

9/8/07 - San Diego Diocese Settles Lawsuit for \$200 Million

By RANDAL C. ARCHIBOLD, The New York Times

LOS ANGELES — The Roman Catholic Diocese of San Diego agreed Friday to a settlement that would pay nearly \$200 million to 144 people who have said they were sexually abused by clergy members under lax supervision from the church.

If approved by a judge, the settlement would stand as the second-largest payout by a Roman Catholic diocese since claims of sexual abuse by clergy members nationwide came to light in 2002. In July, a judge approved a \$660 million settlement, the largest so far, between the Archdiocese of Los Angeles and 508 people.

The amount each victim in San Diego would receive is expected to vary widely and will be determined by a judge. The cases involve acts from 1938 to 1993, with most in the 1960s and '70s.

“The diocese has always been committed to resolving this litigation that fairly compensates these victims and would still preserve the ongoing ministries and programs of the church,” Bishop Robert H. Brom said in a joint statement by the church and the victims’ lawyers. “We pray that this settlement will bring some closure and healing to the years of suffering experienced by these victims.”

Later, at a news conference, the bishop apologized to victims. “I’m very, very sorry for the suffering we have caused them,” he said, “and I pray they will walk with God for a renewed life.”

Victims of abuse who waited at a courthouse for word of the settlement reacted with tears, anger and a sense of resignation. The church reached the accord under pressure from a federal judge, who appeared poised to dismiss a bankruptcy claim the church filed six months ago on the eve of trial as a way to shield its assets.

“I am mad from the standpoint that we will not be able to move to trial so I would have an opportunity to articulate the horrendous crimes the church has covered up and the priest perpetrated on me,” said Michael Bang, 46, who accused a priest of molesting him from age 8 to 16.

Mr. Bang said he still opposed the settlement “but I agreed in an effort to move forward” after four years of legal wrangling.

Irwin Zalkin, a lawyer for several plaintiffs, said the most important part of the case was having the church agree to release reams of personnel documents that are expected to chronicle the history and pattern of abuse.

The documents will be incorporated into a Web site that will include a video on the case and other material providing “as much information as you can get short of a jury trial,” Mr. Zalkin said.

Paul Livingston, director of the San Diego chapter of the Survivors Network of those Abused by Priests, said the disclosures would “show lay Catholics that these victims are not about collecting money.”

“They are about truth, justice and the future protection of children,” Mr. Livingston said.

Under the agreement, the San Diego Diocese would pay \$77.1 million and its insurance carrier \$75.7 million, for a total of \$152.8 million covering 111 cases. In addition, the diocese would pay \$30.2 million for 22 cases involving members of religious orders, and the Diocese of San Bernardino would pay \$15.1 million for 11 cases in its area. The total settlement amounts to \$198.1 million.

The Los Angeles Archdiocese has said it will sell large amounts of nonparish property, including its administrative headquarters, to pay for the settlement. The San Diego Diocese, with nearly a million parishioners, has property throughout San Diego County.

Rodrigo Valdivia, the chancellor of the diocese, said in an e-mail message that “there are currently no plans to close any parishes or schools.”

The settlement will be presented to Judge Louise DeCarl Adler of United States Bankruptcy Court, who had issued rulings unfavorable to the church’s case and shown frustration with its accounting methods.

Judge Adler had planned a hearing on whether to dismiss the church’s case because of financial irregularities. She had previously ruled that 42 suits claiming abuse could go forward after being delayed by the Chapter 11 bankruptcy filing.

The San Diego Diocese had proposed paying the victims a total of \$95 million as part of its financial reorganization plan. Bishop Brom said the bankruptcy filing was not intended to stall the case but stemmed from “many forces beyond our control.” He did not elaborate.