

that such a judgment would have on the defendant King, given his financial condition and his presence now in prison. I deem a punitive award of \$200,000 to be adequate.

Dated February 19, 1999.

BY THE COURT

A handwritten signature in cursive script, appearing to read "Warren R. Hobson", written over a horizontal line.

United States Senior District Judge

FILED
 U. S. DISTRICT COURT
 DISTRICT OF NEBRASKA
 99 FEB -5 PM 2:18
 GARY D. McFARLAND
 CLERK

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEBRASKA

PAUL A. BONACCI,)
)
 Plaintiff,)
)
 vs.)
)
 CATHOLIC ARCHBISHOP, et al.)
)
 Defendants.)

Case No. 4:91CV3037

LIST OF WITNESSES

Deputy: Colleen Beran
 Reporter: Gary Latimer
 Hearing Date: 2/5/99

FOR PLAINTIFF:

Name

Date

Name	Date
Noreen Natalie Gosch	2/5/99
Russell Eric Nelson	2/5/99
Paul Anthony Bonacci	2/5/99
Denise Ann Bonacci	2/5/99

FOR DEFENDANT:

Name	Date

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

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DISTRICT OF NEBRAS

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GARY D. McFARLA
CLERK

PAUL A. BONACCI,)
)
 Plaintiff,)
)
 v.)
)
 CATHOLIC ARCHBISHOP, et al.)
)
 Defendants.)

LIST OF EXHIBITS

Case Number: 4:91CV3037
Courtroom Deputy: Colleen Beran
Court Reporter: Gary Latimer

Hearing Date: February 5, 1999

EXHIBIT NO.								
PLF	DFT	3 PTY	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD	DATE
1			Bag containing 11 tapes	X		X		2/5/99
2			Picture of Russell Nelson	X		X		2/5/99
3			Picture of Larry King and pals in New York	X		X		2/5/99
4			Picture of Larry King	X		X		2/5/99
5			Picture of Larry King's mansion	X		X		2/5/99
6			Picture of limousine at airport	X		X		2/5/99
7			Book: <u>The Franklin Cover-</u> <u>up</u>	X		X		2/5/99

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GARY D. McFARLAND
CLERK *RS*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PAUL A. BONACCI,)	4:CV91-3037
)	
Plaintiff,)	
)	
vs.)	MOTION TO CONTINUE
)	
LAWRENCE E. KING,)	
)	
Defendant.)	

COMES NOW the Plaintiff, Paul A. Bonacci, by and through his attorney, John W. DeCamp, of DeCamp Legal Services, P.C., and herewith applies for a continuance of the hearing in the above-captioned case for the following reasons, to wit:

1. Hearing for the above-captioned matter has been set for Friday, February 5, 1999, at 9:00 a.m., in Courtroom #4, United States Courthouse, Lincoln, Nebraska.
2. Counsel for Plaintiff plans to introduce various exhibits and the testimony of various witnesses at the above-mentioned hearing. However, at least two such witnesses, Mr. Rusty Nelson and Ms. Alisha Owen, will not be able to attend the hearing, as they are currently incarcerated. Mr. Nelson's and Ms. Owen's testimony at the hearing is crucial to Plaintiff's case, and Mr. Nelson is in possession or control of photographs crucial to the Plaintiff's case.
3. Counsel for Plaintiff requires additional time within which to arrange for the appearance of Mr. Nelson, Ms. Owen, and other witnesses and exhibits.

WHEREFORE, the Plaintiff prays for a continuance in the above-captioned case,
until the 6th day of May, 1999, or until the next most available court term.

Dated this 25th day of January, 1999.

PAUL A. BONACCI, Plaintiff

By: 

John W. DeCamp, Neb. Bar # 10951
DeCAMP LEGAL SERVICES, P.C.
Attorneys for Plaintiff
414 South 11th Street
Lincoln, Nebraska 68508
(402) 477-3974
(402) 477-4487 fax

CERTIFICATE OF SERVICE

On January 25, 1999, a copy of this Motion to Continue was served upon the
following by United States certified mail, postage prepaid:

Mr. Lawrence E. King
Pris. I.D. # 12834-047
FCI Florence
P.O. Box 6000
Florence, Colorado 81226

I certify under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Date


JOHN W. DeCAMP, Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

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PAUL A. BONACCI,
Plaintiff,

4:CV91-3037

HORBERT H. EBEL
CLERK

vs.

PETER CITRON, et al.,
Defendants.

ORDER REGARDING POSSIBLE
UNSEALING OF MATERIALS
AND DEFENDANT ALAN BAER'S
REQUEST TO CONTINUE TO
MAINTAIN DOCUMENTS UNDER SEAL

By my order of June 10, 1997, I said that all parties should have until June 23, 1997, to make any objection to the unsealing of materials submitted by the defendant Baer in support of his motion for summary judgment and request that the materials submitted remain unsealed or, as an alternative, that the defendant Baer be authorized to withdraw the materials submitted in support of his motion. The plaintiff agrees to and offers no objections to that request.

Although there has been inquiry by the press about the availability of sealed materials, there has been no formal request for the unsealing. It appears to me that I should continue to have the documents sealed in the absence of a formal request for their being unsealed and in the presence of a request by both the defendant Baer and the plaintiff that the documents remain sealed. The suggested alternative of allowing the materials' withdrawal has less merit, it seems to me, than continuing to seal the documents, because if some interested person has legitimate interest in those documents, he or she can make a request for the unsealing and the availability of the documents will be greatly enhanced by their continuing to be in the possession of the court than if they are released to the defendant Baer. Generally, I think damage to persons in a lawsuit such as this one is more likely to be avoided or dissipated by revealing of information than by concealing it. Nonetheless, there is no particular virtue in its being made available unless some person affirmatively wants it to be made available.

IT IS ORDERED that the defendant Alan Baer's request to continue to maintain documents under seal, filing 220, is granted, but the alternative request that the court allow the materials submitted in support of the motion for summary judgment be withdrawn is denied.

Dated July 31, 1997.

BY THE COURT


United States Senior District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

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Jen

HORBERT H. EBEL
CLERK

CV 91-3037

PAUL A. BONACCI,
Plaintiff,

vs.

THE CATHOLIC ARCHBISHOP OF
OMAHA, et al.,
Defendants.

DEFENDANT ALAN BAER'S REQUEST
TO CONTINUE TO MAINTAIN
DOCUMENTS UNDER SEAL

COMES NOW the Defendant, Alan Baer, by and through his attorneys of record, pursuant to this Court's Order of June 10, 1997, and objects to the unsealing of those materials submitted by the Defendant Baer in support of his Motion for Summary Judgment, Filing 186, and the Court's Memorandum and Order on Motion for Summary Judgment dated December 29, 1995, Filing 196. Alternatively, Defendant Alan Baer would request that the Court allow the materials submitted in support of his Motion for Summary Judgment as referenced herein to be withdrawn by the Movant rather than unsealed.

In support of these requests, Defendant would show the Court as follows:

1. That these materials contain scandalous and scurrilous accusations which are factually unsupported and which have now been rejected by this Court.
2. That these materials, if released to the general public, could result in damage to Defendant Baer, the other Defendants in this action, as well as other individuals whose names have surfaced in this cause but who were not parties to this litigation.

3. That there are remaining Defendants who arguably could be prejudiced by the release of this information if this case were ever to proceed to trial.

4. That although this case has been on file for a considerable period of time, it appears that local media interest in this case has not subsided, as evidenced by the attached article from the *Omaha World Herald* discussing the Court's recent ruling with respect to some of the Defendants. That media interest creates a real, and not hypothetical, concern that releasing references to the baseless and scandalous allegations that are under seal could cause significant damage to the Defendant Baer, as well as other Defendants and non-parties to this litigation.

5. That given the rulings of this Court and the Eighth Circuit Court of Appeals, it would not appear that the Plaintiff would be damaged or otherwise prejudiced by continuing to maintain these materials under seal.

6. That pursuant to NELR 7.1(a)(1), Defendant is not submitting a brief with this Motion as the Motion raises no substantial issue of law and the relief sought is within the Court's discretion.

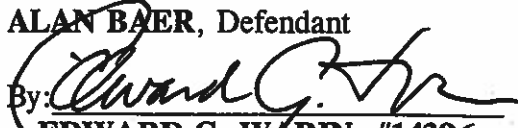
7. That if the Court is disinclined to grant Defendant's request to maintain under seal all of the materials referenced in the Court's Order of June 10, 1997, then he respectfully requests that the Court allow the Movant to withdraw those materials submitted by Defendant Baer in support of his Motion and file with the Clerk of the Court only the Defendant's Motion for Summary Judgment, Filing 186, and the Court's Memorandum and Order on Motion for Summary Judgment, Filing 196.

WHEREFORE, the Defendant respectfully requests that the Court continue to maintain under seal the documents referenced herein or, alternatively, file with the Clerk of the Court Defendant's Motion for Summary Judgment and the Court's Memorandum and Order granting same, and allowing the Movant to withdraw the materials offered in support of his Motion for Summary Judgment.

RESPECTFULLY SUBMITTED this 23rd day of June, 1997.

ALAN BAER, Defendant

By:


EDWARD G. WARIN, #14396
McGrath, North, Mullin & Kratz, P.C.
1400 One Central Park Plaza
222 South 15th Street
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CREIGHTON-NEBRASKA DEPARTMENT OF PSYCHIATRY
2205 South 10th Street
Omaha, NE 68108
(402) 449-4184



Frank J. Menolascino, M.D.
Chairman

REPORT OF PSYCHIATRIC CLINICAL INTERVIEWS
WITH PAUL BONACCI

As of April 9, 1990, I have conducted six interviews with Mr. Bonacci on November 22, 1989, January 10, January 24, March 7, March 16 and April 5, 1990. Mr. Bonacci is a 22 year old man (DOB 8/3/67), very light-build, dark hair, clean-shaven, always polite and well-mannered. He has pled no contest to a charge of sexually fondling a nine year old boy. He understands that I am to report as to whether or not I consider him to be a Mentally Disordered Sex Offender. He has been more than cooperative because the interviews have revealed that he is suffering from multiple personalities, an unusual form of psychiatric disorder. Mr. Bonacci presents a typical case. He has numerous alternate personalities, each one having an individual identity, a different name and certain individual characteristics. Many of the alternate personalities are aware of each other and are usually aware of what the original personality, Paul, is doing, but Paul is not aware of who the personalities are and what they are doing.

Because of the interviews, and some discussion of his problem, Paul does now have some awareness that he has multiple personalities although, typically, he is still mystified by the situation and finds it difficult to accept. He does know, however, that there have been reports from friends and relatives of his assuming different personalities, behaving in uncharacteristic fashion, and later not being able to recall some of the things reported that he had done.

This condition presents with bizarre symptomatology, but it is not a psychosis. It is classified as a dissociative disorder in which a person separates or "dissociates" himself from his usual pattern of thinking and awareness. A more common example of a dissociative disorder is amnesia.

It is typical that multiple personality disorder is associated with a very disorganized childhood during which they suffered severe, and often repeated abuse. According to the history that Mr. Bonacci presents, this is quite true in his case. He related a very detailed, complicated history of which the following seems to be most significant.

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RE: Paul Bonacci

He was born and brought up in the Omaha area, the fifth of six children of Mr. John Bonacci. His parents were divorced before his younger brother, was born. His father lives in Lake Manawa, Iowa, and he has ^{had} no contact with his father until recently. "Father never claimed me, but he does now." His mother soon remarried a Mr. Robert Boukl who was very abusive to the children, particularly to Paul. He remembers this man as using any excuse to beat the children, and he remembers him doing such things as chopping toys in two with an axe. He doesn't remember how long this marriage lasted (perhaps no more than two or three years), but they broke up following an episode in which he beat Paul's mother quite severely.

Mother then soon remarried a Mr. Jack McCoy. He was a much better stepfather because he did not beat the children, but "he ignored me because I was different". Mr. McCoy died of a heart attack in July of 1983.

Mr. Bonacci said that much abuse also came repeatedly from his older brothers. The oldest child in the family was Tim and the next two were identical twins, John and Clifford. These brothers "beat me up all the time". "If others fought me, they would help them." He described himself as the one in the family who was always picked on. "They used to call me a girl - a fag." These boys had their share of delinquent problems, particularly Clifford who used a lot of drugs and had trouble with the law.

Mr. Bonacci said his worst experiences began when he was about six years old when he was repeatedly molested by a 14 year old male babysitter named Jason. He said that he told his mother what was going on, but his mother would not believe him. Jason was a pal of his older brothers and what would happen most of the time was that mother would leave him to be looked after by his older brothers, but his brothers wanted to go someplace to do something so they would leave him with Jason, and Jason would molest him again. The brothers would also set him up to get other people to pick on him, and when I questioned Mr. Bonacci as to why his mother or stepfather did not become aware of this and intervene, he said that mother just "didn't listen and Jack McCoy was not talkative and did not get involved".

As he remembers his school experience, it went fairly well until he was in the third grade and moved to Carter Lake. He then began to get bad grades simply because he did not care and he realized that others thought he was weird. He had some black friends, and some of the white boys would pick on him because of that and make fun of him. It was also about this time that he first began to notice blank periods of time in which he could not remember later what he had done. Evidently, these were the first experiences of having an alternate personality take over.

At age ten, he was introduced to drugs by older boys in Carter Lake and very soon began to use a lot of "speed, pot and used more acid later". He discovered from friends that one easy way to get money to pay for drugs was to be paid for sexual favors. He did this the first time when he was only 9-1/2 or 10 years old. On warm summer evenings, he would go down by Elmwood or Hanscom Park and stand in a place where men would stop and pick him up in cars. Usually, they would not go any place but simply have sex in the car which, at first, consisted of him only performing oral sex on the man, but when he got older, he would be involved in other sexual activities. He says that he remembers doing this many times, but never felt any pleasure "as Paul" but just did it for the money. His folks did not seem to care that he kept late evening hours on summer nights. He would just tell them that he had been out with friends.

Mr. Bonacci says that he also got "messed up with Satanism" beginning about age 12. It involved such strange rituals as drinking cat's blood and urine. He did not look back on this as anything that he enjoyed, but felt at the time that he had to do it to be accepted by some other boys who called themselves "Knights of Darkness". "I was trying to reach out for something."

He said that he got away from the Satanism after suffering some disappointments. An Aunt Mary who had been nice to him died and about the same time his stepfather died unexpectedly of a heart attack. Soon after that, a young friend his age committed suicide. He began going to church in January, 1984, and has had some intermittent interest in religion ever since. Despite this, however, he admits that he continued using a lot of drugs and going to a lot of parties where he served as a young male prostitute. Eventually, he was admitted to the Nebraska Psychiatric Institute in April of 1986 where the multiple personalities were not discovered but, because of strange symptoms interpreted as hallucinations, he was considered at that time to be suffering from schizophrenia. One important benefit of this hospitalization, however, was that he stopped using drugs on a regular basis although he admits that he has used them just occasionally since, and the last time was some LSD in August of 1989.

With all these activities, and several family moves, his education was repeatedly disrupted but, in one way or another, he continued and finally in 1988, at age 20 years and 10 months, he did get a high school diploma from the Individualized Study Center at 30th and Fort.

He described an interesting job experience in the summer of 1989 when he worked for three weeks at some recreation place named River Crest where his first duties were to help keep the place clean, mow lawns, clean the pool and sometimes act as lifeguard. During the second week, they advanced him to help out in the

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RE: Paul Bonacci

kitchen, but the entire third week he was working there, he has no recollection whatsoever, but he does know that at the end of that week, they fired him and he never knew what he did or didn't do that was the cause of his dismissal.

Regarding the incident with the nine year old boy, he remembers the occasion when they were lying down next to each other to go to sleep, but he has no recollection (as Paul) of deliberately touching the boy.

CONCLUSIONS: Mr. Paul Bonacci is suffering from a multiple personality disorder. I do not consider him to be a Mentally Disordered Sex Offender in the usual meaning of that term. The principle personality Paul has no wish to molest children, is quite religious, and is not inclined to have homosexual interests.

I do, however, believe that Mr. Bonacci is very much in need of extensive psychiatric help, such as may be available at the Lincoln Regional Center, to help him create a personality structure, or structures, less inclined to dissociate. Currently, a majority of his alternative personalities are heterosexually oriented, but there are some with a homosexual orientation and some that actually identify themselves as female rather than male personalities. Having an alternate personality of a different gender may seem unbelievable, but it is actually typical of complex, multiple personality cases.

Without treatment, it is conceivable (and this is probably what happened in the contact with the little boy) that if placed in an unusual circumstance, an alternative personality might temporarily take over and commit such an act of fondling, although it is also true that such behavior will be stopped, or at least quickly checked, by another alternate personality which would disapprove of such behavior. It all gets quite complicated.

Beverley T. Mead, M.D.
Professor of Psychiatry

BTM/mlm