

## [News](#)

Mark Scolforo

[View Author Profile](#)

The Associated Press

[View Author Profile](#)

## [Join the Conversation](#)

Send your thoughts to *Letters to the Editor*. [Learn more](#)

Harrisburg, Pa. — March 3, 2020

[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

A mid-level appeals court decision issued last summer that allowed some victims of childhood sexual abuse a way to pursue lawsuits despite time limits will be reviewed by the Pennsylvania Supreme Court, the justices announced Mar.2.

The high court granted a request to hear the case that was made by the defendants, three priests and the Altoona-Johnstown Roman Catholic Diocese.

The [Superior Court ruled in June](#) that Renee Rice could pursue claims that church officials' silence about a priest who she says molested her amounted to fraudulent concealment.

The Rice case has since been cited by other litigants to support their own claims, Rice's lawyer, Richard Serbin, said Monday.

"Of course I'm disappointed that they're taking the appeal. But I understand the reason why," Serbin said in a phone interview. "Because issues were decided which there's not much case law on. And therefore, while I think the Superior Court decision is sound and will be upheld, the Supreme Court may very well want to put its stamp on it. Because we're talking about a lot of cases."

Eric Anderson, who represents the diocese and the estates of the late Bishop Joseph Adamec and the late Bishop James Hogan, said he was pleased with the Supreme

Court's decision to hear the matter.

"We think that the law is different than the way the Superior Court interpreted it," Anderson said.

A diocesan spokesman declined to comment, and a phone message was left for Thomas Foor, a lawyer for the Rev. Charles F. Bodziak, the priest that Rice has accused of molesting her.

The justices agreed to consider whether the Superior Court decision improperly did away with the statute of limitations and a discovery rule for civil actions, and whether the lower court also mistakenly let plaintiffs sue for civil conspiracy as a secondary reason for a lawsuit when too much time has elapsed to pursue the primary reason.

The other grounds for taking the case, the Supreme Court order said, was whether the lower court wrongly established that "a fiduciary" — in this case, the church and church officials — owed "a never-ending duty to speak after the end of the relationship, thereby eliminating a plaintiff's duty to exercise due diligence and conduct a reasonable investigation."

The Pennsylvania Legislature in November passed a number of changes related to future abuse — giving prosecutors more time to pursue cases and victims more time to sue.

As for abuse that occurred too long ago for lawsuits, Republicans in the state Senate blocked legislation to set up a two-year "window" for otherwise time-barred lawsuits, instead starting the lengthy process of amending the state constitution to allow the lawsuit window.

The Associated Press typically does not name people who say they are victims of sexual assault unless they want to be identified, and Serbin said Rice does.

Rice alleges Bodziak, identified as the subject of allegation in a 2016 grand jury report into sexual abuse of children by priests in the Altoona-Johnstown Diocese, abused her while a parish priest at St. Leo's Church in Altoona some 40 years ago. Bodziak has denied that. The lawsuit was dismissed by a county judge in 2017 because of the statute of limitations.

Rice's lawsuit claims the bishops and diocese knew or should have known Bodziak molested girls when they assigned him to St. Leo's. The priest asked her parents whether Rice could clean his home, where he molested her between ages 9 and 14, ending in 1981, according to her lawsuit. She also alleges abuse took place in the choir loft, Bodziak's car and a cemetery.

Advertisement