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Suit against archdiocese accuses Kelly of perjury

■ Woman says
archbishop lied
during 2000
deposition
in claim filed
against uncle.

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The Courier-Journal

A lawsuit filed yesterday against the Archdiocese of Louisville alleges that Archbishop Thomas C. Kelly "lied" two years ago when he testified that he didn't recall any prior lawsuits against the Rev. Louis Miller.

In what may be the first sex-abuse complaint in the nation to accuse a bishop of perjury, Miller's niece, Mary C. Miller,

charged that Kelly's March 2000 deposition in a lawsuit that she had filed against her uncle the year before amounted to an act of "deceit and fraud."

It was designed, her new lawsuit alleges, to "keep parishioners and the public ignorant" of the Catholic Church's "tolerance of pedophilia."

The lawsuit also alleges that to "hush" Mary Miller and prevent public discovery that her uncle was a "sexual predator," the archdiocese lent him money

to settle her 1999 lawsuit and demanded that she keep the arrangement forever secret.

The archdiocese yesterday denied allegations that Kelly perjured himself.

Attorney William McMurry, who represents most of the 154 plaintiffs who have sued the archdiocese since April, alleging abuse by its priests and other employees, described the confidentiality agreement as a "smoking gun" that shows that Kelly has covered for Rev. Miller.

The agreement — a copy of which was filed with Mary Miller's new lawsuit — says: "The allegations of the plaintiff, whether true or false, if related to the general public . . . will have an adverse effect on the perception of the church and its priests. The church would like to avoid that and as a result, has lent the defendant money with which to settle." The agreement

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**"It's so sad that he
(Archbishop Kelly) has
led the Catholic people
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a lie."**

Mary Miller, who claims the Rev. Louis Miller, her uncle, sexually abused her

Suit accuses archbishop of perjury

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includes an acknowledgement by Mary Miller that the payments are a compromise settlement of "a doubtful and disputed claim" and in making them, "Father Miller in no way admits any liability for any of the matters referred to herein." The lawsuit filed yesterday does not disclose the amount of the settlement.

Miller, who is named in 63 lawsuits, was indicted on June 26 on 42 felony counts of sexually abusing children, including Mary Miller, between 1959 and 1982. He has pleaded innocent and declined to comment on the allegations. He retired in March.

Mary Miller contends in her new lawsuit that Kelly had to know of a lawsuit filed by Mark Delmenhorst against Miller and the archdiocese on Aug. 29, 1990, because it was served on Kelly personally.

Church officials also have said that Miller reported Delmenhorst's allegations directly to Kelly in December 1989 and that by the end of the next month, Kelly had talked to Delmenhorst's family and barred Miller from working with children.

Delmenhorst alleged that Miller abused him in 1977, when he was 15 and a student at St. Elizabeth of Hungary school.

Cecelia Price, a spokeswoman for the archdiocese, said yesterday that during his 2000 deposition, Kelly didn't recall that Delmenhorst's complaint was a lawsuit because it had been settled out of court.

"We asked him the question and he said he didn't remember it as a lawsuit," Price said. "Obviously we don't believe Archbishop Kelly lied deliberately or perjured himself."

Price said the archdiocese would not comment on why it lent Miller money to settle with his niece, or why the archdiocese — though not named as a defendant in that case — insisted that the deal remain secret.

The testimony in question was given by Kelly on March 3, 2000.

Mary Miller's lawyer asked, "To your knowledge, have any other lawsuits been filed against Father Lou Miller?"

"To my recollection, no other lawsuits have been filed against Father Miller," Kelly responded.

In a complaint signed and verified by Mary Miller yesterday, McMurry alleges that testimony "was a lie."

In an interview yesterday afternoon, Mary Miller, now 40, said she attended Kelly's deposition in 2000 and was angry to learn in April, after a Courier-Journal investigation of Miller, of the previous lawsuit filed by Delmenhorst.

"It's very upsetting to me that he would have, under oath, lied to me (while sitting) across the table from me," she said of Kelly.

Price, the archdiocese's spokeswoman, said she didn't know why its lawyers didn't correct Kelly's testimony or if he had the opportunity to review it later.

Price noted that about 10 years had passed between the filing of Delmenhorst's lawsuit and Kelly's testimony. Kelly also might not have remembered it as a lawsuit because his involvement in it took place more than six months before it was filed.

Bill Ryan, a spokesman for the U.S. Conference of Catholic Bishops, said yesterday that he could not recall a bishop ever being accused in a lawsuit of lying under oath.

Mary Miller's new lawsuit claims that if Kelly had told of the Delmenhorst lawsuit in 2000, she and her then-lawyer, Will Driscoll, could have made an immediate claim against the archdiocese for concealing the alleged prior misconduct.

Driscoll declined to comment yesterday.

In language mirroring the other 153 lawsuits filed since April, Mary Miller's new complaint alleges that Rev. Miller "engaged in a pattern" of sexually abusing children and that archdiocesan officials knew about the alleged abuse and did nothing.

Claims made in filing a lawsuit

give only one side of the case.

Mary Miller's first lawsuit was filed when she was 36 and named her uncle as the lone defendant. She alleged then that at two family gatherings, when she was 10, he twice kissed her on the mouth with his mouth open, and, five years after that, forced her to hold his penis while he sat next to her.

The lawsuit, however, sought damages only for what she said happened in 1998, when he touched her arm at a family funeral and said, "That ought to do you for awhile." She claimed the incident forced her to relive the alleged childhood abuse.

Before Miller could collect a settlement from her uncle in that case, the archdiocese, though not a defendant, insisted that she release from liability "the Roman Catholic Church, the Archdiocese of Louisville, the pope, the archbishop, the bishop and all its directors, officers, agents, servants, employees, adjusters and representatives in any capacity."

The provision required her and Driscoll to hold "in the strictest confidence" the allegations against Rev. Miller and "even the fact that this agreement was entered into."

In her new lawsuit, Mary Miller asks for a ruling that the confidentiality agreement is legally unenforceable because it was induced by fraud. She also seeks compensatory and punitive damages.

Mary Miller is one of four relatives who have filed lawsuits against the archdiocese alleging that Rev. Miller abused them.

In her interview yesterday, Mary Miller, who works as a case manager at Aegon Insurance Group, said she feels betrayed by the archbishop.

"The Catholic community is so big here, and they are so supportive of Archbishop Kelly," she said. "It's so sad that he has led the Catholic people down this road with a lie."

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