

Judge clears trio to sue the Vatican in sex-abuse case

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LOUISVILLE, Ky. — Three men who accuse Catholic priests of sexually abusing them in childhood can pursue damages from the Vatican in a negligence lawsuit, a federal judge ruled yesterday.

The ruling lets the men pursue their claim that top church officials should have warned the public or authorities about priests in the Louisville Archdiocese who were suspected of abusing children.

William McMurry, the plaintiffs' attorney, said the ruling could open the way to take depositions of Vatican officials and to obtain copies of church records and documents.

"Our whole purpose is to hold the Vatican accountable," McMurry said.

Many lawsuits stemming from the clergy sex-abuse crisis have named the pope, the Vatican and other high-ranking church officials as defendants. But the Holy See is typically immune from the jurisdiction of U.S. courts.

U.S. District Judge John G. Heyburn II dismissed claims that the Holy See was negligent by failing to protect children entrusted to the clergy.

He also threw out claims of deceit and misrepresentation by the Vatican.

Jeffrey Lena, a California-based attorney for the Vatican, said the ruling was in many respects favorable to the Holy See because the remaining allegations rely on the unproved assumption that U.S. bishops act as agents of the Vatican.

Vatican officials declined to comment.

McMurry is seeking to have the lawsuit certified as a class action, which would allow other accusers to join the case. McMurry represented 243 sex-abuse victims that settled with the archdiocese in 2003 for \$25.3 million.

One of the three plaintiffs is Michael Turner of Louisville, who also filed the first lawsuit against the archdiocese. The Rev. Louis E. Miller was removed from the priesthood in 2004 by the late Pope John Paul II after pleading guilty in 2003 to sexually abusing Turner and other children in the 1970s. He is serving a 13-year prison sentence.

The two other plaintiffs, James H. O'Bryan and Donald E. Poppe, have not settled.

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