

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
JOAN SHEEN CUNNINGHAM,

Petitioner,

-against-

TRUSTEES OF ST. PATRICK’S CATHEDRAL
and ARCHDIOCESE OF NEW YORK,

Respondents.
-----X

Motion Seq. #

Index No.:

VERIFIED PETITION

Return Date: July 7, 2016

Assigned Justice:

The petition of Petitioner Joan Sheen Cunningham (“Petitioner”) respectfully shows and alleges:

1. Petitioner resides in New York state and is eighty-eight (88) years of age.
2. Upon information and belief, Respondent Trustees of St. Patrick’s Cathedral (the “Trustees”) operate or supervise the operation of St. Patrick’s Cathedral located at Fifth Avenue and 51st Street, New York, New York (“St. Patrick’s Cathedral”).
3. Upon information and belief, St. Patrick’s Cathedral is a corporation organized and existing pursuant to the New York Religious Corporations Law (“RCL”).
4. Upon information and belief, Respondent Archdiocese of New York (the “Archdiocese”) is a religious corporation organized and existing pursuant to the RCL.
5. Upon information and belief, the Archdiocese owns St. Patrick’s Cathedral and operates it along with the Trustees (the Trustees and Archdiocese, jointly, “Respondents”).
6. Petitioner is the oldest living niece of The Venerable Archbishop Fulton John Sheen (“Archbishop Sheen”) who died on December 9, 1979. He was a Roman Catholic priest who had no wife or children and has no surviving parents or siblings. Petitioner’s deceased father, Joseph Sheen,

was his brother.

7. Petitioner was extremely close with her uncle during his lifetime and spent considerable time with him since she was a young girl. As an adult she was Archbishop Sheen's trusted friend and loyal assistant. Petitioner helped care for him up until his death.

8. Upon his death, Petitioner was approached by Terence Cardinal Cooke of the Archdiocese seeking her permission to bury Archbishop Sheen in the crypt in St. Patrick's Cathedral. The Archdiocese and specifically Cardinal Cooke recognized Petitioner as Archbishop Sheen's next of kin and closest living relative and acted on her permission to bury him in the crypt under the Cathedral's altar where he remains interred.

9. For the reasons herein stated, Petitioner and her family desire to disinter and remove Archbishop Sheen's remains from the St. Patrick's crypt and transfer and inter them in a crypt located in St. Mary's Cathedral in Peoria, Illinois.

10. This application for an order granting Petitioner permission for such disinterment, removal and transfer is necessary because consent cannot be obtained from Respondents.

11. In 2002 Most Reverend Daniel R. Jenky, Bishop of the Diocese of Peoria, Illinois ("Bishop Jenky") began the lengthy process to investigate whether Archbishop Sheen had led a life of heroic virtue which could have him declared a Saint of the Roman Catholic Church. Archbishop Sheen grew up in Peoria and was ordained a priest of the Diocese of Peoria. He later left Peoria for graduate studies in Europe, then took a teaching position at Catholic University of America. He also began his popular television show *Life Is Worth Living* which reached unprecedented audiences in the 1950s and for which he received an Emmy Award in 1951.

12. Archbishop Sheen became one of the greatest teachers and preachers of the Roman Catholic faith of his era from 1950 until his death in 1979.

13. Bishop Jenky, as Promoter for the Cause of Sainthood for Archbishop Sheen, received approval from the Vatican to investigate the life and works of Archbishop Sheen as a possible candidate for Sainthood. Since 2002, a considerable amount of time, treasure, and talent have been offered by a significant number of people in Peoria and across the country for this Cause.

14. The Archbishop Fulton John Sheen Foundation (the "Foundation") and its Board of Directors, comprised of individuals committed to Archbishop Sheen and his Cause for Canonization, has provided advice and resources for Bishop Jenky to continue this work.

15. Petitioner represents her family on the Foundation's Board and has actively worked with Bishop Jenky since the start of the Cause in 2002.

16. The Archdiocese, in contrast, had no interest in pursuing the Cause for Canonization. Annexed as Ex. A is a letter from Edward Cardinal Egan to Bishop Jenky, dated August 26, 2002.

Cardinal Egan stated in his letter:

Your Excellency [Bishop Jenky], be assured that I would have no objection whatsoever to the opening of the Cause in the Diocese of Peoria. Indeed, inasmuch as Archbishop Fulton Sheen was a native of the Diocese of Peoria, served his first pastoral assignment in the City of Peoria and is the most renowned of your diocesan clergy, I believe that the Diocese of Peoria is the ideal diocese to initiate a Cause for Canonization, were it to be decided [by the Vatican] that such a Cause should be initiated.

17. Furthermore, in meetings between Cardinal Egan and Bishop Jenky in 2002, Cardinal Egan told Bishop Jenky that the Archdiocese was neither interested nor able to put forth the time and effort on such a Cause since the Archdiocese had "other priorities". Cardinal Egan also told Bishop

Jenky that if the Cause succeeded that he [Cardinal Egan] and the Archdiocese would consent to transferring Archbishop Sheen's remains to Peoria. Annexed as Ex. B is an affidavit of Bishop Jenky attesting to his conversations with Cardinal Egan.

18. Through the dedication and hard work of Bishop Jenky, Petitioner, and myriad other individuals in Peoria, Archbishop Sheen's Beautification toward the path to Sainthood in the Roman Catholic Church is imminent.

19. In the very near future, the Vatican will direct that the Beautification ceremony take place in Peoria since it has been the diocese to promote Archbishop Sheen's Cause for Sainthood in Rome. It is the desire of Petitioner and her siblings to transfer their uncle's remains to a marble crypt at the side altar in St. Mary's Cathedral in Peoria. Annexed as Ex. C, Ex. D and Ex. E are affidavits of Petitioner's siblings, Karen Ann Sheen, Robert Vincent Sheen, and Suzanne Sheen Zegers, all fully supporting and consenting to the transfer sought by this application. Petitioner's brother and sisters also maintained regular and close ties with Archbishop Sheen up until his death.

20. Most significantly, Petitioner believes that if Archbishop Sheen knew during his lifetime that he would be declared a Saint of the Roman Catholic Church that it would have been *his* wish that his remains be interred in St. Mary's Cathedral in Peoria. He grew up in Peoria. St. Mary's was the church he attended with his family as a youth and where he made his first Holy Communion. His parents are buried in a Catholic cemetery within blocks of St. Mary's. The majority of his next of kin continue to reside within close geographic distance to Peoria. Notably, it is the cathedral where Archbishop Sheen was ordained a priest and where he continued to frequently visit throughout his lifetime. A shrine to Archbishop Sheen is in the process of being built next to the altar in St. Mary's where the marble crypt is to be located. Petitioner's siblings also believe that it would be

their uncle's wish for his remains to be interred in St. Mary's.

21. If this application is granted, Petitioner will retain Campbell Funeral Home ("Campbell") in New York City to handle the transfer of the remains. Campbell is renowned for handling the remains of dignitaries. In fact, Campbell handled Archbishop Sheen's remains following his death in 1979. Campbell would also assist Petitioner in completing an application for a disinterment permit from the New York City Department of Health.

22. For all of the above reasons, Petitioner requests permission of this court to disinter and remove her uncle's remains from the crypt in St. Patrick's Cathedral in New York City and transfer and inter them in a crypt located in St. Mary's Cathedral in Peoria, Illinois.

23. As stated above, Archbishop Sheen had no wife or children and no surviving parents or siblings. Petitioner's brother and sisters support this application and Petitioner knows of no other relative who would object to the relief sought herein.

24. Upon information and belief, the parties interested and entitled by law to notice of this application and their post office addresses are:

Name of Entitled Party
Trustees of St. Patrick's Cathedral

Address of Entitled Party
Fifth Avenue and 51st Street
New York, New York 10022

-and-

1011 First Avenue, 17th Floor
New York, New York 10022
Att: Scott Hanley

Archdiocese of New York

Office of Legal Affairs
1011 First Avenue, 11th Floor
New York, New York 10022
Att: James P. McCabe, Esq.

No one, other than those above-mentioned, is interested in in this application and no other parties are entitled to notice thereof.

WHEREFORE, Petitioner respectfully prays for an order of this Court:

- 1) granting Petitioner permission to disinter and remove the remains of Archbishop Sheen from the crypt located in St. Patrick's Cathedral for transfer and interment in a crypt located in St. Mary's Cathedral, Peoria, Illinois,
- 2) directing Respondents to permit such disinterment, removal and transfer, and
- 3) granting Petitioner such other and further relief as may be just, proper and equitable.

Dated: Carle Place, New York
June 10, 2016

Respectfully submitted,

LAW OFFICE OF STEVEN COHN, P.C.

By: /s/ Steven Cohn
Steven Cohn
Alan S. Zigman
Attorneys for Petitioner
One Old Country Road, Suite 420
Carle Place, New York 11514
(516) 294-6410
scohn@scohnlaw.com
azigman@scohnlaw.com

VERIFICATION

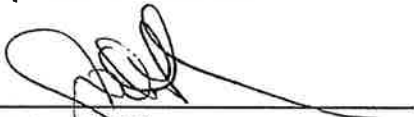
STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Joan Sheen Cunningham, being duly sworn, deposes and says:

I am the named Petitioner in this action; I have read the annexed petition; the contents thereof are true to my own knowledge, except to those matters stated therein which are stated to be alleged upon information and belief; and as to those matters, I believe them to be true.

Joan Sheen Cunningham
JOAN SHEEN CUNNINGHAM

Sworn to before me this
9th day of June, 2016



Notary Public

