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COURTS CATHOLIC DIOCESE SUIT

Court allows priest to sue diocese

Judge rejects diocese's claim that the separation of church, state should keep suit out of secular court.

By Jane Musgrave
Palm Beach Post Staff Writer

WEST PALM BEACH — A Catholic priest will be allowed to sue the Diocese of Palm Beach for defamation after a judge this week rejected the diocese's claim that the constitutional separation of church and state should prevent the lawsuit from being decided in a secular court.

In a four-page order, Palm Beach County Circuit Judge Meenu Sasser said Tuesday that the Rev.

GAVEL TO GAVEL

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John Gallagher's claim that the diocese defamed him by calling him a liar who needed "professional assistance" can be decided without getting involved in the policies of the Catholic Church.

"This court also notes the public nature of these statements," Sasser wrote in her order allow-

ing Gallagher's lawsuit to proceed.

The diocese posted three comments on its website vehemently disputing Gallagher's allegations that it tried to cover up sexual abuse by a visiting priest. And it repeated its dim view of Gallagher's veracity in a letter that Bishop Gerald Barbarito ordered be read at all Masses in the five-county diocese in January 2016.

While attorneys representing the diocese claimed the lawsuit was barred by the ecclesiastical abstention doctrine, which prevents secular courts from becoming involved in religious affairs,

Diocese continued on B5



The Rev. John Gallagher (left), with his attorney, Ted Babbitt, says the Diocese of Palm Beach defamed him by calling him a liar who needed "professional assistance." LANNIS WATERS / THE PALM BEACH POST

LANTANA RESTAURANT WORKER KILLED

BOYNTON BEACH OCEAN ONE PROJECT

City to pay \$4.5M

with him. Pierre-Paul said he was an unwilling participant and that he should not have allowed Marcherno back into the car.

But the report states that Pierre-Paul turned off the

car and lights after finding VanMeter in the alleyway and that Pierre-Paul never attempted to call 911 or render assistance.

During an interview with detectives, Marcherno first said he was with friends in

Chando at the time of the crime.

Marcherno then changed his story after seeing the surveillance video and claimed VanMeter had asked if he sold drugs. Marcherno said he confronted VanMe-

vanMeter's funeral expenses support for his girlfriend and child had raised roughly \$1,700 as of Wednesday afternoon.

jmilian@pbpost.com
Twitter: @caneswatch

Diocese

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Sasser disagreed.

Gallagher's defamation lawsuit "can be assessed using neutral principles of law and without resolving a church controversy," she wrote.

Coral Gables attorney Joseph Winsby, who is representing the diocese, wasn't immediately available for comment.

Attorney Ted Babbitt, who is representing Galla-

gher, said he expects Winsby will appeal Sasser's ruling. But Babbitt said he hopes to begin preparing for trial. His first task will be taking a deposition of Barbarito. He said he expects the church to challenge those plans as well.

Gallagher, a former pastor at Holy Name of Jesus Catholic Church, sued the church in January.

He claimed Barbarito punished him for ignoring instructions not to tell authorities that the Rev. Jose Varkey Palimattom, a visiting priest, had shown

pornographic pictures to a 14-year-old youth at the suburban West Palm Beach church in January 2015.

After working with the Palm Beach County Sheriff's Office to help prosecute Palimattom, Gallagher claims he was locked out of the rectory and the church.

In court papers, Winsby disputed Gallagher's assertions.

"This incident was reported by the diocese to law enforcement immediately and no cover-up was accomplished," he wrote.

However, Winsby said, how the diocese handled Palimattom and Gallagher are rooted in church policies and procedures.

"These questions inextricably intertwine church discipline, ecclesiastical government, and the conformity of the members of the church to the standard of morals required," he wrote. "A jury should not consider those issues pursuant to the First Amendment to the United States Constitution."

jmusgrave@pbpost.com

Road rage

continued from B1

Hughes told the FHP that Adams came alongside and hit his brakes, then pointed a gun.

Adams said that as the truck pulled alongside, one of the people inside rolled down a window, started screaming and threw a soda bottle.

He also said his Glock 22 — a 15-round, .40-caliber pistol — was not loaded and never came out, but was under his passenger seat the whole time.

Sharon Hughes said Monday that she and her son had been traveling to visit with an ill relative at the time of the encounter. She said she didn't learn until later that her alleged assailant was a priest.

Adams faces two counts of aggravated assault with a deadly weapon. He was booked early on July 6 and released about two hours later after posting \$15,000 bail, the Martin County Sheriff's Office said.

The Martin County Sheriff's Office provided the recording of Hughes' call, answered first by a Martin

dispatcher and later transferred to an FHP counterpart.

"This guy in the red Corvette slams his brakes in front of us and we pulled up to him and I said, 'What are you doing?' and he pointed the gun at me," Hughes is heard telling the highway patrol dispatcher.

"He held it up and pointed it toward me. He's flying up the road. Him and some girl in the car. I said, 'Why did you slam on the brakes?' And he cursed me and everything and pulled the gun out."

The dispatcher asks if Hughes wants to talk to troopers. She says yes, if

they are able to pull over the Corvette. She says she did not get a license plate because the Corvette was going too fast.

According to a July 2016 Calvary newsletter, welcoming Adams, he was a "preacher's kid" who earned two religious degrees and later served as a military chaplain in such places as Afghanistan and Kuwait. It said he is married with one child.

Staff researcher Melanie Mená contributed to this story.
ekleinberg@pbpost.com
Twitter: @eliotkpbpp

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