

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

HAMPDEN COUNTY
SUPERIOR COURT
FILED

OCT - 3 2022


CLERK OF COURTS

SUPERIOR COURT
DOCKET NO. 2179CV00049

JOHN DOE

vs.

ROMAN CATHOLIC BISHOP OF SPRINGFIELD, A CORPORATION SOLE, & others¹

MEMORANDUM AND ORDER ON MOTION FOR RECONSIDERATION

Berkshire Eagle Managing Editor Larry Parnass (Parnass) has moved for reconsideration of the Court's July 29, 2022, order allowing in part and denying in party the defendants' motion to compel Parnass to provide documents and testimony.² The court's order limited the area of inquiry and provided what it thought was a mechanism for Parnass to protect the identity of confidential sources. Parnass' motion asserts (1) he cannot produce documents or provide testimony about information provided by confidential sources without revealing their identities; and (2) the court did not properly weigh the defendants' need for the information against the harm disclosure would pose to the free flow of information. On the latter point, Parnass specifically faulted the court for not requiring the defendants to establish that they had exhausted all other sources of information.

Addressing the second point first, Parnass argues that the defendants have not shown the sought the requested information from the many witnesses John Doe's statements to Kevin Murphy and the Review Board. While the court agrees that the defendants have not made such a showing, Massachusetts law does not require that they do so. See *Dow Jones & Co. v. Superior Court*, 364 Mass. 317, 320 (1973). See also *Cumby v. American Medical Response*, No,

¹Archbishop Mitchell T. Rozanski, Patricia McManamy, Monsignor Christopher Connelly, Jeffrey Trant, Kevin Murphy, Mark Dupont, John Egan, and John Hale.

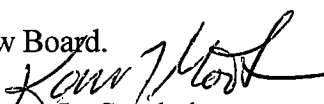
² Parnass also moved for reconsideration of the court's parallel order on his motion for a protective order.

18cv30050-MGM, 2019 WL 1118103 (D. Mass. 2019) (noting that the Supreme Court has rejected an automatic requirement that non-confidential sources be exhausted). The court conducted the necessary balancing test in its initial order.

Parnass' argument on the first point, however, has caused the court to rethink its order as to information from confidential sources. In light of Parnass' affidavit stating that he cannot protect the identities of confidential sources simply by redacting their names, the court revises its order to apply only to nonconfidential sources. In the event the defendants wish to press their motion as to confidential sources, they will be required to demonstrate their efforts to obtain the information directly from those attending the meetings with Kevin Murphy and/or the Review Board.

Further, looking ahead toward the trial, the court is open to requiring that Parnass disclose whether any of the individuals identified as trial witnesses were confidential sources and, if so, to produce the information those sources provided to him.

In summary, the court revises its July 29, 2022, order to reflect it is compelling only information provided by nonconfidential sources as to what they told Parnass about Doe's statements to Murphy and/or the Review Board.


Karen L. Goodwin
Justice of the Superior Court

Dated: October 3, 2022