

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

BARBARA ANN HARTKE, an individual)
on her own behalf and on behalf of the Estate)
of decedent Gilbert V. Hartke)

Plaintiff,)

v.)

BONHAM'S & BUTTERFIELD'S)
AUCTIONEERS CORPORATION, A)
DELAWARE CORPORATION; THE)
CATHOLIC UNIVERSITY OF AMERICA,)
A NON-PROFIT DISTRICT OF)
COLUMBIA CORPORATION)

Defendant.)

Civil Action No.
1:22-03571

AFFIDAVIT OF THE VERY REVEREND KENNETH R. LETOILE, O.P.

DISTRICT OF COLUMBIA, TO WIT:

I, Fr. Kenneth R. Letoile, O.P., am over 18 years of age, competent to testify, and have personal knowledge of the facts set forth herein.

1. I am the Prior Provincial of the Province of St. Joseph (the "Province") since June 2014, and in that capacity I am authorized to speak on behalf of the Province.

2. I serve as the Vice-Chancellor of the Pontifical Faculty of the Immaculate Conception.

3. I was ordained into the Dominican Order in 1974, and served as pastor and superior at a number of Dominican communities and parishes throughout the province prior to my election as the Provincial.

4. From my knowledge as a member of the Dominican Order and a Prior Provincial, Dominican priests must make a solemn profession, including a vow of poverty.

5. From my knowledge as a member of the Dominican Order and a Prior Provincial, for our vow of poverty, we promise to possess nothing by right of personal ownership, but to have all things in common and to use them under the direction of superiors for the common good of the Order and of the Church.

6. Based upon my review of the Complaint filed in this action, I understand that a claim is being made that a dress used in the production of the musical “the Wizard of Oz” starring Judy Garland (the “Dress”) was purportedly given to Father Gilbert Hartke in his personal capacity, and that it accrued to his estate upon his death.

7. Based upon my knowledge of the Dominican Order, and my understanding that Father Hartke made a vow of poverty, as is required for membership in the Dominican Order, Father Hartke was not permitted to possess anything by right of personal ownership, and for any possessions that were gifted to him in his personal capacity, he would have been required to donate those possessions to his Province, which I understand was the Province of St. Joseph within the Dominican Order, in accordance with his vows and solemn profession.

8. As Prior Provincial of the Province of St. Joseph, the Province does not assert any right to the Dress.

9. To the extent that the Province of St. Joseph is determined, or alleged, to have a property right in the Dress, I hereby affirm on behalf of the Province the Catholic University of America’s full ownership of the Dress.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT UPON PERSONAL KNOWLEDGE THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.

Fr. Kenneth R. Letoile, O.P.
Fr. Kenneth R. Letoile, O.P.

May 13, 2022
Date

Subscribed and sworn to before me this 13 day of May, 2022.

Malloy B.J.

Notary Public

My commission expires:

