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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Circuit Court Judge

Case No. 2018-CP-10-03929

Appellate Case No. 2025-001689

John Doe, ... Appellant,

v.

Bishop of Charleston, a Corporation Sole, and
the Bishop of the Diocese of Charleston, in his official capacity,..... Respondents,

---

SUPPLEMENT TO RECORD ON APPEAL

Volume 6 of 6

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ATTORNEYS FOR RESPONDENTS

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STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF CHARLESTON) COMMON PLEAS
CASE NO: 18-CP-10-3929

JOHN DOE,

PLAINTIFF,

vs.

BISHOP OF CHARLESTON, A CORPORATION SOLE, AND THE BISHOP OF THE DIOCESE OF CHARLESTON, IN HIS OFFICIAL CAPACITY,

DEFENDANTS.

DEPOSITION OF:

JOHN DOE
September 12, 2019

Given before Debbie Rayl, Court Reporter and Notary Public in and for the State of South Carolina, in the law offices of Turner, Padget, Graham and Laney, Greenville, South Carolina, on Thursday, the 12th day of September, 2019 commencing at 2:03 p.m.

Job No. CS3521079

Alley in town.

Q. Okay. All right. When was the first time Chris Hartnett molested you?

A. In school.

Q. Give me a -- without describing the actions -- what, where, what time of day, that sort of thing.

A. I can't remember the time of day. Might have been after school. Maybe it was during school. But it happened in the lunchroom/hallway if you want to call it.

Q. If you're looking at the school from King Street ---

A. To the right.

Q. --- over on the right?

A. Yes, sir.

Q. That kind of separate building or has a breezeway over there?

A. I think it is a separate building with a breezeway.

Q. Yes. And what did Hartnett do on that occasion?

A. Fellatio.

Q. Okay. Did you tell anybody?

A. No.

Q. Did you ever tell anybody?
A. No.
Q. Did he pull your pants down? How did that happen?
A. That's the part that's a little fuzzy.
Q. I'm sorry?
A. I said that's the part that for me is a little fuzzy.
Q. Okay.
A. But that was just the first time.
Q. Okay. Is that what you remember Hartnett did most often is perform fellatio?
A. No. It went on from there.
Q. Okay. How did it escalate?
A. In Columbia.
Q. All right. Was it just the one time in the lunchroom and then the trip to Columbia?
A. No. I believe it happened on the side of the school after the first time.
Q. And what did he do?
A. Same thing.
Q. Okay. Did you resist?
A. No.

Q. But you didn't tell -- didn't go to the doctor?

A. Huh-uh (no).

Q. Didn't tell your parents?

A. Huh-uh (no).

Q. Didn't tell anybody at the school?

A. No. I told my brother-in-law that I was having problems and -- part wise I was having problems and asked if the church would help me.

Q. And that was Thomas?

A. Thomas.

Q. ___?

A. Yes.

Q. And when did you talk to Thomas about that?

A. I don't remember.

Q. Was it shortly before you called Louisa Storen?

A. I believe that it was around the same time.

Q. Okay. Did Thomas give you Louisa's phone number or did Larry?

A. No, Thomas did.

Q. Thomas did?

him.

BY MR. DUKES:

Q. They did?

A. Yeah. So that's the only time I know of anything like that.

Q. All right. Were you aware of any mandate from the Vatican that payments to sexual abuse victims be kept secret?

A. No, sir. Don't even keep up with all that stuff.

Q. Were you ever taught by anybody that you have to conceal sexual crimes of employees of the Diocese?

A. No, sir.

Q. Do you think anybody at the Diocese intended for Hartnett and Brooks to harm you?

MR. RICHTER: Object to the form of the question.

THE WITNESS: My heart says no. I've never known any bad -- bad people in the church but I would have rather not had to remember all this than sit here and talk about it like that. I would rather have kept it in the deep places I had it at. That I

can tell you.

BY MR. DUKES:

Q. Did you choose to go to Sacred Heart or did your parents?

A. I think it was dad -- my dad.

Q. Have you ever heard of the mandatory reporting statute?

A. No, sir.

Q. Okay. And do you know anything about the church failing to report any sexual abuser who's alive to the appropriate authorities?

A. No, sir.

Q. Are you aware of anybody entering into an agreement to harm you -- the church entering into an agreement with somebody -- with somebody else to harm you?

A. No. Not at all.

Q. Is there -- one of the requirements of a civil conspiracy count is what's called special damages. I mean, it's damages that are different from the harm you suffered -- physical or emotional or whatever -- but it -- can you identify for me anything that would be special damages?

CERTIFICATE

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

I, Debbie Rayl, Professional Verbatim Reporter and Notary Public for the State of South Carolina, certify that I did have JOHN DOE to appear before me at 2:03 p.m. on the 12th day of September, 2019, in the office of Turner, Padget, Graham and Laney, Greenville, South Carolina; that the witness was duly sworn to tell the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 16th day of September, 2019.

Debbie Rayl, Notary Public

My Commission expires January 24, 2021

Deposition of:

Sally Duffy

Doe
v.
Bishop of Charleston, et al

Case #: 2018-CP-10-3929

November 26, 2019

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STATE OF SOUTH CAROLINA)IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)NINTH JUDICIAL CIRCUIT

John Doe,)
)
Plaintiff,)
)Civil Action No.:
)2018-CP-10-3929
v.)
)
Bishop of Charleston, a Corporation)
Sole, and the Bishop of the Diocese)
of Charleston, in his official)
capacity,)
)
Defendants.)

****

DEPOSITION OF: SALLY DUFFY

DATE TAKEN: Tuesday, November 26, 2019

TIME: 2:35 P.M.

PLACE: Richter Law Firm
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY: MARY ANN RIDENOUR, RPR, CLR, CVR-S
and Notary Public

Electronically signed by Mary Ann Ridenour (201-173-461-0613) 0cacfa0d-a7a0-4d89-b727-76724b4c997a

stuff is kind of saying, well, repressed memory and dissociative amnesia, sometimes they use them as equal things. They're saying dissociative memory -- I mean, you know, repressed memory is a form of dissociative amnesia and that's kind how I look at it.

Q. But it's not a synonym of --

A. It's not a complete synonym. But -- well, it depends on what you read, actually.

Q. It includes global amnesia.

A. Well, true.

Q. It includes, for lack of a better word, an out-of-body experience?

A. Well, yeah. I'm -- I'm -- I'm kind of funny on that.

Q. You think that's -- that that happens?

A. I think people perceive it as happening, as opposed to somebody's soul leaving their body. I've -- I'm a little skeptical.

Q. Okay. So as a coping strategy for trauma, imaging that you're --

A. Imaging that your soul is leaving, imagining that you're leaving that situation, sure. I'm somewhere else.

Q. Okay. But actually --

A. This isn't happening.

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Q. -- doing it --
A. Yeah, but I'm not going to -- I don't see anybody's soul floating up from their body, so...
Q. Okay.
A. I'm sorry, I didn't mean -- I hope I didn't offend anybody.
Q. No, I'm just here to have a pleasant conversation with you.
With repressed memory patients, is a history of memory disorders an important factor to consider?
A. That's an excellent question.
Q. And Larry didn't object to the form of it.
A. No, he didn't.
MR. RICHTER: Well...
BY MR. DUKES:
A. Well, I think it's an interesting one and one, you know, we can't disprove. You know, I mean, if somebody's got severe organic memory loss, I don't hear repressed memories from them. Somebody's got dementia, I don't mean really, you know, significant dementia, I've never heard repressed memories come from them. I mean, they might say, Where's -- I want to go home. Where my's mother? But that's not repressed memory; that's disordered memory.
Q. Is there a way to test whether a memory that

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is recovered is part of a memory disorder and not really a repressed memory?

A. Not -- not really. But I can test for memory disorders. I do it all the time. Some of them -- some of the tests are a little bit more involved than others.

But sometimes I do something depending on time. I do a quick-and-dirty test. It's a not a mini mental status; it's a lot more of the memory stuff. And I do do some those of tests to make sure that the person doesn't have early dementia or that they aren't -- they don't have a memory problem. And that kind of helps. Because if they score okay on that, I'm not saying that it gives more credence to dissociative memory, but I'm saying that at least rules out organic basis for memory impairment.

Q. When did John Doe either express or repress any of his memories?

A. When did he do it?

Q. Uh-huh.

A. I think he did it in seventh grade.

Q. Okay.

A. Because he didn't even remember being there.

Q. When did he begin remembering again? Do you have an opinion on that?

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A. That's interesting, because the depositions, the notes, everything is a mess in terms of that. And that's why I was also saying triggers, where I don't see any triggers.

Q. Uh-huh.

A. And let me see if I can find it. He did completely fall apart when he moved to Greenville without his wife. I think that was a huge --

Q. In 2012?

A. 2012. I think that was a huge, huge thing for him. He -- what did he tell me?

Q. And Ms. Whelan's notes, her first interview, did you note that, that he told her he began to remember being abused several years ago, several years prior to 2016?

A. Yeah.

Q. Right after he had bypass surgery?

A. He mentioned that, yes. He mentioned that. But...

Q. And the bypass surgery he had was in 1999.

A. Yeah, he mentions that.

Q. And he was pretty specific with me when I would say about a bypass surgery and he would say, no, that was a stint.

A. Yeah. He did not come out to me and say that

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happened right after my thing. He talked more about moving to Greenville in --

Q. In 2012?

A. In 2012. And that's when the -- that's when all -- he started having all kind of problems, couldn't cope and he was overwhelmed.

Q. And --

MR. RICHTER: Please don't interrupt her answer. She's got a right to give her answer.

BY MR. DUKES:

A. And let me see if I can find this thing. And I got the sense that he was -- it was around 2012 that he started having some -- some blips of memory. That's my opinion from what -- everything I've read and from what he told me, because he was completely falling apart at that point and he was overwhelmed by emotion, by negative emotion. But, again, it -- I mean, there are so many -- I mean, think about it, these depositions, the notes, everything, there were so many inconsistencies. I had to make notes on everything. And then I had to kind of put them together that made some kind of sense to me, which was hard because there were so many inconsistencies.

Q. I believe his wife said that before they moved to Greenville, when they were still in

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Charleston, he began to have uncontrollable crying and bouts of severe depression. That's when they quit going dancing?

A. Yes.

Q. And that she would ask him, Why? And he said, I can't tell you, I'm so ashamed?

A. Yes. And what she told me was that things got bad after -- after he moved to Greenville and she stayed in Charleston. And he got -- started crying and he changed. He became a different man. What do we do with that?

Q. So we really cannot pin down when Mr. Doe began to remember?

A. Uh-uh. I think there were blips just like -- recovered memories seldom come in one big tsunami. They come in little blips. And I think maybe he started having some tiny little blips in Charleston.

But, apparently, I think -- I think -- personally, I think the trigger for him primarily was the overwhelming negative emotions and stress associated with moving to Greenville, where he didn't really want to go, and having to live without his wife.

I think -- I don't know what -- I don't know what -- I think that man would probably become overtly suicidal if something happened to his wife, because he

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can't cope without her.

And that's when she told me things changed. I mean, so what are we supposed to believe? I mean, I don't know. And -- and, yet, I don't believe it's necessarily that unusual, because I've heard it all the time, you know, a little piece here, a little piece there, and then...

Q. And if somebody came to you and said, All of sudden, it came back to me like it was --

A. Happening just again?

Q. Yeah.

A. I've seen that happen, but I think it's rare. I think it's relatively rare. I do think it can happen. I've only heard -- I heard -- I've heard of a couple of people, a couple, three, four people tell me that. But most people talk about it coming in bits and pieces, until -- until something rips the lid off. And he talked about the bomb.

Q. And that's usually therapy?

A. Often it's therapy because they start talking about it and they feel a safe place. Sometimes it's some other overwhelming life stressor. The negative -- we go back to the state-dependent learning, where they start experiencing some of the same emotions that they did when they were traumatized.

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health problems, physical health problems. We know that. And we know how to teach it. But I haven't been able to nail down if that lack of resilience contributes to repressed memory, so that's why I'm not -- that's why I didn't put it in here.

Q. Okay. You'll agree with me that Mr. Doe has had a difficult life?

A. Oh, yeah.

Q. And that there are some significant traumas that --

A. Uh-huh.

Q. -- impacted him, the sexual abuse at age six? How significant do you put that in his --

A. Well, that was a trauma which could set him up to have more difficulties with trauma down the road. However, like I said in my report, I don't -- I do not think that was a proximate cause of PTSD. He did not have a significant relationship with this kid. It happened once or three times, whatever, a kid down the street. I think it's bothered him, but I don't think it was -- I think in the grand scheme of things, I don't think -- I think he just went about his life.

Q. What about his relationship with his father --

A. Oh, I think that's --

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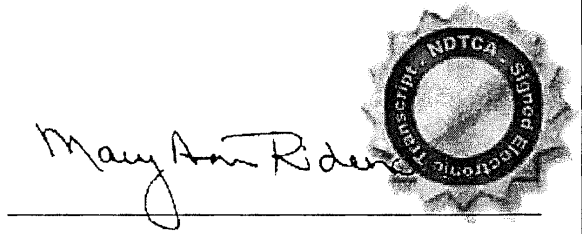
C E R T I F I C A T E

STATE OF SOUTH CAROLINA:
COUNTY OF CHARLESTON:

I, MARY ANN RIDENOUR, Registered Professional Reporter and Notary Public, State of South Carolina at Large, certify that I was authorized to and did stenographically report the foregoing deposition of Sally Duffy; and that the transcript is a true record of the testimony given by the witness, and was sworn as such.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND OFFICIAL SEAL this 6th day of December, 2019, in the City of Charleston, County of Charleston, State of South Carolina.



Mary Ann Ridenour, RPR, CLR
and Notary Public
My commission expires:
March 14, 2021

Electronically signed by Mary Ann Ridenour (201-173-461-0613) 0cacfa0d-a7a0-4d89-b727-76724b4c997a

STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF CHARLESTON) COMMON PLEAS
CASE NO: 18-CP-10-3929

JOHN DOE,

PLAINTIFF,

vs.

BISHOP OF CHARLESTON, A CORPORATION SOLE, AND THE BISHOP OF THE DIOCESE OF CHARLESTON, IN HIS OFFICIAL CAPACITY,

DEFENDANTS.

DEPOSITION OF:
MRS. JOHN DOE
September 12, 2019

Given before Debbie Rayl, Court Reporter and Notary Public in and for the State of South Carolina, in the law offices of Turner, Padget, Graham and Laney, Greenville, South Carolina, on Thursday, the 12th day of September, 2019 commencing at 11:31 a.m.

Job No. CS3521079

BY MR. DUKES:

Q. So he talked about being ashamed?

A. Uh-huh (yes). He couldn't tell me, he said.

Q. And he would never tell you what he was ashamed about?

A. Not until later, sir.

Q. Okay. Did he tell -- what did he tell you he was ashamed about in the 2010, 2011, '12 -- when the depression started?

A. It was not like a sit-down story.

Q. I got you.

A. He would give me bits and pieces when he was just too broken down. He'd give me a little hit -- something.

Q. Can you help me out and kind of walk me through that -- what you learned and when you learned it?

A. Little things like, "I don't want to tell because I'm so ashamed, but I was molested."

So being a mother all I could do is to hug him.

Q. And when did he tell you -- first tell you had been molested?

Q. --- before you moved up here, where would you have put him on the scale?

A. He was depressed and sad.

Q. Okay. So in 2012 before you moved up here he was how far into the depressed and sad state? Was it crying all the time?

A. A workable depression.

Q. Okay. So he couldn't work?

A. No, no. Work -- he was workable. He could work it out within his -- his regular life -- his everyday life. Like many people live with depression and take their medication and they have some days that he was down and other days that he was fine. Like, you know, there were ups and downs.

Q. Okay. And while you were in Charleston you didn't know what was triggering this depression?

A. No, sir.

Q. Okay. And he didn't give you any clues?

A. He said he couldn't tell me.

Q. Okay. When he mentioned that he was molested were you living in Charleston or were you living in Greenville?

back when he was -- 2014 or so when he was going to the VA or early in 2016? Was he paranoid about anything then?

A. No.

Q. Okay.

A. He was stressed out.

Q. Why?

A. Well, I mean basically you could see it. I mean, his demeanor -- I mean John was an outgoing man, talked to everybody. And so he changed. His personality changed.

Q. When did that happen?

A. He started declining I would say maybe 2000 or something -- before we came here.

Q. And his personality started to change?

A. Yeah.

Q. Was he taking any medications at the time his personality began to change in 2000?

A. I do not know, sir.

Q. Okay. Was anything going on in your lives that you think triggered this personality change?

A. I don't think so. I have the best

job I had. I was having a very good job, so I was making enough money and he had his business. We were doing pretty good. Actually, it was the best time of our life that we -- when it comes to money that we make the better money.

Q. And was it a sudden change in his personality like somebody flipped a switch or was it gradual?

A. Gradual.

Q. And how long did that gradual process take until he had changed?

A. I would say maybe two years.

Q. Okay. So from 2000 to 2002 or so?

A. (Witness nods head).

Q. And before he was outgoing and engaging and liked people -- I'm -- I don't mean to be putting words in your mouth.

A. No, no, no. Yeah.

Q. Is that accurate?

A. Yeah.

Q. And then two years later, how would you describe his personality?

A. He started being a little retreat and less social, I would say. More -- when he

CERTIFICATE

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

I, Debbie Rayl, Professional Verbatim Reporter and Notary Public for the State of South Carolina, certify that I did have MRS. JOHN DOE to appear before me at 11:31 a.m. on the 12th day of September, 2019, in the office of Turner, Padget, Graham and Laney, Greenville, South Carolina; that the witness was duly sworn to tell the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 16th day of September, 2019.

Debbie Rayl, Notary Public

My Commission expires January 24, 2021

STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF CHARLESTON) COMMON PLEAS
CASE NO: 18-CP-10-3929

JOHN DOE,

PLAINTIFF,

vs.

BISHOP OF CHARLESTON, A CORPORATION SOLE, AND THE BISHOP OF THE DIOCESE OF CHARLESTON, IN HIS OFFICIAL CAPACITY,

DEFENDANTS.

DEPOSITION OF:
JASON FLASSING
September 19, 2019

Given before Cecelia Englert, Court Reporter and Notary Public in and for the State of South Carolina, in the offices of Sherbondy Psychiatric Services, Piedmont, South Carolina, on Thursday, the 19th day of September, 2019 commencing at 8:05 a.m.

Job No. CS3521119

Q. How did you test that?

A. That would be more of a direct observation -- him being able to provide a history of events that was accurate. I mean -- -

Q. What history of events did he provide you?

A. His -- basically his -- the history of his own mental health. You know, he was able to provide symptoms from the time he was a child. He knew, you know, what year it was.

He was able to describe specifics as it related to some trauma related to the passing of his wife and kids. It's mostly done by direct observation.

Q. Okay. What other history did he provide you?

A. He did provide a history that he was experiencing flashbacks and frequent tearful episodes.

Q. What flashbacks?

A. He would report, I believe, of trauma experienced when he was a child of being molested by a priest. That was his consistent ---

Q. Did he mention -- did he have any flashbacks about being molested a neighboring -- a neighborhood teenager?

A. That was not brought up. I'm not aware of that.

Q. What about trauma -- flashbacks or trauma from his wife and children dying in a fire?

A. I do believe that would be probably some of the symptoms of his depression -- I do recall him speaking to that, yes.

Q. Okay. What did he say?

A. He would describe symptoms of seeing their bodies, I believe. I don't recall specifics.

Q. What trauma did he report over the course of his life that contributed to his PTSD and depression?

A. Can you explain that question a little -- or repeat that question?

Q. Sure. We're aware of a number of traumatic events in Mr. Doe's life. And I was wondering what traumas he told you about that are contributing to his mental health condition.

CERTIFICATE

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

I, Cecelia Englert, Professional Verbatim Reporter and Notary Public for the State of South Carolina, certify that I did have JASON FLASSING to appear before me at 8:05 a.m. on the 19th day of September, 2019, in the office of Sherbondy Psychiatric Services, Piedmond, South Carolina; that the witness was duly sworn to tell the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 22nd day of September, 2019.

Cecelia Englert, Notary Public

My Commission expires June 6, 2028