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KENTUCKY

Vatican asks Louisville judge to dismiss suit over sex abuse

■ **The lawsuit** was filed last year on behalf of three men alleging abuse. The suit alleges a cover-up to protect priests.

Associated Press

LOUISVILLE, Ky.

The Vatican has responded to a federal lawsuit in Louisville over the priest molestation cases and says the suit is flawed and should be dismissed.

Lawyers for the Holy See, the legal identity of the Vatican, allege several problems with the lawsuit in filings in U.S. District Court this week. It is the church's first in-depth response.

The Vatican asks Judge John G. Heyburn II to dismiss the suit, which Louisville lawyer William McMurry filed last year on behalf of three men alleging abuse as far back as 1928. The lawsuit alleges a cover-up to protect priests who molested American children.

McMurry, who in 2003 represented 243 abuse victims in reaching a \$25.7 million settlement with the Archdiocese of Louisville, is seeking to have the suit certified as a class-action case, alleging that "several thousand" victims exist nationwide.

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— Ross Turner

“ The case is the first sexual-abuse suit to name the Vatican as sole defendant and would be the first class-action suit against the Vatican regarding sexual abuse.

The response argues that the suit fails to cite specific actions by the Vatican in regard to the abusive priests. The Vatican also says the complaint does not have enough specifics about the alleged abuse — times, places and other circumstances — to proceed.

The filings also contend that McMurry did not comply with requirements in U.S. law that must be followed for a foreign country to be sued.

The church's lawyers also say McMurry provided a "misleading" translation of documents in the suit into Latin, a Vatican language.

McMurry, who is out of town,

was unavailable for comment. His associate, Ross Turner, said most of the arguments made by the church were expected.

"I think I was probably most taken aback by the claim that our translated complaint, which we spent \$15,000 to have translated into Latin, has been so vigorously challenged as an unacceptable Latin translation," Turner said. "I believe that there are genuine issues that the court needs to address, but that isn't one of them."

One of the three plaintiffs is Michael Turner of Louisville, who also filed the first of about 250 lawsuits against the Archdiocese of Louisville between 2002 and 2003. Turner was molested by the now-imprisoned Rev. Louis E. Miller in the 1970s, when Turner attended St. Aloysius Church in Pewee Valley.

Miller was removed from the priesthood last year by the late Pope John Paul II after pleading guilty in 2003 to sexually abusing children in Jefferson and Oldham counties.

The other plaintiffs, James H. O'Bryan and Donald E. Poppe, have not settled with any diocese, McMurry has said. Both live in California and say they were abused growing up in Louisville.

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