

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

REV. XIU HUI “JOSEPH” JIANG,	)	
	)	
Plaintiff,	)	Case No. 4:15-cv-01008
	)	
v.	)	JURY TRIAL DEMANDED
	)	
TONYA LEVETTE PORTER, ET AL.,	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION FOR SANCTIONS AGAINST THE SNAP DEFENDANTS**

The SNAP Defendants have openly and publicly defied this Court’s June 27 and July 19 Orders. Having failed to persuade the Court with legal or factual arguments, they have taken their fight to the media, circulating a deceptive narrative regarding the Court’s Orders in the press. They have mischaracterized this Court’s Orders and held out both the presiding U.S. District Judge and Plaintiff’s lead counsel in this case by name for public criticism. *See* Doc. 138-2; *see also* *Editorial: Children’s Interests Are Not Served by Outing Clerical Abuse Victims, St. Louis Post-Dispatch* (July 26, 2016) (attached as Exhibit 1).

Like their original smear campaign against Fr. Jiang, *see* Doc. 1, ¶¶ 76-85, the SNAP Defendants’ current media offensive against the Court and Plaintiff’s counsel is false and misleading. Unfortunately, media have uncritically accepted their false narrative without being apprised of the actual facts: (1) As the SNAP Defendants’ discovery responses reveal, ***the vast majority (if not all) of the disputed discovery at issue does not pertain to unrelated third parties, but comprises documents of core relevance to this case.*** (2) The SNAP Defendants have been aware for months of the likelihood that their claim of privilege would be overruled, and with that knowledge, they ***stipulated to the agreed protective order in this case***, which provides broad

protections for valid privacy concerns. (3) In many hours of discovery conferences over many months, the SNAP Defendants have *never* proposed or requested any more targeted protections for third-party privacy interests, such as targeted redactions of just the names of third-party victims or targeted Attorneys-Eyes-Only disclosures, even though such measures are frequently employed in federal court to address such privacy interests. Rather, *Plaintiffs' counsel* is the only party who has ever proposed such measures. (4) Even though they have known of these issues for months, the SNAP Defendants cynically alerted third parties that their privacy interests might be affected only at the last minute, deliberately provoking an emergency intervention motion as a ploy to advance their media blitz against this Court's Orders. (5) With respect to the materials they *have* produced, the SNAP Defendants have engaged in a well-documented pattern of gamesmanship and discovery abuses. Their invocation of third-party privacy interests is a transparent tactic to avoid producing the large body of relevant materials that plainly do not implicate such interests.

The SNAP Defendants' defiance of two court orders and their pattern of discovery abuse plainly warrant the imposition of sanctions under Rule 37 of the Federal Rules of Civil Procedure.

**I. The SNAP Defendants' Belated Invocation of Third-Party Privacy Interests Is Not Made in Good Faith. It Constitutes a Cynical Attempt to Interfere with the Orderly Progress of Discovery.**

The SNAP Defendants' current invocation of third-party privacy rights is both cynical and tactical. At risk of wearying the Court with yet another detailed review of discovery proceedings, the facts decisively establish the SNAP Defendants' lack of good faith. On February 5, 2016, Plaintiff served discovery requests on the SNAP Defendants. Docs. 116-1, 116-2, 116-3, 116-4. On March 29, the SNAP Defendants served their responses to these requests, repeatedly asserting the putative "rape crisis center privilege" under RSMo. § 455.003. Docs. 116-5, 116-6, 116-7, 116-8. On April 4, Plaintiff's counsel challenged the SNAP Defendants' invocation of "rape crisis

center privilege.” Doc. 116-9. The parties met and conferred three times about discovery disputes. From the beginning, the parties acknowledged that they would not come to agreement about the asserted privilege, and that it would be presented to the Court for ruling.

On April 22, the SNAP Defendants produced documents containing at least 131 pages of redactions, the majority of which contained multiple redactions. At least 51 of these pages are entirely blacked out. On May 11, after a second meet-and-confer, the SNAP Defendants produced their Redaction Log to explain their redactions. Doc. 116-17. The Redaction Log reveals that the vast majority of withheld materials *do not pertain to unrelated third-party victims*, but are documents of critical relevance to the case. For example, the Redaction Log reflects dozens of instances where the SNAP Defendants have blacked out entire substantive communications, often comprising numerous consecutive pages of complete redaction. *See id.* Of these, only *two* contain the SNAP Defendant’s notation that the withheld documents are “only tangentially related to Plaintiff,” or “primarily regarding issues unrelated to the case.” *Id.* All others evidently constitute communications that relate principally and directly to *this case*. Further, the blacked-out pages include SNAP’s communications with the family and friends of those who levelled false accusations against Plaintiff. *See* Doc. 116-17, at 6-8, 10-12. The Redaction Log reflects at least 32 pages of solid redactions where the party to the withheld communication is a false accuser of Plaintiff, or a relative or “friend” of someone who has falsely accused Plaintiff. *Id.* As the SNAP Defendants are well aware, Plaintiff already knows the identities of his false accusers.

On May 19, Plaintiff filed his Motion to Compel against the SNAP Defendants, challenging their assertion of privilege under RSMo. § 455.003. Doc. 116. On May 26, the Court issued an Order overruling defendant N.M.’s assertion of the very same privilege in this case, placing the SNAP Defendants on clear notice that their assertion of the same privilege might be likewise

overruled. Doc. 122. On June 8, fully aware that their assertion of privilege might be overruled, the SNAP Defendants *stipulated to a protective order to govern the production of confidential information in this case*. Docs. 123, 125.

On June 27, this Court overruled the SNAP Defendants' assertion of the putative "rape crisis center privilege" and gave them until July 11 to provide documents and information. Doc. 131. The SNAP Defendants refused to comply with that Order, but filed untimely motions to reconsider and stay it. On Tuesday, July 19, this Court gave the SNAP Defendants until Friday, July 22, to comply with the June 27 Order. *Id.* The Court notified the SNAP Defendants: "**Failure to comply with this order may result in the imposition of sanctions authorized under Fed. R. Civ. P. 37(b)(2).**" *Id.* (bold in original).

On Thursday, July 21, the SNAP Defendants issued a "press release" stating that they would not comply with the Court's Order. Doc. 138-2. The press release identified the presiding U.S. District Judge and Plaintiff's attorney by name. *Id.* at 4. In the press release, the SNAP Defendants aggressively mischaracterized the Court's Order. They described the Order as directing the production of "abuse victims' names to a twice-accused predator priest." *Id.* at 2. In fact, as discussed above, the Order requires the production of dozens of pages of blacked-out communications relating to false accusers *whose identities Plaintiff already knows*.

On Friday, July 22, the SNAP Defendants provided Plaintiff with a supplemental production comprising less than one-half of a single page. Consistent with their public statements, they have otherwise continued to disobey and publicly defy this Court's order.

At 5:09 p.m. on Friday, July 22, Plaintiff's counsel received service by email of the emergency motion to intervene and for stay of the Doe-Roe intervenors, Doc. 139. Soon thereafter,

the SNAP Defendants filed their “Joinder in Emergency Motion to Stay Order Requiring Disclosure of Victim Information,” Doc. 137.

On Monday morning, July 25, Plaintiff’s counsel reached out to counsel for the Doe-Roe intervenors by both phone and email to propose an immediate meet-and-confer to discuss the issues raised in the emergency motion to intervene. *See* July 25, 2016 Email Exchange between D. John Sauer and Michael Downey (attached as Exhibit 2). At about 2:00 p.m. on Monday, July 25, Plaintiff’s counsel conferred by telephone with counsel for the Doe-Roe intervenors, in order to discuss whether the intervenors’ asserted privacy interests might be addressed by agreed-upon measures, such as targeted redactions of the names of victims, or limited Attorneys-Eyes-Only disclosures. Counsel for Intervenors notified counsel for Plaintiff that he had only become aware of any possible privacy issues affecting his clients on Thursday, July 21, and that his clients had only become aware of these issues on Wednesday, July 20, if not later. *Id.* As a result, he had been forced to scramble to file the motion to intervene before the July 22 deadline for the SNAP Defendants’ compliance, without clear knowledge of whether or how his clients might be affected by the Order. *Id.* Counsel for Intervenors advised that, as a result of this late notice, he does “*not yet know whether or to what extent [his] clients may be mentioned or involved in the documents and communications that the SNAP Defendants are withholding.*” *Id.* (emphasis added).

Thus, the SNAP Defendants have known since February 5 that Plaintiff sought information that they would withhold pursuant to “rape crisis center privilege.” They have known since April 4 that the parties would dispute this issue. They have known since April 22 exactly which documents they would withhold pursuant to that claim of privilege, and the identities of any third parties who might be affected. They have known since May 26 that there was a substantial likelihood that this Court would overrule that claim of privilege. They *stipulated*, on June 8, to a

protective order to address all such privacy interests that would arise in discovery. And they have known since June 27 that the Court in fact overruled their claim and ordered disclosure. Yet they did not contact any third party whose identity might be disclosed until they launched their media blitz against the Court's Order on July 21 and 22, just before defying the Order for a second time.

Further, the SNAP Defendants have *never* sought or proposed any narrower remedies to shield the identities of unrelated third parties—not in a long series of meet-and-confers with Plaintiff's counsel, nor in negotiating the stipulated protective order in this case. Instead, they have obstinately insisted on their right to impose blunderbuss redactions of the entire substance of virtually all of their communications and documents that have core relevance to this case.

Under these circumstances, the SNAP Defendants' attempt to invoke the putative privacy rights of third parties is transparently tactical and disingenuous. It plainly does not arise from any legitimate concern for third parties' privacy. Rather, it arises from a strategic attempt to invoke such privacy concerns to shield disclosure of plainly relevant, discoverable information.

## **II. The SNAP Defendants Have Violated the Court's June 27 and July 19 Discovery Orders.**

There can be no dispute that the SNAP Defendants have violated the Court's June 27, 2016 Order, Doc. 131, and the Court's July 19, 2016 Order, Doc. 136. As relevant here, the June 27 Order requires production of two categories of documents and information. First, the Court overruled the SNAP Defendants' assertion of a purported privilege under RSMo. § 455.003 and ordered them to produce the documents and information that the SNAP Defendants had withheld on that basis. *See* Doc. 131, at 6-11. Second, the Court ordered the SNAP Defendants to produce documents relating to payments from and communications with attorneys at the law firm Chackes, Carlson & Gorovsky between January 1, 2005 and June 25, 2015. *Id.* at 11-13. The Court ordered the SNAP Defendants to comply with the Order by July 11, 2016. *Id.* at 14.

July 11 came and went without the SNAP Defendants producing *any* additional documents or materials in response to the June 27 Order. Rather than complying with the Order, the SNAP Defendants filed meritless motions to reconsider and stay. Docs. 132, 134. The Court denied these motions and again ordered the SNAP Defendants to comply by July 22, 2016. Doc. 136. In response to an email inquiry from Plaintiff's counsel, at 10:55 a.m. on July 13, the SNAP Defendants produced ten pages of partially unredacted materials consisting of communications that they had previously withheld solely on the basis of the work-product doctrine. This supplemental production did not disclose any documents previously withheld based on RSMo. § 455.003. It did not include any supplemental interrogatory responses. It did not include any documents relating to contributions made to SNAP by attorneys at Chackes Carlson. And it included only a single page of communications between SNAP and Ken Chackes. SNAP000284. Only July 22, the SNAP Defendants produced a half-page summary of payments made by Ken Chackes to SNAP between March 2012 and December 2014. SNAP 000656.

This conduct plainly does not comply with the Court's June 27 Order. To date, the SNAP Defendants have not produced unredacted copies of any of the documents that they have withheld on the basis of RSMo. § 455.003. They also have not provided complete answers to any of the Interrogatories to which they objected on the basis of RSMo. § 455.003. Since the Court's Orders, the SNAP Defendants have not produced any additional communications with attorneys at Chackes Carlson other than some (but not all) of the communications logged in the Redaction Log (Doc. 116-17). This plainly does not comply with the June 27 Order, because the SNAP Defendants conceded that there are responsive "communications from 2005 through 2013," Doc. 132, at 2, and none of the communications in the Redaction Log predates 2013, *see* Doc. 116-17. The half-page document purporting to identify Chackes's contributions from March 2012 to

December 2014 also appears not to comply with the Order. The SNAP Defendants did not produce any records reflecting payments made by Chackes prior to March 2012, even though a 2010 St. Louis Post-Dispatch article quoted Chackes as confirming that he had made payments to SNAP. Doc. 116-18, at 6. Moreover, the SNAP Defendants did not produce any records relating to payments by any other attorneys at Chackes Carlson, even though the same article indicated that at least one of Chackes's partners has made payments to SNAP as well. *Id.* Thus, it is clear that the SNAP Defendants have violated the Court's June 27 and July 19 Orders.

**III. The SNAP Defendants' Violations of the Court's Orders Have Substantially Prejudiced Plaintiff, Willful, and Part of a Pattern of Bad-Faith Discovery Conduct.**

The violations of the Court's Orders described above have substantially prejudiced Plaintiff by denying him access to critical documents and information necessary to proving his claims against the SNAP Defendants. Moreover, those violations appear to have been willful and part of a larger pattern of bad-faith discovery misconduct.

**A. The SNAP Defendants' violations have substantially prejudiced Plaintiff.**

"A finding of 'prejudice' under Rule 37(b) is proper if the failure to make discovery impairs an opponent's ability to determine the factual merits of a party's claim." *In re O'Brien*, 351 F.3d 832, 839 (8th Cir. 2003) (holding that bankruptcy court did not abuse its discretion by dismissing claim under Rule 37 for discovery violation); *see also Avionic Co. v. Gen. Dynamics Corp.*, 957 F.2d 555, 559 (8th Cir. 1992) (affirming dismissal of a party's claim pursuant to Rule 37 as a sanction for the party's violation of discovery orders); *Adams v. Trs. of N.J. Brewery Emps. Pension Trust Fund*, 29 F.3d 863, 874 (3d Cir. 1994). Denying Plaintiff the materials and information covered by the June 27 Order seriously impairs Plaintiff's ability to prove his claims.



The SNAP Defendants' violation of the Court's discovery Orders severely hinders his ability to prove his civil-rights-conspiracy claim. "To establish a conspiracy under § 1985(3), [a plaintiff] must prove: (1) the existence of a conspiracy; (2) that the purpose of the conspiracy was to deprive him of his civil rights; (3) an act in furtherance of the conspiracy; and (4) injury." *McDonald v. City of St. Paul*, 679 F.3d 698, 706 (8th Cir. 2012). The materials that the SNAP Defendants continue to withhold are critical to proving the existence of a conspiracy, particularly a conspiracy among the SNAP Defendants themselves, or one that includes the relatives of those who have falsely accused Plaintiff. For example, in addition to internal communications, the SNAP Defendants have admitted that they are withholding 32 pages of communications with friends and family of those who have falsely accused Plaintiff. *See* Doc. 116-17, entries corresponding to SNAP000101, 103, 105-06, 108-09, 111, 114, 117-18, 123-25, 129-31, 229-30, 231-32, 241-42, 326, 300-08. Similarly, Interrogatories 9-12 sought information about the SNAP Defendants' communications with the other Defendants, Minor, and A.M. Doc. 116-1, at 8. The SNAP Defendants appear to have withheld important responsive information based on § 455.003 with respect to all of these Interrogatories. Doc. 116-12, at 4-5. Moreover, withholding the SNAP Defendants' contemporaneous communications regarding the conspiracy makes it substantially more difficult to prove that the SNAP Defendants targeted Plaintiff based on his religion and/or race. Not only might these documents and interrogatory responses *directly* support the existence of a conspiracy, but they may also provide additional leads for further discovery such as depositions of any participants in the communications who are not already parties.

The SNAP Defendants have also hindered Plaintiff's ability to establish his defamation claim. "[T]o prevail on a defamation claim, [a plaintiff] must establish: 1) publication, 2) of a defamatory statement, 3) that identifies the plaintiff, 4) that is false, 5) that is published with the

requisite degree of fault, and 6) damages the plaintiff's reputation." *Farrow v. St. Francis Med. Ctr.*, 407 S.W.3d 579, 598-99 (Mo. banc 2013) (quotation omitted). The SNAP Defendants continue to withhold documents and information necessary to establish that their statements were false, and that they acted with "the requisite degree of fault." *Id.* To prove this element, Plaintiff must show that the SNAP Defendants were at least negligent as to the truth of their publications. *Overcast v. Billings Mut. Ins. Co.*, 11 S.W.3d 62, 70 (Mo. banc 2000). The withheld documents would be highly relevant to determining whether the SNAP Defendants knew or should have known that their public accusations against Plaintiff were false. Similarly, Interrogatories 3 and 5—to which the SNAP Defendants objected based on § 455.003—specifically inquire about the factual basis for the SNAP Defendants' public statements and whether they conducted any pre-publication investigation to determine whether those statements were accurate. Doc. 116-12, at 2-3. Moreover, because the withheld materials include numerous communications with the false accusers themselves and/or their relatives, withholding these materials also makes it substantially more difficult to prove that the SNAP Defendants' statements were actually false.

#### **B. The SNAP Defendants have willfully defied the Court's Orders.**

The SNAP Defendants' violations of the Court's Orders have been willful. "Willful as used in the context of a failure to comply with a court order implies a conscious or intentional failure to act, as distinguished from accidental or involuntary noncompliance." *Omaha Indian Tribe v. Tract I-Blackbird Bend Area*, 933 F.2d 1462, 1468-69 (8th Cir. 1991) (quotation and ellipsis omitted). Here, there is no question that the SNAP Defendants have consciously and intentionally violated the Court's Orders. They convened a public "press conference" to announce that they would defy the Court's Orders. Joel Currier, *Victim advocates plan to defy court order in lawsuit filed by once-accused St. Louis priest*, St. Louis Post-Dispatch (July 21, 2016), Doc.

138-1; Kevin Killeen, *Defying Judge, SNAP Won't Budge*, KMOX (July 27, 2016) (attached as Exhibit 3). It is difficult to imagine more willful defiance of a court order. They have, in essence, unilaterally declared themselves above the law and this Court's Orders.

**C. The SNAP Defendants' defiance of the Court's Orders is part of a larger pattern of bad-faith discovery misconduct.**

Plaintiff's prior pleadings have outlined the gamesmanship and evasion that have characterized virtually every aspect of the SNAP Defendants' conduct during discovery. *See* Doc. 116, at 1-2; Doc. 129, at 1-2; Doc. 133, at 1; Doc. 135, at 1. This conduct has violated numerous Federal Rules and has imposed extraordinary burdens on Plaintiff.

In several instances, information provided by persons other than the SNAP Defendants has enabled Plaintiff to assess the completeness of the SNAP Defendants' production. Again and again, such disclosures from other sources have revealed critical omissions from the SNAP Defendants' productions. For example, Defendant N.M. produced a series of emails between N.M. and Defendant Barbara Dorris that occurred on July 10 and July 14, 2015. N.M.000113-14. The SNAP Defendants did not produce these emails, nor do any entries in the Redaction Log identify communications occurring on July 10 or July 14, 2015. *See* Doc. 116-17. Similarly, a non-party provided to Plaintiff an email received from Defendant David Clohessy on April 21, 2016, in which Clohessy used the moniker "Fr. J" to refer to the Plaintiff, instead of "Jiang," which he was then using as his sole search term. P\_001125. Plaintiff's counsel raised the issues several times, demanding that the SNAP Defendants search their ESI using any such monikers as well. But the SNAP Defendants have never produced this email. Instead, they produced a similar email sent the same day to a different non-party. SNAP000655. So it is evident that they have never actually conducted the additional requested searches, and may still be withholding responsive documents due to this gamesmanship. Again, another non-party has just disclosed to Plaintiff a June 26, 2015

email from Barbara Dorris urging the non-party to post comments on a St. Louis Post-Dispatch article about this case. *See* Exhibit 4. The SNAP Defendants have never produced this email.

All of these emails were sent after the filing of this lawsuit, and thus the SNAP Defendants were on clear notice of their obligation to take reasonable steps to preserve the documents. *See* Fed. R. Civ. P. 37(e). And all of these emails are plainly relevant to Plaintiff's discovery requests. These systematic omissions undermine the good faith of the SNAP Defendants' conduct.

**III. The Court Should Impose Appropriate Sanctions to Cure the Prejudice Caused by the SNAP Defendants' Defiance of the Court's Orders, and to Induce the SNAP Defendants to Respect and Abide by the Court's Future Orders in This Case.**

Federal Rule of Civil Procedure 37(b)(2) provides the Court with a range of possible sanctions for a party's failure to comply with its discovery orders. "[D]iscovery orders are meant to be followed." *S. New England Telephone Co. v. Global NAPs Inc.*, 624 F.3d 123, 144 (2d Cir. 2010) (quotation omitted). "The extensive sanctions available to courts under Rule 37 for failure to comply with discovery orders are necessary to compensate the court and parties, facilitate discovery and deter abuse of the discovery process." *U.S. v. One 1999 Forty Seven Foot Fountain Motor Vessel*, 240 F.R.D. 695, 698 (S.D. Fla. 2007).

Here, the SNAP Defendants' misconduct warrants the most serious sanction authorized by Rule 37(b)(2), that is, the entry of default judgment against them. *See* Fed. R. Civ. P. 37(b)(2)(A)(vi). A court may employ the entry of default judgment as a sanction where there is "(1) an order compelling discovery; (2) a willful violation of that order; and (3) prejudice to the other party." *Everyday Learning Corp. v. Larson*, 242 F.3d 815, 817 (8th Cir. 2001) (quotation omitted). "[I]t is appropriate to strike pleadings and enter default judgment against parties who violate discovery orders." *Motor Vessel*, 240 F.R.D. at 698. Where a party has violated a court order deliberately or in bad faith, such an extreme sanction is appropriate even if a less extreme

sanction would suffice. *See United States v. Eleven Million Seventy-One Thousand One Hundred and Eighty-Eight Dollars and Sixty-Four Cents*, No. 15-1743, --- F.3d ---, 2016 WL 3144679, at \*2 (8th Cir. June 6, 2016). The SNAP Defendants' conduct also warrants the more targeted sanctions discussed below, as well as any additional sanctions imposed by the Court in its exercise of sound discretion.

**A. Pursuant to Rule 37(b)(2)(A)(i), the Court should direct that certain specific factual matters directly related to the withheld materials have been established for the purposes of this action.**

Rule 37(b)(2)(A)(i) permits the Court to “direct[] that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims.” Fed. R. Civ. P. 37(b)(2)(A)(i). Pursuant to this provision, “a court may instruct the jury to presume the truth of a factual allegation from a party’s failure to produce material relevant to that allegation.” *Linde v. Arab Bank, PLC*, 706 F.3d 92, 116 (2d Cir. 2013); *see also Fencorp, Co. v. Ohio Kentucky Oil Corp.*, 675 F.3d 933, 942 (6th Cir. 2012) (affirming Rule 37(b)(2)(A)(i) sanction where party failed to comply with discovery orders).

As described in Part III.A. above, the SNAP Defendants’ violations of the Court’s discovery orders has directly and severely hindered Plaintiff’s ability to establish certain specific elements of two of his claims against the SNAP Defendants. To cure this significant prejudice, the Court should direct that facts supporting these elements have been established for the purpose of this action. Fed. R. Civ. P. 37(b)(2)(A)(i). In particular, the Court should direct that the following facts have been established: (1) the SNAP Defendants conspired with one another and with others to obtain the conviction of Plaintiff on charges of abuse; (2) the SNAP Defendants entered into this conspiracy due to discriminatory animus against Plaintiff based on his religion, religious vocation, race, and national origin; (3) the SNAP Defendants’ public statements about

Plaintiff were false; and (4) the SNAP Defendants did not conduct any inquiry into the truth or falsity of their public statements regarding Plaintiff, but made their statements negligently and with reckless disregard for the truth. As described in Part III.A, these factual matters relate directly to the documents and interrogatory responses that the SNAP Defendants continue to withhold, in violation of the Court's discovery orders. Without such a sanction, the SNAP Defendants may be able to use defiance of the Court's Orders to prevent Plaintiff from proving his claims at trial. Such an outcome would be a miscarriage of justice.

**B. The Court should stay all discovery propounded by the SNAP Defendants until they comply fully with the Court's June 27 and July 19 Orders.**

Rule 37(b)(2)(A)(iv) authorizes the Court to sanction the SNAP Defendants by "prohibiting [them] from engaging in further discovery." *Static Control Components, Inc. v. Cummix, Inc.*, No. 1:08-cv-928, 2011 WL 5864701, at \*4 (M.D.N.C. Nov. 22, 2011). Such a sanction is especially appropriate here. The SNAP Defendants have refused to provide meaningful responses to Plaintiff's discovery requests, withholding documents and information critical to Plaintiff's claims, in defiance of multiple Orders from the Court. At the same time, they are aggressively pursuing discovery against the Plaintiff. They have served both interrogatories and document requests upon Plaintiff, whose responses are currently due (by agreement of the parties) on August 8 and August 12, respectively; and they have noticed Plaintiff's deposition for August 16, 2016. *See* Exhibit 5 (SNAP Interrogatories to Plaintiff); Exhibit 6 (SNAP Document Requests to Plaintiff); Exhibit 7 (SNAP Notice of Plaintiff's Deposition). The Court should not permit the SNAP Defendants to use their defiance of the Court's Orders as a means for rendering discovery in this case entirely unilateral. The Court should stay all discovery requests propounded by the SNAP Defendants, including any notices of deposition, and prohibit the SNAP Defendants from

participating in any discovery against Plaintiff, until they fully comply with the Court's June 27 and July 19 Orders. *See* Fed. R. Civ. P. 37(b)(2)(A)(iv).

**C. The Court should order the SNAP Defendants to pay Plaintiff's reasonable attorney's fees incurred due to their willful violations of the Court's Orders.**

Rule 37(b)(2)(C) provides that "the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust." Fed. R. Civ. P. 37(b)(2)(C). Here, the SNAP Defendants' defiance of the Court's Orders is plainly not justified, nor would a fee award be otherwise unjust. The SNAP Defendants' defiance of the Court's Orders have necessitated his attorneys to complete numerous additional tasks, including but not limited to drafting an opposition to the SNAP Defendants' first motion for reconsideration (Doc. 133), drafting an opposition to their first motion to stay (Doc. 135), drafting an opposition to their motion to join the motion to intervene (Doc. 140), drafting this Motion for Sanctions, and engaging in extensive efforts to procure documents that the SNAP Defendants have withheld through evasion and gamesmanship. If the Court decides to impose such a sanction, Plaintiff requests the opportunity to submit additional information reflecting the number of hours and the appropriate billing rates. *See Davis v. MCI Communications Servs., Inc.*, 421 F. Supp.2d 1178, 1187 n.8 (E.D. Mo. 2006).

**CONCLUSION**

For the reasons stated above, the Court should enter appropriate sanctions against the SNAP Defendants for the serious violations of the Court's June 27 and July 19 Orders, and grant such other and further relief as the Court deems just and proper.

Dated: July 28, 2016

Respectfully Submitted,

James Otis Law Group, LLC

/s/ D. John Sauer

D. John Sauer, 58721MO

Michael Martinich-Sauter, 66065MO

12977 North Forty Drive, Suite 214

St. Louis, Missouri 63141

Telephone: (314) 682-6067

jsauer@jamesotis.com

mmartinich@jamesotis.com

*Attorneys for Plaintiff Rev. Xiu Hui “Joseph” Jiang*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via the Court's electronic-filing system, on July 28, 2016, on:

J. Brent Dulle  
Associate City Counselor  
1200 Market Street  
City Hall Room 314  
St. Louis, Missouri 63103  
DulleB@stlouis-mo.gov  
*Attorneys for Defendants Porter, Pitterle, and City of St. Louis*

Kenneth M. Chackes  
Nicole E. Gorovsky  
Chackes, Carlson & Gorovsky  
906 Olive Street, Suite 200  
St. Louis, Missouri 63101  
kchackes@cch-law.com  
ngorovsky@cch-law.com  
*Attorneys for Defendant N.M.*

Amy Lorenz-Moser  
Daniel J. Carpenter  
Carpenter Moser, LLC  
1716 Hidden Creek Court, Suite 101  
St. Louis, Missouri 63131  
amy@carpentermoser.com  
dan@carpentermoser.com  
*Attorneys for Defendants SNAP, Clohessy, and Dorris*

Michael P. Downey  
Raphael S. Nemes  
Downey Law Group, LLC  
49 N. Gore Ave., Suite 2  
St. Louis, Missouri 63119  
mdowney@downeylawgroup.com  
rnemes@downeylawgroup.com  
*Attorneys for Intervenor*

/s/ D. John Sauer

# The Platform

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[http://www.stltoday.com/news/opinion/columns/the-platform/editorial-children-s-interests-are-not-served-by-outing-clerical/article\\_7c05786c-f5b4-564b-9f61-72e3e1dd8349.html](http://www.stltoday.com/news/opinion/columns/the-platform/editorial-children-s-interests-are-not-served-by-outing-clerical/article_7c05786c-f5b4-564b-9f61-72e3e1dd8349.html)

## **Editorial: Children's interests are not served by outing clerical abuse victims**

By the Editorial Board Jul 26, 2016



In Philadelphia last September, Pope Francis said "God weeps" at the sexual abuse of children by Catholic priests. (Alex Wong/F Photo via AP)

**"God weeps," Pope Francis said** during his visit to Philadelphia last September. The topic was the church's sad response to the sexual abuse of children by priests. "I commit to the careful oversight to ensure that youth are protected."

Some careful oversight should be directed to the U.S. District Court in St. Louis. There a priest charged in 2014 with the sexual abuse of a minor has gone on a fishing expedition. To try to prove that Father Xiu Hui "Joseph" Jiang is a victim of an elaborate conspiracy, his lawyers are seeking emails that could identify victims in unrelated cases.

The lawsuit was filed against the city and two city police officers who investigated the claims of a boy who said Jiang had abused him on two occasions in 2011 and 2012. Jiang was charged in April 2014 with two counts of statutory sodomy, but 14 months later, St. Louis Circuit Attorney Jennifer Joyce dismissed the charges without explanation. She said her "office remains hopeful that charges will be refiled in the future." Jiang filed his lawsuit shortly after the charges were dismissed.

Also named in the lawsuit were the boy's parents; the Survivors Network of those Abused by Priests; and two of SNAP's local officers, David Clohessy and Barbara Doris. Because the city is a defendant, the suit was filed in federal court. That's where things get tricky.

**A state court** ruled in a different case that SNAP may qualify as a rape crisis center and is entitled under state law to keep certain communications with its clients private.

But federal evidence rules are different. U.S. District Judge Carol E. Jackson ordered SNAP to disclose records about the boy's claims against Jiang as well as emails between SNAP and attorney Ken Chackes, who frequently represents clerical abuse victims. Jiang's attorneys want to know how much money Chackes has donated to SNAP over the years, suggesting that SNAP is steering clients to him. Oddly, Jiang didn't sue Chackes. If he's getting rich suing the church, you'd think he'd be part of the alleged conspiracy.

The problem, SNAP says, is that those emails include the names of victims not associated with the Jiang case. Three of them filed a motion Friday asking Jackson to keep their identities secret.

**Jiang, who came** to St. Louis with his mentor, Archbishop Robert Carlson, in 2009, had well-publicized issues with a teenage girl in Lincoln County 2012. That case was dropped, too. In the current suit, he is being represented by religious liberty activist D. John Sauer, not archdiocesan

lawyers.

But Carlson remains Jiang's boss. He can put his friend first, or he can consider whether the pope's pledge to ensure the protection of children would be served by outing victims and harassing their advocates.



Victims fight court order in civil suit involving once-accused St. Louis priest



Federal lawsuit filed by St. Louis priest cleared of child sex abuse charges

Sexual abuse victim group to defy Missouri court order

## John Sauer

---

**From:** John Sauer  
**Sent:** Monday, July 25, 2016 2:47 PM  
**To:** 'Michael Downey'  
**Cc:** rnemes@downeylawgroup.com; Michael Martinich-Sauter  
**Subject:** RE: Jiang v. Porter - meet-and-confer on motion to intervene

Michael-

We are fine with continuing to confer on August 2. In the meantime, however, we plan to continue to seek the court-ordered disclosures from the SNAP Defendants. But for the reasons that they have publicly stated, we do not anticipate that they will make further disclosures before August 2.

Thanks, John

---

**From:** Michael Downey [mailto:mdowney@downeylawgroup.com]  
**Sent:** Monday, July 25, 2016 2:42 PM  
**To:** John Sauer <jsauer@jamesotis.com>  
**Cc:** rnemes@downeylawgroup.com; Michael Martinich-Sauter <mmartinich@jamesotis.com>  
**Subject:** Re: Jiang v. Porter - meet-and-confer on motion to intervene

Clarifying: I did not say that my clients did not become aware of the discovery issue on Thursday. I indicated that it was shortly before Thursday's press conference. I actually think the initial communications with my clients about these issues may have been on Wednesday, July 20, but I was not party to such communications so I am not certain. I do know that the communications were sometime last week.

That said, as you indicate, I will be reaching out to SNAP and asking for the documents that reference my clients. After reviewing those documents, I anticipate further communications with you all to try to reach a resolution regarding handling discovery, redaction, or the like to protect my client's identities, information, and interests.

Should we plan in advance for a call on August 2 to resume our discussions?

Michael Downey  
Downey Law Group LLC  
49 North Gore Avenue, Suite 2  
Saint Louis, Missouri 63119  
(314) 961-6644  
(844) 961-6644 toll free  
(314) 482-5449 cell  
[www.DowneyLawGroup.com](http://www.DowneyLawGroup.com)  
[mdowney@DowneyLawGroup.com](mailto:mdowney@DowneyLawGroup.com)

On Jul 25, 2016, at 2:27 PM, John Sauer <[jsauer@jamesotis.com](mailto:jsauer@jamesotis.com)> wrote:

Michael-

Thanks for conferring with us just now about the discovery issues raised in your motion to intervene in Jiang v. Porter. Just to recap the conversation, we understand that you were not contacted about



representing intervenors in this case until last Thursday, and that your clients did not become aware of the disputed discovery issues until last Thursday. Accordingly, you filed the motion to intervene quickly to get it filed before the Friday deadline in the Court's order. We also understand that you do not yet know whether and to what extent your clients may be mentioned or involved in the documents and communications that the SNAP Defendants are withholding under their assertion of privilege under RSMo. 455.003. We understand that you plan to reach out to the SNAP Defendants to get more specific information about what materials responsive to the Court's order may directly mention or involve your clients. We anticipate continuing our discussions about these disputes when you have done so.

Thank you,

D. John Sauer  
Principal

**James Otis Law Group, LLC**

12977 North Forty Drive, Suite 214  
St. Louis, Missouri 63141  
(314) 682-6067 ext. 103  
[jsauer@jamesotis.com](mailto:jsauer@jamesotis.com)  
[www.JamesOtis.com](http://www.JamesOtis.com)

Please note that email (especially unencrypted email) is not a secure means of communication. Third parties may be able to access or intercept email communications. Please contact the James Otis Law Group if you wish to cease communication via email.

This communication is intended for the addressee. If you are not the addressee, we request that you (a) refrain from reading this email, (b) destroy this email, and (c) notify us that you have received this email inadvertently. This email may contain privileged communications and confidential information, and thus it may be protected by law from unauthorized use and/or dissemination. We specifically intend that this email should constitute a confidential and private communication, and no person waives any applicable privilege or protection by sending this email.

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## Defying Judge, SNAP Won't Budge

Kevin Killeen (@KMOXKilleen)

July 27, 2016 4:59 PM By Kevin Killeen

Filed Under: [David Clohessy](#), [Father Joseph Jiang](#), [SNAP](#)

Barbara Dorris and David Clohessy of SNAP protest Marianist Order (Kevin Killeen/KMOX)

**ST. LOUIS (KMOX)** – The Survivors Network of those Abused by Priests (SNAP) continues to refuse a federal [court](#) order to hand over the names of alleged sexual abuse victims.

SNAP founder David Clohessy says the [judge](#) could possibly find him in contempt and fine him, but he says the victims' names can't be divulged.

2



Father Joseph Jiang

their privacy won't be protected."

"We're concerned about the emotional well-being of people, some of whom may be suicidal," Clohessy said, "and we're worried about the health and well-being of [kids](#) who are molested, and being molested right now, who are pondering – should I tell my school counselor? Should I tell my school therapist? And now they're worried

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Hear.com



A judge ordered the names released in response to a lawsuit by Father Joseph Jiang. Jiang alleges SNAP conspired to direct alleged victims to an attorney known for filing civil suits against the church— in exchange for financial donations the lawyer allegedly made to SNAP.

Clohessy denies he's involved in a conspiracy.

"When victims want experienced [lawyers](#) , therapists or cops, we give them several names," Clohessy said. "We try to be as helpful as possible, and some of those lawyers, therapists and cops donate to us."

ADVERTISING



Clohessy declined to discuss how much [money](#) SNAP receives in donations from parties involved in cases.

The [court](#) ordered the release of the names on Friday. Since then, a group of alleged victims filed an emergency motion asking the judge to keep their names private. Father Jiang's attorney filed a memo in response to that, and SNAP's attorney is expected to file a response to JIANG's memo before week's end.

U.S. District Judge Carol E. Jackson could possibly rule on the latest motions sometime next week.

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#### Kevin Killeen

Follow @KMOXKilleen

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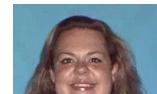
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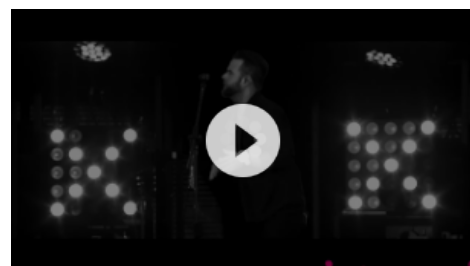
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Barbara Blaine

Barbara Blaine

<http://www.snapnetwork.org/>

SNAP - PO Box 6416, Chicago, IL 60680-6416, United States

This email was sent to [REDACTED]. To stop receiving emails, [click here](#).

You can also keep up with Barbara Blaine on [Twitter](#).

Created with [NationBuilder](#), the essential toolkit for leaders.

Begin forwarded message:

**From:** Barbara Dorris <[bdorris@snapnetwork.org](mailto:bdorris@snapnetwork.org)>

**Subject:** SNAP leaders being sued by priest

**Date:** June 26, 2015 at 12:37:40 PM CDT

**To:** [REDACTED]



[REDACTED] Fr. Jiang has filed a lawsuit against the St. Louis police, the parents of a child victim and SNAP. This is very rare and we believe designed to keep other victims, witnesses and whistle-blowers silent. We hope it will not silence you. Please post a comment **NOW** on the following article. 2-3 sentences is great, write how this makes you feel.

[http://www.stltoday.com/news/local/govt-and-politics/federal-lawsuit-filed-by-st-louis-priest-cleared-of-child/article\\_b13a09e4-e683-56ad-a5b6-0ff5bacbd667.html](http://www.stltoday.com/news/local/govt-and-politics/federal-lawsuit-filed-by-st-louis-priest-cleared-of-child/article_b13a09e4-e683-56ad-a5b6-0ff5bacbd667.html)

Thanks for your help!  
Barb Dorris

Barbara Dorris

<http://www.snapnetwork.org/>

SNAP - PO Box 6416, Chicago, IL 60680-6416, United States

This email was sent to [REDACTED]. To stop receiving emails, [click here](#).

You can also keep up with Barbara Dorris on [Twitter](#).

Created with [NationBuilder](#), the essential toolkit for leaders.

Begin forwarded message:

**From:** Barbara Dorris <[snapdorris@gmail.com](mailto:snapdorris@gmail.com)>

**Subject:** Don't forget to place your ad by Sunday!

**Date:** June 20, 2014 at 4:36:56 PM CDT

**To:** [REDACTED]

[SNAP](#)

Survivors Network of those Abused by Priests

[REDACTED] --

his Sunday June 22 is the deadline for placing an ad for the 2014 SNAP Conference Book. All attendees receive a copy AND your ad will be featured on the much visited SNAP website for a full year after the conference.

Placing an ad is NO just for business it is a great way to

--thank a SNAP leader or honor a friend who helped you through a hard time

--call attention to an important SNAP victory, SNAP event or SNAP moment

--publicize a book, art show or survivor-related project or campaign

--spread the word about your organization or chapter

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

REV. XIU HUI “JOSEPH” JIANG,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:15-cv-01008
	)	
TONYA LEVETTE PORTER,	)	
JAIME D. PITTERLE,	)	
CITY OF ST. LOUIS, MISSOURI,	)	
A.M., N.M., SURVIVORS NETWORK	)	
OF THOSE ABUSED BY PRIESTS,	)	
DAVID CLOHESSY, and	)	
BARBARA DORRIS,	)	
	)	
Defendants.	)	

**SNAP’s FIRST SET OF INTERROGATORIES**  
**DIRECTED TO PLAINTIFF JIANG**

Defendant Survivor’s Network of Those Abused by Priests (“SNAP”) propounds the following Interrogatories to Plaintiff Jiang, to be answered in writing, under oath.

In answering these Interrogatories, all information is to be divulged which is possessed by or available to the answering Plaintiff, his attorneys, investigators, agents, employees, insurers, or others employed by or acting on his behalf.

These Interrogatories are intended to be of a continuing nature, requiring Plaintiff to serve timely supplemental answers setting forth any information, within the scope of these Interrogatories, which may be acquired by him, his attorneys, investigators, agents, employees, insurers, or others employed by or acting in their behalf, following the date of the original answers.

**INTERROGATORIES**

1. Please state your full name, all other names by which you have ever been known, date of birth, place of birth, driver's license number, social security number, current address and all previous addresses for the past 20 years, the dates when you resided there and who else resided there with you, the date(s) of your marriage(s) and name(s) of spouse(s), if any, and the names and ages of your children, if any.

**ANSWER:**

2. If you have made any claim, settlement or compromise of any action or any other agreement relating to any such potential action relating to the allegations and damages alleged in your Complaint, whether lawsuit, insurance claim, disability claim, social security claim, workers compensation or any other action arising from the allegations in your Complaint, with any person or persons other than SNAP, David Clohessy, or Barbara Dorris, please state the name and addresses of all persons or entities involved, the nature of the claim, settlement or action, the current status or resolution of the same, the cause number if any, the amount of compensation agreed to, the name of the entity making such payment and identify any documents relating to the same.

**ANSWER:**

3. Do you have any knowledge concerning any claims or lawsuits against SNAP which you claim are the same or substantially similar to the allegations in this lawsuit? If so, please identify the name of the Plaintiff(s) or claimant(s), the date of the incident, the names and addresses of attorneys representing the Plaintiff(s) or claimant(s), and the court and docket number where any such lawsuit is or was pending.

**ANSWER:**

4. Please identify all persons, including but not limited to officers, agents, servants, volunteers, or employees of SNAP, from whom written or otherwise recorded statements have been taken by you or someone on your behalf in regard to the issues alleged in your Complaint, and give the date of the statement and identify the person who took the statement.

**ANSWER:**

5. Please state the full name, last known address and telephone number of every individual or entity who has any personal knowledge regarding the facts and circumstances surrounding the allegations in your Complaint. In your answer, you may omit your attorneys and/or any consultants protected by work-product privilege.

**ANSWER:**

6. For each witness you may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705, please provide all disclosures, documents, and reports required by Federal Rule of Civil Procedure 26.

**ANSWER:**

7. Are you claiming any physical, mental, or emotional injuries or conditions which you contend resulted from the allegations in your Complaint? If so, describe each, including all parts of your body which allegedly have been affected. State which of said injuries or conditions are claimed by you to cause permanent disability or pain, describe your present symptoms and level of disability, and provide the dates of all treatment or examination for such injuries and conditions along with the name and address of all physicians, hospitals or other entities which have treated or examined, or counseled you for the injuries and/or conditions on those specific dates of treatment.

**ANSWER:**

8. Please state whether you have ever been convicted of a felony, a drug-related charge or a crime involving moral turpitude. If so, please give the date thereof, the state and county of conviction, the nature of the crime, and the sentence given.

**ANSWER:**

9. Please itemize by amount and nature all items of damages, including but not limited to lost reputation, medical expenses, lost earnings, out-of-pocket expenses, and other special



damages which you claim have resulted from the allegations mentioned in your Complaint. If you claim any lost wages as a result of the allegations in your Complaint, please identify the dates you claim you were required to miss work as a result of the injuries you allege, the total amount of wages you claim you lost, and explain the method by which you calculated that total.

**ANSWER:**

10. Please state whether you have ever been a party to a lawsuit. If so, with respect to each such lawsuit, state:

- A. The date and place of the incident giving rise to the claim or lawsuit;
- B. Describe the incident giving rise to claim or lawsuit;
- C. The name and address of the other parties to the lawsuit;
- D. If a lawsuit was filed, the name and address of the court and the style and cause number of the case and the date it was filed; and
- E. How the lawsuit was resolved.

**ANSWER:**

11. Identify every statement you claim was made by SNAP, David Clohessy, or Barbara Dorris which relates in any way to Plaintiff. For each, state:

- A. the date it was made,
- B. the person or persons who made the statement,
- C. the location the statement was made,
- D. whether it was written or oral,
- E. the person or persons who allegedly heard the statement,

- F. whether the statement was republished, and if so, all dates and places it was republished,
- G. whether you claim the statement is false,
- H. all facts upon which you base any claim that the statement was false,
- I. identify all witnesses and evidence upon which you will rely to prove each specific statement was allegedly false,
- J. identify any damages you have as a result of that specific statement,
- K. Identify all documents which set forth the alleged statement.

**ANSWER:**

12. Identify every person who has accused Plaintiff of sexual abuse, sexual misconduct, physical abuse, an inappropriate relationship with a minor, or any misconduct relating to a minor or child, and for each, state:

- A. Their name, address, and phone number;
- B. Describe the allegations;
- C. Whether the allegations were true;
- D. Whether a police report was made, and if so, where it was made;
- E. Whether criminal charges were brought, and if so, the jurisdiction in which the charges were brought;
- F. Whether a civil lawsuit was brought, and if so, the jurisdiction in which it was brought and the names and phone numbers of all lawyers in the case.

**ANSWER:**

13. Identify all sources of income you have had for the last 10 years, and for each, identify the amount of income annually and describe the nature of the source of income.

**ANSWER:**

14. Identify every bank account to which you have access upon which you could have written a check for the past 10 years. For each, identify the bank or other financial institution, the account number, the name or names on the accounts, and all persons who had access to the checks.

**ANSWER:**

15. Identify and describe in detail every communication between Plaintiff on one hand and any person employed by or affiliated with the Archdiocese of St. Louis, on the other hand, regarding the incidents which led to the charges brought against Plaintiff in the City of St. Louis, Missouri and Lincoln County, Missouri. For each communication, state:

- A. the date it was made,
- B. the person or persons to whom the communication was made,
- C. the person or persons from whom the communication was made,
- D. whether it was written or oral,
- E. describe the contents of the communication,
- F. identify all documents which relate to or set forth the communication, including but not limited to texts, emails, voicemails, letters, and notes.

**ANSWER:**

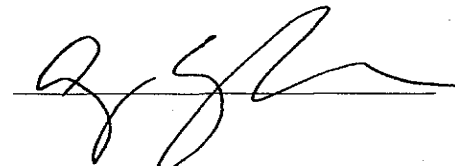
16. Please list all employers for whom you have worked for the past 20 years up to the present, including in your answer the employer's name and address, the dates of each employment,

your yearly salary and/or hourly wage, your job title, the name of your immediate supervisor at each job, and a brief description of your job duties for each employment.

**ANSWER:**

Respectfully submitted:

CARPENTER MOSER, LLC

A handwritten signature in black ink, appearing to be 'D. J. Carpenter', written over a horizontal line.

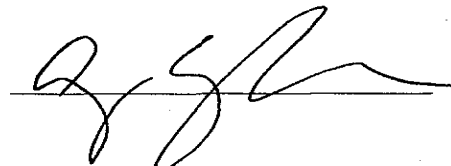
Daniel J. Carpenter, #41571  
Amy Lorenz-Moser, #49791  
1716 Hidden Creek Court, Ste 101  
St. Louis, MO 63131  
Telephone: (314) 312-4979

[dan@carpentermoser.com](mailto:dan@carpentermoser.com)  
[amy@carpentermoser.com](mailto:amy@carpentermoser.com)

*Attorneys for Defendants SNAP, David  
Clohessy, and Barbara Dorris*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of June, 2016, a copy of the foregoing was sent by electronic transmission to counsel of record.

A handwritten signature in black ink, appearing to be 'D. J. Carpenter', written over a horizontal line.

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

REV. XIU HUI “JOSEPH” JIANG,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:15-cv-01008
	)	
TONYA LEVETTE PORTER,	)	
JAIMIE D. PITTERLE,	)	
CITY OF ST. LOUIS, MISSOURI,	)	
A.M., N.M., SURVIVORS NETWORK	)	
OF THOSE ABUSED BY PRIESTS,	)	
DAVID CLOHESSY, and	)	
BARBARA DORRIS,	)	
	)	
Defendants.	)	

**SNAP’s FIRST SET OF REQUESTS FOR PRODUCTION**  
**DIRECTED TO PLAINTIFF JIANG**

COMES NOW Defendant Survivor’s Network of Those Abused by Priests (“SNAP”), and requests that Plaintiff produce the following documents within the time permitted by the applicable rules.

**REQUESTS**

1. All photographs or videos which relate to the allegations in your complaint, or upon which Plaintiff may rely to support his claims.

**RESPONSE:**

2. All documents which you claim, allege or believe were authored, published or disseminated at any time by SNAP, or any of its current or former employees, agents, or representatives which you have obtained, from any source, which relate in any way to the allegations in your Complaint.

**RESPONSE:**

3. All reports and/or records of any police, governmental agency or investigating group or agency relating in any way to the alleged incident involving Plaintiff and Minor.

**RESPONSE:**

4. All reports and/or records of any police, governmental agency or investigating group or agency relating in any way to the alleged incident(s) involving Plaintiff which led to criminal charges against Plaintiff in Lincoln county.

**RESPONSE:**

5. All reports and/or records of any police, governmental agency or investigating group or agency relating in any way to the alleged incident(s) involving Plaintiff which led to criminal charges against Plaintiff in St. Louis City.

**RESPONSE:**

6. All written records, reports and invoices of all hospitals, clinics, or other institutions and of all physicians, medical practitioners, psychologists, psychiatrists or physical therapists who treated or examined Plaintiff with regard to his damages alleged herein.

**RESPONSE:**

7. Any written records, reports and invoices of all hospitals, clinics or other institutions and of all physicians, medical practitioners, psychologists, psychiatrists or physical therapists who treated, cared for, or examined Plaintiff preceding the date of the alleged defamatory statements in the Complaint for the same areas of the body as you allege were affected by the actions stated in the Complaint.

**RESPONSE:**

8. Any written records, reports and invoices of all hospitals, clinics or other institutions and of all physicians, medical practitioners, psychologists, psychiatrists or physical therapists who treated, or cared for, or examined Plaintiff subsequent to the date of the alleged defamatory statements in the Complaint for the same areas of the body as you allege were affected by the actions stated in the Complaint.

**RESPONSE:**

9. All documents that support your claimed damages.

**RESPONSE:**

10. All statements including signed statements, memoranda of statements, tape recordings, transcripts of conversations, notes of conversations or similar documents relating to persons who may have factual knowledge concerning the allegations in your Complaint.

**RESPONSE:**

11. All statements, formal or otherwise, of any representative of SNAP, including, but not limited to its agents, servants, employees or dealers which relate in any way to the claims in your Complaint.

**RESPONSE:**

12. Any meeting records and/or newsletters in your possession which plaintiff claims are relevant to any issue in this action.

**RESPONSE:**

13. Copies of all affidavits, statements or transcripts of testimony given by any current or former employee or other representative of SNAP in any other case which you contend are relevant in this case or which you may attempt to utilize as an exhibit or for impeachment purposes in this case.

**RESPONSE:**

14. All documents produced by any party in discovery in the civil lawsuit against you in St. Louis City, Missouri.

**RESPONSE:**

15. All documents produced by any party in discovery in the civil lawsuit against you in Lincoln County, Missouri.

**RESPONSE:**



16. All documents produced by either side in the criminal case against Plaintiff in St. Louis City, Missouri.

**RESPONSE:**

17. All documents produced by either side in the criminal case against Plaintiff in Lincoln County, Missouri.

**RESPONSE:**

18. Copies of all deposition transcripts from any of the civil or criminal cases against Plaintiff.

**RESPONSE:**

19. All documents which support the damages Plaintiff seeks in this lawsuit, including but not limited to bills, invoices, statements or other documentation regarding alleged out-of-pocket expenses.

**RESPONSE:**

20. Copies of any statements of witnesses to this action.

**RESPONSE:**

21. All documents which relate to any allegation made against Plaintiff involving sexual abuse, sexual misconduct, physical abuse, an inappropriate relationship with a minor, or any misconduct relating to a minor or child.

**RESPONSE:**

22. All documents and materials which are paraphrased or referenced in your Complaint.

**RESPONSE:**

23. All employment records regarding Plaintiff from any person or entity that has employed Plaintiff in the past ten (10) years.

**RESPONSE:**

24. Any documents reflecting any claim, settlement or compromise of any action or claim arising from the alleged accident with any person or entity other than SNAP.

**RESPONSE:**

25. All documents in the possession of plaintiff or plaintiff's counsel, obtained from any source, which plaintiff claims are relevant to or supports the claims in his Complaint.

**RESPONSE:**

26. Copies of Plaintiff's income tax returns for the past five (5) years.

**RESPONSE:**

27. A copy of any written incident report, statement, or other document or letter signed or prepared by Plaintiff concerning the incidents which led to criminal charges against Plaintiff in St. Louis City and Lincoln County.

**RESPONSE:**

28. Any statements given by Plaintiff to any insurance company, supervisor, co-worker, medical provider or investigator regarding the incidents which led to criminal charges against Plaintiff in St. Louis City and Lincoln County.

**RESPONSE:**

29. All photographs, diagrams, videotapes, movies or documents to be used as exhibits at trial.

**RESPONSE:**

30. All documents, including final reports, prepared in whole or part by any expert you expect to testify at trial on the subject matter and in connection with those matters about which the expert is expected to testify at trial.

**RESPONSE:**

31. A recent photograph of Plaintiff.

**RESPONSE:**

32. All documents evidencing communications to and from Plaintiff, his attorneys, representatives or agents and any expert, consultant or other person or entity relating to this lawsuit.

**RESPONSE:**

33. Any and all correspondence between Plaintiff or his attorneys and any attorney, employee, agent or representative of the Archdiocese of St. Louis regarding this lawsuit, the allegations in the Complaint, and/or incidents which led to criminal charges against Plaintiff in St. Louis City and Lincoln County.

**RESPONSE:**

34. Any and all correspondence between Plaintiff or his attorneys and any attorney, employee, agent or representative of any Defendant, including, but not limited to SNAP.

**RESPONSE:**

35. All documents, publications or other material supplied to, relied upon or utilized by Plaintiff's opinion witnesses in formulating their opinions and a complete copy of the file prepared and maintained by said opinion witness.

**RESPONSE:**

36. Copies of all documents or items of evidence identified in your Answers to Interrogatories propounded by SNAP.

**RESPONSE:**

37. All documents regarding incidents or lawsuits involving SNAP which you claim is similar to the current incident or lawsuit.

**RESPONSE:**

38. Any documents regarding any settlement offer, negotiations or agreement with any person or entity related in any way to allegations in the Complaint.

**RESPONSE:**

39. A copy of Plaintiff's driver's license and/or social security card.

**RESPONSE:**

40. Any and all life or health insurance applications filled out by Plaintiff in the last 10 years.

**RESPONSE:**

41. A copy of any diary, notebook, milestone book made by Plaintiff at any time during the past 10 years.

**RESPONSE:**

42. Any emails, text messages, or other correspondence between Plaintiff and Minor.

**RESPONSE:**

43. Any emails, text messages, notes, or other correspondence between Plaintiff and the girl who was the subject of the criminal charge against Plaintiff in Lincoln County or her parents.

**RESPONSE:**

44. Any checks or copies thereof written by plaintiff or on his behalf to the girl who was the subject of the criminal charge against Plaintiff in Lincoln County or her parents.

**RESPONSE:**

45. All documents, including electronically stored information, that Plaintiff or Plaintiff's counsel have in their possession, custody or control that may be used to support Plaintiff's claims at trial.

**RESPONSE:**

46. At a time and place convenient for counsel, all tangible items that Plaintiff or Plaintiff's counsel have in their possession, custody or control that may be used to support Plaintiff's claims at trial.

**RESPONSE:**

47. All documents relating to or evidencing any bankruptcy filed by Plaintiff.

**RESPONSE:**

48. All videotapes and/or movies that Plaintiff or Plaintiff's counsel have in their possession, custody or control that may be used to support Plaintiff's claims at trial.

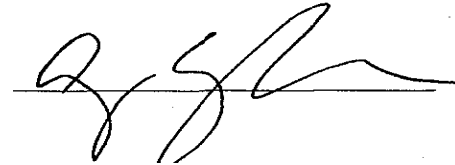
**RESPONSE:**

49. All documents which you claim support your claim of conspiracy between any of the named defendants.

**RESPONSE:**

Respectfully submitted:

CARPENTER MOSER, LLC

A handwritten signature in black ink, appearing to be 'D. J. Carpenter', written over a horizontal line.

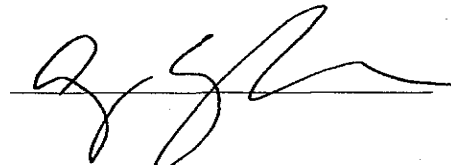
Daniel J. Carpenter, #41571  
Amy Lorenz-Moser, #49791  
1716 Hidden Creek Court, Ste 101  
St. Louis, MO 63131  
Telephone: (314) 312-4979

[dan@carpentermoser.com](mailto:dan@carpentermoser.com)  
[amy@carpentermoser.com](mailto:amy@carpentermoser.com)

*Attorneys for Defendants SNAP, David  
Clohessy, and Barbara Dorris*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of June, 2016, a copy of the foregoing was sent by electronic transmission to counsel of record.

A handwritten signature in black ink, appearing to be 'D. J. Carpenter', written over a horizontal line.

EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

REV. XIU HUI "JOSEPH" JIANG,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:15-cv-01008
	)	
TONYA LEVETTE PORTER,	)	
JAIME D. PITTERLE,	)	
CITY OF ST. LOUIS, MISSOURI,	)	
A.M., N.M., SURVIVORS NETWORK	)	
OF THOSE ABUSED BY PRIESTS,	)	
DAVID CLOHESSY, and	)	
BARBARA DORRIS,	)	
	)	
Defendants.	)	

**AMENDED NOTICE OF VIDEO DEPOSITION OF XIU HUI JIANG**

TO:	Counsel of Record
DATE AND TIME:	August 16, 2016
TIME:	9:00 a.m.
PLACE:	James Otis Law Group, LLC 12977 North Forty Drive, Suite 214 St. Louis, Missouri 63141
WITNESS TO BE DEPOSED:	Xiu Hui Jiang
COURT REPORTER:	Gore Perry

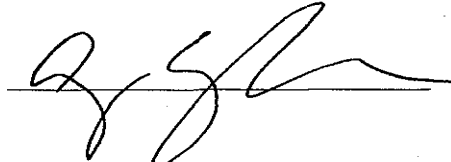
PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, the undersigned will take the deposition of the above individual at the date and time specified. The above deposition will be taken before a person authorized to administer oaths and transcribe the proceedings. Such deposition will continue from day to day and time to time until completed. The witness is requested to bring to the deposition all documents identified in Exhibit A attached. You



are notified to appear and take such part in the examination as may be fit and proper.

Respectfully submitted:

CARPENTER MOSER, LLC

A handwritten signature in black ink, appearing to be 'D. J. Carpenter', written over a horizontal line.

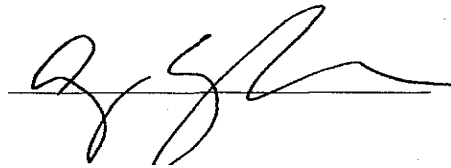
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[dan@carpentermoser.com](mailto:dan@carpentermoser.com)  
[amy@carpentermoser.com](mailto:amy@carpentermoser.com)

*Attorneys for Defendants SNAP, David  
Clohessy, and Barbara Dorris*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of August, 2016, a copy of the foregoing was sent by electronic transmission to counsel of record.

A handwritten signature in black ink, appearing to be 'D. J. Carpenter', written over a horizontal line.

**EXHIBIT A**

You are requested to bring the following materials listed and provide copies of the request documentary materials:

1. Any documents responsive to SNAP's written discovery requests in this case which have not been produced previously in this case.