

Tolling Agreement

This Tolling Agreement (“the Agreement”) is entered into between The Catholic Bishop of Chicago, a Corporation Sole, also known as The Archdiocese of Chicago (“the Archdiocese”) and various Plaintiffs being represented by the law firms of [REDACTED] (“the Plaintiffs”) (collectively, “the Parties”).

Whereas, a list of the current Plaintiffs subject to this Agreement is attached hereto as exhibit A. This list is not intended to be inclusive and may be amended from time to time. Failure of a Plaintiff’s name to appear on Exhibit A shall not prejudice such Plaintiff’s rights hereunder and it is agreed that this Agreement shall apply to all Plaintiffs who are represented by [REDACTED]

Whereas, the Plaintiffs purport to have claims against the Archdiocese and/or various people, entities, schools, religious orders, parishes, etc. under the control or supervision of the Archdiocese for injuries suffered and sustained as a result of inappropriate sexual contact with Plaintiffs (“Claims”).

Whereas, the Parties have determined, without prejudice and with a full reservation of their respective rights that it is in their best interest to defer the assertion of these Claims and enter into mediation.

Now in consideration of the mutual covenants herein, the Parties agree as follows:


1. This Agreement shall be effective as of _____.
2. The running of any statute of limitations applicable to the Claims, which have not already been barred by the statute of limitations applicable to such Claims as of _____, shall be tolled from _____ to a date ninety (90) days after written notice of termination of this Agreement pursuant to paragraph 3 hereof (the “Tolling Period”). The Tolling Period shall not be asserted or relied on in any way (whether in computing the running of the time under any applicable statute of limitations or by way of laches or otherwise) by any Party in defense of any such claim, which may at any time hereafter be asserted against any Party by any other Party.
3. This Agreement may be terminated by any Party by mailing written notice of termination to the other Party. Written notice of termination under this Agreement shall be sent to the following:

To Plaintiffs:


[REDACTED]

To the Archdiocese:

James Serritella, Esq.
Burke Warren MacKay & Serritella, P.C.



330 N. Wabash Ave., 22nd Floor
Chicago, Illinois 60611



4. Nothing in this Agreement shall be deemed, construed or otherwise interpreted as an admission by any Party of the existence or validity of any Claim by either Party against the other Party.
5. The Parties agree that the information contained herein and any discussions between the Parties to the Agreement are considered confidential, and the Parties, and their respective legal counsel, agree to preserve the privacy and confidentiality of this Agreement and any materials and/or discussions relating thereto.
6. This Agreement constitutes the entire understanding between the Parties with respect to the subject matter hereto.
7. This Agreement shall be construed and enforced in accordance with the laws of the State of Illinois.
8. The Parties agree that this Agreement may be extended or amended at any time by mutual written agreement of the Parties.

Plaintiffs:

By: _____

The Catholic Bishop of Chicago

By: _____

{00012612.DOC}

Hello Leah,

I received [REDACTED] report today. As such, she will not be able to meet the deadline indicated in your cover letter.

[REDACTED]

Archdiocese of Chicago Priest Vitae Card

Leonard Paul Kmak

Born:



Ordained: 05/07/1959

Died: 07/16/2002

Ethnicity: Polish

No
Image
Attached

Assignment**Position****Begin Date****End Date**

St. Fidelis Parish (Washtenaw Ave.)

Assistant Pastor

07/01/1959

06/24/1964

St. Veronica Parish (Whipple St.)

Assistant Pastor

06/25/1964

08/18/1968

**Extraordinary
Appointments:**

June 23, 1959

My dear Father **Kmak,**

I hereby appoint you assistant to
the pastor of **Saint Fidelis Church, Chicago,**
Illinois.

You will kindly report for duty on
July 1st to **Father Ploszek, the pastor.**

Wishing you every blessing of God
in this, your first appointment, I remain,

Very sincerely yours in Christ,

Archbishop of Chicago

Reverend **Leonard P. Kmak**

2648 W. Cullerton Av.

Chicago 48 Ill.

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June 11, 1964

My dear Father **Kmak**:

I hereby appoint you assistant to
the pastor of **St. Veronica Parish, Chicago, Illinois**,
transferring you from assistant to the pastor of
St. Fidelis Parish, Chicago.

You will kindly report for duty
on Thursday, June 25th, to **Msgr. Dailey, the Pastor.**

Wishing you every blessing, I
remain

Very sincerely yours in Christ,

+ *Albert Cardinal Meyer*

Archbishop of Chicago

Reverend **Leonard Kmak**
St. Fidelis Rectory
1406 N. Washtenaw Avenue
Chicago, Illinois 60622

St. Veronica Rectory

3300 NORTH WHIPPLE STREET

CHICAGO, ILL. 60618

May 6, 1968

Your Eminence,

I am sorry to have to trouble you but I need your understanding and help. I have a very serious question of conscience I must discuss with you.

I would ask you to realize I have been waiting since Easter Monday to see you and am quite upset. Please try to see me as soon as possible.

Sincerely yours in Christ,

Fr. Leonard Kmak

Fr. Leonard Kmak

Ju 8-3665

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May 24, 1968

Reverend Leonard P. Kmak
St. Veronica Rectory
3300 N. Whipple Street
Chicago, Illinois 60618

Dear Father Kmak:

I have received the copy of your letter to Cardinal Seper of May 17, 1968, together with the doctor's report of April 25, 1968.

Please rest assured that as soon as the Holy See authorizes us to process the details of your petition, we shall do so immediately.

You can be sure that you are in my prayers. I beg the same favor in your good prayers.

With fraternal regard, I am, dear Father Kmak,

Very truly yours in Christ,

Archbishop of Chicago

MEMORANDUM

August 9, 1968

TO: Cardinal Cody

FROM: Msgr. Byrne

Re: REV. LEONARD P. KMAK

Father Leonard Kmak, assistant at St. Veronica Parish, saw me today to say he would be leaving on August 19, 1968. He will write Your Eminence a letter concerning his plans.

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ARCHDIOCESAN PERSONNEL BOARD

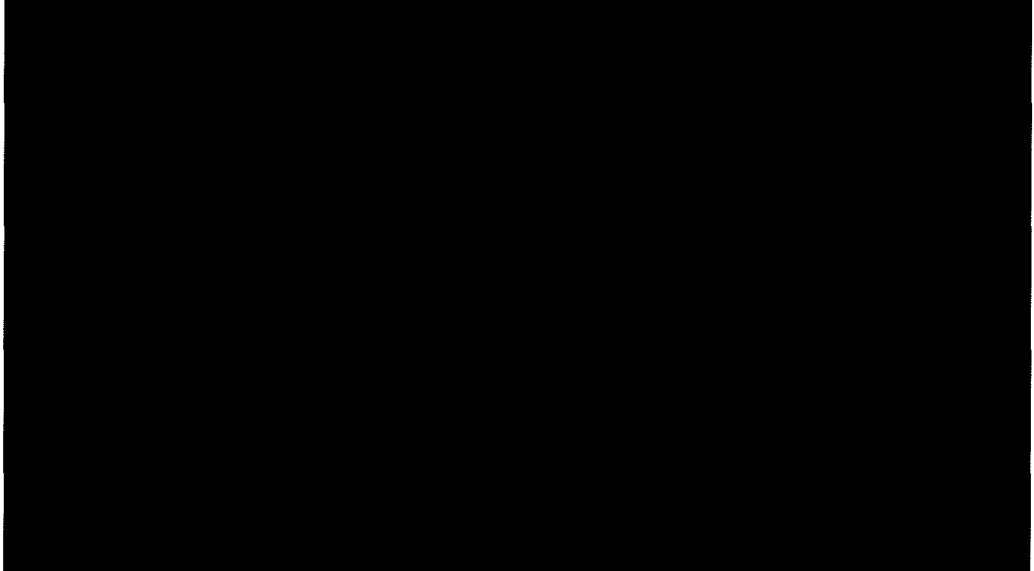
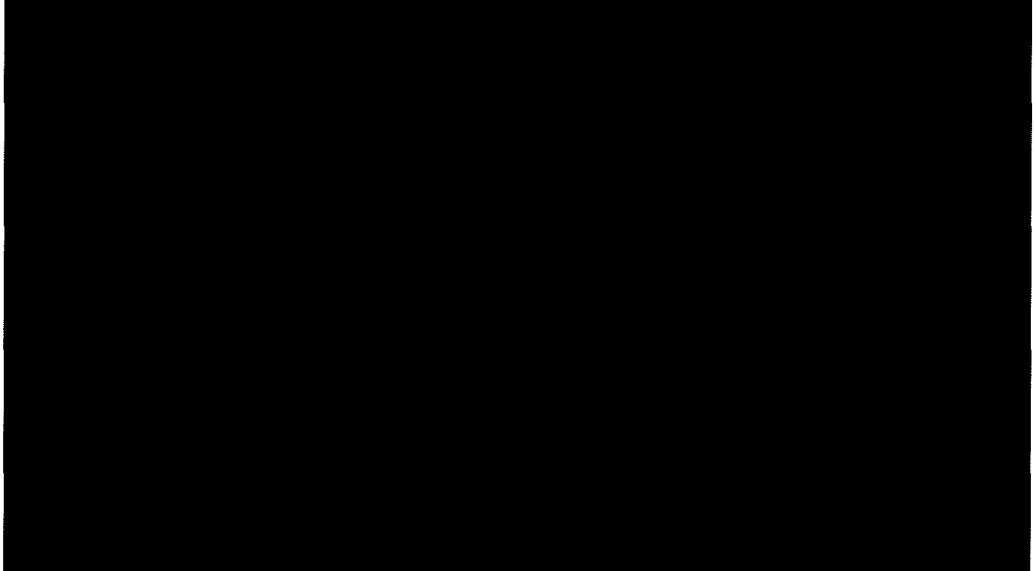
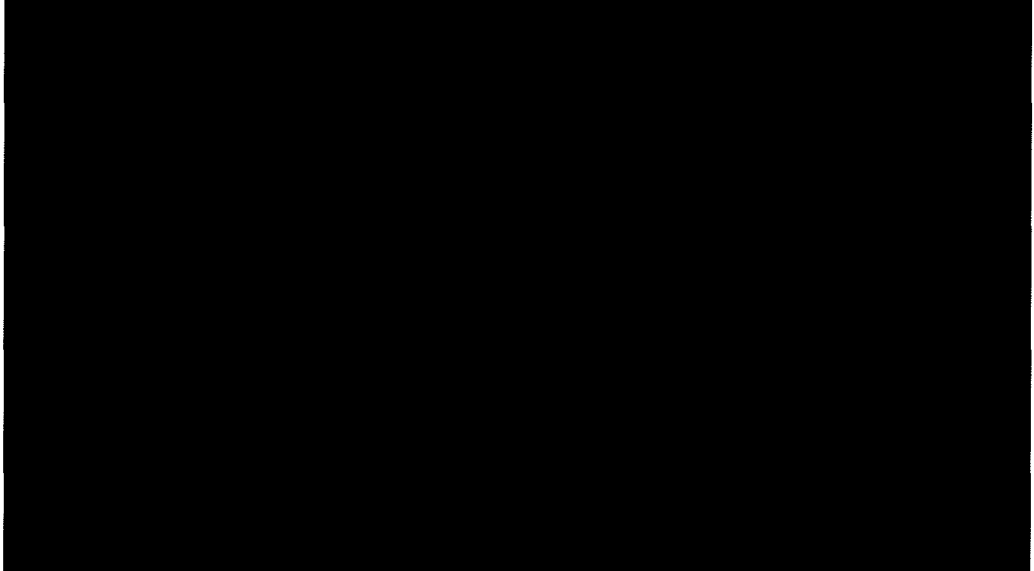
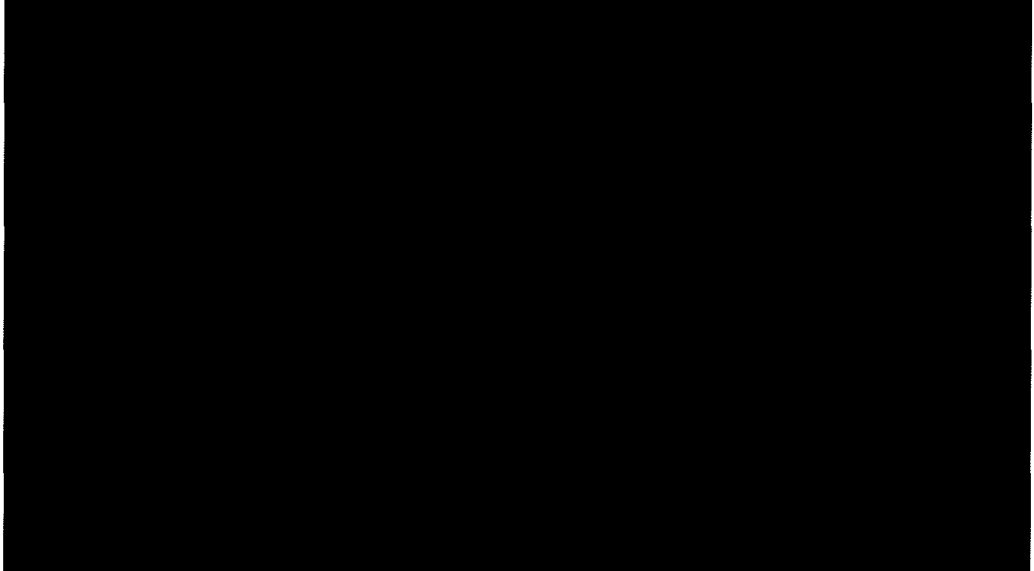
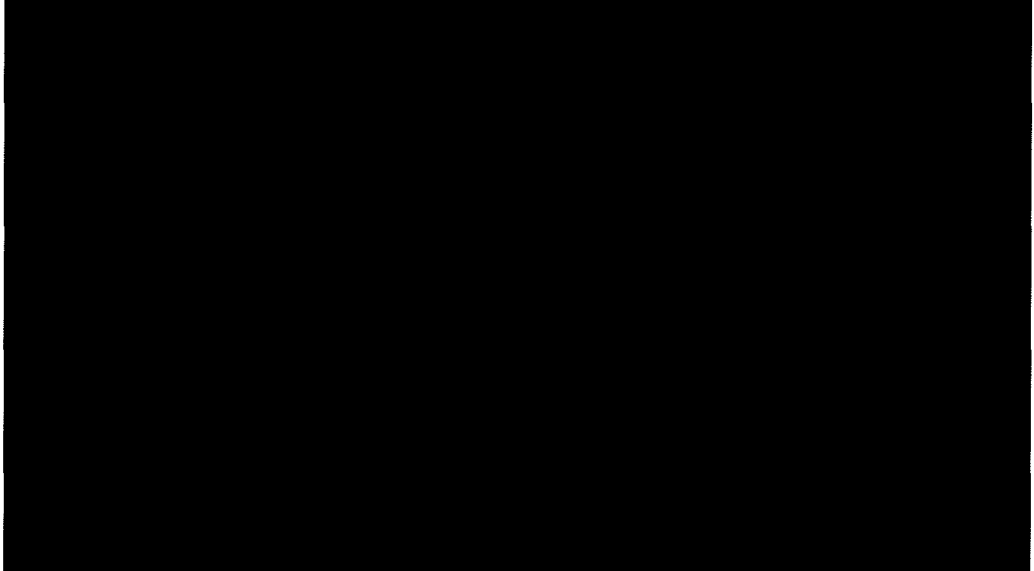
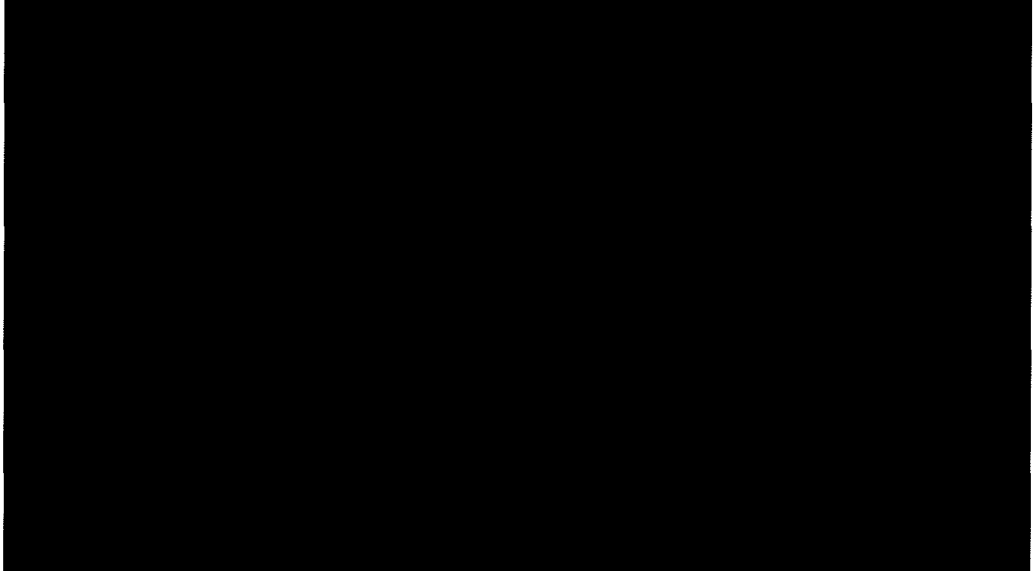
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MINUTES
MEETING NUMBER 65


Meeting: August 12, 1968
Place: Personnel Office
Time: 10:30 A.M.
Present: All except Lynch, Goedert and Roche.

I. Minutes - Approved

II. Urgent Reports -

- 1) 
- 2) 
- 3) 
- 4) 
- 5) 
- 6) 

7) L. Kmak: will definitely leave August 19th.

8) 

III. Approval of Agenda - Approved.

IV. Agenda



*1-167-
8
9-12-68
(65)*

020000

St. Veronica Rectory

3300 NORTH WHIPPLE STREET

CHICAGO, ILL. 60618

August 14, 1968

Your Eminence,

This is to inform you that I am leaving St. Veronica Parish on Monday August 19th. I know you are not in and spoke to Msgr. Byrne last Friday. I asked if there were any further instructions. Monsignor did not seem to have anything specific. If there is anything you can contact me thru St. Veronica Rectory I will leave a phone number there. I am not settled on where I will reside.

You will be in my prayers as I hope I will be in yours.

In Christ,

Leonard Kmak
Leonard Kmak

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SPEED LETTER®

TO His Eminence, Cardinal Cody

FROM Father Keating

SUBJECT Leonard Kmak (laicization)

MESSAGE DATE December 10, 1968

FOLD

Your Eminence:

All reasonable efforts have failed. I really think Kmak's dossier should be sent to Rome.

Attached is a report and "votum" for the S. Congregation.

SIGNED Father Keating

REPLY

DATE 12/10 1968

mailed - you tried voluntarily
JK

FOLD

SIGNED

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Grayline

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SACRA CONGREGATIO PRO DOCTRINA FIDEI
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Roma, die 1 Februarii 1969
Piazza del S. Uffizio, 11

PROT. N. 977/68 This is a red ink stamp!
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Eminentissime ac Reverendissime Domine,

Dnus LEONARDUS KMAK, olim sacerdos istius Archidioecesis, ibique commorans, cuius domicilium notum est isti Curiae, dispensationem exquisivit ab omnibus oneribus e sacris Ordinibus manantibus.

Circumstantiis examinatis haec Sacra Congregatio casum praesentare decrevit Summo Pontifici: Qui in Audientia concessa

FERIA VI, 24 JANUARIi 1969

benigne disposuit pro gratia, quam Eminentia Tua executioni mandare curabit, iuxta ea quae continentur in adnexo Rescripto, imposita obligatione servandi secretum omnibus qui huic executioni partem erunt habituri.

De peracta re Eminentia Tua Reverendissima - tempore opportuno - faveat referre ad Sacram Congregationem.

Hanc occasionem nactus manus Tuas humiliter deosculor ac impensos venerationis meae sensus Tibi pando meque profiteor

Eminentiae Tuae Reverendissimae
dev.mum ob.mum hu.mum famulum verum

*C. Rolla
Substitutus*

(cum adnexo)

Em.mo ac Rev.mo D.no

Dno Card. JOHANNI PATRITIO CODY

Archiepiscopo

CHICAGIENSI

AOC 017131

February 21, 1969

I, Leonard P. Kmak, having been advised of the conditions contained in the rescript of the Holy See granting my petition to be laicized with permission to marry, do hereby accept the decree of laicization with its conditions, especially that of on-going discretion with regard to my past status as a priest.

Leonard P. Kmak

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CHICAGO, ILLINOIS 60690

Office of the Chancellor

On March 1, 1969, in the Church of St. Germaine, Oak Lawn, I witnessed the canonical marriage of Leonard P. Kmah and [REDACTED]. This I did, expressly delegated by John Cardinal Cody in virtue of the rescript N. 977/68 (Jan. 24, 1969) of the S. Cong. for the Doctrine of the Faith.

The ceremony was performed "sine alio testibus" and with the accepted obligation of secrecy of all 3 parties present.

J. R. Keating
3/1/69

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Prot. N. 977/68

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Excellentissime ac Reverendissime Domine:

Hisce litteris testamur et fidem facimus quod LEONARDUS KMAK, olim sacerdos Archidioecesis Chicagensis, vi rescripti N. 977/68 (die 24^a januarii 1969) quo ei concessa est dispensatio ab omnibus oneribus e sacris Ordinibus manantibus, Chicagiae matrimonium contraxit die 1^a mensis martii anni 1969ⁱ cum [REDACTED] Catholica, coram sacerdote a me expresse delegato, nullis aliis testibus adstantibus, sine qualibet pompa vel adparatu, et secluso omni scandalo. Item attestor omnes condiciones prout in rescripto praescriptas adamussim impletas esse.

In quorum fidem has litteras manu mea subscriptas sigilloque meo munitas fieri ac expediri mandavimus.

Datum ex Aedibus Curiae
Archiepiscopalis Chicagensis
Die 4^a mensis martii 1969.

L. S.

Archiepiscopus Chicagensis

Exc. mo ac Rev. mo
D. no CAROLO MOELLER, Subsecretario
Sacra Congregatio pro Doctrina Fidei
Piazza del S. Uffizio, 11
ROMA

AOC 017134

K.

L.

M.

N. Leonard Kmak, former priest, Ordained in '59, presently dispensed, married and working as Director of Social Service at St. James Hospital, Chicago Heights, sent a copy of a letter to Bishop UNTERKOEFLER and Cardinal Cody expressing his desire to serve as a Permanent Deacon.

O.

P.

Q.

Other Reports

3. Approval of the Agenda

4.

5.

6.

7.

8.

IV-10

Victim Statement Abstract

This abstract replaces a summary prepared by Kathleen Leggdas, Professional Fitness Review Administrator for the Archdiocese of Chicago's Office of Professional Fitness Review, of Victim JK's statement, given to Ms. Leggdas on July 6, 2001, formalizing her allegation of abuse against Rev. Leonard Kmak at St. Fidelis parish in the early 1960s. According to Victim JK's statement, the alleged abuse consisted of kissing and touching over Victim JK's clothing on between 5-10 separate occasions.

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Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



Post Office Box 1979
Chicago, Illinois 60690-1979

(312)751-5205
Fax: (312)751-5279

Memorandum

To: File – PFR-78

From: Kathleen Leggdas, Professional Fitness Review Administrator [PFRA] *KL*

Re: **Review Board Conference Call**

Date: July 16, 2001

Conference call participants:

[REDACTED]
Rev. Thomas Paprocki, Cardinal's Delegate to the Review Board,
Kathleen Leggdas, Professional Fitness Review Administrator,
* [REDACTED] contacted by separate phone call.

Date: July 14, 2001
Time: 10:00 a.m. – 10:45 a.m.

PFRA presented allegation of [REDACTED] of sexual misconduct with a minor against a resigned priest Leonard Kmak. (See allegation statement for details).

Rev. Thomas Paprocki presented information from personnel file on Leonard Kmak.

Discussion focused on policy 1104.2 Compliance and Cooperation, procedure (e) relating to allegations against clerics who have resigned from ministry.

Quorum vote of 5 members listed above reached. Recommendation made to contact Leonard Kmak by telephone through the Vicar for Priests Office. Suggestion to leave message that call is in regard to personnel issue and request return call to Father James Kaczorowski, Vicar for Priests.

First Stage Review to be conducted at August 18, 2001 Board Meeting, since Leonard Kmak is not in active ministry.

Cc: Members of the Review Board
Rev. Thomas J. Paprocki, Cardinal's Delegate to Review Board
Rev. James Kaczorowski, Vicar for Priests
Michael J. Bland, Victim's Assistance Ministry

AOC 017137

ARCHDIOCESE OF CHICAGO

Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



Post Office Box 1979
Chicago, Illinois 60690-1979

(312)751-5205
Fax: (312)751-5279

Memorandum

To: File – PFR-78

From: Kathleen Leggdas *KL*

Re: Leonard Kmak Response to [REDACTED]
Allegation of Sexual Misconduct as a Minor

Date: July 19, 2001

Present at Meeting:

Leonard Kmak, alleged victim and resigned priest
Rev. James Kaczorowski, Vicar for Priests
Kathleen Leggdas, Professional Fitness Review Administrator [PFRA]

General Information:

Leonard Kmak, resigned from priesthood in 1969
[REDACTED]
Ordained: 1959
Currently retired

Meeting Summary:

PFRA presented overview of Review Board Process. Rev. James Kaczorowski presented role of Vicar for Priests. Allegation made by [REDACTED] was presented (see Allegation Statement for details).

Leonard Kmak knew [REDACTED] as [REDACTED] her maiden name. He recalled driving her home after Parish activities and kissing and caressing her. [REDACTED]

He described her as [REDACTED]. He stated that “he thought a lot of her; that she had an adult attitude and that she did not seem to be a minor.” He denied sexual feelings or thoughts that anything sexual was going to happen.

He admitted to a sexual relationship with a college girl and went on to say that he left the priesthood so that he could marry and have a family. [REDACTED]

Cc: Review Board Members
Rev. Thomas J. Paprocki, Cardinal’s Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests

AOC 017138

Victim Statement Abstract

This abstract supplements the redacted summary prepared by Kathleen Leggdas, Professional Fitness Review Administrator for the Archdiocese of Chicago's Office of Professional Fitness Review, of former Rev. Leonard Kmak's response to Victim JK's allegation of abuse, given to Ms. Leggdas on July 19, 2001. Kmak acknowledged that he had engaged in inappropriate conduct with Victim JK, and admitted that she was underage at the time.

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676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



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Fax: (312)751-5279

Memorandum

To: File – PFR-78

From: Kathleen Leggdas, Professional Fitness Review Administrator [PFRA] *KL*

Re: Leonard Kmak

Date: July 20, 2001

Leonard Kmak, resigned priest, called PFR Office at 9:00 a.m. on July 20, 2001. He said he wanted to clarify a few points from his statement made July 19, 2001.

He said he had great respect for [REDACTED] and really cared about her. [REDACTED]

He did state that he was aware that this could not go anywhere because he was a priest. When PFRA clarified that she was [REDACTED] he said, “Frankly she seemed a lot older than [REDACTED]”

He then asked if our records could be subpoenaed and if confidentiality of information would be maintained. Affirmative response given to both questions.

Cc: Review Board Members
Rev. Thomas J. Paprocki, Cardinal’s Delegate to the Review Board
Rev. James Kaczorowski, Vicar for Priests
John O’Malley, Office of Legal Services
Michael J. Bland, Victim’s Assistance Ministry

AOC 017140

Victim Statement Abstract

This abstract supplements a redacted memorandum to file by Kathleen Leggdas, Professional Fitness Review Administrator for the Archdiocese of Chicago's Office of Professional Fitness Review, of a phone call from former Rev. Leonard Kmak on July 20, 2001. According to Ms. Leggdas's memorandum, Kmak recalled Victim JK riding in his car on several social occasions and admitted to kissing the minor. However, Kmak denied any sexual touching or other sexual acting out.

ARCHDIOCESE OF CHICAGO

Rev. Thomas J. Paprocki
Archbishop's Delegate to the
Professional Fitness Review Board



St. Constance Parish
5843 W. Strong St.
Chicago, IL 60630
Tel. (773) 545-8581
Fax: (773) 545-0227

July 21, 2001

Ms. Kathleen Leggdas
Professional Fitness Review Administrator
676 N. St. Clair, Suite 1910
Chicago, IL 60611

Dear Kathleen,

As the Archbishop's Delegate to the Professional Fitness Review Board, I am writing to you regarding the matter of **Leonard P. Kmak**, a resigned priest of the Archdiocese of Chicago, against whom an allegation has been made that he had engaged in sexual misconduct with a minor when he was still functioning as a priest.

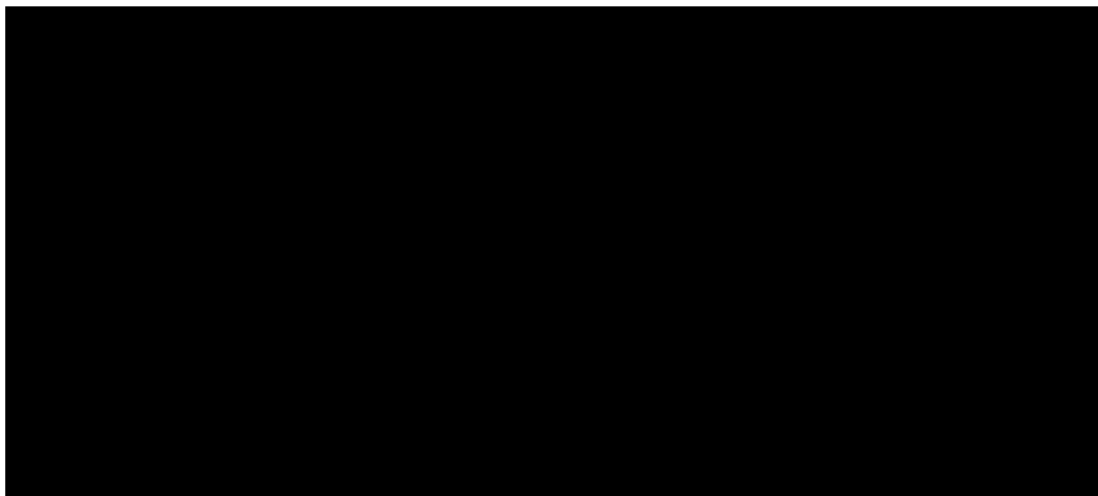
This letter is written in order to provide you with information regarding the cleric's file or background as required by Archdiocesan Policies and Procedures, Book II, Part I, Title III, Chapter I, policy and procedure §1104.7.1, and as authorized by policies §702.1.a and §1106.3.2.

Even though Leonard Kmak is no longer active as a priest, policy §1104.2, procedure "e" requires that an allegation that is made against a cleric who has resigned from active ministry "shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to suspect that the accused had engaged in sexual misconduct with a minor during the time he was serving as a cleric of the Archdiocese and to facilitate the outreach to those affected as contemplated by these policies."

Leonard P. Kmak was born in Chicago, Illinois on [REDACTED]. He attended the Archdiocesan seminaries and was ordained a priest by the late then-Archbishop Albert G. Meyer on May 7, 1959. He served as Assistant Pastor ("Vicarius Cooperator") at St. Fidelis Parish from July 1959 to July 1964 and at St. Veronica Parish from July 1964 until August 1968, when he took a leave of absence. On January 24, 1969 the Holy Father, Pope Paul IV, granted Leonard Kmak a dispensation from all the obligations of Sacred Orders. The Rescript of the Sacred Congregation for the Doctrine of the Faith (Prot. N. 977/68) in essence granted Leonard Kmak's petition to be laicized with permission to marry. On March 1, 1969, the late Father John Richard Keating witnessed the canonical marriage of Leonard Kmak and [REDACTED] at St. Germaine Church, Oak Lawn, having been expressly delegated to do so by the late John Cardinal Cody. The ceremony was performed with no other witnesses present and under obligation of secrecy, as was required at the time by the rescript of laicization from the Holy See.

Ms. Kathleen Leggdas
Professional Fitness Review Administrator
July 21, 2001 – Page 2

In his letter of petition for laicization dated May 17, 1968 and addressed to His Eminence, Franjo Cardinal Seper, Prefect of the Congregation for the Doctrine of the Faith, there is a pertinent passage in which Leonard Kmak wrote:



Please keep in mind that §1104.6 of the Archdiocesan policies pertaining to clerical sexual misconduct with minors provides that the information generated in connection with this process shall be maintained in a confidential manner and may only be disclosed in accordance with these policies and procedures.

If you have any questions or need any additional information, please let me know.

Sincerely yours in Christ,

Handwritten signature of Thomas J. Paprocki.

Rev. Thomas J. Paprocki
Archbishop's Delegate to the
Professional Fitness Review Board

cc: Rev. James T. Kaczorowski, Vicar for Priests

AOC 017143

Victim Statement Abstract

This abstract replaces a letter from Victim JK to Kathleen Leggdas, Professional Fitness Review Administrator for the Archdiocese of Chicago's Office of Professional Fitness Review and Michael Bland of the Archdiocese of Chicago Office of Victim Assistance Ministry, dated August 2, 2001. Victim JK had previously met with Leggdas and Bland in order to formalize her allegation of abuse by Fr. Leonard Kmak. Victim JK expressed her distress at learning that Michael Bland was a former priest who had regularly participated in services at the parish where Kmak was a parishioner. Given this information, Victim JK felt that Bland should have excused himself from the meeting at which she formalized her allegation of abuse against Kmak.



ARCHDIOCESE OF CHICAGO

VICAR FOR PRIESTS

645 NORTH MICHIGAN AVENUE, SUITE 543

CHICAGO, ILLINOIS 60611

Off: (312) 642-1837
Fax: (312) 642-4933

MEMORANDUM

To: Francis Cardinal George, OMI

From: Rev. Jim Kaczorowski

Date: August 3, 2001

Re: Leonard Kmak

Father Larry McBrady and I met with Leonard Kmak on July 31, 2001. Leonard resigned from active ministry more than 30 years ago in 1968. He had been ordained in 1959. Len is married and has adult children. His wife, [REDACTED] has been a [REDACTED]

This was the second meeting I had with Leonard regarding sexual misconduct of a minor some 40 years ago. This occurred during the time he was associate pastor at St. Fidelis Parish in Chicago. The minor with whom Leonard had relationships is [REDACTED]. [REDACTED] brought her claim to the Professional Fitness Review Office. She indicated that while Len was a priest he dated her at the age of [REDACTED] years. [REDACTED]

[REDACTED] During my first meeting with Leonard, and Kathleen Leggdas, Len denied all allegations. However, in his letter to Rome requesting laicization, he mentioned that he showed special affection to two very young girls. He thought he spoiled their lives because of his relationships with them. After the letter was read to Len, he admitted going out with [REDACTED] who was very mature for a [REDACTED]-year old. [REDACTED]

[REDACTED] Len said he was very sorry for what happened and asked me to express sorrow to [REDACTED] which I will do through Kathleen Leggdas.

[REDACTED]

[REDACTED] is not looking for any money from the diocese. [REDACTED]

[REDACTED] Prior to her marriage, Len's wife was a nun and taught [REDACTED] does not wish to disturb the family life of the Kmak's.

Leonard Kmak is now 68 years old with a bad heart. In a few weeks he will undergo hip surgery. He appears to be repentant for what he did years ago.

The reason for the interview was based on due diligence in behalf of anyone else that might ever come forward regarding an experience with Leonard.

[REDACTED]

Victim Statement Abstract

This abstract supplements a memorandum from Fr. James Kaczorowski to Francis Cardinal George, dated August 3, 2001, summarizing Frs. Kaczorowski and Larry McBrady's meeting with former Fr. Leonard Kmak on July 31, 2001. Fr. Kaczorowski's memorandum summarizes the specifics of Victim JK's allegation of abuse by Kmak. The memorandum also notes that although he initially denied any inappropriate conduct, Kmak later admitted to kissing and touching Victim JK over her clothes.

Phone Communication – PFR-78

Date: 8/3/01

Time: 1:50 p.m.

From: [REDACTED]

- Called in response to letter received 8/3/01

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Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



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Chicago, Illinois 60690-1979

(312)751-5205
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Memorandum

To: File – PFR-78

From: Rev. Thomas J. Paprocki ^{TOP}
Archbishop's Delegate to the Professional Fitness Review Board

Re: **Review Board Meeting – Leonard Kmak – First Stage Review**

Date: August 18, 2001

The Review Board conducted a First Stage Review in the matter of Leonard Kmak, a resigned priest of the Archdiocese of Chicago. The Board reviewed the summaries of the allegation and Kmak's response written by Kathleen Leggdas.

In light of the information presented, the Review Board determined that there is reasonable cause to suspect that sexual misconduct occurred with a minor.

Since Kmak is resigned from active ministry as a priest, there is no question for the Review Board regarding any current risk to minors in an Archdiocesan ministry. However, the determination of the Review Board is made to provide guidance to the Archdiocese in dealing with the allegation and the alleged victim.

ARCHDIOCESE OF CHICAGO

Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



Post Office Box 1979
Chicago, Illinois 60690-1979

(312)751-5205
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Professional Fitness Review Board

Saturday, August 18, 2001
10:00 – 12:00

MINUTES

Review Board Members Present:



Absent:

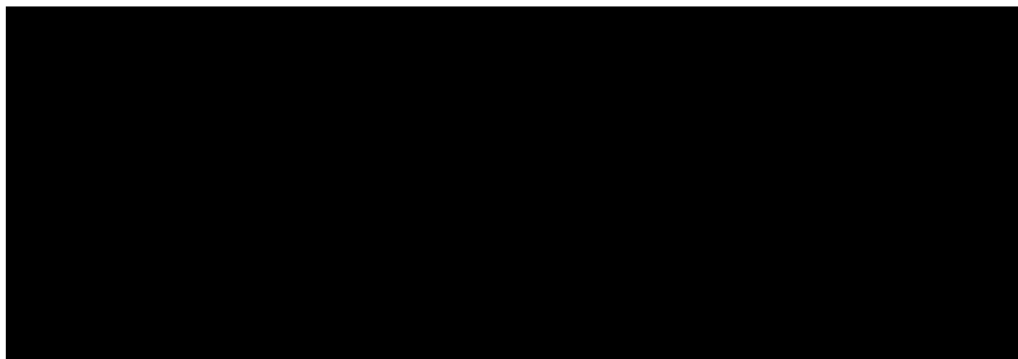


Non-members present:

Rev. Thomas J. Paprocki, Cardinal's Delegate to the Review Board
Kathleen Leggdas, Professional Fitness Review Administrator

-
- I. Approval of minutes from April 21, 2001 and June 30, 2001 First Stage Review on Rev. Kealy
 - II. Case Reviews

A.



B. In the Matter of Resigned Priest, Leonard Kmak, PFR-78

The Review Board conducted a First Stage Review in the matter of Leonard Kmak, a resigned priest of the Archdiocese of Chicago. The Board reviewed the summaries of the allegation and Kmak's response written by Kathleen Leggdas.

In light of the information presented, the Review Board determined that there is reasonable cause to suspect that sexual misconduct occurred with a minor.

Since Kmak is resigned from active ministry as a priest, there is no question for the Review Board regarding any current risk to minors in an Archdiocesan ministry. However, the determination of the Review Board is made to provide guidance to the Archdiocese in dealing with the allegation and the alleged victim.

C.



D.

III. Other Business

[REDACTED] and [REDACTED] terms are up in September of 2001.

Both [REDACTED] and [REDACTED] will serve another term.

[REDACTED] will serve until a replacement is found.

Cc: Members of the Review Board
Rev. Thomas J. Paprocki, Cardinal's Delegate to Review Board
Rev. Larry McBrady, Vicar for Priests

ARCHDIOCESE OF CHICAGO

Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



Post Office Box 1979
Chicago, Illinois 60690-1979

(312)751-5205
Fax: (312)751-5279

Professional Fitness Review Board

Saturday, August 18, 2001
10:00 – 12:00

I. Approval of Minutes from April 21, 2001 and Special Session, June 30, 2001

II. Case Reviews

A. 

B. 

C. In the Matter of resigned priest, Leonard Kmak, PFR-78
• First Stage Review

D. 

III. Other Business

- Board Membership

**OFFICE OF PROFESSIONAL FITNESS REVIEW
CLIENT INFORMATION SHEET**

(Revised 5/26/99)
Client Info/LNP

FILE #: PFR-78

REVIEW STATUS: (DATE)

Opened Date: 8/18/01

1st Stage: 8/18/01

Closed Date: _____

2nd Stage: _____

Supplementary: _____

1. **Name:** Leonard Kmak

Date Ordained: 1959

Birth Date: ██████

Current S/S #: _____

2. **Current Residence:** _____

Address: _____ **Date:** _____

Telephone: Home: _____

Office: _____ **Pager:** _____

3. **Ministry:** _____

Status (Check one) Date: _____

Active: _____

Deceased: _____

Resigned: _____

Withdrawn: _____

Other: _____

4. **Allegation(s):**

Date: 7/6/01 **Date of the Offense(s):** 1962

Sex/Age
F/12

Credibility:

Yes **No**
X

5. **General Nature of Allegation(s):**

Touching over clothing, kissing, simulation of sexual intercourse over clothing.

6. **Protocol:** _____

Original Date: 8/18/01

Review Dates:

Review Dates:

7. **Assessment(s):**
Source: _____ **Date:** _____ **Report on File: (?)** _____ **Date Received:** _____

8. **Therapy:**
Source: _____ **Start Date:** _____ **Quarterly Report:** _____ **Date Received:** _____

9. **Education:**

10. **Ministerial Assignments:**
St. Fidelis 1961 - 1967

11. **Family Composition:**
Parents: _____
Siblings: _____

12. **Monitors:** _____ **Address:** _____ **Phone:** _____

13. **Emergency Contacts:**
1st _____ **Relationship:** _____ **Home #:** _____ **Work #:** _____
2nd _____ **Relationship:** _____ **Home #:** _____ **Work #:** _____

14. **Other Concerns:**

ARCHDIOCESE OF CHICAGO

Office of Professional Fitness Review
676 N. St. Clair, Suite 1910
Chicago, Illinois 60611



Post Office Box 1979
Chicago, Illinois 60690-1979

(312)751-5205
Fax: (312)751-5279

Memorandum

To: File – PFR-78

From: Kathleen Leggdas, Administrator

Re: **Leonard Kmak**

Date: August 18, 2001

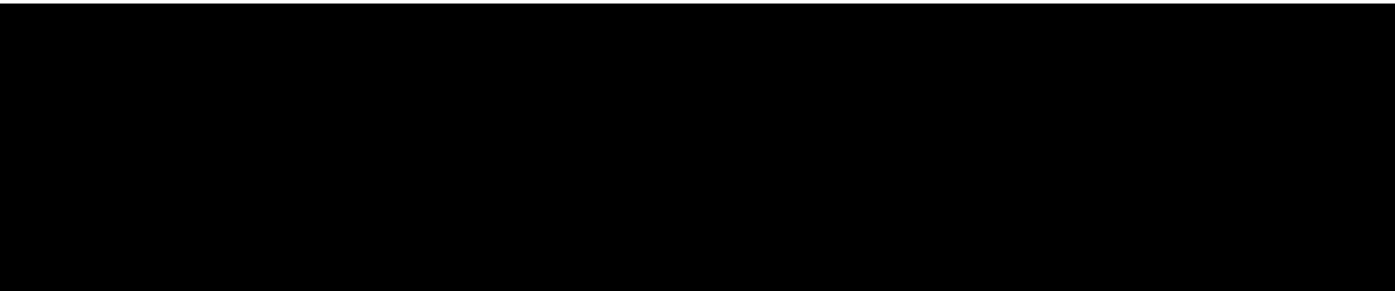
The following is a summary from the Professional Fitness Review Board meeting August 18, 2001:

The Review Board conducted a First Stage Review in the matter of Leonard Kmak, a resigned priest of the Archdiocese of Chicago. The Board reviewed the summaries of the allegation and Kmak's response written by Kathleen Leggdas.

In light of the information presented, the Review Board determined that there is reasonable cause to suspect that sexual misconduct occurred with a minor.

Since Kmak is resigned from active ministry as a priest, there is no question for the Review Board regarding any current risk to minors in an Archdiocesan ministry. However, the determination of the Review Board is made to provide guidance to the Archdiocese in dealing with the allegation and the alleged victim.

new



October 15, 2003

John C. O'Malley
Archdiocese of Chicago
155 East Superior Street
P.O. Box 1979
Chicago, IL 60690

RECEIVED

OCT 21 2003

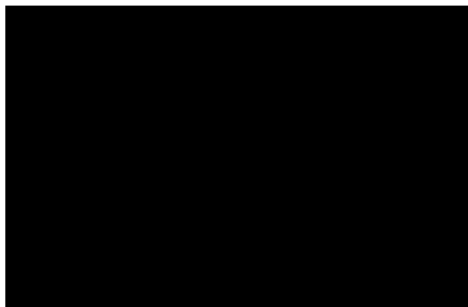
ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

RE: [REDACTED] v. Archdiocese of Chicago

Dear Mr. O'Malley:

This is to advise you that we represent the interests of [REDACTED] in a claim against the Archdiocese of Chicago and Fr. Leonard Kmak for misconduct while that priest was serving in and for the Archdiocese of Chicago. This letter is to advise you of our representation and to confirm our understanding that we have entered into a tolling agreement, a copy of which is included.

Very truly yours,



CR-78
Kmak/

ARCHDIOCESE OF CHICAGO

Office of Legal Services

John C. O'Malley
Director



Post Office Box 1979
Chicago, Illinois 60690-1979

(312) 751-5379
Fax: (312) 751-5252
E-mail: jomalley@archchicago.org

October 27, 2003

RECEIVED

OCT 28 2003

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

CONFIDENTIAL

Mr. Michael Howlett
Richard J. Daley Center
50 West Washington, 5th Floor
Chicago, Illinois 60602

Attached is a list of matters on which we have been placed on notice of [REDACTED] representation. On matters that are indicated as "new" in the OLS # Column, we will forward individual notices to you as soon as possible. On matters that indicate an OLS #, Jan has written in the date of prior notice to you. There are two files, [REDACTED] and [REDACTED] on which we had prior notice but have not sent you information. Both were old, closed files that have been recently re-opened for new activity. We will send notification of these matters to you.

As I told you earlier today, we have little or no specific information on these matters to date. We will keep you informed as information comes in. I have asked Leah McCluskey to let me know details as soon as they are provided.

Please let me know if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. O'Malley".

John C. O'Malley
Director of Legal Services

JCOM:dd

Attachment

cc: Leah McCluskey ✓

L:\Sholding\HowlettLtrList\ [REDACTED] Matters

AOC 017157

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

TO: Ralph Bonaccorsi, Assistance Ministry
Rev. James Kaczorowski, Vicar for Priests
Jimmy Lago, Chancellor
Leah McCluskey, Office of Professional Responsibility
John O'Malley, Legal Services
Rev. Daniel Smilanic, Archbishop's Delegate to the Review Board
Rev. Thomas Tivy, Vicar for Priests

FROM: Laura Neri-Palomino, Administrative Assistant
Office of Professional Responsibility

DATE: October 28, 2003

RE: [PFR-78] Kmak, Leonard (Resigned) [REDACTED]

Attached is a copy of a new allegation received by this office on 10/21/03. We are opening a file and Leah McCluskey, Professional Responsibility Administrator will begin the Review Process by attempting to arrange an interview with [REDACTED]. Please advise this office of any information you may have in your files regarding Kmak, Leonard [REDACTED].

It is extremely important that you forward copies of any and all documentation pertinent to this case to this office within 5 business days of receipt of this memo to ensure that the investigation of this matter be properly handled.

Thank you.

Attachment

cc: Most Rev. Edwin M. Conway

AOC 017158

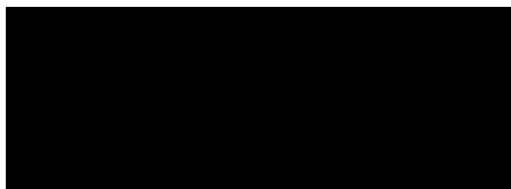
BURKE, WARREN, MACKAY & SERRITELLA, P.C.

22ND FLOOR IBM PLAZA
330 NORTH WABASH AVENUE
CHICAGO, ILLINOIS 60611-3607
TELEPHONE (312) 840-7000
FACSIMILE (312) 840-7900
www.burkelaw.com

JAMES A. SERRITELLA
DIRECT DIAL NUMBER
(312) 840-7040
jserritella@burkelaw.com

March 8, 2004

VIA FEDERAL EXPRESS



Re: [REDACTED] Rev. Leonard Kmak

Dear [REDACTED]

Per our discussion, I am following up on your letter of October 15, 2003 regarding the above matter. I have passed your correspondence on to Ms. Leah McCluskey, the Professional Responsibility Administrator of the Archdiocese of Chicago. It is my understanding that she has been in contact with you about this matter. As you know, either you or your client can contact Mr. Ralph Bonaccorsi (312-751-8293), Assistance Minister of the Archdiocese, for therapy from a licensed therapist selected by your client at the Archdiocese's expense while this matter is being processed.

Please direct any correspondence about the claim you are pursuing to me.

Very truly yours,

A handwritten signature in cursive script that reads "James A. Serritella".

James A. Serritella

lj

cc: Leah McCluskey
Ralph Bonaccorsi

09891-354/298918/1

AOC 017159



March 8, 2004

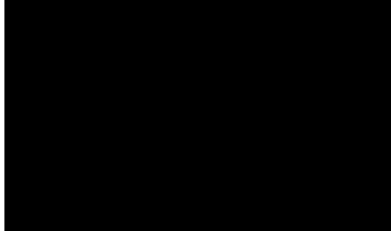
Page 2

bcc: Reverend James Kaczorowski
Reverend Thomas Tivy
John C. O'Malley

Office of Professional Responsibility

P.O. Box 1979
Chicago, Illinois 60690-1979(312) 751-5205
Fax: (312) 751-5279

October 20, 2004



Dear [REDACTED]

I hope that this letter finds you doing well.

Enclosed you will find a draft report of your allegation of sexual misconduct against Rev. Leonard Paul Kmak. The report is based upon our meeting that took place on August 12, 2004.

I ask that you review the report and make any changes necessary to ensure its accuracy. Please return the draft to me with any changes in the envelope provided. I will then return a final report to you for your signature. Once all signatures are provided, a copy of the final report will be forwarded to you in care of [REDACTED]

[REDACTED] in the interest of expediting this process, I ask that you return the enclosed report with your changes by November 2, 2004. Please know that you may also respond by November 2nd with a written request for a two-week extension to review the report, which then I would ask that you return it to me by November 16, 2004. In the event that I do not receive a response from you by November 2nd, I will assume that the draft report is accurate and I will proceed forward with this matter.

If you have any questions, please feel free to contact me at [312] 751-5205.

Sincerely,

A handwritten signature in cursive script that reads "Leah McCluskey".

Leah McCluskey
Professional Responsibility Administrator

Enclosure

[REDACTED]

[REDACTED]

[REDACTED]

RECEIVED

NOV 08 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

October 28, 2004

[REDACTED]

Dear [REDACTED]

Please find enclosed the draft report from our meeting with Leah McCluskey on August 12, 2004. Once you have had the opportunity to review the report, please call me. If the report contains information that you wish to have removed, feel free to scratch it out. I will inform Ms. McCluskey that her November 2, 2004 deadline will not be met.

I hope all is well with you. Please feel free to contact me if you have any questions or concerns.

Very truly yours,

[REDACTED]

From: [REDACTED]
To: <lmccuskey@archchicago.org>
Date: 10/28/04 1:53PM
Subject: [REDACTED] Report

RECEIVED

OCT 28 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Hello Leah,

I received [REDACTED] report today. As such, she will not be able to meet the deadline indicated in your cover letter.

[REDACTED]

Victim Statement Abstract

The abstract replaces a memorandum from Victim JI to Leah McCluskey, Professional Responsibility Administrator for the Archdiocese of Chicago's Office of Professional Fitness Review, dated November 2, 2004. Victim JI enclosed a revised copy of the statement of her alleged abuse by Fr. Leonard Kmak prepared by McCluskey following their meeting. Victim JI noted that the process of formalizing her allegation helped ease the burden she had felt for years as a result of the alleged abuse.

Victim Statement Abstract

This abstract replaces the summary prepared by Leah McCluskey, Professional Responsibility Administrator for the Archdiocese of Chicago's Office of Professional Responsibility, of Victim JI's statement, given to McCluskey on August 12, 2004, formalizing her allegation of sexual abuse against Fr. Leonard Kmak at St. Fidelis parish from approximately 1963 to 1964. According to Victim JI's statement, the abuse included kissing and touching. Several years later, Victim JI reported the abuse to a high school official, who was also an order priest. To Victim JI's knowledge, no action was taken against Fr. Kmak as a result of her report.

ARCHDIOCESE OF CHICAGO

COPY

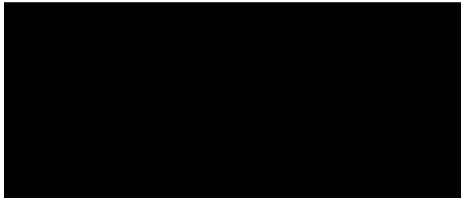
Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

November 9, 2004



Dear [REDACTED]

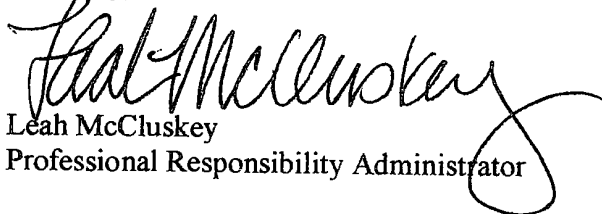
Enclosed you will find a final report of your allegation of sexual misconduct against Rev. Leonard Paul Kmak. The report is based upon your revisions you returned to my office. Thank you so much for your additions and changes.

Upon your review of the report, please provide your signature and date and return the document in the envelope provided. Once the final report is signed by all, I will forward a final copy to you in care of your attorney, [REDACTED]

[REDACTED] in the interest of continuing to expedite this process, I ask that you return the enclosed report to me by November 23, 2004. In the event that I do not receive any response from you by November 23rd, I will assume that the final report is accurate and I will proceed forward with this matter.

If you have any questions, please feel free to contact me at [312] 751-5205.

Sincerely,


Leah McCluskey
Professional Responsibility Administrator

Enclosure

12/9/04
Distributed
wis



RECEIVED

DEC 09 2004

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

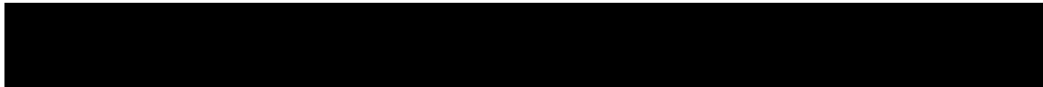
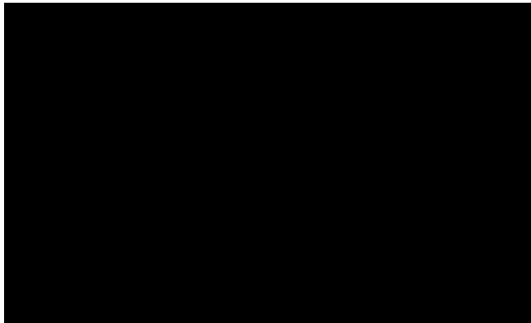
November 19, 2004



Dear 

Please review the enclosed report from the Archdiocese. Please make any corrections, if necessary, sign and return in the enclosed envelope.

Very truly yours,



AOC 017167

Victim Statement Abstract

This abstract replaces the memorandum from Victim JI to Leah McCluskey, Professional Responsibility Administrator for the Archdiocese of Chicago's Office of Professional Fitness Responsibility, dated December 2, 2004. Victim JI enclosed a final, signed copy of the statement of her alleged abuse by Fr. Leonard Kmak prepared by McCluskey following their meeting. Victim JI noted that the abuse by Kmak dissuaded Victim JI from pursuing a calling to serve the Catholic faith, and this negatively affected her life.

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

To: Assistance Ministry
From: Laura A. Neri-Palomino *LNP*
Re: Kmak, Leonard P. (Deceased) [REDACTED]
Date: December 9, 2004

The above matter is concluded and is being referred to Assistance Ministry for follow-up.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Ralph Bonaccorsi, Assistance Ministry

COPY

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

December 10, 2004



Dear 

Enclosed you will find a finalized copy of your report with all of the necessary signatures. A copy of the report is also enclosed for your attorney.

If you have any questions please contact Leah McCluskey at 312-751-5205.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Neri-Palomino".

Laura A. Neri-Palomino
Administrative Assistant

Enclosures

AOC 017170

CHICAGO SUN-TIMES

www.suntimes.com

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Archdiocese settles with 24 accusers

October 28, 2005

BY [CATHLEEN FALSANI](#) Religion Reporter

The Roman Catholic Archdiocese of Chicago has reached an out-of-court settlement with two dozen men and women who say they were sexually abused as minors by priests of the archdiocese, lawyers for the victims and a spokesman for Cardinal Francis George said Thursday.

The settlement involves 14 current or former priests, none of whom is in active ministry today. Five of the men – Eugene Burns, William Cloutier, Jeremiah Duggan, Leonard Kmak and Marion Snieg – are deceased, said Jim Dwyer, a spokesman for George.

The other nine – John Curran, James Hagan, Thomas Job, Thomas Kelly, Vincent McCaffrey, John Robinson, Ralph Strand and Thomas Swade – have been removed permanently from ministry, Dwyer said.

Since 1950, the Chicago archdiocese has received credible allegations of sexual abuse of minors against 60 priests, Dwyer said. At a press conference Thursday, Jeffrey Anderson and Marc Pearlman, attorneys for the 24 abuse survivors, released a list of 38 priests (including the 14 involved in the settlement) they say have credible allegations of abuse against them.

Abuse long ago

Dwyer confirmed that their list of 38 was accurate, but declined to name the remaining 22 priests or provide a comprehensive list of the names of all 60 priests who have been accused since 1950, citing concerns about naming someone publicly who has never been charged criminally or sued for sexually abusing minors.

Many of the priests accused of abuse in the Chicago archdiocese and elsewhere never have been successfully prosecuted or sued because the alleged abuse took place so long ago, civil and criminal statutes of limitation have expired.

List of accused priests

While they commended archdiocesan officials for their willingness to negotiate and settle with abuse survivors whose cases were beyond statutes of limitations, Anderson and Pearlman called on archdiocesan officials to release a comprehensive list of priests who stand accused of abusing minors.

"Until they come clean, as it were, with what they know, children are at risk, the parishes of the archdiocese of Chicago are not safe and we are deeply worried," said Anderson, a St. Paul, Minn., attorney who has represented hundreds of clergy sex abuse victims across the nation.

Neither Anderson, Pearlman, nor Dwyer would disclose the monetary amount of the settlement.

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ARCHDIOCESE OF CHICAGO

Pat
Please File
EG

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279
www.archchicago.org

MEMORANDUM

To: File – PFR-78
From: Leah McCluskey, Professional Responsibility Administrator (P)
Re: Kmak, Rev. Leonard [Laicized/Deceased]
Date: November 7, 2005

PRA received a phone call today from [redacted] regarding [redacted] the former Rev. Leonard Kmak. [redacted] informed PRA that he was calling in regards to him and other family members seeing Fr. Kmak's name in the media/newspaper on October 27, 2005 and/or October 28, 2005.

When asked, PRA was able to provide [redacted] with information in regards to Fr. Kmak's status [laicized] and his history of assignments as a priest of the Archdiocese of Chicago. PRA also informed [redacted] that there is at least one substantiated allegation of the sexual misconduct with a minor against Fr. Kmak. [redacted] had also asked PRA if he could be informed when the alleged abuse took place and if the alleged victim was a male or a female. PRA explained to [redacted] that due to confidentiality, such specific information could not be shared.

[redacted] was appreciative of the information received and expressed his understanding for the limits of specific information that could be shared. He also expressed his concerns with the information released by the news media. PRA clarified for [redacted] that the information reported by the media on the aforementioned dates was not released by the Archdiocese of Chicago, but was released by a civil attorney representing individuals who had come forward to report allegations of abuse by clerics.

[redacted] informed PRA that [redacted] [now deceased] is the [redacted] of Fr. Kmak. He expressed his relief that based upon the information PRA shared with him regarding Fr. Kmak's time as a priest, [redacted] did not "...go to her grave with a lie..." [redacted] informed PRA that Fr. Kmak's widow, [redacted] is still alive.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests

RECEIVED JAN 19 2006






January 15, 2006

Director of Communications & Public Relations, Colleen Dolan
Archdiocese of Chicago
P.O. Box 1979
Chicago, Illinois 60690-1979

RE: Father Leonard Kmak

Dear Director Dolan,

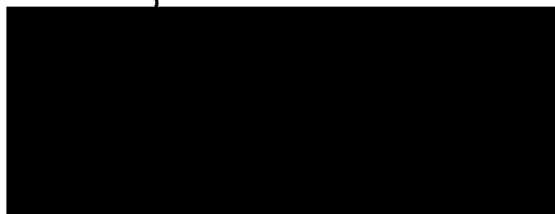
I am writing this letter on behalf of my father, 

Late October we had read an article in the Chicago Sun Times Newspaper stating that  former Father Leonard Kmak, had been charged with sexually abusing a minor. This has really upset my father, especially since his mother had so admired  Leonard.

While he was a priest, he served at St. Fideles from approximately 1959 to 1964 and at St. Veronica's from approximately 1964 to 1969. Leonard had left the priesthood around 1969 in order to get married and raise a family. He then was very active with St. Julie's Church in Tinley Park.

We were wondering how we could obtain more information about the charges that were filed against him. Any help you could give us would be greatly appreciated and help with family closure on the matter.

Sincerely,



AOC 017173



July 3, 2006

SENT VIA FAX

James Serritella
Burke, Warren, MacKay & Serritella, P.C.
22nd Floor-IBM Plaza
330 North Wabash Avenue
Chicago, IL 60611-3607

Patricia B. Carlson
Burke, Warren, MacKay & Serritella, P.C.
22nd Floor-IBM Plaza
330 North Wabash Avenue
Chicago, IL 60611-3607

Re: Archdiocese of Chicago Cases

Dear Jim and Pat:

This letter is to notify you that we represent the following clients in actions stemming from their sexual abuse by a priest of the Archdiocese of Chicago.

[REDACTED] for sexual abuse by [REDACTED] and [REDACTED]
[REDACTED] for sexual abuse by [REDACTED]
[REDACTED] for sexual abuse by [REDACTED]
[REDACTED] for sexual abuse by [REDACTED]
[REDACTED] for sexual abuse by [REDACTED]

By this letter and in accord with our discussions, I am also requesting a tolling agreement on the above-listed cases so that these matters may be brought into an alternative dispute resolution.

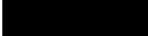

In addition, I have previously requested tolling on the following clients and have not received a response. These requests were made in January 2006, as well as March 2006.

[REDACTED]



July 3, 2006

Page 2

 (Kmak)


I note also that our most recent amendment to the tolling agreement is nearing expiration. Please forward to me a sixth amendment to the tolling agreement which includes the above-listed claimants, as well as an extension to the original agreement and our previous amendments.

Very truly yours,



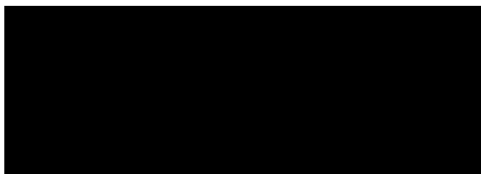
BURKE, WARREN, MACKAY & SERRITELLA, P.C.

22ND FLOOR IBM PLAZA
330 NORTH WABASH AVENUE
CHICAGO, ILLINOIS 60611-3607
TELEPHONE (312) 840-7000
FACSIMILE (312) 840-7900
www.burkelaw.com

JAMES A. SERRITELLA
DIRECT DIAL NUMBER
(312) 840-7040
jserritella@burkelaw.com

August 18, 2006

VIA FACSIMILE (651-297-6543) & U.S. MAIL



Re: Rev. Leonard Kmak

Dear

I am following up on your letter of July 3, 2006 regarding the above matter. Pursuant to your request, we included Ms. in the July 13, 2006 Tolling Agreement and an executed copy of which we sent you on August 2, 2006.

Ms. was interviewed by the Archdiocese on July 6, 2001. As you know, either you or your client can contact Mr. Ralph Bonaccorsi (312-751-8267), Assistance Minister of the Archdiocese, for pastoral assistance or therapy at the Archdiocese's expense from a licensed therapist of your client's choice.

Please direct your communications about this matter to the undersigned.

Very truly yours,

James A. Serritella

lj

cc: Leah McCluskey (via facsimile)
Ralph Bonaccorsi (via facsimile)



August 18, 2006

Page 2

bcc: Reverend Edward Grace w/enc. (via facsimile)
Reverend Vincent Costello w/enc. (via facsimile)
John O'Malley w/enc. (via facsimile)