

J O S E P H F . M U L V E Y
ATTORNEY AT LAW

August 8, 2022

Mr. Shannon Mullen, Editor-in-Chief
Catholic News Agency
3392 South Broadway
Englewood, CO 80113-2428

Re: Publications concerning *Anthony J. Gorgia v. Timothy Dolan et al.* 151501/2020

Dear Mr. Mullen:

I am an attorney who represents Mr. Anthony Gorgia. As you are aware, Mr. Gorgia has an ongoing case in the matter of *Anthony J. Gorgia v. Timothy Dolan et al.* 151501/2020

I am writing about *Catholic News Agency's* (CNA) publication of multiple incorrect and inaccurate reports, as well as unprincipled behavior on the part of your employee and correspondent, Ms. Hannah Brockhaus. Omission and misrepresentations of the full truth caused serious harm to my client who is the plaintiff in the above-referenced lawsuit.

1. CNA's reporting on January 18, 2022 ("Judge dismisses ex-seminarian's lawsuit against Pontifical North American College seminary") and July 20, 2022 ("Transparency and trust and Christ': New rector takes helm of North American College seminary") misled the public to believe that the above-referenced litigation was terminated. In the January 18, 2022 article, CNA falsely printed that "Lawyers for Gorgia *and the plaintiffs* [emphasis mine], were not immediately available for comment on Jan. 18 prior to publication," even though in truth "the plaintiff" was never contacted by CNA for such a comment.

Had CNA truly attempted to contact the Plaintiff, CNA could have disclosed the Plaintiff's immediate intention to appeal, and confirmation of the actual appeal.

Even after the Notice of Appeal was filed on January 26, 2022, CNA, in its July 20 publication, concealed the fact that the case is being actively pursued in the Supreme Court of the State of New York, Appellate Division. An Appeal is a separate legal case, but it is directly connected to the case in the lower court. The lower court case is not a final decision, until all Appellate issues are resolved, and there is no certiorari to a higher court. After printing that the case was "dismissed" without clarifying that litigation actually remains ongoing, CNA caused a deceptive statement to be published which was attributed to the new North American College (NAC) rector, Monsignor Thomas Powers: "Powers declined to comment on the lawsuit except to say that it had been dismissed." While this statement alone is true, the omission that it is up on appeal is a glaring error.

The article's omission of the fact that the case has been appealed gives an incomplete, and therefore inaccurate recital of the actual status of the case. Further, the manner in which CNA presented Powers' statement would cause any reasonable reader unfamiliar with the litigation to incorrectly conclude that the lawsuit had been "dismissed" owing to a lack of evidence supporting the allegations rather than questions of technicalities or jurisdiction.

As CNA is fully aware, the Judge's ruling had nothing to do with the merits of the case. The evidence presented by the plaintiff was found credible by a highly-credentialed former Special Agent in Charge of the Federal Bureau of Investigation. The Judge determined that the lawsuit was made in "good faith," therein not frivolous. We are confident that the appeal will be successful. CNA's reporting, and lack of reporting all salient facts, has caused a false and damaging impression that the litigation has ended. The result has been a substantial loss of tens of thousands of dollars in contributions to the "Save Our Seminarians Fund," GoFundMe fundraiser. Perhaps this was part of the motivation for the omission.

2. CNA has repeatedly misrepresented the nature, context, and seriousness of the allegations that warrant the causes of action. The CNA Staff article of February 6, 2021 ("American seminary in Rome to defend itself against lawsuit alleging 'predatory homosexuality'"); and the articles of January 18, 2022 ("Judge dismisses ex-seminarian's lawsuit against Pontifical North American College seminary") and July 20, 2022 ("'Transparency and trust and Christ': New rector takes helm of North American College seminary") single out and recite in sanitized terms *only* the grooming activity of the resigned former vice-rector, Father Adam Park. Each of these stories repeatedly glaringly omit the far more egregious and incriminating allegations.

The facts reveal that Ms. Brockhaus could have avoided such omissions. Ms. Brockhaus was personally in receipt of copies of witness' affidavits after they were filed, and she was repeatedly offered opportunities to contact witnesses who could corroborate these allegations prior to publication. She chose not to do so.

Based on CNA's reporting on the lawsuit, it seems the allegations of sexual predation and misconduct that sworn witnesses testified to by affidavit and that these witnesses have recited on record were excluded based on CNA's own editorial policy or the personal decision of Ms. Hannah Brockhaus. The end result points to prejudicial opinion reporting, and not a fully disclosed fact-based reporting.

3. Articles of January 12, 2022 ("Rector agrees to delay departure from Rome's North American College") and July 20, 2022 ("'Transparency and trust and Christ': New rector takes helm of North American College seminary") publish false data regarding enrollment at the NAC. While these articles repeat the claim that incoming seminarians should expect to encounter "the names and faces of around 200 seminarians", and that "More than 200 seminarians and graduate priests from the United States and Australia are

currently studying at the college,” these statistics are contradicted both by the NAC’s own publications and by sources familiar with the NAC.

The entitled “2021-22 ‘House Photo’ of our Seminarian and Faculty Community” posted on November 8, 2021 on the NAC’s Facebook page pictures only approximately 110 seminarians and graduate priests, far less than the inflated figure of “around 200 seminarians” (Please refer to Exhibit “A”).

If CNA were to admit the NAC’s self-revealed drop in enrollment during Harman’s tenure (from 252, as reported in *Roman Echoes* 2015- Volume 20, issue 1; to around 100, evidenced by the NAC’s 2021-22 “House Photo”), CNA would have had to acknowledge the serious recruitment and retention problem at the NAC during Harman’s tenure, resulting in an approximately 56% decline. CNA misled seminarians and their families with respect to attendance figures by falsely portraying a healthy, growing seminary community. The facts speak differently. The negative impact on enrollment due to credible predation and sexual misconduct allegations on the part of its leadership have been ignored.

While CNA's articles would lead seminary applicants to believe that Harman was a successful rector, the articles of October 20, 2021 (“Rector Fr. Peter Harman to end term at North American College seminary in Rome”), and January 12, 2022 make no mention of the major sexual predation and cover-up lawsuit filed against Harman which preceded his departure. Rome correspondents for other media outlets published news stories last summer about Park and Harman, with appropriate background information, when the clerics’ departures were announced within weeks of each other amid the lawsuit proceedings.

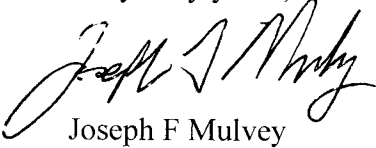
4. On or about July 29, 2021, CNA leadership was informed of concerns in writing (Exhibit “B”) that Ms. Brockhaus was found to have initiated contact, with an appearance of impropriety, with the presiding Judge. The contact appears to have been an attempt to make the Judge comment on an ongoing case. Asking any judge to comment on an ongoing case is woeful.

As CNA was made aware, Ms. Brockhaus’ intervention, which was never disclosed to its readers, posed serious ethical and legal concerns. Any Judge would want deliberations to remain free of any appearance of media interference. Despite having been in receipt of information regarding Ms. Brockhaus’ unethical breach, CNA leadership provided no reply and did not exercise any discipline.

Before advising my client further, I request in the strongest possible terms that you print a correction/addition rectifying every error and misrepresentation in each referenced story, with all deliberate speed. These corrections are to be made in all venues where the CNA stories have been distributed, including, but not limited to, *National Catholic Register*, *EWTN*, and *Catholic World Report*. Further, CNA is advised to issue a public apology to my client for the harm, financial and otherwise, CNA and your correspondent Ms. Brockhaus have unjustly caused.

A response is expected within five (5) business days following receipt of this letter. In your response, it is requested that you provide evidence that each of these expectations has been fulfilled. I look forward to hearing from you.

Very truly yours,



Joseph F Mulvey

CC Michael Warsaw, CEO of EWTN and Publisher
Eternal World Television Network, Inc
5817 Old Leeds Road
Birmingham, AL 35210-2164

Kelsey Wicks, Interim Executive Director of Catholic News Agency
3392 South Broadway
Englewood, CO 80113-2428

Margaret DeMaioribus, Operations Manager
National Catholic Register
P.O. Box 100699
Ironton, AL 35210-0699

Hannah Brockhaus
3392 South Broadway
Englewood, CO 80113-2428

EXHIBIT B

From: **Gene Thomas Gomulka** <genegomulka@gmail.com>

Date: Thu, Jul 29, 2021 at 1:41 PM

Subject: **ETHICS VIOLATION COMPLAINT**

To: <cbunderson@catholicna.com> [CNA Managing Editor]

Dear Editors and Leadership of *Catholic News Agency*:

It has been reported this morning, July 29, 2021, that your Vatican Correspondent, Hannah Brockhaus, on behalf of *Catholic News Agency*, contacted the presiding judge in the case of *Anthony J. Gorgia v. Timothy Dolan et. al.*, requesting an *ex parte* comment about the ongoing litigation. If true, this is a clear overstep in bounds of journalistic integrity and does not serve the goals of truth, justice, and equity.

To the great credit of the presiding Judge's staff, Mr. Anthony J. Gorgia's legal counsel was made aware of this transgression.

Therefore, you are given this opportunity to confirm or deny the above statements. A confirmation or denial, with the appropriate facts to bolster the assertion, is expected to be received in short order.

If it is true this outrageous transgression did occur, please be placed on notice, that insertion, meddling, unethical or illegal actions by your organization into this case, and all ancillary matters, may be actionable, if found to be prejudicial to Mr. Anthony J. Gorgia or the defendants. We seek fairness and justice.


Also please be put on notice that all correspondence and communication, by your organization in general and by Ms. Brockhaus, concerning this case and inquiries involving this case, is expected to be preserved and retained, for the purpose of possible future discovery and possible legal action. The deletion of such information may be viewed an attempt at spoliation of potential evidence.

Please respond to me at genegomulka@gmail.com in regard to the above stated matters.

Gene Thomas Gomulka

ETHICS VIOLATION COMPLAINT

cbunderson@catholicna.com read your email 8 minutes after it was sent

 Sent on Jul 29, 2021, 4:41:43 PM


 Read on Jul 29, 2021, 4:49:26 PM
by cbunderson@catholicna.com

EXHIBIT A

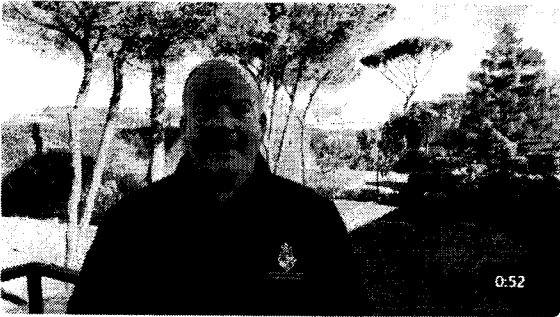
Photos

See all



Videos

See all



Easter greetings from our rector, Very. Rev. Peter Harman.

87

1.3K views · 12 weeks ago

144

10 Shares

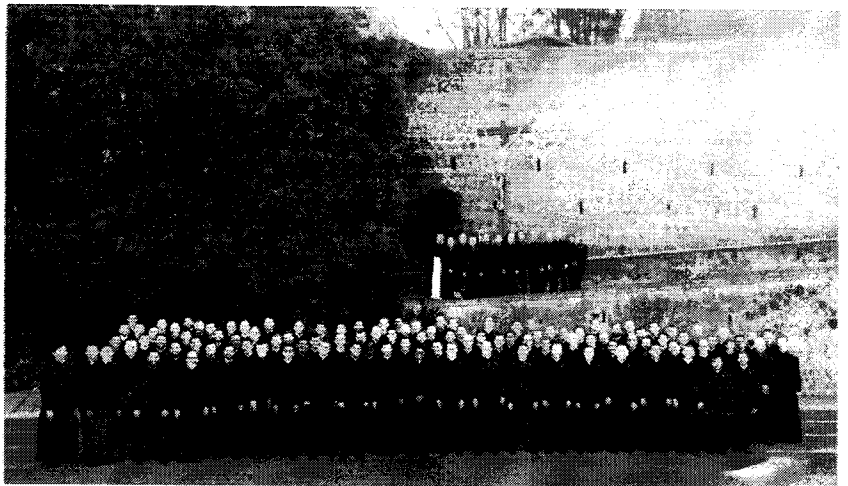
Share



Pontifical North American College

November 8, 2021

It's National Vocations Awareness Week: a celebration dedicated to promoting vocations to the priesthood, diaconate, and consecrated life through prayer and education, and to renew our prayers and support for those who are considering one of these particular vocations. Please see our website for suggested prayers here https://bit.ly/pnac_prayers (Photo: the 2021-22 'House Photo' of our Seminarian and Faculty Community)



245

9 Comments · 51 Shares