STATE OF OHIO)
)SS:
COUNTY OF MAHONING)

AFFIDAVIT OF THE MOST REVEREND JAMES W. MALONE, BISHOP OF THE DIOCESE OF YOUNGSTOWN, RETIRED

James W. Malone, being first duly sworn, according to law, hereby deposes and states as follows:

1. I was ordained as a priest of The Diocese of Youngstown on May 26, 1945, and appointed as Bishop of The Diocese of Youngstown on May 8, 1968, in which capacity I served until I retired on December 5, 1995.

2. Reverend Robert M. Burns was ordained as a priest of The Diocese of Youngstown on June 7, 1975.

3. In the summer of 1979, I became aware of an incident involving Father Burns which occurred in Canton, Ohio. The incident involved Father Burns touching a young boy through his clothing. I immediately confronted Father Burns about the incident and instructed him to see a counselor.

4. Father Burns saw Dr. Albert Paulino, a psychologist, in Cleveland, Ohio on several occasions. Dr. Paulino recommended a parish assignment for Father Burns after October 1, 1979.

5. On October 26, 1979, I assigned Father Burns as associate pastor at St. Rose Parish in Girard, Ohio. He continued to see Dr. Paulino until the doctor determined that treatment was no longer necessary.

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6.   I was not aware of any further problems involving Father Burns until September 21, 1981, when I learned that he had touched two young boys at the parish in Girard. I immediately removed Father Burns from his parish assignment and instructed him to see Dr. Paulino, which he did the next day.

7.   Dr. Paulino recommended that Father Burns undergo testing and evaluation at House of Affirmation in Whitinsville, Massachusetts. Father Burns underwent such testing and evaluation from October 5, 1981 to October 9, 1981.

8.   Father Burns then underwent residential care at St. Luke Institute, Holliston, Massachusetts, from November 5, 1981 to November 19, 1981, and further residential care at House of Affirmation, Hopedale, Massachusetts, from December 11, 1981 to November 2, 1982.

9.   During Father Burns's treatment at House of Affirmation, I received confidential reports from his psychotherapist, Brother Sean D. Sammon, F.M.S., Ph.D.

10.   Prior to Father Burns's discharge from House of Affirmation, I had determined that he would not be reassigned within The Diocese of Youngstown. Father Burns decided to remain in the Boston area, and he approached The Most Reverend Alfred C. Hughes, Auxiliary Bishop of The Archdiocese of Boston, and Reverend Gilbert S. Phinn, Director of Personnel of The Archdiocese of Boston, about his desire for a part-time assignment within The Archdiocese of Boston while he pursued post graduate studies at Boston University.

11.   I had various discussions by telephone with Bishop Hughes and Father Phinn regarding Father Burns in which I clearly identified the problems which led to Father Burns's treatment at St. Luke Institute and House of Affirmation. Bishop Hughes and Father Phinn both assured me that they were fully aware of Father Burns's history, that he had been and was receiving treatment, and that
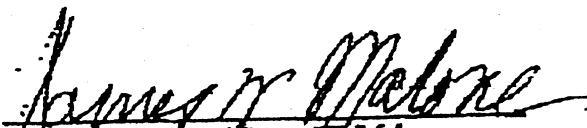
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any assignment he would be given would be subject to the recommendation of his counselors and would not allow him to be in a position where he would have contact with young boys.

12. Based upon my discussions with Bishop Hughes and Father Phinn, and upon their assurances, I gave Father Burns permission to serve as a priest outside The Diocese of Youngstown, conditioned upon the recommendation of his counselors.
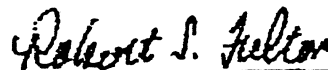
13. After Father Burns's discharge from House of Affirmation, he continued to see his counselors as recommended by House of Affirmation and St. Luke Institute on a monthly basis.

14. At all times in my discussions with Bishop Hughes and Father Phinn, I was open and frank about Father Burns's problems, and I never made any attempt to withhold any information that was within my knowledge.

FURTHER, AFFIANT SAYETH NAUGHT.

James W. Malone
The Most Reverend James W. Malone,
Bishop of The Diocese of Youngstown,
Retired

SWORN TO and SUBSCRIBED before me this _4th_ day of ~~February~~ *March*, 1999.

Robert S. Fulton
Notary Public

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