



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

JAMES E. SHEEHAN,

Plaintiff,

v.

C.A. No. 07C-11-234

OBLATES OF ST. FRANCIS de SALES;
OBLATES OF ST. FRANCIS de SALES,
INC., a Delaware Corporation;
SALESIANUM SCHOOL, INC., a
Delaware Corporation; CATHOLIC
DIOCESE OF WILMINGTON, INC., a
Delaware Corporation; and Rev. JOSEPH
G. MORRISSEY O.S.F.S.

Defendants.

ORDER

AND NOW, TO WIT, upon consideration of Defendants' 11th Motion *In Limine* and Plaintiff's response in opposition, Defendants' Motion is DENIED. Defendants seek to preclude testimony by Aquinas Walter Richard Sipe ("Sipe") because his proposed testimony is irrelevant, unreliable, and unfairly prejudicial. Plaintiff only intends Sipe to testify to the following at trial: (1) Seton Institute was a treatment center for priests who had sexually abused minors; (2) the Oblates' knowledge of and pattern and practice in responding to priests who sexually molested minors; (3) code word and euphemisms used within Religious Orders and Dioceses to describe sexual misconduct by priests; and (4) the Oblates' practice of requiring manifestation of conscience during novitiate training and encouraging uninhibited communication by priests with their psychiatrists and counselors of their innermost thoughts and behaviors, which in turn was routinely conveyed to their Superiors.¹

Delaware Rule of Evidence 702 governs the admissibility of expert testimony and permits testimony of "scientific, technical or other specialized knowledge" if it "assist[s] the trier

¹ Pl.'s Resp. to Defs.' Mot. In Limine at 1.

of fact to understand the evidence or to determine a fact in issue.”² Following the United States Supreme Court’s interpretation of F.R.E. 702, the Delaware Supreme Court established a five-step test to determine the admissibility of scientific or technical expert testimony. In acting as a gatekeeper, the Court must determine whether:

(1) the witness is qualified as an expert by knowledge, skill, experience, training or education; (2) the evidence is relevant; (3) the expert’s opinion is based upon information reasonably relied upon by experts in the particular field; (4) the expert testimony will assist the trier of fact to understand the evidence or to determine a fact in issue; and (5) the expert testimony will not create unfair prejudice or mislead the jury.³

To be admissible, therefore, an expert must be qualified in the field and all opinions must be reliable.⁴

The Court is convinced that Sipe qualifies as an expert and his testimony is admissible for the limited purposes for which the Plaintiff sets forth above. Sipe’s Curriculum Vitae and his report demonstrates that his past education, his experience with psychiatric treatment, as well as his numerous publications on issues of clergy sexual abuse has qualified him as an expert on these specific topics. Specifically, Sipe has trained and worked at Seton Psychiatric Institute (“Seton”), where he dealt with the mental issues involving priests. In the process of being ordained as a Benedictine Monk Sipe witnessed the required “manifestation of conscience”⁵ and, based on his knowledge, he can assist the trier of fact in understanding this concept. Additionally, during his work at Seton, he personally consulted on clergy cases and became involved in numerous consultations involving issues of sexual activity of Catholic priests with minors. His knowledge and personal experiences will assist the trier of fact to determine whether the Oblates had knowledge of the abuse during the relevant time. Therefore, he may

² D.R.E. 702.

³ *Bowen v. E.I. DuPont de Nemours & Co.*, 906 A.2d 787, 795 (Del. 2006).

⁴ *Eskin v. Carden*, 842 A.2d 1222, 1228 (Del. 2004).

⁵ Manifestation of conscience is a canon law related term that refers to a subject disclosing his conscience to a religious superior. Pl.’s Resp. to Defs.’ Mot. In Limine Tab B.

testify for the limited purposes described above.

IT IS SO ORDERED.

/s/calvin L. Scott, Jr.

Calvin L. Scott, Jr.

Superior Court Judge

Dated: November 6, 2009