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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**DIOCESE OF PALM BEACH, INC.,**  
Petitioner,

v.

**FATHER JOHN GALLAGHER,**  
Respondent.

No. 4D17-2579

[ May 9, 2018 ]

CORRECTED OPINION (as to listing of counsel)

Petition for Writ of Prohibition to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Meenu Sasser, Judge; L.T. Case No. 50-2017-CA-000337-XXXX-MB.

J. Patrick Fitzgerald and Associates, and J. Patrick Fitzgerald, Roberto Diaz, and Maura F. Jennings, Coral Gables, and Gaebe, Mullen, Antonelli & DiMatteo, Coral Gables, and Stradley Ronon Stevens & Young, and Mark E. Chopka, Washington, DC, for petitioner.

Babbitt & Johnson, P.A., and Theodore Babbitt, West Palm Beach, and Burlington & Rockenbach, P.A., and Philip M. Burlington and Nichole J. Segal, West Palm Beach, for respondent.

LUCK, R., Associate Judge.<sup>1</sup>

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<sup>1</sup> The Florida Supreme Court directed that this petition be reviewed and determined by a panel of judges from the Third

Father John Gallagher, a Catholic priest, sued the diocese in which he served, the Diocese of Palm Beach, Inc., for defamation. The diocese moved to dismiss the complaint based on the ecclesiastical abstention doctrine, which prevents civil courts from deciding matters that require adjudication of theological controversy, church discipline, ecclesiastical government, and the conformity of the members of the church to the standard of morals required of them. The trial court denied the dismissal motion, declining to apply the ecclesiastical abstention doctrine because Father Gallagher's defamation claims could be resolved based on neutral legal principles without entangling the courts in the interpretation and application of church law, policies, and practices. We disagree, and grant the diocese's petition for writ of prohibition, because Father Gallagher's defamation claim, which arises out of an employment dispute between him and the diocese, cannot be resolved without the courts excessively entangling themselves in what is essentially a religious dispute.

### **FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

Father Gallagher was ordained as a priest in the Catholic Church on June 21, 1992. He first served in his homeland of Northern Ireland, later immigrating to the United States. In 2000, Father Gallagher was

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District Court of Appeal sitting by designation as associate judges of the Fourth District Court of Appeal.

incardinated with the Diocese of Palm Beach. Father Gallagher held the following positions with the diocese:

- Sept. 1, 2000—Aug. 1, 2002: Parochial vicar at St. Anastacia Church, Ft. 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—July 12, 2012: Special leave to study<sup>2</sup>
- 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.

Father Gallagher began his association with the Holy Name of Jesus Church in December 2013 when he was assigned to that parish as parochial vicar.<sup>3</sup> On

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<sup>2</sup> Father Gallagher sought but was not assigned as pastor of St. Joan of Arc parish in 2009. With the diocese's permission, he took leave to take additional pastoral studies, and returned to ministry in December of 2013.

<sup>3</sup> The Code of Canon Law of the Catholic Church delineates the officials charged with care of the faithful in a parish. The pastor is the primary shepherd of the parish, and is generally appointed to the office for an indefinite term by the bishop. Parochial vicars are co-workers with the pastor of a parish and are assigned to assist in exercising pastoral ministry in the parish. The office

April 14, 2014, Father Gallagher was named parochial administrator of Holy Name. In December of that year, Father Joseph Palimattom [sic], a priest from India, was assigned to assist Father Gallagher as parochial vicar. Father Palimattom [sic] had not been with the church a month when the incident sparking the controversy between Father Gallagher and the diocese occurred.

On the evening of January 5, 2015, Father Gallagher received a text message from the church's music minister. A 14-year old boy complained to the music minister that Father Palimattom [sic] had shown him numerous photographs containing child pornography. The matter was referred to the Palm Beach County sheriff's office, who arrested Father Palimattom [sic]. As a result of the investigation, Father Palimattom [sic] pleaded guilty to possessing and showing pornography to a minor, was briefly incarcerated, and subsequently deported to India.

After the incident, Father Gallagher was reassigned from Holy Name. Diocese officials met with Hispanic members of Holy Name who were dissatisfied with how they were treated by Father Gallagher. The diocese personnel committee, in May 2015, discussed Father Gallagher's assignment. Ultimately, the bishop decided not to offer Father Gallagher the office of pastor to Holy Name, but instead to transfer him to

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of parochial administrator is the same as that of the pastor, but is usually a temporary position when the office of pastor is vacant. The bishop may later appoint the parochial administrator as pastor if the bishop deems the administrator qualified for the office.

another parish. Father Gallagher did not accept the transfer and instead took leave.

Father Gallagher believed that the diocese attempted to cover-up the sexual abuse incident, and that his reassignment was intended as punishment for not going along with the cover-up. Father Gallagher initially complained to Catholic Church officials. When this was unsuccessful, Father Gallagher went to the Irish media.

Father Gallagher told an interviewer on Irish radio that he exposed the workings of the diocese and Vatican and their lack of transparency in complying with policies and procedures in exposing pedophiles. Father Gallagher said of the Church that it had proven it did not have integrity, honor, and a moral compass to self-police, and the powers-that-be are corrupt all the way through to the bishop. The Church, Father Gallagher said, had a corporate mindset, and as the oldest government in the world its corruption was unique to itself. Father Gallagher explained that he was being attacked for exposing the crime and had the full wrath of the diocese.

In response, a number of diocese officials commented about Father Gallagher publicly to parishioners and the local press. The diocese's response is the basis for Father Gallagher's defamation complaint.

Father Gallagher claimed the diocese defamed him in newspaper articles, letters to parishioners which were read at masses, press statements posted on the diocese webpage, electronic mail among diocese

personnel, and postings on diocese personnel’s social media. These statements, Father Gallagher alleged, defamed him by calling him a liar,<sup>4</sup> unfit to be a priest,<sup>5</sup> and in need of professional help.<sup>6</sup>

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<sup>4</sup> For example: (1) on January 26, 2016, in a Facebook post, the bishop’s episcopal secretary said that Father Gallagher “is blatantly lying in his flawed ‘recollection’ of the facts,” and “has managed to manipulate [a sex abuse interest group] in the web of lies that he continues to spread”; (2) the same day, in a Facebook post, the diocese lawyer said that Father Gallagher, “through a complete misrepresentation of the case of Father Jose Palimattom [sic], has brought unfair and slanderous allegations against the Church”; (3) the same day, in electronic mail, the diocese chancellor was reported as saying that Father Gallagher’s allegations are “untrue,” and that he had “a history of problems for years and has been a troublemaker”; (4) on January 29, in a letter to parishioners, the bishop said Father Gallagher had made “unfounded allegations” and this was “another one of his fabrications which is causing harm to the Church”; and (5) on February 5, in an article in the *Sun Sentinel*, the bishop was reported to have said that Father Gallagher was “blatantly lying,” made “unfounded allegations,” and “erroneously assert[ed] [the diocese] tried to ‘cover up’ the inappropriate behavior of a visiting priest.”

<sup>5</sup> For example: (1) on January 26, in a Facebook posting, the diocese lawyer said that Father Gallagher “has acted in a similar manner in other situations in the past”; (2) on January 26, in electronic mail, the diocese chancellor was reported as saying Father Gallagher “has a lot of rich people on his side because he has been doing them a lot of favors like remarrying without annulment”; and (3) on January 31, in an article in the *Palm Beach Post*, church personnel were reported as saying Father Gallagher was “spread[ing] lies about the Diocese because he was passed over for a promotion for at least a second time in six years,” he “harass[ed] a Cuban priest . . . prompting Hispanic parishioners to demand Gallagher’s transfer,” and he was “very upset and angry that he was not named pastor.”

<sup>6</sup> For example: (1) on January 26, in a Facebook posting, the diocese lawyer said that Father Gallagher “is in need of

In his complaint, Father Gallagher claimed that as a result of these defamatory statements, he “was damaged in his reputation and his livelihood,” “his ability to serve in his chosen profession as a priest has been greatly diminished or eliminated,” “[h]e has lost both past and future income and the ability to earn money in the future,” and “he has suffered mental and physical pain and suffering . . . aggravation of a preexisting condition . . . [and the] ability to lead and enjoy a normal life.” Father Gallagher demanded both compensatory and punitive damages.

The diocese responded to the complaint by filing a motion to dismiss based on the ecclesiastical abstention doctrine. In its motion, the diocese argued that Father Gallagher’s claim, although pleaded as a defamation claim, was “equivalent to a wrongful discharge or employment retaliation case.” The resolution of the claim, the diocese argued, would require the trial court to consider questions of internal church governance, which was barred by the ecclesiastical abstention doctrine. After briefing, the trial court denied the motion to dismiss because, it said, it could decide whether defamation occurred applying neutral principles of law “without inquiry into religious doctrine.”

The diocese petitioned for a writ of prohibition.

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professional assistance”; (2) on January 28, in an article in the *Irish Central*, the diocese is reported as saying “Father Gallagher . . . is in need of professional assistance”; and (3) on January 31, in an article in the *Palm Beach Post*, Pastor Rodriguez said Father Gallagher “needs serious professional help.”

## DISCUSSION

“Prohibition lies where a petitioner has demonstrated that a trial court lacks subject matter jurisdiction over a lawsuit. It has been invoked successfully in cases in which a party challenges a court’s subject matter jurisdiction to entertain a dispute involving a religious doctrine.” *House of God Which Is the Church of the Living God, the Pillar & Ground of the Truth Without Controversy, Inc. v. White*, 792 So. 2d 491, 492 (Fla. 4th DCA 2001) (citations omitted).

### *Ecclesiastical Abstention Doctrine.*

The church autonomy doctrine, or ecclesiastical abstention doctrine, prevents civil courts from deciding matters that require adjudication of “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them,” *Watson v. Jones*, 80 U.S. 679, 733 (1871). . . . The doctrine, which has roots in both the free exercise and establishment clauses of the United States Constitution, U.S. Const. amend. I (“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”), has its core application in cases where a court intrudes on a church’s autonomous management of its own internal affairs and property, thereby either burdening or inhibiting the exercise of religious freedom (free exercise clause) or fostering an excessive government



entanglement with religion (establishment clause).

*Flynn v. Estevez*, 221 So. 3d 1241, 1245-46 (Fla. 1st DCA 2017) (footnotes omitted).

The doctrine “precludes courts from exercising jurisdiction where an employment decision concerns a member of the clergy or an employee in a ministerial position.” *Archdiocese of Miami, Inc. v. Minagorri*, 954 So. 2d 640, 641 (Fla. 3d DCA 2007).

Courts may not consider employment disputes between a religious organization and its clergy because such matters necessarily involve questions of internal church discipline, faith, and organization that are governed by ecclesiastical rule, custom, and law. Whether an individual is qualified to be a clergy member of a particular faith is a matter to be determined by the procedures and dictates of that particular faith.

....

The interaction between a church and its pastor is an essential part of church government. . . . Thus, civil courts must abstain from deciding ministerial employment disputes . . . , because such state intervention would excessively inhibit religious liberty.

*SE Conference Ass’n of Seventh-Day Adventists, Inc. v. Dennis*, 862 So. 2d 842, 844 (Fla. 4th DCA 2003) (citations and quotations omitted). “[T]he relationship

between an organized church and its ministers is its lifeblood. . . . Matters touching this relationship must necessarily be recognized as of prime ecclesiastical concern.” *Malichi v. Archdiocese of Miami*, 945 So. 2d 526, 529 (Fla. 1st DCA 2006) (omission in original) (quoting *McClure v. Salvation Army*, 460 F.2d 553, 558-59 (5th Cir. 1972)).

However, “[t]he subject of a priest’s employment relationship with his church is not *per se* barred by the church autonomy doctrine.” *Id.*

[C]ourts have held that the application of a neutral law that does not require inquiry into or resolution of an ecclesiastical matter may be permissible. . . . Simply because a church is involved as a litigant does not make the matter a religious one; instead, inquiry must be made [1] as to the nature of the dispute and [2] whether it can be decided on neutral principles of secular law without a court intruding upon, interfering with, or deciding church doctrine.

*Flynn*, 221 So. 3d at 1247.

The nature of Father Gallagher’s dispute with the diocese is defamation, which requires him to allege and prove the defamatory statement was published, it was false, the person who said it must have been acting “with knowledge or reckless disregard as to the falsity,” and Father Gallagher suffered actual damages as a result of the statement. *Jews For Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008). As in *Flynn*, we must ask whether Father Gallagher’s defamation claim can be decided on neutral principles of secular law; or, is this

a ministerial employment dispute that would require the courts to get excessively entangled in issues of internal church discipline, faith, and organization that are governed by ecclesiastical rule, custom, and law.

### *Actual Damages*

Father Gallagher's complaint asked for compensatory and punitive damages because the diocese's defamation diminished or eliminated his ability to serve in his chosen profession as a priest, and damaged his livelihood. Father Gallagher also requested actual damages because the defamation caused him to lose past income and his ability to earn future income.

Deciding Father Gallagher's claim for actual damages would require the courts to delve into why Father Gallagher was not promoted to pastor, and was reassigned to another parish. This would require the court to question the diocese's employment decision to hire, retain, or discipline Father Gallagher—a member of the diocese—and the reasoning behind its decision.

The Third District has affirmed the dismissal of a similar claim in *Goodman v. Temple Shir Ami, Inc.*, 712 So. 2d 775 (Fla. 3d DCA 1998).<sup>7</sup> There, as here, a

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<sup>7</sup> We cited approvingly to *Goodman* in affirming the dismissal of a defamation claim in *Kond v. Mudryk*, 769 So. 2d 1073, 1078 (Fla. 4th DCA 2000) (“Lastly, we affirm the trial court’s dismissal of appellants’ claims for slander. We agree with the trial court’s conclusion that ‘an adjudication of such claims would result in excessive government entanglement with church policies, procedures, practices, and bylaws,’ contrary to the First Amendment. *See Doe*, 718 So. 2d at 288; *Goodman*, 712 So. 2d at 777.”).

religious leader (a rabbi) sued his congregation and a member of the board of directors for defamation. *Id.* at 776. The board of directors decided not to renew the rabbi's contract because "of disagreement about religious concepts," and an investigation by one of the board members which revealed that the rabbi had struck a senior rabbi while employed at another synagogue in Chicago, and then later unjustly sued the Chicago synagogue. *Id.* at 776-77.

The trial court dismissed the defamation claim based on the ecclesiastical abstention doctrine, and the Third District affirmed:

In order for the trial court to have resolved these disputes, it would have had to immerse itself in religious doctrines and concepts and "determine" whether the religious disagreements were a "valid" basis for the termination of Rabbi Goodman's services. The allegedly defamatory report . . . occurred as part of this religious dispute and would require the trial court to weigh their effect on the board members as compared to the effects of the other considerations which clearly are religious disagreements.

*Id.* at 777.

Here, too, to resolve Father Gallagher's actual damages claim, the courts would have to determine whether the diocese's reasons for not making him a pastor, and reassigning him to another church, were valid religious reasons concerning Father Gallagher's fitness for the job, or retaliation for Father Gallagher's

whistleblowing. Like the *Goodman* court, we would be required to weigh the effect of Father Gallagher's problems with his Hispanic congregants on the advisory committee's decision to pass over Father Gallagher for the position of pastor, and whether this was a valid religious reason for the diocese's decision. As the *Goodman* court explained, "[i]nquiring into the adequacy of the religious reasoning behind the dismissal of a spiritual leader is not a proper task for a civil court." *Id.* We are not permitted to look behind the diocese's ministerial employment decision because doing so would necessarily entangle us in questions about the religious reasons why Father Gallagher was not promoted under canonical law.

Also problematic is Father Gallagher's demand for front- and backpay and compensatory and punitive damages. Such an award would be a penalty for the diocese exercising its right to determine which priests to promote and assign to its parishes. The courts would be required to intrude excessively in the diocese's ministerial employment decisions by finding that Father Gallagher's non-promotion and reassignment were done for improper reasons. As the Supreme Court explained in *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171 (2012), a case involving a claim of improper termination of a school minister:

[The minister] no longer seeks reinstatement, having abandoned that relief before this Court. But that is immaterial. [The minister] continues to seek frontpay in lieu of reinstatement,

backpay, compensatory and punitive damages, and attorney's fees. An award of such relief would operate as a penalty on the Church for terminating an unwanted minister, and would be no less prohibited by the First Amendment than an order overturning the termination. Such relief would depend on a determination that [the Church] was wrong to have relieved [the minister] of her position, and it is precisely such a ruling that is barred by the ministerial exception.

*Id.* at 194 (citation omitted).<sup>8</sup> The courts, here, are similarly barred from penalizing the diocese and determining the diocese was wrong for deciding Father Gallagher was not the right clergyman for Holy Name.

### *Falsity*

Father Gallagher's complaint also alleged that he was defamed by the diocese's statements that he was unfit to serve as a priest and needed professional help. As part of the defamation claim, the courts would have to determine whether these claims were false.

Determining the falsity of whether Father Gallagher was unfit to serve gets the court excessively

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<sup>8</sup> The ministerial exception is a close cousin to the ecclesiastical abstention doctrine. "The doctrine has parallels to the 'ministers exception' with which it shared the common feature of allowing churches to exercise their religious freedoms without governmental interference into its internal affairs." *Flynn*, 221 So. 3d at 1246.

entangled in Catholic Church doctrines and canonical law. The falsity question turns on whether Father Gallagher was doing what he was supposed to be doing as a priest and parochial administrator at Holy Name. In his interactions with parishioners, fellow priests, and the diocese hierarchy, was Father Gallagher following Church canons and teachings? Father Gallagher says yes; the diocese says no.

We do not need to answer the question because asking it requires us to determine the duties assigned to a priest that make him fit to serve, and whether Father Gallagher was qualified to do the job. A determination of a priest's duties and whether he is qualified to serve are uniquely decisions of the diocese, and would excessively entangle us in questions of religious administration and government, and the procedures and dictates of the Catholic faith. *See Malichi*, 945 So. 2d at 531 (“Determination of a priest's duties is a matter of the church's internal administration and government.”); *Dennis*, 862 So. 2d at 844 (“Whether an individual is qualified to be a clergy member of a particular faith is a matter to be determined by the procedures and dictates of that particular faith.”).

We have the same entanglement problem with the falsity of the diocese's statement that Father Gallagher was in need of professional help. The diocese imposed the requirement that Father Gallagher receive professional help as a necessary disciplinary step for him to resume his “priestly ministry.” (“As always, [Father Gallagher] 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.” “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.”)

Whether Father Gallagher was actually in need of professional help is beside the point. As we have explained, “[t]he church authorities and such tribunals as they may set up for themselves are supreme in all spiritual matters and may arbitrarily expel from membership any individual with or without cause, as long as no civil rights are involved. . . . This is true, whether the expulsion of the individual be in disregard of the usage and practice of the church, or not.” *Kond*, 769 So. 2d at 1076 (quoting *Partin v. Tucker*, 172 So. 89, 92-93 (Fla. 1937)). What is true for expulsions and excommunications is just as true for lesser disciplinary decisions like requiring a church member or clergy to seek professional help. Reviewing the falsity of whether Father Gallagher needed professional help will excessively entangle the courts in determining whether the diocese correctly imposed this disciplinary step on Father Gallagher, and whether the diocese followed its disciplinary practices and procedures. *See Flynn*, 221 So. 3d at 1245 (“The . . . ecclesiastical abstention doctrine[] prevents civil courts from deciding matters that require adjudication of . . . church discipline. . . .” (quotation omitted)).



**CONCLUSION**

To repeat, not every church-priest dispute is shielded by the ecclesiastic abstention doctrine. *Mali-chi*, 945 So. 2d at 529 (“The subject of a priest’s employment relationship with his church is not *per se* barred by the church autonomy doctrine.”). Where the “dispute can be resolved by applying neutral principles of law without inquiry into religious doctrine and without resolving a religious controversy, the civil courts may adjudicate the dispute.” *Dennis*, 862 So. 2d at 844. Where, though, the dispute implicates internal church discipline, faith, organization, and ecclesiastical rule, custom, and law, “the civil courts must abstain from deciding” it “because such state intervention would excessively inhibit religious liberty.” *Id.* (quotation omitted).

Father Gallagher’s complaint that the diocese’s statements were false and resulted in actual damages cannot be decided on neutral principles. These claims would entangle the courts in the diocese’s ministerial staffing decisions, the interpretation and application of canons and doctrines, and Church discipline, which the civil courts must abstain from reviewing and deciding. We grant the petition for writ of prohibition on Father Gallagher’s defamation complaint, and quash the trial court’s order, but withhold formal issuance of the writ confident the trial court will dismiss the complaint based on the ecclesiastical abstention doctrine.

LAGOA, B. and SCALES, E., Associate Judges, concur.

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***Not final until disposition of timely filed motion  
for rehearing.***

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

FATHER JOHN  
GALLAGHER,  
Plaintiff,

Case No. 2017CA000337  
Civil Division: AI

v.

DIOCESE OF PALM  
BEACH, INC.,  
Defendant.

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**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS PLAINTIFF'S  
AMENDED COMPLAINT**

(Filed Jul. 11, 2017)

**THIS MATTER** came before the Court on Defendant's Motion to Dismiss Plaintiff's Amended Complaint ("Motion") filed on February 17, 2017. Plaintiff filed a Response on June 12, 2017. A hearing on the Motion was held on June 21, 2017. Court has carefully considered the Motion, Plaintiff's response, and the case file.

**FACTUAL BACKGROUND**

Plaintiff Father John Gallagher ("Plaintiff") filed a defamation lawsuit against his employer and Catholic religious institution, the Diocese of Palm Beach, Inc. ("Defendant" or "Diocese"). In the lawsuit, Plaintiff claims that Defendant's agents made defamatory

statements regarding Plaintiff's fitness to be a priest, that he was a liar, that he needed "serious professional help," and that he was angry because he was passed over for a promotion. These statements allegedly stemmed from Plaintiff's reporting of a visiting priest sexually abusing children and the subsequent internal investigation of the incident. Following the arrest of the visiting priest, Plaintiff informed several members of the Catholic Church that he believed the Diocese was attempting to cover up the crime. The alleged defamatory statements about Plaintiff appeared in an article in the Palm Beach Post, an article in the Sun-Sentinel, several press releases and Facebook posts from other priests.

Defendant filed a Motion to Dismiss Plaintiff's claim for lack of subject matter jurisdiction based on the ecclesiastical abstention doctrine, which bars courts from adjudicating matters of church governance. Plaintiff filed a Response arguing that the doctrine was inapplicable in this case. A hearing on the instant Motion was held on June 21, 2017.

### **ANALYSIS AND RULING**

Defendant seeks to dismiss the amended complaint for lack of subject-matter jurisdiction based on the ecclesiastical abstention doctrine. "Under the ecclesiastical abstention doctrine, civil courts are prohibited from interfering with internal church disputes in order to avoid excessive government entanglement with religion, in accordance with the First Amendment."

*State v. Young*, 974 So. 2d 601, 612-13 (Fla. 1st DCA 2008) (citing *Malichi v. Archdiocese of Miami*, 945 So. 2d 526 (Fla. 1st DCA 2006)). “Civil courts must accept ‘the decisions of the highest judicatories of a religious organization of hierarchical polity on matters of discipline, faith, internal organization, or ecclesiastical rule, custom, or law.’” *Southeastern Conf. Ass’n of Seventh-Day Adventists, Inc. v. Dennis*, 862 So. 2d 842, 844 (Fla. 4th DCA 2003) (citing *Serbian E. Orthodox Diocese for U.S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 713 (1976)). “However, when a church-related dispute can be resolved by applying neutral principles of law without inquiry into religious doctrine and without resolving a religious controversy, the civil courts may adjudicate the dispute.” *Id.*

The ecclesiastical abstention doctrine has been held to apply to defamation claims, but does not grant pastors or other church members “carte blanche to defame church members and ex-members.” *Bilbrey v. Myers*, 91 So. 3d 887, 892 (Fla. 5th DCA 2012). In *Bilbrey*, the plaintiff claimed the defendant, a church pastor, made defamatory statements regarding plaintiff’s sexual orientation at a church meeting and to members of the church during a sermon. *Id.* at 891-92. The trial court dismissed the complaint based on the ecclesiastical abstention doctrine. *Id.* at 889. The Fifth District Court of Appeal ruled that “[t]his claim can be adjudicated without implicating the First Amendment and was improperly dismissed on the basis of the church autonomy doctrine.” *Id.* at 892. The *Bilbrey* court applied the “neutral principles” doctrine because the

claim “had a secular purpose and neither advanced nor inhibited religion.” *Id.* at 891.

The elements of a defamation claim are “(1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory.” *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008). In the instant case, the alleged defamatory statements that Plaintiff was a liar, that he needed “serious professional help” and that he was angry because he was passed over for a promotion can be assessed using neutral principles of law and without resolving a church controversy. This Court also notes the public nature of these statements. Because the Court can determine whether Plaintiff was lying about the Diocese covering up a sexual abuse investigation without inquiry into religious doctrine, Defendant’s Motion to Dismiss is denied.

Accordingly it is hereby

**ORDERED** that Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint is **DENIED**.

**DONE and SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 11th day of July, 2017.

[SEAL]

/s/ Meenu Sasser  
**MEENU SASSER, CIRCUIT JUDGE**

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**Supreme Court of Florida**

THURSDAY, AUGUST 23, 2018

**CASE NO.: 5C18-865**

Lower Tribunal No(s):

4D17-2579;

502017CA000337XXXXMB

FATHER JOHN                      vs.              DIOCESE OF PALM  
GALLAGHER    BEACH, INC.

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Petitioner(s)    Respondent(s)

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. *See* Fla. R. App. P. 9.330(d)(2).

PARIENTE, POLSTON, LABARGA, and LAWSON, JJ., concur.

LEWIS, J., would grant oral argument.

A True Copy

Test:

/s/ John Tomasino

John A. Tomasino  
Clerk, Supreme Court

[SEAL]



db

Served:

ELAINE D. WALTER

JOSEPH M. WINSBY

J. PATRICK FITZGERALD

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HON. SHARON REPAK BOCK, CLERK

HON. MEENU TALWAR SASSER, JUDGE

HON. LONN WEISSBLUM, CLERK

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

CASE NO: 502017CA000337XXXMB  
Al

FATHER JOHN GALLAGHER,  
Plaintiff,

v.

DIOCESE OF PALM BEACH, INC.  
Defendant. \_\_\_\_\_ /

**AMENDED 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. Worldwide, 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 Counsel 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 worldwide 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 counsel 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 Sheriffs 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 [sic] 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 Sheriffs 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 Cru- cet, prompting Hispanic parishioners to demand Gal- lagher’s transfer.” These statements were false and defamatory, were made at the behest of Bishop Bar- barito 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 defama- tory. 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 cho- sen 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 [sic] 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 [sic], 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 Crucet. Father Crucet 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 Crucet'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. On January 11, 2017, the Defendant republished its libelous statements. Attached hereto and made a part hereof as Exhibit J are articles and press releases disseminated by the Defendant which repeated the libelous statements previously made. Once again, the Defendant falsely called the Plaintiff a liar and in need of psychiatric or psychological help. These statements were false and defamatory, were made by Bishop Barbarito or other employees of the DIOCESE OF PALM BEACH in the course and scope of their employment with the DIOCESE OF PALM BEACH and libeled the Plaintiff in his chosen profession of a priest and were, therefore, libel per se.

56. 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

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Defendant for both compensatory and will seek punitive damages after making the appropriate evidentiary showing and demands a trial by jury.

DATED: This 2nd day of February, 2017.

BABBITT & JOHNSON, PA  
Attorneys for Plaintiffs  
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By /s/ Theodore Babbitt  
THEODORE BABBITT  
Florida Bar No.: 091146

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**EXHIBIT A**

**PALM BEACH COUNTY** [LOGO]  
**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 [sic], a priest with the Holy Name of Jesus Catholic Church

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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 [sic] 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,

/s/ 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

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**EXHIBIT B**

**PALM BEACH COUNTY  
SHERIFF'S OFFICE**

[LOGO]

**CHIEF DEPUTY MICHAEL E. GAUGER**

July 20, 2015

His Eminence Cardinal Sean 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 defer 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 forth right in providing information to your 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 investigations.

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

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54a

**EXHIBIT C**

DIOCESE OF PALM BEACH

9995 North Military Trail •

P.O. Box 109650

[LOGO]

Palm Beach Gardens,  
Florida 33410-9650

Office of  
THE BISHOP

---

(561) 775-9595

Fax (561) 775-7035

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**TO: All Pastors**  
**FROM: Most Reverend Gerald M. Barbarito**  
**Bishop of Palm Beach**  
**DATE: January 29, 2016**  
**NO OF PAGES (Including this cover): 2**

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**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.**

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56a

DIOCESE OF PALM BEACH

9995 North Military Trail •

P.O. Box 109650

[LOGO]

Palm Beach Gardens,  
Florida 33410-9650

Office of  
THE BISHOP

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(561) 775-9595

Fax (561) 775-7035

**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 Jose Palimattom [sic], 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,  
/s/ Gerald M. Barbarito  
Most Reverend  
Gerald M. Barbarito  
Bishop of Palm Beach

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**EXHIBIT D**

**The Palm Beach Post**

Sunday, January 31, 2016 First Edition | Two dollars

**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 Capazzi and Jorge Millan**

Palm Beach Post Staff Writers

**READ THE DOCUMENTS**

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

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

But with the blessing of Bishop Gerald Barbarito, another version of Gallagher is emerging from diocese employees and parishioners. They paint an unflattering portrait of egotistical problem-priest who spreads lies 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 of St. Ann's Church in West Palm Beach. "John is a disgruntled employee of the diocese. He needs serious professional help.

[Image Omitted]

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

Among allegations made to The 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, replace Crucet with the Rev. Jose Palimattom [sic], 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 weekend addressing Gallagher and his “unfounded allegations” that the diocese “tried to ‘cover up’ the inappropriate behavior of” Palimattom [sic].

“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,” and 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 [sic] 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 [sic].

The Irish Independent newspaper published Gallagher’s assertions Monday, prompting several 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 Barret, 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. The 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 in 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 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 Scallon, who sang the hit “All Kinds of Everything,” which knocked Simon & Garfunkel’s “Bridge Over Troubled Water” off the Ireland’s No. 1 slot in 1970.

Scallon, 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, operating 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, and 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 Palimattom [sic] 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.”

[Image Omitted]

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. 20, 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

[Image Omitted]

Catholic Diocese of Palm Beach Bishop Gerald Barbarito.

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**EXHIBIT E**

**Embattled West Palm Beach priest helped speed investigation**

[Image Omitted]

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 [sic], 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 [sic] 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 [sic] 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 [sic] 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 [sic], 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 [sic].

Recordings of Palimattom's [sic] first meeting with detectives show that at a point when Palimattom [sic]

could have stonewalled investigators and potentially delayed his arrest, it was Gallagher who convinced him to cooperate.

“Once Gallagher was done speaking (with) Palimattom [sic] he advised us that Palimattom [sic] was now willing to speak with us,” the detective’s report said. Palimattom [sic] was arrested the night he spoke with deputies.

Palimattom [sic], 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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 [sic] 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.

abreid@sunsentinel.com, 561-228-5504 or Twitter@abreidnews

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Rev. John Gallagher controversy

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**EXHIBIT F**

**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

[Image Omitted]

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-pedophile-clergy.html>) alleging that he is being punished by his parish for whistle blowing against a pedophile colleague, is “blatantly lying” and “in need of professional assistance.”

Father Gallagher, a native of Co. Tyrone, spoke out on Monday (<http://www.irishcentral.com/news/Irish-Catholic-priest-frozen-out-Florida-Church-informing-pedophile-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.

In January 2015, Gallagher, 48, who has served in Florida since 2000, helped to report criminal misconduct by Fr. Jose Palimattom [sic], 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.

Palimattom [sic], 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.

Gallagher claims that he went against a church official’s instructions to put Fr. Palimattom [sic] 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 [sic] along with one of his parishioners, a retired police officer, who took notes at the meeting.

Palimattom [sic] 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 [sic] previous assaults in India, despite conducting a background check. ABC news reported that Palimattom [sic] 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 [sic] 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 [sic], 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 [sic] 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.

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 [sic] 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 [sic] 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.

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**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 [sic], 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 [sic]. 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 [sic]. 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 7:57 p

84a

Like • Reply 1 • January 26 at 3:27pm

Remove

**Father Albert Bello 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 [sic], 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 [sic]. 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 [sic]. 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.”

Like • Reply 2 • January 26 at 7:37pm

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**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 Sheriff’s 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’ [sic] . . .  
**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?

87a

On Jan 28 2016, at 9:33 PM, Kenneth Kutcel  
<kenrk@bellsouth.net> wrote:

Ken Kutcel

Begin forwarded message:

**From:** NPSmith429@aol.com  
**Date:** January 28, 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 [sic]' . . .

**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 [sic]' . . .

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 [sic] 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

88a

to [sic] 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 Loraaine [sic] Sabatello who is the Chancellor of the diocese. It seems 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 [sic], 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 [sic]' . . .

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:

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**EXHIBIT J**

[LOGO] Diocese of  
Palm Beach

NEWS & EVENTS	Read the Diocese's Response to Libel Lawsuit
Press Releases	By: DPB Office of Communications
Events	Date: January 11, 2017
Event Submission	
Newsletter	
Pastoral Center	
Holidays	In response to a press conference held today to announce a libel lawsuit filed by Reverend John Palm Beach, the diocese wishes to remind the community of the statements we released a year ago made allegations against the diocese, and to make these statements once again available. Th our previous statements released in January 2016 in which we responded that Father Gallagher misrepresentation of the facts. Below are direct links to those statements which can still be found Press Release sedan ( <a href="http://www.diocesepb.org/press-release">www.diocesepb.org/press-release</a> ). We feel it is especially important available to the community and in particular to our faith congregations.
Photos and Videos	
Pray Daily for Deacons	
Pray Daily for Priests	
Daily Readings & Podcasts	
Florida Catholic	
D-News Archives	
Catholic News Service	
Catholic News Agency US	
Catholic News Agency Vatican	
EWTN	

**Diocese of Palm Beach Re-  
leases Statement Regarding  
the Resent Article by an  
Irish Ne**

**Date: January 26, 2016**

[http://www.diocese.pb.org/  
index.cfm?fuseaction=news.  
details&Articled=8564&  
returnTo=2016-](http://www.diocese.pb.org/index.cfm?fuseaction=news.details&Articled=8564&returnTo=2016-)

**Diocese of Palm Beach Re-  
leases Statement to Re-  
spond to Allegations Made  
by Father J**

**Date: January 26, 2016**

[http://www.diocese.pb.org/  
index.cfm?fuseaction=news.  
details&Articled=8580&  
returnTo=2016-](http://www.diocese.pb.org/index.cfm?fuseaction=news.details&Articled=8580&returnTo=2016-)

**Disheartened Diocese Pro-  
vides Multi-Page Response  
to Allegations Made by Fr.  
Gallagh**

**Date: January 28, 2016**

[http://www.diocese.pb.org/  
index.cfm?fuseaction=news.  
details&Articled=8590&  
returnTo=2016-](http://www.diocese.pb.org/index.cfm?fuseaction=news.details&Articled=8590&returnTo=2016-)

91a

**Bishop Barbarito's Jan. 29  
Letter to Parishioners Re-  
garding Father Gallagher  
(English)**

**Date: January 31, 2016**

[http://www.diocese.pb.org/  
index.cfm?fuseaction=news.  
details&ArticleId=8600&  
returnTo=2016-](http://www.diocese.pb.org/index.cfm?fuseaction=news.details&ArticleId=8600&returnTo=2016-)

In response to a press conference held today to announce a libel lawsuit filed by Reverend John Gallagher against the Diocese of Palm Beach, the diocese wishes to remind the community of the statements we released a year ago when Fr. Gallagher first made allegations against the diocese, and to make these statements once again available. The Diocese of Palm Beach stands by our previous statements released in January 2016 in which we responded that Father Gallagher's allegations were false and a misrepresentation of the facts. Below are direct links to these statements which can still be found on our website, archived in our Press Release section ([www.diocesepb.org/press-releases](http://www.diocesepb.org/press-releases)). We feel it is especially important that this information is made available to the community and in particular to our faith congregations.

**Diocese of Palm Beach Releases Statement  
Regarding the Recent Article by an Irish  
Newspaper  
Date: January 25, 2016**

<http://www.diocesepb.org/index.cfm?fuseaction=news.details&ArticleId-8564&returnTo=2016-press-releases>

**Diocese of Palm Beach Releases Statement to  
Respond to Allegations Made by Father John  
Gallagher  
Date, January 26, 2016**

<http://www.diocesepb.org/index.cfm?fuseaction=news.details&ArticleId-8580&returnTo=2016-press-releases>

**Disheartened Diocese Provides Multi-Page  
Response to Allegations Made by Fr. Gallagher  
Date: January 28, 2016**

<http://www.diocesepb.org/index.cfm?fuseaction=news.details&ArticleId-8590&returnTo=2016-press-releases>

**Bishop Barbarito's Jan, 28 Letter to Parishion-  
ers Regarding Father Gallagher (English)  
Date: January 31, 2016**

<http://www.diocesepb.org/index.cfm?fuseaction=news.details&ArticleId-8600&returnTo=2016-press-releases>

In response to an article recently published in a newspaper in Ireland, the Diocese of Palm Beach is issuing the following statement:

“The recent article written by Greg Harkin for the Irish Independent Newspaper in Ireland

regarding the allegations of Father John Gallagher against the Diocese of Palm Beach is a completely inaccurate representation of the facts. The diocese stands by our January 6, 2015, Press Release (included below) regarding the criminal charges against Father Jose Palimattom [sic], OFM. In this widely-distributed statement and made available in print and on our-website the Diocese of Palm Beach stated our immediate response, contact and cooperation with authorities regarding the investigation. Additionally, the diocese released a letter on January 5, 2015, to the parishioners of Holy Name of Jesus Catholic Church (included below). We once again release those items.

As for the other allegations which the article reports were made by Father John Gallagher, the Diocese of Palm Beach deems them to be a completely inaccurate reflection of the facts. Father Gallagher's reassignment was not related to the incident with the visiting priest.

In part, these inaccuracies include:

- Father Gallagher was not demoted but given a new assignment with residence.
- The locks were not changed at Father Gallagher's former parochial house, leaving him homeless.
- Father Gallagher requested a medical leave freely on his own and has been negligent in informing the Diocese of his current residence.

The Catholic Diocese of Palm Beach encompasses the five counties of Palm Beach, Martin, St. Lucie, Indian River and Okeechobee. Comprised of 280,000 Catholics in 53 parishes and missions, the Diocese also serves the faithful community through its schools.

\* \* \*

The following are copies of the January 6, 2015 statement released by the Diocese of Palm Beach and the January 6, 2015 letter to the parishioners and congregation of Holy Name Catholic Church.

**Diocese of Palm Beach Releases**  
**Statement Regarding the Criminal**  
**Charges of Reverend Palimattom [sic], OFM**

(Palm Beach Gardens, FL) January 6, 2015 – In response to the arrest and criminal charges filed against Reverend Jose Palimattom [sic], OFM, a priest visiting from India, the Diocese of Palm Beach is issuing the following statement:

“The Diocese of Palm Beach is greatly concerned and takes very seriously the charges against Father Jose Palimattom [sic], OFM. Father Palimottom [sic] is a priest of the Franciscan Province of St. Thomas the Apostle in India and began serving in December 2014 at Holy Name of Jesus Parish in West Palm Beach, a parish of the Diocese of Palm Beach. Father Palimattom [sic] was arrested yesterday on charges of possession of pornography and distributing it to a minor.

Upon learning about the allegations, the Diocese of Palm Beach immediately contacted authorities and cooperated in the investigation conducted by the Palm Beach County Sheriff's Office. This cooperation resulted in the arrest of Father Palimattom [sic].

The Diocese of Palm Beach completes a thorough screening of visiting priests and religious before granting them faculties to minister or celebrate sacraments within its diocese. As part of its due diligence, the diocese completed a background screening which also included a screening in India, and received a Certificate of Aptitude from the Minister Provincial in India. During this background process, no prior misconduct was revealed.

Bishop Gerald Barbarito wishes to assure the faithful community that this allegation is being taken very seriously and expresses sincere regret to the family involved and all the faithful hurt by this regrettable matter.

The Diocese of Palm Beach encourages anyone who may have additional information on this or similar matters to contact the Palm Beach Sheriff's Office at 561 688-3400 and the Chancellor of the Diocese of Palm Beach at 561-775-9500."

The Catholic Diocese of Palm Beach encompasses the five counties of Palm Beach, Martin, St. Lucie, Indian River and Okeechobee. Comprised of 280,000 Catholics in 53 parishes and missions, the Diocese also serves the faithful community through its schools.

###

January 8, 2015

To the Parishioners of Holy Name of Jesus Parish

My Brothers and Sister [sic] in Christ,

As you are probably aware, Father Jose Palimattom [sic], OFM, a priest of the Franciscan Province of St. Thomas the Apostle in India who had been in our Diocese for less than a month, was recently arrested on charges of possession of pornography and showing the material to a minor. Father Palimattom [sic] continues to be incarcerated.

I want to assure this faith community that such allegations are taken very seriously within the Diocese of Palm Beach. Upon learning of the allegation, the Diocese of Palm Beach immediately contacted police authorities and has cooperated in the investigation conducted by the Palm Beach County Sheriff's Office.

It is the policy of the Diocese of Palm Beach to conduct a full background screening when a visiting priest wishes to visit and minister within our Diocese. Part of Father Palimattom's [sic] screening included a background screening conducted in India as well as receipt of a Certificate of Aptitude from the Minister Provincial in India that essentially approved Father Palimattom's [sic] ministerial work, granted permission for him to come to our Diocese, and assured us that there is nothing in his past that would indicate that he might deal with minors or adults in an inappropriate manner. During this background process, no prior misconduct was revealed.



I have suspended all priestly faculties which were previously granted to Father Palimattom [sic], so that he does not have permission to provide any ministry within our Diocese nor even present himself as a priest. We are also in contact with the Minister Provincial of the Franciscan Province of St. Thomas the Apostle in India.

The Diocese of Palm Beach will continue to cooperate with investigators. I encourage anyone who may have additional Information or similar experiences to contact the Palm Beach County Sheriff's Office at 561-688-3400, as well as the Chancellor of the Diocese of Palm Beach at 561-775-9500.

I sincerely regret the hurt which this distressing matter has caused to the family involved as well as to the entire parish family of Holy Name of Jesus.

Assuring the parish family of Holy Name of Jesus of my prayers, I am

Sincerely yours in Christ,  
Most Reverend Gerald M. Barbarito  
Bishop of Palm Beach

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 [sic], 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 [sic]. 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 [sic]. 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.”

The Catholic Diocese of Palm Beach encompasses the five counties of Palm Beach, Martin, St. Lucie, Indian River and Okeechobee. Comprised of 280,000 Catholics in 53 parishes and missions, the Diocese also serves the faithful community through its schools.

###

Read Bishop Barbarito's Jan. 29 2016 Letter to Parishioners Read at Masses Jan. 30 & 31
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The Diocese of Palm Beach is posting this response to our website for those who wish to read the truth and a more detailed response than what the media is printing or airing in regards to the allegations made against the diocese by Father John Gallagher.

“The Diocese of Palm Beach is deeply disheartened and troubled by the allegations of Father John Gallagher against the Diocese of Palm Beach. Our diocese can no longer stand by in relative silence when we know the allegations are a complete inaccurate representation of the facts. Though we have released our statements stating how the

Diocese of Palm Beach proactively and appropriately responded to the incident with Father Pallmattom [sic] and stated Father Gallagher's reassignment was not related to that particular incident, we are compelled by the manner in which the media is presenting this case to speak out further to be certain all sides and facts of this story are known. We feel it is especially important that this information is made available to the community and in particular to our faith congregations.

The Diocese of Palm Beach acted in a prompt, thorough, and cooperative manner in regard to Father Palimattom [sic]. 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 [sic]. 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 sacraments. At his request, he was placed on leave and continues to receive salary, health insurance and benefits.

The policy of the Diocese of Palm Beach in regard to allegations of sexual abuse is to follow the United States Conference of Catholic Bishops' *Charter for the Protection of Children and Young People*, established in June 2002. The Charter is a comprehensive set of procedures for addressing allegations of sexual abuse of minors by Catholic clergy or other Church personnel. The Charter also includes guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse. The Charter and Diocesan policies and

procedures can be found on our website at [www.diocesepb.org/safe-environments](http://www.diocesepb.org/safe-environments).

Additionally, our diocese has a set of Reporting Procedures for Allegations of Sexual Abuse Against Minors. These guidelines are given to all priests, religious, employees and volunteers.

Father Gallagher alleges the Diocese of Palm Beach ignored these guidelines when in fact we know the Administration Offices of the Diocese did follow those procedures and our records show Father Gallagher did not.

Our Reporting Guidelines (in three languages: English, Spanish and Creole) are available on our website, in our Employee diocese to post these guidelines in several public places at their facilities. We would like to now go through the steps with you in response to the recent published allegations.

### **REPORTING PROCEDURES FOR ALLEGATIONS OF SEXUAL ABUSE OF MINORS and VULNERABLE ADULTS**

**STEP 1** The person receiving the allegation immediately makes an oral report to 1-800-96ABUSE (1-800-962-2873). Notes should be taken including names, dates, and times, and a log should be kept of all telephone calls made.

**STEP 2** The person receiving the allegation makes an oral report to the Chancellor of the Diocese of Palm Beach at 561-775-9507, (cell 561-373-7990) who reports it to the bishop and diocesan attorney.

**STEP 3** The diocesan attorney reports the allegation to the state attorney.

**STEP 4** The person receiving the allegation informs the school principal, pastor or the appropriate immediate authority.

**STEP 5** The person receiving the allegation sends a written report to the Department of Children and Families within 48 hours. Instructions regarding information to be included in this report are available from your entity's pastor, principal, or administrator or the Chancellor's office

As listed above in Step #1 the person receiving the allegation is to report the allegation immediately to an abuse number and Step #2 states the person receiving the allegation must make an oral report to the Chancellor of the diocese. Father Gallagher has publicly stated that he contacted the Palm Beach County Sheriff's Office the night of Jan. 4 when the sheriff's report shows that night it was only the family of the youth who contacted them. The youth's father was the first and only person to contact law enforcement that night. Further, when the Diocese of Palm Beach was told of the incident by Father Gallagher on the next day, the diocese reported the allegation to law enforcement. The sheriff's office told the diocese that the youth's father had reported it already. There was no mention of Father Gallagher reporting the allegation.

Though Step #2 of the Reporting Procedures state the Chancellor is to be contacted after the authorities are notified, the Diocese of Palm Beach did not receive any oral or written communication about the incident from Father Gallagher on the

evening of the incident. Father Gallagher did not contact the Chancellor until the next day, the morning of January 5. Upon learning of the allegation, the Diocese of Palm Beach immediately contacted authorities and followed our own Reporting Procedures which include contacting law enforcement and the State Attorney. It is part of the policy/procedures of the Diocese of Palm Beach that although law enforcement has been contacted, and upon learning of any allegation, our diocesan attorney must provide a written report to the State Attorney about the incident. As we stated, this was in fact done on January 5.

Immediately upon learning of the allegation and for the next hours, days and weeks, the Diocese of Palm Beach continued to offer whatever assistance which law enforcement might need in a transparent manor [sic]. In fact, we were encouraged when we learned of the existence of the video showing the interaction between Father Palimattom [sic] and the youth as they looked at the visiting priests' [sic] cell phone. We were encouraged because such video would be a benefit to Law enforcement and the State Attorney as they pursued bringing charges and prosecuting Father Palimattom [sic], ultimately putting him in jail where he would not be able to harm any other youth.

**Clarification on Father Palimattom [sic]**

The Diocese of Palm Beach also wishes to address allegations regarding what happened to Father Palimattom [sic], the visiting priest from India, once the allegation was reported to the diocese.

Upon learning of the allegation, Bishop Barbarito immediately suspended all priestly faculties which were previously granted to Father Palimattom [sic], so that he did not have permission to provide any ministry within our Diocese nor even present himself as a priest. The Diocese contacted the Minister Provincial of the Franciscan Province of St. Thomas the Apostle in India to which Father Palimattom [sic] belongs. As you are aware, Father Palimattom [sic] served time in jail for the criminal charges brought against him. In abundance of caution, even though Father Palimattom [sic] is not a priest of this Diocese, the Diocese of Palm Beach reported the allegations to the Vatican's Congregation for the Doctrine of the Faith in Rome to ensure Father Palimattom's [sic] provincial would be contacted by Rome. Though we are required to report allegations against our diocesan priests to that Vatican Office, we are not required to report a visiting priest, but felt it was a measure the diocese should take. We were following the Canonical process and our diocesan reporting procedure.

It is worthy to note that the Diocese of Palm Beach did not invite Father Palimattom [sic] to our diocese. He was invited by Father Gallagher. When he told us he had done so, the Diocese began our due diligence. It is the policy of the Diocese of Palm Beach to conduct a full background screening when a visiting priest wishes to visit and/or minister within our Diocese. Part of Father Palimattom's [sic] screening included a background screening conducted in India as well as receipt of a *Certificate of Aptitude* from the Minister Provincial in India that essentially approved Father



Palimattom's [sic] ministerial work, granted permission for him to come to our Diocese, and assured us that there is nothing in his past that would indicate that he might deal with minors or adults in an inappropriate manner. During this screening process, no prior misconduct was revealed.

### **Gallagher's Other Allegations**

We reiterate our earlier statements that the Diocese of Palm Beach deems the other allegations made by Father Gallagher to be a complete inaccurate reflection of the facts including the following:

Father Gallagher's reassignment was not related to the incident with the visiting priest. When priests are assigned to lead a parish, they are first named as Parochial Administrator, not Pastor. This is a probationary assignment, as is clear in their letters of appointment. The position of parochial administrator is, by its nature, not a permanent position, but a period of adjustment and evaluation for both the priest's sake and the parish's. Towards the end of the first year a committee assists Bishop in evaluating, taking many things into account – especially the congregation's input and various events that may have taken place during that year. For many reasons that **did not include** the incident of Father Jose Palimattom [sic] it was determined that Father Gallagher would not be named Pastor at the end of the year, and he was assigned to a different parish as Parochial Vicar, to begin July 1, 2015. He never took the

assignment because he asked to be put on Medical Leave, which was granted by Bishop Barbarito.

Father Gallagher alleges the locks on his former parochial house were changed, leaving him homeless. That is false. The Diocese of Palm Beach was not negligent in providing housing. Father Gallagher was given a new assignment with residence.

Father Gallagher alleges the Diocese of Palm Beach forced him to take a medical leave and has, quoting from the allegations, “ostracized him from the Church.” Father Gallagher requested a medical leave freely on his own and has been deficient in informing the Diocese of his current residence. During this leave he has received full salary, insurance and benefits.

During his hospitalization, Bishop Barbarito visited Father Gallagher providing pastoral care and support for a diocesan priest. Father Gallagher was never denied receipt of the Sacraments.

**Established Procedures – Creating Safe Environments**

The Diocese of Palm Beach, the Catholic Church and Pope Francis recognize the grave harm victims of sexual abuse have endured suffering often at the hands of someone they trusted: someone they had every right to trust: In this particular reference a member of the Catholic priesthood.

As a Catholic Church we apologize for the grave harm that has been inflicted on any victims by clergy or Church personnel. Words alone cannot

express our sorrow, shame and disappointment for the past. The Church is indebted to victims of abuse who have come forward. Their witness has allowed the healing process to begin and has made the Church safer for all families.

We pray that victims, all victims of abuse, will find the healing they so richly deserve.

Yet there are those who fail to recognize all the work the Church has done since 2002 to improve how abuse cases are handled and continues to do to this present day and will do in the future.

The Catholic Church in the U.S. has the strongest measures in the world in place for protecting children and young people, including safe environment training for children and adults, background checks and a zero tolerance for sexual abuse.

- We train everyone to prevent, recognize and report abuse. This includes our clerics, employees and volunteers.
- We also train children in personal-safety and awareness programs. These programs are done in a classroom setting in all of our diocesan schools, religious education classes and are available online on our website.
- We provide outreach to those abused.
- We require background checks of all clerics, employees and volunteers.
- We report all allegations to the public authorities.
- We cooperate fully with law enforcement.

- Our diocese has Diocesan Policies and Codes of Conduct that pertain to the safety of children and young people.
- We have a Victims' Assistance Coordinator who provides support and assistance to those abused.

Each year the United States Conference of Catholic Bishops conducts an audit of every diocese to ensure they are following the guidelines of the Bishops' Charter and its own diocesan policies. The Diocese of Palm Beach is audited every year (13 times to date) and has been found in complete compliance each time. The Diocese has even received commendations for some of the innovative things initiated in this area of creating a safe environment for young people and vulnerable adults.

The Diocese of Palm Beach's Office of Safe Environments conducts the VIRTUS Program "Protecting God's Children" Workshops for all those who work with or come in contact with young people as well as any adults wishing to attend. They also provide education to all students in the Diocese's parochial schools and parish religious education classes.

Nationally, well more than 2.5 million people active in the church – clergy, vowed religious, lay ministers, teachers, coaches, administrators, volunteers and parishioners – have been trained to recognize and respond to signs of inappropriate behavior, thus preventing abuse. Programs like these give us the tools we need to protect children and combat abuse, equipping the Church to remain a powerful force for good. All 198 dioceses

and archdioceses in the U.S. (100%) have adopted the bishop's charter.

**In the Diocese of Palm Beach since 2002:**

- **30,000 clergy, religious and lay people have been through the background screening process.**
- **30,000 have completed the training of the VIRTUS "Protecting God's Children" workshop.**
- **Every 5 years those who have been background screened are screened again.**

All VIRTUS Workshops are available for anyone to attend. The schedule is listed on the diocesan website along with the *Charter for the Protection of Children and Young People and the Code of Conduct*. The website also lists all the other programs and workshops the diocesan Office of Safe Environments provides to children and young people to keep them safe. There are parental tips on internet and texting and more. The diocesan website is [www.diocesepb.org](http://www.diocesepb.org) Look under the *Offices* button and then select from the drop down menu *Safe Environments*. You can also call the diocesan Office of Safe Environments at 561-775-9500.

Additionally the U.S Conference of Catholic Bishops has similar information on its website plus more resources, videos and information for parents. You can find it at [www.usccb.org](http://www.usccb.org). Look under the *Issues and Action* button and then select from the drop down menu *Child & Youth Protection*.

**Pope Francis:**

Sexual abuse is an issue we've heard Pope Francis discuss and we are encouraged and follow the example set by our Holy Father. When in the U.S. last fall, Pope Francis met with victims of clergy abuse and told them "Words cannot fully express my sorrow for the abuse you suffered. You are precious children of God who should always expect our protection, our care and our love."

Pope Francis also has acted on the issue. Last year he formed the Pontifical Commission for the Protection of Minors. And this past summer he created a tribunal for bishop negligence in clergy sexual abuse cases.

The Diocese of Palm Beach wishes to assure the faith community we take all allegations of sexual abuse very seriously and we have strong procedures in place that are followed by the administration offices of the diocese.

It is most regrettable the hurt which this current distressing matter has caused our faith family, and once again to the entire parish family of Holy Name of Jesus and the family involved in the original Incident. The Diocese of Palm Beach asks for prayers for all involved, including mercy and prayers for Father Gallagher. We greatly appreciate those who have offered their support and prayers to the diocese during this disappointing period of time."

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View our January 25, 2016 Release: Diocese of Palm Beach Releases Statement Regarding the Recent Article by an Irish Newspaper

View our January 26, 2016 Release: Diocese of Palm Beach Releases Statement to Respond to Allegations Made by Father John Gallagher

View our January 6, 2015 Release Regarding Father Palimattom [sic]

View Bishop Barbarito's January 8, 2015 Letter to Parishioners at Holy Name of Jesus Church

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 Jose Palimattom [sic], 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

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To view the diocese's responses to the allegations,  
please click here to visit our Press Release section

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