profit religious corporation, organized and existing under the laws of the State of Florida, with its principal place of business, including the locus of its managerial and policymaking functions, in West Palm Beach, Florida.

4. This is an action for damages which exceeds the jurisdictional limits of this Court.

5. The history of the Catholic Church's attempts to cover up child abuse is shameful and sordid. There have been numerous allegations of crimes by Catholic priests against boys and girls, some as young as three years old, with the majority being between the ages of 11 and 14. The Church's response to those allegations has almost uniformly been to cover up the allegations and prevent the prosecution of these priests.

6. In the late 1980's there was wide publicity about these cover-ups. Numerous cases involved priests who had been accused of abuse for decades with the complicity of the Catholic hierarchy to cover up the sexual abuse allegations, including the moving of abusive priests to other parishes where the abuse often continued.

7. Between 2001 and 2010, the Holy See, the central governing body of The Catholic Church, reviewed sexual abuse allegations concerning approximately 3,000 priests dating back as long as 50 years. World-wide, this long-term abuse resulted in the Catholic hierarchy regularly covering up reports of abuse.

8. It has been estimated that approximately 4% of all priests during the

past half century have had some sexual experience with a minor, with the United States having the highest number of reported sex abuse cases involving Catholic priests.

9. Prior to 2001, the management of these kinds of cases was left to local dioceses and only in 2001 did the Vatican first require that sex abuses be reported to Rome.

10. In 2002, the Boston Globe reported that sex abuse was rampant in Massachusetts and elsewhere. The Dallas Morning News did an extensive investigation and in 2004 reported that despite the revelations in the Boston Globe, the Church was moving abusive priests out of countries where they had been accused and assigning them "to settings that bring them into contact with children despite Church claims to the contrary." That investigation indicated that there were 200 cases that involved clergy who had tried to elude law enforcement.

11. In the United States, bishopaccountability.org, an online archive established by lay Catholics, reported that over 3,000 civil lawsuits had been filed against the Church and that eight Catholic Dioceses had declared bankruptcy because of sex abuse cases between 2004 and 2011.

12. In 2004 the John Jay Report, commissioned by the John Jay College and funded by the U.S. Conference of Catholic Bishops, was based on 10,667 allegations against 4,392 priests accused of engaging in sexual abuse of minors between 1950 and 2002. Over 20% of the victims were 10 years or younger. Seventy percent of the cases were investigated and 80% of those were

substantiated. Some of the priests had more than ten allegations of abuse against them.

13. A major criticism of the Church is the approach taken by bishops when dealing with allegations of sexual abuse by priests, including the failure to report to legal authority and the failure to cooperate with the police. There have been reports of some bishops repeatedly moving offending priests following abuse counseling from parish to parish where they still had contact with children. According to the United States Council for Catholic Bishops, Catholic bishops in the 1950's and 1960's viewed sexual abuse by priests as a spiritual problem requiring a spiritual solution of prayer. After 1960, the bishops came to adopt the view that after psychiatric and psychological treatment of priests who sexually abuse minors they could safely be placed back in the ministry.

14. In June, 2002, the United States Conference of Catholic Bishops adopted a zero tolerance policy for responding to allegations of sexual abuse and promulgated a Charter for the Protection of Children and Young People that pledged the Catholic Church would provide a safe environment for all children in Church sponsored activities. This charter required dioceses faced with an allegation of sexual abuse by a priest to alert authorities, conduct an investigation, and remove the accused from duty. The Dallas Morning News article, referred to hereinabove, reported that nearly two-thirds of the bishops attending the conference had covered up sexual abuse of priests. This charter set up a comprehensive set of procedures including:

Creating a safe environment for children and young people.

Healing and reconciliation of victims and survivors.

Making prompt and effective response to allegations.

Zero tolerance policy on abusers: If a credible accusation is made against a cleric, he is permanently removed from Ministry regardless of how long ago the offense occurred.

Cooperating with civil authorities.

Disciplining offenders.

Providing the means of accountability for the future to ensure the problem continues to be effectively dealt with through a National Secretariat of Child and Youth Protection and a National Review Board.

15. In 2008 Pope Benedict admitted that he was “deeply ashamed” of the clergy sex abuse scandal that had devastated the American Church.

16. In May of 2001, the Vatican published new guidelines drawn up by Cardinal William Levada, the head of the congregation of the doctrine of faith on dealing with clergy sexual abuse cases, required Bishops and heads of Catholic religious orders world-wide to develop “clear and coordinated procedures” for dealing with sexual abuse allegations by May of 2012. The guidelines instructed the Bishops to cooperate with the police and respect all relevant local laws in investigating and reporting allegations of sexual abuse by the clergy to civic authorities but did not make such reporting mandatory.

17. As a result of this lack of mandatory reporting, The Guardian wrote in 2006 that “despite the National Review Board’s own estimates, there have been some 5,000 abusive priests in the United States. To date, 150 have been successfully prosecuted.

18. In 2010, the BBC reported that a major cause of the scandal in the Catholic Church was the cover-ups and other alleged shortcomings in the way the Church hierarchy had dealt with abuses.

19. In September, 2010, Pope Benedict XVI lamented that the Roman Catholic Church had not been vigilant enough or quick enough in responding to the problem of sexual abuse by the Catholic clergy.

20. The Palm Beach Diocese has a history of significant sexual abuse scandals in the recent past. In 1998, the Diocese had revelations concerning Joseph Keith Symons who resigned as Bishop in 1998 after admitting that he molested five (5) boys while he was a pastor. He was replaced by Anthony O'Connell who resigned four years later in 2002 after he admitted molesting an underage seminarian. Anthony O'Connell held a press conference and admitted his wrongdoing and publicly apologized. In 2002, the former bishop of Palm Beach, Thomas Daily, was criticized because of the revelation that he had been involved in cover-ups of priests accused of sexual abuse in Boston. He admitted "profound regret" over decisions made in the Boston archdiocese. Bishop Geraldo Barbarito has been bishop of the Palm Beach Diocese since approximately 2003. While he has repeatedly pledged to remove from the ministry any priests found to have abused a child and to help abuse victims in any way that the Church could, he has failed to publicly name any of the accused priests.

21. In fact, there has been a decided lack of transparency in Vatican

proceedings. The Church's insistence on confidentiality in its treatment of priestly sexual abuse cases resulted in a ban on reporting serious accusations to the civil authorities. The effect of this lack of cooperation and secrecy was best summed up by abuse victim Mary Dispenza:

It is easy to think that when we talk about the crisis of child rape and abuse that we are talking about the past – and the Catholic Church would have us believe that this most tragic era in church history is over. It is not. It lives on today. Pedophiles are still in the priesthood. Coverups of their crimes are happening now, and bishops in many cases are continuing to refuse to turn information over to the criminal justice system. Cases are stalled and cannot go forward because the church has such power to stop them. Children are still being harmed and victims cannot heal.

22. The United Nations Committee on the Rights of the Child in early 2014 issued a report asserting that the Pope and the Roman Catholic Church had not done enough to protect children and instead had done too much to protect its reputation. The Committee said that it was gravely concerned that the Holy See had not acknowledged the extent of the crimes committed, had not taken the necessary measures to address cases of child sexual abuse or to protect children, and had adopted policies and practices which have led to the continuation of abuse and the impunity of the perpetrators.

23. In July of 2014, Pope Francis was quoted as having said in an interview that about 8,000 Catholic clergy including bishops and cardinals were pedophiles.

24. There is evidence that Popes have used canon law to save the

reputation of the Church. Canon law from the 12th century decreed that a priest should be dismissed from the priesthood and handed over to the civil authority for punishment in accordance with the civil law and in 1904 a Commission set up by Pope Pius X drafted a uniform code of canon laws by discarding papal and council decrees that were no longer relevant, modifying others and creating new ones.

In 1917 the Code of Canon Law discarded the decrees requiring priests who sexually assaulted children to be handed over to the civil authorities and five years later Pope Pius XI issued his 1922 decree, *Crimen Sollicitationis*, imposing the “secret of the Holy Office,” a “permanent silence” on all information the Church obtained through its canonical investigations of clergy sex abuse of children. There were no exceptions allowing the reporting of these crimes to the civil authorities.

In 1962, Pope St. John XXIII reissued *Crimen Sollicitationis*. In 1974, Pope Paul VI, by his decree, *Secreta Continere* renamed “the secret of the Holy Office” “the pontifical secret,” and it continued to apply to the sexual abuse of children under the new 1983 Code of Canon Law.

In 2001, Pope St. John Paul II confirmed the pontifical secret under some new procedures, and in 2010, Pope Benedict XVI expanded its reach by applying it to allegations of priests having sex with intellectually disabled people. In 2010, the Holy See allowed a restricted form of reporting to the civil authorities but only where the civil law required it.

On April 29, 2016, in an interview with the Italian newspaper La Repubblica, Pope Francis denounced the corruption of children as the most terrible and unclean thing imaginable and vowed to confront it with the seriousness it demands. He admitted that one in fifty priests are engaging in pedophilia and that that number includes both Bishops and Cardinals. In the interview the Pope acknowledged that pedophilia was common and widespread in the Catholic Church. The Pope said the Catholic Church has been guilty of complicity in covering up what he called despicable actions and grave sins. He said members of the Catholic Church should weep before the execrable acts of abuse which have left life-long scars. These statements of the Pope came after damning reports by the UN in 2016 that have accused the Vatican of systemically adopting policies that allow priests to rape and molest thousands of children over decades, failing to report allegations to authorities and transferring offenders to new Dioceses where they could abuse again.

25. According to an article written on September 20, 2015, by Dave O'Regan, New England Director of the Survivor's Network of Those Abused by Priests, there has not been one child molesting cleric anywhere who has been exposed by the Pope nor one step taken by the Pope to deter future cover-ups. The Pope has not defrocked, demoted, disciplined or even denounced one Bishop who hid predators or concealed crimes or endangered children. Pope Francis has done nothing about the ongoing world-wide abuse and cover-up of pedophile priests. Time and time again Pope Francis has ignored or even

promoted complicit Bishops including a highly controversial Chilean Bishop who faced multiple accusations of witnessing abuse as it happened.

26. The Associated Press on June 4, 2016, reported Pope Francis has scrapped his proposed tribunal to prosecute Bishops who covered up pedophile priests after it ran into opposition. The original proposal for the tribunal would have treated negligence of the Bishops as a crime and prosecuted it as such. A new statute proposed to Pope Francis essentially does away with the proposal approved by Pope Francis in 2015 to establish an accountability tribunal inside the congregation for the Doctrine of the Faith to hear negligence cases.

27. On January 3, 2017, The Week Magazine published an article written by Michael Brandon Dougherty. He reports the case of Father Mauro Inzoli who allegedly abused minors in his confessional, going so far as to teach children that sexual contact with him was legitimated by scripture and their faith. He was found guilty and in 2012 under the papacy of Pope Benedict he was defrocked. Pope Francis returned Father Inzoli to his priestly state in 2014 inviting him to “a life of humility and prayer” in January 2015. This past summer, civil authorities convicted him of 8 offenses and noted that another 15 were beyond the statute of limitations.

28. What has happened to Father John Gallagher shows without question that the Catholic Church has learned nothing from its history and continues to cover up acts of priest pedophilia even at the expense of its own priests and that a priest who cooperates with authorities to prosecute child sexual harassment will suffer at the hands of his own church.

29. Father John Gallagher has been an ordained priest in the Catholic Church since June 21, 1992. For 25 years he served with distinction, first in Northern Ireland and then, starting in 2000, in the United States. On April 14, 2014, he was named Parochial Administrator (the priest in charge) at Holy Name of Jesus on Southern Blvd. and Military Trail in West Palm Beach, Florida. He was performing nine masses on Sunday alone and daily masses on the other days and desperately was in need of help. On December 8, 2014, he was assigned an assistant priest who arrived from India named father Joseph Varkey Palimatton. Unbeknownst to Father Gallagher, Father Palimatton had been involved in several sexual abuse events in India. The Catholic Church in India transferred Father Palimatton to Holy Name without providing any information concerning his past abuses.

30. At approximately 7:15 p.m. on January 5, 2015, Father Gallagher was informed by text from the music minister, Mercedes Rudin, who reported that she had received a complaint from a 14-year-old boy that Father Palimatton had shown him numerous photographs of minor children who were naked and had erect penises. Father Gallagher immediately confronted Father Palimatton and interviewed him about the incident. The incident was captured on security camera, at the entrance of the Church.

31. Father Palimatton admitted that the incident had occurred and when confronted by Father Gallagher admitted that the children in the photographs were extremely young, approximately 6 years of age. Father Palimatton's attitude was that the entire matter could be cured by him going to confession, as

previously instructed by his superiors in India. He admitted that he liked to watch young children in that state, belonged to a group that did the same thing in a collective, and that he regularly had done these things in his native country of India. He admitted to having homosexual affairs in India with young children. Retired Palm Beach Sheriff's office Detective Sean O'Shea and his wife Barbara, the Church's office manager, witnessed this conversation.

32. Father Gallagher and Sean O'Shea contacted the State Attorney's Office and asked the proper way to report this crime and were told further reporting was unnecessary as the boy's father had contacted the Sheriff's Office and filed a formal complaint.

33. On January 6, 2015, Father Gallagher contacted the Diocese through its employee, Chancellor Lorraine Sabatella. That date was the first day back after the Christmas Vacation and the earliest that the Diocese could be contacted. Ms. Sabatella told Father Gallagher that the normal way the Diocese handled a matter like this was to send the offending priest on an airplane back home. She instructed him not to take a lot of notes. This call was witnessed by Mrs. Barbara O'Shea, Office Manager.

34. On January 6, 2015, Father Palimatton was arrested for showing pornography to a minor. Father Gallagher asked Ms. Lorraine Sabatella at around 9:00 a.m. if the Diocesan attorney would be calling and she said "no, you do not need him." Father Gallagher replied that she was not legal counsel and she reiterated he would not be calling. Father Gallagher further inquired as to

the whereabouts of the bishop, and was told he would not be calling as he was on retreat.

35. Around mid-day on January 6, Lorraine Sabatella called Father Gallagher to inform him she had spoken with the Diocese attorney, and that he recommended that Father Gallagher not keep too many notes or volunteer too much information.

36. In the late afternoon of January 6, Father Gallagher was interviewed by Sheriff Officer Debbie Phillips. He gave a complete statement to her detailing the conversation between him and Father Palimatton. This included an admission by Father Palimatton that he had shown 40 thumbnail photographs of child pornographic images of nude preteen boys exposing their penises to a 14 year old boy. When confronted by Father Gallagher, Father Palimatton admitted that these boys were "very young." When interrogated, Father Palimatton admitted that the photographs were of children as young as 6 years old with erect penises. It was revealed to Father Gallagher that later in the evening Father Palimatton had sent a Facebook message to the 14-year-old victim stating "good night, sweet dreams." Attached hereto and made a part hereof as Exhibit "A" is a commendation from Detective Debbie Phillips praising Father Gallagher's cooperation with the police, stating her belief that if it was not for that cooperation other children likely would have been victimized and decrying the Catholic Churches normal routine of impeding rather than cooperating in investigations. In addition to decrying the lack of cooperation from the Catholic Church, Detective Phillips recounted to Father Gallagher an incident when such lack of

cooperation resulted in a delay in arresting a suspect who was able to flee because of that delay. A second commendation which is attached hereto as Exhibit "B" was issued by the Chief Deputy of the Palm Beach County Sheriff's Office, Michael E. Gauger, who verified that in his 44 years of law enforcement experience he had witnessed the Catholic Church's refusal to provide information to investigators and the actual impeding of investigations through its lack of cooperation. He, too, praised Father Gallagher's cooperation and indicated his hope that the Catholic Church would recognize the importance of Father Gallagher's cooperation in this case.

37. On January 9, 2015, Father Gallagher told Ms. Sabatella, the Chancellor, that he had discovered that the incident had been captured on security camera. Ms. Sabatella told Father Gallagher not to inform the police of that fact. Father Gallagher then informed her the police were on their way to collect the video. She responded by saying you don't have to give that to them. She quoted the diocesan attorney stating that he had suggested not to say much or relate too much detail in case the family sued the Diocese. Father Gallagher then asked whether Ms. Sabatella was instructing him to obstruct a police investigation. She had no response. Barbara O'Shea witnessed this call.

38. On January 20, Father Gallagher received a call from the diocesan attorney who told Father Gallagher repeatedly that he didn't have to tell the police everything.

39. Bishop Gerald Barbarito called Father Gallagher on January 11, and said he wanted no details of the event. He then hung up.

40. What followed next was a classic case of cover-up by the Catholic Church, including the defamation of Father Gallagher, ignoring the attempts by Father Gallagher to follow the Church doctrine of zero tolerance of child abuse, and instead defaming Father Gallagher in order to effect the cover-up.

41. During the next year, Father Gallagher wrote letters to numerous officials of the Catholic Church informing them of the attempted cover-up taking place in the Palm Beach Diocese. These included letters to Archbishop Wenski, Cardinal Sean O'Malley, Cardinal of Boston, Archbishop Diamurid Martin, Archbishop Charles Brown, Papal Nuncio of Ireland, Archbishop Carlo Maria Vigano, apostolic Nuncio in Washington, D.C., Cardinal Gerhard Ludwig Muller, prefect of the Congregation for the Doctrine of the Faith in Rome, Italy, the Pontifical Commission for the Protection of Minors in the Vatican, Peter Saunders, founder of the National Association for People Abused in Childhood and a member of the Pontifical Commission for the Protection of Minors, Marie Collins, another member of the Pontifical Commission for the Protection of Minors, and Monsignor John Oliver, secretary of that Commission. Because of these communications, the Palm Beach Diocese, as part of the cover-up of the molestation by one of their priests, determined to defame Father Gallagher to avoid the consequences of his writings and his public disclosure of this cover-up.

42. Rather than confront the unfortunate facts that one of their priests had yet again been guilty of sexual molestation of minors and cooperate with law enforcement to protect other minors, the Diocese chose to kill the messenger by defaming Father John Gallagher. This defamation began with a fax transmission

to all pastors in the diocese on January 29, 2016. That transmission is attached hereto and made a part hereof as Exhibit "C." In that transmission, every priest in the diocese is asked to read to every mass the letter of January 29, 2016, from bishop Gerald Barbarito. In that letter the Diocese denies any cover-up and accuses Father Gallagher of lying stating "His assertion of this is but another one of his fabrications which is causing harm to the Church. I truly regret Father Gallagher's behavior for which there is no founded reason. . . . Father Gallagher's harmful assertions are an embarrassment to my brother priests as well as to me." Rather than praising Father Gallagher for his timely handling of the aforesaid sexual harassment of a minor, Bishop Barbarito asks the congregations to pray for Father Gallagher. These statements by Bishop Barbarito were made while in the course and scope of his employment as a bishop for the Palm Beach Diocese and were false and defamatory to the Plaintiff and libeled him in his chosen profession of a priest and were, therefore, libel per se.

43. On January 29, and February 1, Father Gallagher was further defamed when Bishop Gerald Barbarito, in the course of his employment with the Diocese, authorized Diocese employees and parishioners to make false and defamatory statements against Father Gallagher. These appeared in the Palm Beach Post in an article attached hereto and made a part hereof as Exhibit "D." In that article, statements are made that Father Gallagher was "An egotistical problem – priest who spread lies about the Diocese because he was passed over for a promotion for at least a second time in six years." "The only reason that this is going on (Father Gallagher's statements about the cover-up) is that John is very

upset and angry that he was not named pastor. That's the bottom line. He wanted to be pastor of Holy Name so bad." "John is a disgruntled employee of the Diocese. He needs serious professional help." "He harassed a Cuban priest, Father Jose Crucet, prompting Hispanic parishioners to demand Gallagher's transfer." These statements were false and defamatory, were made at the behest of Bishop Barbarito while in the course and scope of his employment as a Bishop for the Palm Beach Diocese and defamed the Plaintiff, libeled him in his chosen profession of a priest and were, therefore, libel per se.

44. The Diocese issued two press releases during the week of January 29 attempting to discredit Father Gallagher before he ordered priests to read the letter set forth in paragraph 37 in every parish in the Palm Beach Diocese during mass during the weekend of January 30 – 31st, stating that Father Gallagher's remarks about the Palimatton event were unfounded allegations. Those statements were false and defamatory. They were made by Bishop Barbarito during the course and scope of his employment with the Palm Beach Diocese and libeled Father Gallagher in his chosen profession of a priest and were, therefore, libel per se.

45. The defamatory statements of the Defendant through its Bishop Gerald Barbarito were restated on February 5, 2016, in an article in the Sun Sintinel which is attached hereto as Exhibit "E." In that article, the Diocese is quoted as stating on January 26, that Father Gallagher was "blatantly lying." Furthermore, the Diocese is quoted as stating that Father Gallagher "made unfounded allegations against the Diocese of Palm Beach and the Church in general. The

Diocese is quoted as saying "Our Diocese in no way, as Father Gallagher erroneously asserts, tried to 'cover up' the inappropriate behavior of a visiting priest said Barbarito, head of the Diocese of Palm Beach." All of these statements were false and defamatory, were made by Bishop Barbarito or other employees of the Palm Beach Diocese in the course and scope of their employment with the Palm Beach Diocese and libeled the Plaintiff in his chosen profession of a priest and were, therefore, libel per se.

46. The Palm Beach Diocese's attempt to cover-up the Palimatton event by defaming Father Gallagher has spread throughout the world as evidenced from the attached article appearing in the Irish Central on January 28, 2016, and attached hereto as Exhibit "F." In that article, the Diocese is quoted as stating "Father Gallagher is blatantly lying and is need of professional assistance as well as our prayers and mercy." That statement is false and defamatory. It was made by the Palm Beach Diocese or one of its employees in the course and scope of his or her employment with the Palm Beach Diocese and libeled Father Gallagher in his chosen profession as a priest and was, therefore, libel per se.

47. The defamation of Father Gallagher by the Palm Beach Diocese has been made on the Internet as well as in the aforesaid newspaper articles and letter. On January 26, a Facebook post was posted by Father Albert Dello Russo, the canon lawyer for the Diocese. That post is attached hereto and made hereof as Exhibit "G." In that post Father Dello Russo in the course and scope of his employment with the Palm Beach Diocese or, with the acquiescence and encouragement of the Palm Beach Diocese, makes the following false and

defamatory statements: "The Diocese of Palm Beach is very disappointed in the actions of Father John Gallagher who, through a complete misrepresentation of the case of Father Jose Palimattom, has brought unfair and slanderous allegations against the Church and the Diocese of Palm Beach: Father Gallagher has acted in a similar manner in other situations in the past and has been given every opportunity for correction, including the possibility of professional assistance. . . . Father is blatantly lying and is in need of professional assistance as well as our prayers and mercy." These statements were false and defamatory and libeled the Plaintiff in his chosen profession as a priest and were, therefore, libel per se.

48. On January 26, Father Brian King, Episcopal secretary to Bishop Barbarito made the following post on Facebook, a copy of which is attached hereto and made a part as Exhibit "H." That statement makes the following false and defamatory statements regarding Father Gallagher: "Fr Gallagher is blatantly lying in his flawed 'recollection' of the facts. . . . it is almost humorous that SNAP is defending Fr John who has managed to manipulate them in the web of lies that he continues to spread. I applaud the work of Victims Support Groups who advocate for due process and the truth, not those easily misled by sensationalism and manipulation." These statements were made in the course and scope of employment with the Palm Beach Diocese and were false and defamatory and libeled the Plaintiff in his chosen profession as a priest and were, therefore, libel per se.

49. Defendant's defamation of the Plaintiff has also been oral. Attached

hereto and made a part hereof as Exhibit "I" is an email which contains information supplied by Lorraine Sabatella, the Chancellor of the Diocese, who stated on January 26, 2016, to Nancy Smith that Father Gallagher had "a history of problems for years and has been a troublemaker." Ms. Sabatella also stated that what Father Gallagher had stated about the Diocese was "all untrue" and that he has a lot of rich people on his side because he has been doing them a lot of favors like remarrying them without annulment. These statements were untrue and defamatory. They were made by Ms. Sabatella in the course and scope of her employment with the Diocese and constituted libel of the Plaintiff in his chosen profession as a priest and were, therefore, libel per se.

50. In order to effect the cover-up and silence Father Gallagher, a concerted effort was made by the Palm Beach Diocese to convince the public that Father Gallagher had psychological problems and was making up much of the information he was revealing about the Catholic Church's cover-up of the aforesaid incident. On February 9, 2015, a meeting was held at Father Gallagher's church wherein numerous individuals from the Spanish community were invited to attend. Father Gallagher was not invited and was not permitted to be present. This meeting was orchestrated by the Palm Beach Diocese because Father Gallagher had had a disagreement with Father Jose Cruet. Father Cruet spoke Spanish and had a good relationship with the Latino community. This disagreement resulted in hard feelings in the Latino community toward Father Gallagher. The Palm Beach Diocese utilized Father Cruet's disparaging of Father Gallagher as an excuse to show that Father Gallagher was not fit to

lead his church. The meeting was orchestrated in such a way that the numerous individuals who respected and admired Father Gallagher in the Anglo community were not invited nor permitted to speak.

51. On April 29, 2015, a meeting was held between Father Gallagher and Bishop Gerald Barbarito as well as several other Catholic priests at which time the meeting in February with the Latino community was utilized as proof of Father Gallagher's instability and unfitness for his work.

52. Between the February meeting of the Latino community and May 23, 2015, the cumulative effect of the failure of the Church to respond to Father Gallagher's attempts to obtain Church cooperation concerning the incident led Father Gallagher to realistically believe that he was being shunned by the priesthood that he had chosen as his calling. That stress was compounded by Father Gallagher's history of having been abducted in Northern Ireland during the "troubles" and kept against his will in a life-threatening situation and that Father Gallagher was a victim of post-traumatic stress disorder as a consequence of that and sensitive to the hostile environment created by the Diocese as a consequence of his cooperation with the police the Diocese intensified the creation of a hostile environment. As a consequence of that stress, Father Gallagher was hospitalized on May 23, 2015, for an apparent heart attack. During that hospitalization he was visited by Bishop Gerald Barbarito who was hostile, confrontational, demanding that Father Gallagher explain why he was faking an illness. What would be expected of a bishop under these

circumstances was to provide communion and the sacrament of the sick but none of that was provided.

53. After discharge from the hospital, Father Gallagher attempted to return to his quarters in his Church only to find that the locks had been changed. He had been locked out of his home and Church and was homeless. This was part of the cover-up and part of the Church's plan to defame Father Gallagher and destroy his credibility in revealing the Church's cover-up of the Father Palimatton scandal.

54. Six days later, Father Gallagher asked Dominican Nun Sister Anne Monahan to retrieve his private files from the Church. She was caught in the act of assisting him and despite her having been a nun for 67 years and her being 84 years old, she was fired on the spot by the Palm Beach Diocese and forced to retire.

55. As a direct and proximate result of libel, slander and defamation set forth hereinabove, Plaintiff was damaged in his reputation and his livelihood, and his ability to serve in his chosen profession as a priest has been greatly diminished or eliminated. These defamations will live forever on the Internet and will follow Plaintiff throughout his life. The statements are incompatible with the proper exercise of Plaintiff's lawful profession as a priest. He has lost both past and future income and the ability to earn money in the future, his character has been defamed, he has lost goodwill, he has suffered mental and physical pain and suffering, mental anguish and humiliation, has endured and will continue in the future to endure severe pain and suffering both of the body and the mind, has

suffered aggravation of a preexisting condition, has suffered, and will continue to suffer in the future, a loss of ability to lead and enjoy a normal life, and sues this Defendant for both compensatory and will seek punitive damages after making the appropriate evidentiary showing and demands a trial by jury.

DATED: This 9th day of January, 2017.

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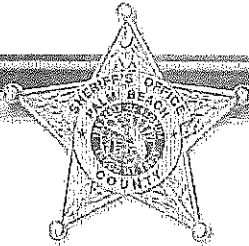
By 

THEODORE BABBITT
Florida Bar No.: 091146

EXHIBIT A

PALM BEACH COUNTY
SHERIFF'S OFFICE

RIC L. BRADSHAW, SHERIFF



May 5th, 2015

Chief Deputy Michael Gauger,

On January 15, 2015, I was assigned to further investigate a case in which Jose Palimattom, a priest with the Holy Name of Jesus Catholic Church exposed a 14 year old male church-member to pornography after a church service.

In having just dealt with the Catholic Church in another criminal investigation I fully expected that church administrators would be uncooperative and dismissive of the allegations. Much to my surprise I was wrong. While meeting with Reverend John Gallagher and his staff I was provided with timely evidence that was needed to arrest and ultimately convict Jose Palimattom for the felony charge of Showing Obscene Material to a Minor. I truly believe that if it wasn't for the cooperation I received from Reverend Gallagher and staff, other children would have also been victimized.

Respectfully,

Det. Debi Phillips

Detective Debi Phillips #5373
Palm Beach Sheriff's Office
Special Investigations Division
Computer Crimes Unit
3228 Gun Club Road
West Palm Beach, FL 33406
561.601.2576 Cell
561.688.4083 Work

EXHIBIT B

SHERIFF'S OFFICE

CHIEF DEPUTY MICHAEL E. GAUGER



July 20, 2015

His Eminence Cardinal Seán O'Malley
Holy Cross Cathedral
1400 Washington Street
Boston, Massachusetts 02118

Dear Your Eminence Cardinal O'Malley,

I feel compelled to write this letter on behalf of Father John Gallagher, a priest who cooperated with the Palm Beach County Sheriff's Office when it was discovered another staff priest had committed a crime (sexual in nature) against a child. Father Gallagher, immediately, took the steps to hold the individual responsible and deter any further crime that might have been perpetrated against other children in the congregation.

Over the last 44 years of law enforcement experience, I have witnessed other events where church staff was not forthright in providing information to our investigators and actually impeded our investigation by their lack of cooperation.

Due to Father Gallagher's cooperation, the case was swiftly resolved and the opportunity for additional crimes was diminished. Educated in the pattern of behavior by those engaged in this inappropriate behavior, the crime could have escalated to something physical which would have been devastating to the victim, as well to the Catholic Church.

My detective, Debi Phillips, felt so compelled that she wrote a memorandum to me concerning Father Gallagher's cooperation. She has experienced in prior investigations, the same lack of cooperation and dismissive attitude while investigating similar offenses.

I read an article from the **New York Times**, recently, in which Pope Francis has approved the creation of a Vatican tribunal for judging bishops accused of complicating criminal allegations into inappropriate sexual behavior by staff. I would expect that Father Gallagher's immediate cooperation should be recognized by the Catholic Church and he receive accolades for his compliance with criminal investigators.

In the event you would like to discuss this issue further, please do not hesitate to contact me.

Respectfully submitted,

Michael E. Gauger, MSW
Chief Deputy
Palm Beach County Sheriff's Office

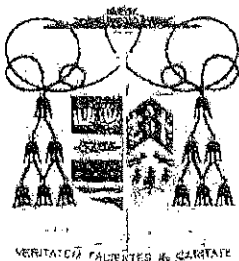
EXHIBIT C

From: Diocese of Palm Beach

5617996729

01/29/2016 14:39

#383 P.001/002



DIOCESE OF PALM BEACH

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Palm Beach Gardens, Florida 33410-9650

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TO: All Pastors

FROM: Most Reverend Gerald M. Barbarito *GMB*
Bishop of Palm Beach

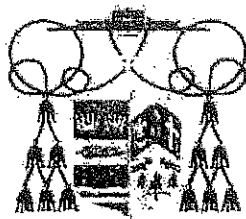
DATE: January 29, 2016

NO. OF PAGES (Including this cover): 2

Attached is a letter from me that I ask be read at every Mass this coming weekend, January 30 and 31, preferably by the celebrant or deacon at the Mass. For the good of all, I believe that it deserves special attention.

I thank you in advance for your cooperation in this matter.

A Spanish version of this letter will be sent later today.



DIOCESE OF PALM BEACH

9995 North Military Trail • P.O. Box 109650
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Office of
THE BISHOP

January 29, 2016

Dear Sisters and Brothers in Christ:

As your shepherd, which I am privileged to be, I wish to publicly state that I am deeply grateful to our extraordinary staff of competent people in regard to the protection of children, who are committed to their role not as a job, but as a calling, and give their time and attention in a manner that gives us all cause for great reassurance. As some of you are aware, a great deal of disappointing media attention has been focused on Father John Gallagher, a priest of this Diocese, who has made unfounded allegations against the Diocese of Palm Beach and the Church in general. Our Diocese in no way, as Fr. Gallagher erroneously asserts, tried to "cover up" the inappropriate behavior of a visiting priest, Father José Palimattom, who was assisting at Holy Name of Jesus Parish, which Father Gallagher administered. In fact, in accord with our very rigorous policies pertaining to the protection of children, we not only immediately reported the incident to the police and State Attorney, but cooperated as fully as we could in the investigation.

The matter referred to had nothing to do, as Father Gallagher again erroneously asserts, with his not being named pastor of the parish. His assertion of this is but another one of his fabrications, which is causing harm to the Church. I truly regret Father Gallagher's behavior for which there is no founded reason. We have wonderful, hard working and dedicated priests in the Diocese of Palm Beach to whom I am deeply grateful. Father Gallagher's harmful assertions are an embarrassment to my brother priests as well as to me.

I wish not only to clarify this unfortunate matter, but also to ask that you pray for Father Gallagher. As always, he will be given every opportunity for appropriate priestly ministry, based on his willingness to tell the truth, accept assistance, and apologize for the harm he continues to cause.

As the family of Christ in the Diocese of Palm Beach, I thank you for being a community of great faith, mercy and truth, which has always been a personal inspiration to me.

With gratitude for your support and prayers in this and every matter, and with every prayerful wish, I am

Sincerely yours in Christ,

Most Reverend Gerald M. Barbarito
Bishop of Palm Beach

EXHIBIT D



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NATION & WORLD
Tip leads to capture

POST INVESTIGATION PALM BEACH DIOCESE

Dilemma of the Rev. John Gallagher

He's been called an 'evil-doer' and an 'inspiration,' but his presence reportedly led to 'a groundswell of discontent.'

By Joe Capozzi and Jorge Milian
Palm Beach Post Staff Writers

The Rev. John Gallagher has spent much of the past week poring himself to media outlets in Ireland and Florida as a whistleblower punished by the Catholic Diocese of Palm Beach for alerting authorities to a pedophile priest.

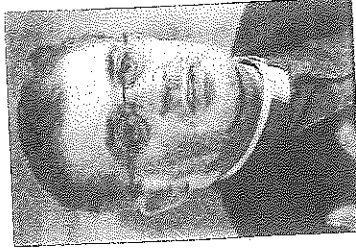
But with the blessing of Bishop Gerald Barbarito, another version

about the diocese because he was passed over for a promotion for at least the second time in six years.

"The only reason that this is going on is that John is very upset and angry that he was not named pastor. That's the bottom line. He wanted to be pastor of Holy Name so bad," said the Rev. Nestor Rodriguez, pastor at St. Ann's Church in West Palm Beach. "John is a disgruntled employee of the diocese. He needs serious professional help."

Among allegations made to The

Gallagher continued on A16



The Rev. John Gallagher says he's being punished for reporting a pedophile.

READ THE DOCUMENTS

- A letter from Bishop Barbarito to Palm Beach Diocese parishes.
 - A letter from Father Gallagher's attorney.
- at MyPalmBeachPost.com

of Gallagher is emerging from diocese employees and parishioners. They paint an unflattering portrait of an egotistical problem-priest who spread lies

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Gallagher

continued from A1

Palm Beach Post about the 60-year-old priest, who rose from humble Northern Ireland origins and bounced around 11 pastoral assignments since coming to Florida in 2000, are:

- Gallagher sparked numerous complaints from Hispanic parishioners at Holy Name of Jesus Church in West Palm Beach. They say he drove a wedge into the congregation's 2,000 members by mistreating Hispanics and trying to push them away from the church because he said they didn't contribute enough to the collection plate.

- He harassed a Cuban priest, the Rev. Jose Crucet, prompting Hispanic parishioners to demand Gallagher's transfer. When Crucet resigned because of stress, the diocese, upon Gallagher's recommendation, replaced Crucet with the Rev. Jose Palimattom, who was arrested two months into his new assignment for showing pornographic images to a 14-year-old boy after Mass in January 2015.

- He transformed the living room of his parochial house into a piano bar where church employees served drinks and cleaned dishes at "high roller" parties he hosted for friends and parishioners.

Barbarito, whose diocese has issued two press releases this week discrediting Gallagher, took another extraordinary step Friday. He ordered priests to read a letter during Mass this week-end addressing Gallagher and his "unfounded allegations" that the diocese "tried to 'cover up' the inappropriate behavior of" Palimattom.

"Father Gallagher's harmful assertions are an embarrassment to my brother priests as well as to me," Barbarito says in the five-paragraph letter, which closes with the bishop asking parishioners "to pray for Father Gallagher."

Gallagher on Friday referred questions about the diocese's allegations to his attorney, who called the assertions a "smear" campaign meant to discredit a good priest.

"This shows what they are about — retaliation. That's all there is," said Robert Flummerfelt, an attorney with Canon Law Services in Las Vegas. "If they want to go down and fight in the gutter with Father Gallagher, he can do the same thing."

In the spotlight

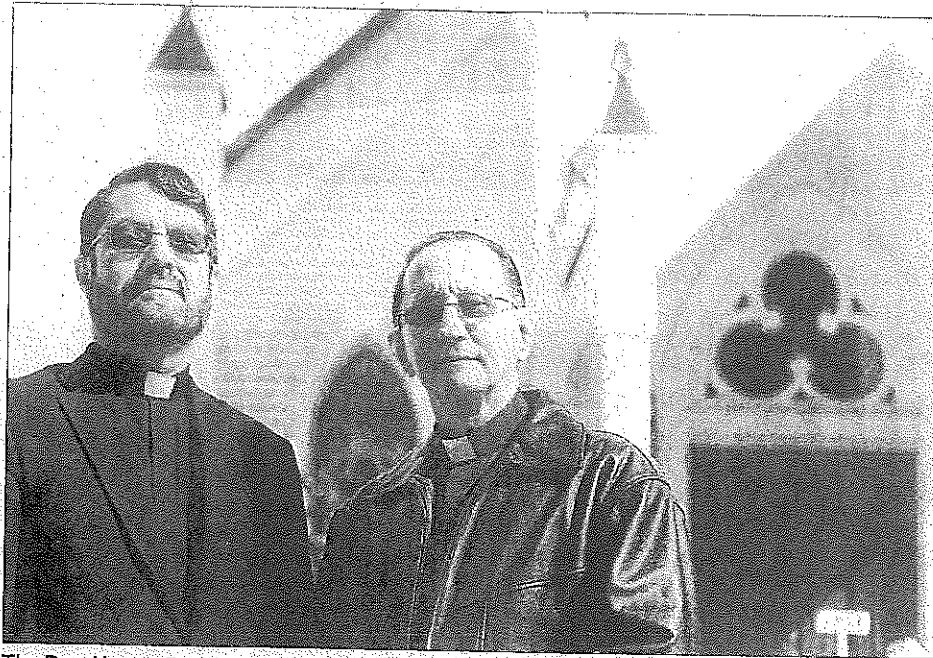
The priest-vs.-bishop spat appeared to start when Gallagher was passed over for a promotion at Holy Name last spring. That prompted him to start reaching out to media outlets with reports that the diocese changed the locks on his parochial house and transferred him to a Stuart church after he refused church orders to put Palimattom on a plane to India rather than report him to law enforcement.

The allegations seemed sensational considering how the Catholic Church has been trying to bounce back from an international scandal of priests abusing kids, a troubling episode currently being replayed in the Oscar-nominated movie "Spotlight."

Gallagher's assertions also sharply contrasted with the zero-tolerance policy adopted by the Palm Beach Diocese in 2002 after the resignation of the second of two bishops in four years over charges of improper sexual relationships with teenage boys.

To bolster his case, Gallagher supplied media outlets with a letter written to Cardinal Sean O'Malley by Chief Deputy Michael Gauger of the Palm Beach County Sheriff's Office, praising Gallagher for his help in prosecuting Palimattom.

The Irish Independent newspaper published Gallagher's assertions Monday, prompting several



The Rev. Nestor Rodriguez, pastor at St. Ann's Church in West Palm Beach (left), and the Rev. Jose Crucet said Hispanic parishioners at Holy Name of Jesus Church felt cut off after the Rev. John Gallagher arrived. Crucet, who is now at St. Ignatius, said he resigned because stress caused by Gallagher began making him physically ill. BRUCE R. BENNETT / THE PALM BEACH POST

GALLAGHER IN PALM BEACH DIOCESE

- **Sept. 1, 2000-Aug. 1, 2002:** Parochial vicar at St. Anastasia Church, Fort Pierce
- **Aug. 1, 2002-June 30, 2005:** Parochial vicar at the Cathedral of St. Ignatius Loyola, Palm Beach Gardens
- **July 1, 2005-Sept. 30, 2009:** Parochial vicar at St. Joan of Arc Church, Boca Raton
- **Oct. 1, 2009-Jan. 1, 2010:** Special leave to study evangelization
- **Jan. 4, 2010-June 30, 2011:** Special leave, Ave Maria University
- **July 1, 2011-July 1, 2012:** Special leave, spiritual director-arts with Soleil
- **Dec. 1, 2013-June 30, 2014:** Parochial vicar, Holy Name of Jesus Church, West Palm Beach
- **July 1, 2014-June 30, 2015:** Parochial administrator, Holy Name
- **July 1, 2015 - present:** Special leave

SOURCE: DIOCESE OF PALM BEACH



Catholic Diocese of Palm Beach Bishop Gerald Barbarito.

media outlets in Ireland and Florida, including The Palm Beach Post, to pursue the story.

The diocese initially responded with vague denials. But when the stories prompted a protest Tuesday in front of diocese offices in Palm Beach Gardens by members of the Survivors Network of those Abused by Priests, the diocese went on the offensive.

Although Barbarito has made no public comments about Gallagher, he authorized priests and parishioners to talk to The Post.

"He is very smart. He is conniving. He is self-centered. He is all about John Gallagher," said Luis Trinidad, who worked under Gallagher as the director of Hispanic Ministries at Holy Name.

Hispanics' anger

Holy Name, on Military Trail just south of Gun Club Road, is a blue-collar parish with members from different cultural backgrounds. Last year, Rodriguez said, he and Barbarito sat through "many, many appointments" with parishioners, "both Anglo and Hispanic," who were unhappy with Gallagher.

"One person after the other came up and said, 'We don't have anything personally against Father John, but we just feel he doesn't understand us, he doesn't interact with us.' They were very disappointed at his performance. They felt cut off," Rodriguez said.

Many congregants were upset that Gallagher would call the police on Hispanic kids who were playing basketball on church grounds.

"From day one he came in with the idea of getting rid of Hispanics in the parish," Trinidad said. "He was always being a bully."

Jesus Lopez, a Holy Name parishioner for nearly 30 years, said he never saw Gallagher at the doors of the church shaking hands with church members after Mass.

"Maybe he did for the English Mass but not for the Spanish Mass," Lopez said. "A lot of people ended up leaving the church until Father Gallagher was gone from here. I left for several months."

Other parishioners complained that Gallagher was rarely available "when people would visit and seek counsel. Some people asked him to visit the sick, but he would not do that," said the Rev. Tom Barrett, who served on a committee that reviewed Gallagher's performance at Holy Name.

Crucet, who has been with the diocese 15 years, said he served at Holy Name for three years. But the last four months there were stressful because he said he was harassed by Gallagher, who often changed his schedule at the last minute and parked his car in a way that prevented Crucet from accessing his car.

"He made me feel vulnerable, like he might manufacture something against me. He really had it in for me," Crucet said.

"It deteriorated my health. I couldn't sleep. My blood pressure was up. I was always worried. He accused me of stealing. He once showed me a sheriff's card and said this man is looking for you."

Crucet has since moved to St. Ignatius. "I looked in the English dictionary to find a word that properly reflects who he is. That word is 'evil-doer,' he said. "That defines the experience I had with him in the church. He made me suffer, he made me get sick. I decided to leave because I did not want confrontation."

More than 150 people attended a meeting last February to air their grievances, which included accusations that Gallagher was trying to push away Hispanic members because they made up nearly one-third of the parish but contributed just 11 percent to collections.

"Over and over again, they commented that they were being discriminated against, they were not being treated justly and they were basically being abandoned and mistreated," Rodriguez said.

Barrett added: "It was very much a groundswell of discontent."

The Troubles

The accusations are remarkable considering Gallagher's own background.

He was born and raised in the working-class town of Strabane, one of the most economically deprived communities in the United Kingdom. Like many towns in Northern Ireland, Strabane witnessed bombings and shootings in the political violence from the 1960s to the late 1990s known as The Troubles.

He's the oldest of three brothers, including one who works as religious education director for the Archdiocese of Dublin. His parents still live in Strabane and attend Mass every day at the church where Gallagher started after he was ordained as a priest in 1992 — the Long Tower Parish, which dates to the year 542.

"John's family came from quite humble origins but are very proud," said Conor Donnelly, who grew up in Derry, just north of Strabane, and spent time in the seminary with Gallagher.

"I couldn't tell you any remarkable story about him. He was just a regular guy. He's a very prayerful guy that inspires your spirit."

Locals still remember how Gallagher's parents, during one spring break weekend, "organized fundraising events to help pay for his education and training as a priest," Donnelly said.

They also remember his talent as a singer and keyboard player who performed in bands and orchestras.

Gallagher became friends with the Irish singer Dana Rosemary Scallion, who sang the hit "All Kinds of Everything," which knocked Simon & Garfunkel's "Bridge Over Troubled Water" off of Ireland's No. 1 slot in 1970.

Scallion, who ran for president of Ireland in 1997 and later served as a member of European Parliament, worked with Gallagher on a musical album to raise money for low-income churches.

After Gallagher came to Florida in 2000, he persuaded her to perform concerts at Boca Raton's St. Joan of Arc Church as recently as 2008.

Gallagher served as parochial vicar at St. Joan's from July 2005 to October 2009. "It did not end well," said Kevin Flinn, operations manager at Holy Name.

Flinn said Gallagher told him he had "put in for the pastoralship of St. Joan and they passed him over."

In all, Gallagher has had 11 assignments in the diocese, starting at St. Anastasia Church in Fort Pierce from September 2000 to August 2002 and ending with his transfer last spring to St. Joseph's in Stuart.

He never reported to St. Joseph's. He is on paid medical leave with benefits, even though he has not told the diocese where he is living.

"Despite the fact he had issues in every parish he's been before, the bishop gave him the benefit of the doubt," Rodriguez said. "When Father John was named administrator of Holy Name, trust me, there were priests on the board that said, 'No, he's going to mess it up again.'"

Parish piano bar

Not long after Gallagher's arrival at Holy Name, he had workers install a piano and a bar in the rectory living room, where he would entertain friends, said Trinidad and Flinn.

"He called (his party friends) the high rollers," Trinidad said.

Barrett said a priest having a piano in the rectory might not be surprising, "but certainly bringing in a bar would be unusual and not the norm."

Flinn said many church employees resented

"being invited to the party and being expected to tend bar and do dishes until the wee hours of the morning."

No one disputes Gallagher's talents as a charismatic speaker who has offered inspiration and joy to congregants. Many parishioners called the diocese last week asking for Gallagher's reinstatement, diocese spokeswoman Dianne Laubert said.

And many of his supporters say they have a hard time believing the diocese because of the Catholic Church's history of covering up sex-abuse cases.

Gallagher has several friends who either work or used to work for PBSO, whose Gun Club Road headquarters is less than a half-mile from Holy Name.

Indications are Gauger, the PBSO's second-in-command, decided on his own to write to Cardinal O'Malley, a former Palm Beach bishop, to praise Gallagher's cooperation on the Palmatom case — and not at the request of Gallagher.

"I felt strongly about the cooperation we received and was compelled because of that to write the letter to the cardinal for accolades on (behalf of) Gallagher," Gauger said in a voice message left for a reporter.

"Other than that I am not involved and I certainly don't want to create an issue with the Catholic Church."

Some local Catholics fault the diocese for not fully commenting on Gallagher's accusations as soon as the Irish newspaper broke the story.

"There's a saying by Mark Twain: 'A lie can travel around the world when the truth is still putting its boots on,'" Flinn said, "and that's what this is."

Staff researcher
Melanie Mena contributed
to this story.
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Embattled West Palm Beach priest helped speed investigation

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[West Palm Beach priest helped speed investigation](#)

Andy Reid, Sun Sentinel

8:02 pm, February 5, 2016

Before being branded a liar recently by the Diocese of Palm Beach, the Rev. John Gallagher played a key role in helping investigators catch a priest who showed child porn to a teenager.

Finger pointing over the handling of the January 2015 incident at Holy Name of Jesus Catholic Church in West Palm Beach, and the church-leadership shake-up that followed,

has pitted Gallagher versus diocese leaders in a public spat playing out in the media from South Florida to Gallagher's native Ireland.

But a review of investigative records shows that long before the recent church rancor emerged, it was Gallagher who helped convince a fellow priest to talk to detectives the day after that priest was accused of using a cellphone to show a 14-year-old boy naked pictures of children.

Initially, the Rev. Jose Palimattom, 48, told detectives he wanted to talk to a lawyer before answering their questions.

"I prefer that, to deal with a lawyer for the clarity of things," Palimattom told the detectives, according to recordings by the Palm Beach County Sheriff's Office.

But as the detectives prepared to leave, Gallagher spoke in private with Palimattom and convinced him to talk.

"My brief from the diocese is that we are to cooperate fully with the investigation," Gallagher told detectives, according to the recordings. "That's what we have to do at this moment in time."

Gallagher sparked controversy recently when he told reporters that he was passed over for head pastor at Holy Name for going to authorities before alerting the diocese to Palimattom's actions.

The diocese has called that a fabrication and maintains that Gallagher didn't get the top job at Holy Name because of his poor performance.

Church leaders have publicized a list of criticisms of Gallagher's leadership at Holy Name, ranging from alienating Hispanic congregants to adding a bar and piano to his former living room at the church rectory.

Diocese leaders say they have fully cooperated with authorities. And they say it was Gallagher who brought Palimattom, originally from India, to Holy Name.

Yet despite the internal church controversy that has emerged, the Sheriff's Office maintains that Gallagher's help led to a speedier arrest of Palimattom.

Recordings of Palimattom's first meeting with detectives show that at a point when Palimattom could have stonewalled investigators and potentially delayed his arrest, it was Gallagher who convinced him to cooperate.

"Once Gallagher was done speaking (with) Palimattom he advised us that Palimattom was now willing to speak with us," the detective's report said. Palimattom was arrested the night he spoke with deputies.

Palimattom, a visiting priest, had only been at Holy Name for about a month before his arrest. During that time, he befriended a family at the church that included a 14-year-old boy who drew particular attention from the priest.

Palimattom frequently sent the boy Facebook messages asking about his day and sometimes at night telling him "good night, sweet dreams." The boy told investigators that Palimattom was "very touchy, hugging, laying head on shoulder" when they saw each other at church, according to a recording of the boy's interview with detectives.

Then after Mass on Jan. 4, 2015, authorities said that Palimattom asked the teen to help him with trouble he said he was having with the Internet browser on his cellphone. He asked for help deleting items, according to a sheriff's report.

"We went outside the church. ... He was showing something on his phone," the boy told detectives, according to a recording of the interview. "Then he opened another application where there were over 40 open tabs of gay, child pornography."

Palimattom later told detectives he thought the 14-year-old could help him clear things off his phone without actually seeing the pictures.

"I wanted to get rid of it," Palimattom told detectives, according to the recordings. "I wanted to clear it off because of my spiritual life."

The day of the incident, the boy told a friend at church and soon after the church music minister and his mother. The music minister alerted Gallagher.

The boy's family contacted the Sheriff's Office the night of the incident. Gallagher and two other representatives from Holy Name met with detectives the next day, according to the investigative records.

In April 2015, about four months after Palimattom's arrest, he pleaded guilty to a charge of showing obscene material to a minor. While he was sentenced to six months in jail, in June he was deported to India.

Ultimately, Gallagher didn't receive the top pastor spot at Holy Name.

Recently Gallagher has gone public with complaints that he was passed over at Holy Name because of cooperating with authorities before first going to the diocese about the Palimattom case.

The Irish newspaper, The Irish Independent, published a story on Jan. 25 featuring an interview with Gallagher and his concerns. That triggered news coverage in South Florida and a response from the Diocese of Palm Beach.

The Church's "response was, 'We used to put people like this on the plane,'" Gallagher told the Sun Sentinel for a Jan. 27 article. "I said, 'That's fine, but the Sheriff's Office is on its way.' They asked how much they knew."

Church officials dispute Gallagher's concerns, with the diocese going as far as saying in a Jan. 26 statement that Gallagher was "blatantly lying."

The diocese went on a public relations offensive during its weekend services and through the media, defending its handling of the Palimattom case and its decision not to promote Gallagher.

In a Jan. 29 letter read to congregations across the county, Bishop Gerald Barbarito wrote that Father Gallagher "made unfounded allegations against the Diocese of Palm Beach and the Church in general."

"Our diocese in no way, as Fr. Gallagher erroneously asserts, tried to 'cover up' the inappropriate behavior of a visiting priest," said Barbarito, head of the Diocese of Palm Beach.

Diocese representatives say they alerted authorities as soon as they learned of the incident. Church officials said Gallagher was reassigned from Holy Name due to his poor performance, not because of the sexual misconduct he reported.

"The matter referred to had nothing to do, as Father Gallagher again erroneously asserts, with his not being named pastor of the parish. His assertion of this is but another one of his fabrications, which is causing harm to the church," Barbarito said in his letter. "Father Gallagher's harmful assertions are an embarrassment to my brother priests as well as to me."

Gallagher had been serving as the parochial administrator at Holy Name, which was considered a probationary post to see whether he should be named the top pastor at the church, according to church officials.

While Gallagher was popular with some members of the congregation, church officials said that they received complaints that he wasn't visiting the sick and was alienating the many Hispanic members of the congregation.

And Gallagher raised eyebrows at the church by adding a bar and piano to the living room in the rectory, where he started holding invitation-only parties, said Peter Mazzella, a deacon at Holy Name.

"He was a good speaker, charismatic. Some people were drawn to that," Mazzella said. "But a pastor has to be much more than that. ... He was not making the grade."

A review committee recommended against the bishop naming Gallagher to the top post at Holy Name. There was no "linkage" between that recommendation and Gallagher's role in the Palimattom investigation, said the Rev. Thomas Barrett, who headed the review committee.

"There were a number of factors that made it not a good fit," said Barrett, the rector of The Cathedral Parish of St. Ignatius Loyola in Palm Beach Gardens. "He was not responsive to the needs of the people. ... This was strictly and purely performance based."

Instead of reporting to the new church he was assigned to in Stuart, Gallagher requested to go on medical leave.

Gallagher this past week declined to comment on criticism of how he ran Holy Name, directing comment to his attorney Elizabeth Tullio of Cannon Law Services in Las Vegas, Nevada.

Tullio in a statement said that the diocese's negative statements about Gallagher "validates that Father Gallagher has been the subject of retaliation."

Tullio said Gallagher would not answer "scurrilous, irrelevant smears designed only to attempt to detract from this honorable and proper course of action protecting youth in his Parish."

Whatever the concerns about Gallagher's leadership of Holy Name, his handling of the Palimattom incident wasn't one of them, said Mazzella, the deacon at Holy Name.

"He handled that pretty well. He was responsive," Mazzella said. "There was certainly no attempt to hide it on anyone's part."

Staff writer Kate Jacobson contributed to this report.

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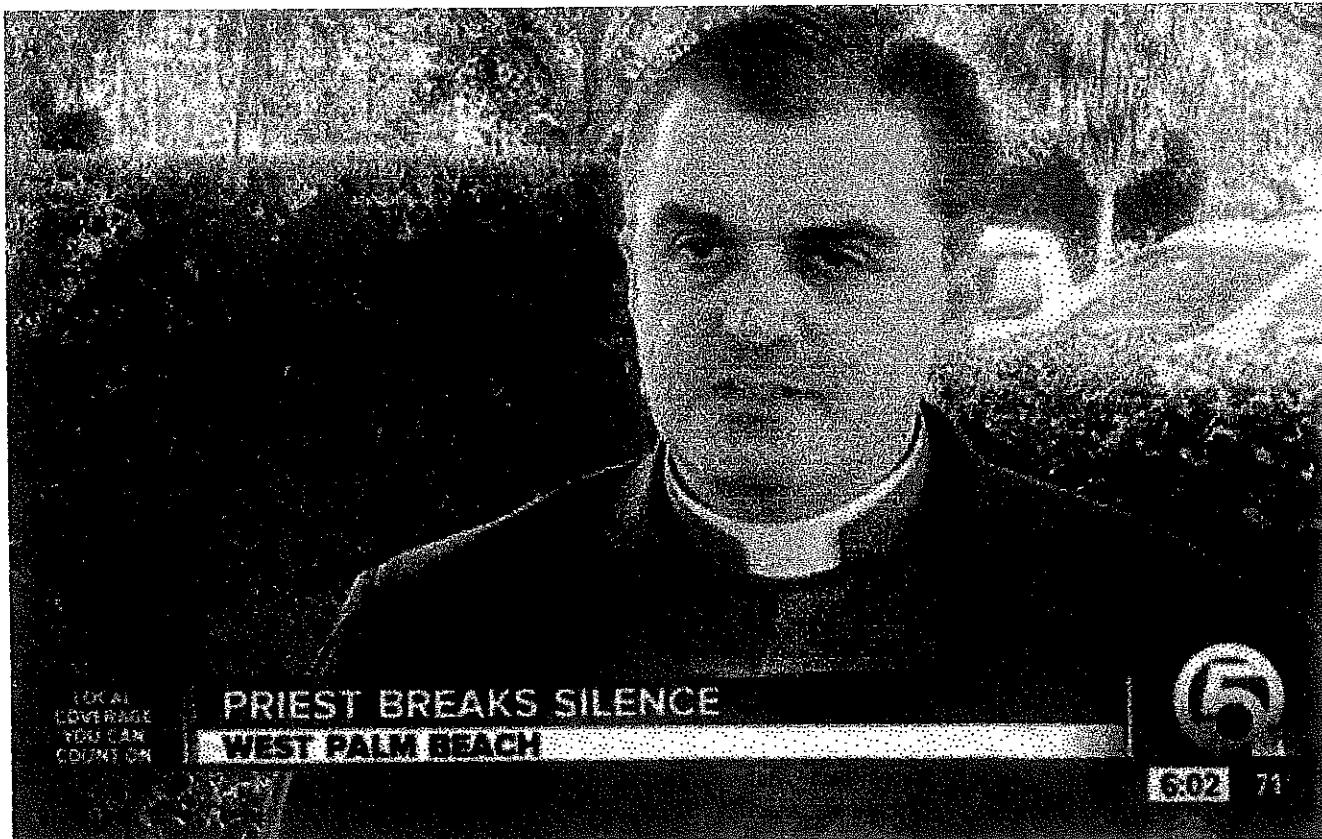
Florida diocese calls Irish priest who reported pedophile colleague a liar

Casey Egan | @irishcentral (http://www.twitter.com/irishcentral) January 28, 2016 | 05:28 AM

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Palm Beach Diocese claims Fr. John Gallagher is "blatantly lying" and "in need of professional assistance."

Photo by: WPTV

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The Catholic Diocese of Palm Beach, Florida has claimed that Father John Gallagher, the Irish priest who made headlines earlier this week (<http://www.irishcentral.com/news/Irish-Catholic-priest-frozen-out-Florida-Church-informing-pedofile-clergy.html>) alleging that he is being punished by his parish for whistleblowing against a pedophile colleague, is "blatantly lying" and "in need of professional assistance."

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Father Gallagher, a native of Co. Tyrone, spoke out on Monday (<http://www.irishcentral.com/news/Irish-Catholic-priest-frozen-out-Florida-Church-informing-pedofile-clergy.html>) against what he described as the diocese's mishandling of a sexual abuse case involving a visiting priest, as well as the apparently punitive actions taken against Fr. Gallagher since he reported the abuse to authorities - being demoted and locked out of his parochial house. (<http://oa>

In January 2015, Gallagher, 48, who has served in Florida since 2000, helped to report criminal misconduct by Fr. Jose Palimattom, a priest of the Franciscan Province of St Thomas the Apostle in India, who was serving a two-year residency at Holy Name of Jesus Parish in West Palm Beach.



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Palimattom, who had been at the parish for just one month, approached a 14-year-old boy one day after Mass and showed him as many as 40 images of naked boys. Police later classified this as an attempt to "groom" the boy for future encounters.

Father Jose Palimattom case update



Mos
Popul



Gallagher claims that he went against a church official's instructions to put Fr. Palimattom on a plane to Bangalore and "not keep written notes" of the incident. Rather than following the Church's instruction to "make him go away," Gallagher interviewed Fr. Palimattom along with one of his parishioners, a retired police officer, who took notes at the meeting.

Palimattom admitted to showing nude pictures of boys to the teen. He also admitted that he had sexually assaulted boys in India before arriving in the US. A few hours later he repeated this confession to detectives from the specialist unit of the West Palm Beach Police.

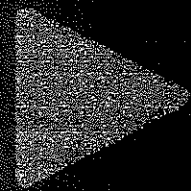
Gallagher contacted the police, following the rules the Catholic Church had set down after hundreds of cases of sexual abuse carried out by the clergy on children.

At the time, the Palm Beach diocese released a statement saying that despite prior investigation they had no knowledge of Palimattom's previous assaults in India, despite conducting a background check. ABC news reported that Palimattom admitted the prior assaults, saying they were not on record as they had not been reported to police. It was also claimed by the media that Palimattom was under orders from the Church to avoid being in the company of minors without other adults in attendance.

Now, in what the Palm Beach Post described as (<http://www.mypalmbeachpost.com/news/news/local-govt-politics/protesters-rally-at-diocese-offices-in-support-of-/nqCmL/>) "an extraordinary public rebuttal," the Palm Beach Diocese has stated that they are (<http://www.diocesepb.org/index.cfm?fuseaction=news.details&ArticleId=8580>) "very disappointed in the actions of Father John Gallagher who, through a complete misrepresentation of the case of Father Jose Palimattom, has brought unfair and slanderous allegations against the Church and the Diocese of Palm Beach."

They further suggest that this is not the first time they have been "disappointed" by Fr. Gallagher, claiming that he has "acted in a manner in other situations in the past and has been given every opportunity for correction, including the possibility of professional assistance," and imply that the Irish priest greatly exaggerated his role in reporting Fr. Palimattom's crime to authorities. This is despite the fact that police have praised Fr. Gallagher for his help with the case, writing to Church leaders including Boston's Cardinal Sean O'Malley, the head of the Pontifical Commission for Child Protection, a group established by Pope Francis in 2014.

Priest breaks silence



Chief Deputy in the Palm Beach County Sheriff's office Michael Gauger, who has been a cop for 44 years, wrote, "Due to Fr. Gallagher's co-operation the case was swiftly resolved and the opportunity for additional crimes was diminished.

He urged Cardinal O'Malley to ensure the Irish priest received "accolades for his compliance with criminal investigators" and note that this was not the first time that the Church has impeded investigations.

The diocese, however, contents that "Father Gallagher is blatantly lying and is in need of professional assistance as well as our prayers and mercy."

The diocese also expressed disappointment in the media's handling of Fr. Gallagher's complaints, adding "The Diocese is very concerned regarding the manner in which the media is presenting this case, especially when the Diocese had released to it information that should have caused more than reasonable caution in presenting misleading information from Father Gallagher."

Gallagher, who has not yet commented on the statement, has claimed that the Bishop of Palm Beach, Gerald Barbarito, demoted him instead of giving him a promotion he was in line for, blocked his access to his parochial house after Gallagher had spend time in hospital recovering from a heart attack, and placed him on extended medical leave.

Fr. Gallagher is now staying in the vacation home of one of his former parishioners and has taken his case to the Vatican.

EXHIBIT G



Remove

Father Albert Dello Russo · 4 mutual friends

Diocese Strikes Back at Priest "blatantly lying and in need of professional assistance as well as our prayers and mercy." In response to recent media coverage of allegations made against the diocese, the Diocese of Palm Beach is issuing the following statement:

"The Diocese of Palm Beach is very disappointed in the actions of Father John Gallagher who, through a complete misrepresentation of the case of Father Jose Palimattom, has brought unfair and slanderous allegations against the Church and the Diocese of Palm Beach. Father Gallagher has acted in a similar manner in other situations in the past and has been given every opportunity for correction, including the possibility of professional assistance.

Father Gallagher has publicly stated that he contacted the Palm Beach County Sheriff's Office the evening the incident occurred. The sheriff's report indicates that Father Gallagher was not the one who made the report. He also publicly stated that he contacted the Diocese the evening the incident occurred. The Diocese of Palm Beach did not receive any communication from him until the next day. Upon learning of the allegation, the Diocese of Palm Beach immediately contacted authorities and learned that the incident had already been reported to them by the boy's family, not Father Gallagher.

The Diocese of Palm Beach acted in a prompt, thorough, and cooperative manner in regard to Father Palimattom. Father Gallagher was not in any way demoted or removed because of the incident. He was not named as pastor of Holy Name of Jesus Church for a number of reasons not related to the incident involving Father Palimattom. He was given a new assignment with all the reasons explained to him. Access to his residence was never denied him, nor was he refused the sacraments. At his request he was placed on medical leave and continues to receive salary, health insurance and benefits. At the present time he has not made known to the Diocese his whereabouts.

Father Gallagher is blatantly lying and is in need of professional assistance as well as our prayers and mercy.

The Diocese is very concerned regarding the manner in which the media is presenting this case, especially when the Diocese had released to it information that should have caused more than reasonable caution in presenting misleading information from Father Gallagher."

Time Jan 26 7:57p

Like · Reply · 1 · January 26 at 3:27pm



Remove

Father Albert Dello Russo · 4 mutual friends

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The Diocese is very concerned regarding the manner in which the media is presenting this case, especially when the Diocese had released to it information that should have caused more than reasonable caution in presenting misleading information from Father Gallagher."

Like · Reply · 2 · January 26 at 7:37pm

EXHIBIT H



Brian King

Palm Beach Gardens, Florida

Fr Gallagher is blatantly lying in his flawed "recollection" of the facts. The boy's parents and the Diocese contacted the Sheriffs Office while Fr John contacted a friend who happened to be a RETIRED police officer. It is almost humorous that SNAP is defending Fr John who has managed to manipulate them in the web of lies that he continues to spread. I applaud the work of Victims Support Groups who advocate for due process and the truth, not those easily misled by sensationalism and manipulation.

EXHIBIT I

From: Kenneth Kutcel kenrk@bellsouth.net
Subject: Re: 'I've been frozen out by the Church for warning police about paedophile'...
Date: January 27, 2016 at 7:47 AM
To: John.gallagherjohna@aol.com

The second paragraph below in black type.

Ken Kutcel

On Jan 26, 2016, at 10:01 PM, John <gallagherjohna@aol.com> wrote:

Ken
Where is Lorraine's reply? It does not mention specifics?

On Jan 26, 2016, at 9:33 PM, Kenneth Kutcel <kenrk@bellsouth.net> wrote:

Ken Kutcel

Begin forwarded message:

From: NPSmith429@aol.com
Date: January 26, 2016 at 7:01:44 PM EST
To: kenrk@bellsouth.net
Subject: Fwd: 'I've been frozen out by the Church for warning police about paedophile'...

From: NPSmith429@aol.com
To: bro4705@aol.com
Sent: 1/26/2016 7:00:51 P.M. Eastern Standard Time
Subj: Re: 'I've been frozen out by the Church for warning police about paedophile'...

Sorry but these are lies coming from the diocese to discredit Fr. Gallagher because they have been caught in their sweeping another pedophile under the rug. I could give you a list of the names of other priest from this diocese that tried to bring out bad priests and the good ones were removed for trying to do the right thing and the bad ones remain. Reason--- The church would rather have boys be molested than face and take care of the problem. Our local police department have tried in the past to get the diocese to help put these priest in jail and the diocese WOULD NOT work with them at all. Fr. Gallagher is a good honest priest and is being deliberately made out to be a sick troublemaker. When in fact, he is just trying to do what is right and is facing to big a corrupt church. He cares and is being made out to be a leper. I know you think I am wrong because you are so involved with what you think it is and what it should be--- but the Catholic Church is so corrupted. God help us.
Nancy

I was told the opposite this a.m. by Lorraine Sabatello who is the Chancellor of the diocese. It seem this priest has a history of problems for years and has been a troublemaker. According to Lorraine this is all untrue and facts she gave me seemed very reasonable. Also, he has a lot of rich people on his side because he has been doing them a lot of favors like remarrying without annulment, etc. Ann

-----Original Message-----

From: NPSmith429 <NPSmith429@aol.com>
To: bro4705 <bro4705@aol.com>
Sent: Mon, Jan 25, 2016 12:39 pm
Subject: 'I've been frozen out by the Church for warning police about paedophile'...

This is all true. I knew about this while it was happening.
Nancy

The facts about Fr Gallagher are finally coming out.

Begin forwarded message: