

Judge Clears 3 More in Bonacci Suit

Claims of Sexual Abuse Called Unsubstantiated and Bizarre

BY ROBERT DORR
WORLD-HERALD STAFF WRITER

A federal judge has determined that claims of sexual abuse made several years ago by Paul A. Bonacci of Omaha were unsubstantiated and bizarre.

The claims by Bonacci, now 29, were among accusations made in 1989 and 1990 by four young adults. The four said they had been sexually abused as young teen-agers by prominent Omaha business and political figures.

Those accusations, which emerged during investigations into the 1988 collapse of Omaha's Franklin Community Federal Credit Union, were discredited by a Douglas County grand jury. The grand jury called them a carefully crafted hoax.

Despite the grand jury's conclusions, Bonacci filed a lawsuit in 1991 in U.S. District Court in Lincoln against 16 defendants, accusing them of abusing him sexually and in other ways while he was growing up in Omaha, or of contributing to such abuse.

The case never has been tried in court. In previous court actions, 11 of the defendants have been cleared.

On Wednesday, U.S. District Court Judge Warren Urbom of Lincoln cleared three of the remaining defendants: former Omaha Police Chief Robert Wadman, Omaha Police Detec-

tive Michael Hoch and the City of Omaha.

With those three cleared, only two defendants remain among the original 16: Lawrence E. King Jr., former Franklin Credit Union manager who is serving a prison term for financial crimes, and Peter Citron of Omaha, former entertainment columnist and broadcaster who served a prison term for sexual contact with boys under age 14 and now lives in Omaha. Neither is believed to have significant financial assets.

King has not been defended by a lawyer in the Bonacci lawsuit. Citron's lawyer said he is confident of getting Citron cleared.

Bonacci has been represented by Lincoln lawyer John DeCamp, a former state senator. Assistant Omaha City Attorney Wendy Hahn, who represented the three defendants cleared this week, said Thursday she is considering seeking court-imposed penalties against DeCamp.

Ms. Hahn said she might seek sanctions under a federal rule that requires lawyers to determine whether there is some basis in fact for allegations before filing a lawsuit. Allegations made in a lawsuit "shouldn't be frivolous," she said.

The federal rule in question, Rule 11 of the Federal Rules of Civil Procedure, can result in sanctions such as re-

quiring a lawyer to pay costs of the legal action and the fees of opposing attorneys.

DeCamp responded that his representation of Bonacci didn't amount to anything frivolous. "Anybody who suggests that this was frivolous is living in the Middle Ages and in my opinion isn't really concerned about protection of children," he said.

DeCamp said he still believes Bonacci is telling the truth despite Urbom's decision. He said he hasn't decided whether to appeal Urbom's decision.

In his decision, Urbom said that "there has not been one word of evidence... to support Bonacci's claims."

Bonacci was addicted to illegal drugs, according to his own testimony, the judge said.

Urbom added: "The testimony of the plaintiff (Bonacci) in many respects is bizarre. Multiple personality disorder is a cruel mental condition. Its effects are stunning."

Wadman, after leaving Omaha, was police chief in Aurora, Ill., and in Wilmington, N.C. Wadman now lives in Pocatello, Idaho, where he teaches political science and criminal justice classes at Idaho State University. Pocatello and is completing his doctorate in political science.

Hoch was one of the Omaha police officers who interviewed Bonacci and investigated his original claims in 1990.

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Senaor Loran Schmit of Bellwood, Nebraska, being first duly sworn, does depose and say as follows:

1. That he was Chairman of a special Legislative Investigative Committee commonly referred to as THE FRANKLIN COMMITTEE.
2. That as a consequence of his work on this committee he became familiar with a witness identified as Paul Bonacci who provided extensive testimony to the committee on several occasions;
3. That because of the grave nature of the testimony and the implications of the testimony Paul Bonacci provided the committee and because of the Douglas County Franklin Grand Jury conclusions which suggested that Paul Bonacci when telling his story to the Grand Jury was in fact lying; and
4. That as a result of the various investigations the Committee has conducted to determine if Paul Bonacci lied to the Legislative Committee relative to his stories of child abuse, drug abuse, satanic cult involvement, etc., this Senator now believes that Paul Bonacci did tell the truth to the Franklin Committee and the Committee Investigator.
5. That Paul Bonacci is in danger of being killed or otherwise injured or intimidated.
6. That this Senator as Chairman of the Franklin Committee had been warned that Gary Caradori was in danger and probably did not take such warning seriously enough and;
7. That this Senator was concerned that Alesha Owen or her family were also personalities involved in the Franklin investigation and might be in danger; and
8. That in both the above instances the individuals involved, Gary Caradori and his son, and Alicia Owen's brother, died violent and controversial deaths which may or may not have been associatged with a cover-up of Franklin matters but which deaths have raised serious questions as to whether they were natural or were associated with Franklin in this Senator's opinion.
9. That this Senator believes that it is in the public interest for a system of definite protection to be afforded to Paul Bonacci until such time as the absolute and unquestioned truth can be determined with respect to whether Paul Bonacci's stories of child abuse, drug abuse, are in fact true or false and;

10. That so serious has this Senator taken such concerns that he personally has contacted both the Governor of the State of Nebraska as well as prison officials and expressed this concern and given this warning of the need for some form of witness protection to be afforded to Paul Bonacci until such time as a final resolution of the veracity or falseness of Paul Bonacci's story can be determined.

Further affiant sayeth not:

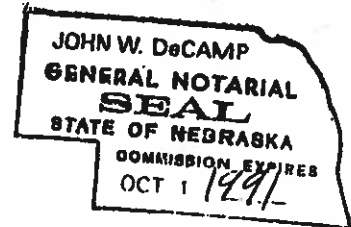
Dated and executed this 1st day of February 1991 at Lincoln, Lancaster County, Nebraska by:

Loran Schmit
SENATOR LORAN SCHMIT, AFFIANT

Before me a notary public in and for said county and state personally appeared Senator Loran Schmit, to me personally known, who executed the above document and acknowledged its veracity and was done for the purposes stated therein.

Dated and executed this 1st day of February 1991

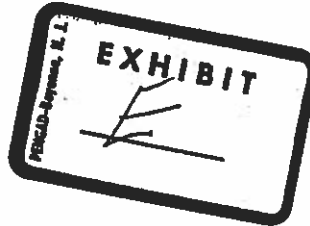
by: [Signature]
NOTARY PUBLIC



Creighton University Medical Center School of Medicine
University of Nebraska Medical Center College of Medicine



CREIGHTON-NEBRASKA DEPARTMENT OF PSYCHIATRY
2205 South 10th Street
Omaha, NE 68108
(402) 449-5047



Frank J. Menolascino, M.D.
Chairman

December 14, 1990

Honorable J. Patrick Mullen
District Court
Hall of Justice
Omaha, NE 68183

RE: Paul A. Bonacci
Docket #127, Page #193

Dear Judge Mullen:

This is in regard to the mental competency and ability to assist in his own defense of Paul A. Bonacci. I've had several contacts with Mr. Bonacci during the past 12 months. Initially, this was in my capacity as psychiatric consultant to the Douglas County Corrections Center. The initial concern was depression, but, after a few contacts, I discovered that we were dealing with a case of Multiple Personality Disorder. In April of this year, at the request of the court, I prepared a report regarding my evaluation of Mr. Bonacci as a possible Mentally Disordered Sex Offender; a copy of which I will enclose because it includes a review of his past history, as well as my opinion, and some observations about Multiple Personality Disorder.

Since preparing that report, I have had some additional contacts with Mr. Bonacci, including most recently a three-hour interview on November 17th. These more recent contacts involved interviews with some of the more mature, alternate persons in the body of Paul Bonacci. Altogether, there are 20 or more alternates, several of them well-formed, as much or more so, than Paul himself, but many others are immature child personalities who have limited awareness of recent events. There are significant differences in several of the different persons within the body. Some have capabilities or memories others do not possess. There are unusual differences in that some are color-blind and others are not. There are even a few little girls present.

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RE: Paul A. Bonacci
Docket #127, Page #193

Included with this report, for the interest and use of the court, is some literature on the subject of Multiple Personality Disorder which should be of value in understanding some of the unusual features of the multiple persons involved. As these reports will confirm, Multiple Personality Disorder is not a psychosis, although the differences in the capabilities and knowledge of each person involved in the single body can be significant. In your court procedure, we would probably be dealing chiefly with the personalities of Alexandrew or Michael or Alexander Michael or Paul or Christian or Joshua or Drew. Although varying in degree of knowledge, they are all rational and quite capable of understanding court procedure. The principal, mature persons involved will be able to assist in their own or Paul's defense.

The multiplicity of persons within the one body will create complications, and I have already determined, for example, that it was not Paul himself who was actually interviewed at the time of the Grand Jury investigation. At least three other persons were chiefly involved - initially Michael, and following the morning break it was Alexander Michael, and following the lunch break it was chiefly Alexandrew. This was all on the one day that Mr. Bonacci appeared before the Grand Jury.

During a court hearing involving Paul Bonacci, it will be important to identify who may actually be responding to questions presented, etc., but this should not be at all difficult to determine. If testimony is accepted from more than one person, it may be advisable to have them sworn individually.

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

BTM/mlm

enc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

94 FEB -8 AM 9:00

PAUL A. BONACCI,) 4:CV91-3037
)
Plaintiff,)
)
vs.) MEMORANDUM AND ORDER ON NORBERT H. EBEL
) DEFENDANTS' WADMAN, HOCH, CLERK
) AND BOVASSO MOTION TO DISMISS
) BASED ON QUALIFIED IMMUNITY
)
THE CATHOLIC ARCHBISHOP OF)
OMAHA, et al.,)
)
)
Defendants.)

Defendants Robert Wadman, Michael Hoch, and Kenneth Bovasso move this court for dismissal from this lawsuit based on the doctrine of qualified immunity. Filing 118. The plaintiff argues that the defendants are not entitled to qualified immunity. After careful review of the first amended complaint, filing 4, the motion to dismiss shall be stayed.

Although Rule 8(a) of the Federal Rules of Civil Procedure requires only general notice pleading, factual allegations must be pled with enough specificity that defendants are adequately apprised of what claims are before the court. In his first amended complaint, the plaintiff pleads that his constitutional and civil rights have been violated by defendants Wadman, Hoch, and Bovasso. This lawsuit cannot progress until plaintiff's counsel clearly allege exactly which of the plaintiff's constitutional and civil rights have been violated. Once the plaintiff has alleged specific constitutional and civil rights violations, then the defendants may move for dismissal on one or all claims based on qualified immunity.

In the event that the defendants move to dismiss the revised claims, plaintiff's counsel shall prepare an opposition brief which fully addresses the legal issues raised in the defendants' motion and accompanying brief. To date, the plaintiff's pleadings and briefs have been woefully prepared. Vague pleadings coupled with cursory letter-briefs constitute a disservice not only to the defendants and to this court, but most importantly to Mr. Bonacci. If Mr. Decamp and Mr. Sipple do not improve the quality of their legal work in this case, I shall consider imposition of appropriate disciplinary sanctions.

IT IS THEREFORE ORDERED that:


1. The defendants' motion to dismiss, filing 118, is stayed;
2. The plaintiff is granted ten days to file a second amended complaint, amending counts four and five of the first amended complaint, filing 4, and clearly alleging which constitutional rights, civil rights, and federal statutes have been violated; and

Copies mailed on 2-8-94

3. The defendants are granted ten days from the filing of the plaintiff's second amended complaint to amend their motion to dismiss and brief in support thereof, if they so choose.

Dated February 7, 1994.

BY THE COURT


United States Senior District Judge

Filing #135 removed from file and placed on back in vault

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

93 DEC -7 PM 1:04-129

NORBERT H. EBEL
CLERK

PAUL A. BONACCI,

Plaintiff,

v.

THE CATHOLIC ARCHBISHOP OF
OMAHA, et al.,

Defendants.

4:CV91-3037

MEMORANDUM AND ORDER

A conference was held on the morning of December 7, 1993 to resolve an objection that had been filed (filing 128) to the notice of plaintiff that the plaintiff personally wished to view the materials in the court's possession, which are the subject of restricted viewing. See, Order of November 19, 1993, filing 123. Present were counsel for plaintiff and defendant Citron as well as others from the office of the clerk, plaintiff, and an affiliate of plaintiff's counsel. Counsel for the other defendants had been notified by telephone of the conference.

Following the discussion and arguments of counsel, I conclude that the plaintiff himself should not, at least at this time, be permitted to view the materials. I acknowledge the position of plaintiff's counsel that, without plaintiff's participation, counsel cannot effectively identify the participants depicted in the materials. Nevertheless, at this point there is enough ambiguity over the plaintiff's various personalities and the court's ability to maintain control over the viewing in accordance with the earlier orders, that additional assurances will be required before I can confidently allow plaintiff's participation. I shall therefore not permit plaintiff to view the materials until further order, after a showing addressing the matters of:

- (a) maintaining the integrity and security of the materials;
- (b) whether the plaintiff is the only person who can identify participants depicted in the materials; and
- (c) assurances that can be made that all the plaintiff's personalities can be bound by the confidentiality provisions of the court's orders.

Some of these matters have apparently been addressed in the plaintiff's deposition, which is continuing. Once it has been completed and the parties have been given an opportunity to address these factors with additional evidence and briefs, I shall resolve the issue.

Copies mailed on 12-7-93

IT THEREFORE HEREBY IS ORDERED:

1. The plaintiff, Paul Bonacci, shall not be permitted to view the materials now held by the court under seal until further order of the court.

2. The plaintiff's deposition, when transcribed, shall be filed with the clerk, under seal, and directed to the attention of the undersigned.

3. The parties are given fourteen days following the filing of the plaintiff's deposition in which to file additional evidence relating to the issue of the plaintiff viewing the sealed materials, in the form of affidavits or otherwise. Such evidence may be filed initially under seal upon the filing party's request, subject to the court's review.

4. The parties are given fourteen days thereafter to submit to the undersigned their briefs on the matter.

Dated December 7, 1993.

BY THE COURT


United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

93 DEC -7 PM 2:52-127

PAUL A. BONACCI,
Plaintiff,

vs.

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

)
) OBJECTION TO PLAINTIFF'S
) VIEWING MATERIAL **NORBERT H. EBEL**
) **CLERK**

) #CV91-3037
)
)

Now comes the Defendant, Peter L. Citron, through undersigned counsel, and objects to Plaintiff viewing any of the materials in the Court's possession for the reason that the Court's previous orders do not, implicitly or explicitly, allow viewing by the parties. No brief accompanies this objection for the reason that counsel for Mr. Citron only saw Plaintiff's request at 3:30 p.m. on this date, and therefore did not have time to prepare a brief. Moreover, it does not require a brief to point out that this Court's orders must be obeyed. Mr. Citron requests the right to assert future objections, supported by authority, since Plaintiff's request to view materials was only made the day before said viewing was to occur.

Peter L. Citron, Defendant

BY: 

His Attorney

CERTIFICATE OF SERVICE

This is to certify that I served the above and foregoing pleading on all parties herein by mailing and faxing a photocopy thereof to The United States District Court, District of Nebraska, Lincoln, NE and counsel for all parties, this 6th day of December, 1993.

BY: 

Lyle Joseph Koenig
Counselor at Law
P. O. Box 48
Hebron, NE 68370
(402) 768-7402

RECEIVED

DEC 17 1993

CLERK
U.S. DISTRICT COURT

file # 126 removed from file and
placed on a rock by wbn

Filing #127 removed from file and
placed on a back in vault