News



Tom Emens, survivor of sexual abuse, speaks alongside attorneys Mike Reck, left, and Jeff Anderson, during a press conference April 29 in Burbank, California (Screenshot from livestream)



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Updated 9:38 a.m. Central time May 2, 2019 with statement from the California Catholic Conference

A Los Angeles, California, superior court has ruled that a survivor of sexual abuse can sue the state's Catholic bishops and the California Catholic Conference.

In a press conference livestreamed from Burbank, California, April 29, survivor of clergy sexual abuse Tom Emens spoke alongside attorneys with the Jeff Anderson & Associates law firm. The firm, based in Minnesota, has a decadeslong history of suing the Catholic church and other organizations over their handling of sexual abuse cases.

Emens is not seeking financial compensation in the lawsuit he filed Oct. 2, 2018, but rather the release of complete information about offenders in each diocese, as well as information regarding the bishops' knowledge of sexual abuse and their handling of victims and abusers.

He and his legal team "seek to uncover what was known, when it was known, and how children can be made safer today," said Mike Reck, one of Emens' attorneys, during the press conference.

The lawsuit alleges "that there is a nuisance, a dangerous condition existing" in the California dioceses from Los Angeles to San Francisco, Reck said. By uncovering concealed information on sex abuse, they hope "to not only heal the past but to protect the future."

A native of Anaheim, California, Emens alleges that he was assaulted at age 10 by Msgr. Thomas Joseph Mohan, who died in 2002 and whose name doesn't appear on a list of over 300 priests accused of abuse in the Los Angeles Archdiocese that Anderson & Associates compiled from public records.

Saying he felt "cautiously optimistic" and considered the court's ruling a "victory," Emens stated during the press conference that his goal in bringing the lawsuit was to help other victim-survivors as well as children who could be currently at risk.

A statement from the California Catholic Conference, published on the Angelus News website April 30, pointed out that the court had dismissed five of the eight claims made by Anderson. Contradicting Anderson's statements, they said that that included the "nuisance" claim. A press release from Anderson and Associates was headlined "Landmark Court Ruling Finds Catholic Bishops Can Be Sued for Nuisance."

The statement also said that, "Victim-survivors such as Mr. Emmens [sic] are rightfully angry for the harm that was inflicted by members of the Church in the past," but said that the church had since adopted policies to report allegations of abuse, prevent misconduct and support victims. In a email to NCR, a representative of the conference noted they planned to appeal the ruling.

Reck characterized the defendants as arguing that the public and law enforcement didn't have the right to information about sex abuse in the Catholic church, and that even "lies and affirmative misrepresentations told by church officials could not be investigated by survivors."

" 'Matters concerning priests abusing children and the church's handling of the victims and abusers are matters of public interest,' " Reck said. "Those are not my words. … Those are the words of the Los Angeles superior court and truer words have never been said."

According to Reck, the court also said that "there's no right to free speech if you're concealing sexual assault from authorities" that "protecting abusers from criminal prosecution is not protected" and that "making affirmative misrepresentations is not free speech; it's false speech."

All 12 defendants, who include the California Catholic Conference, the archbishops who head the Archdioceses of Los Angeles and San Francisco and the bishops who head the Dioceses of San Diego, Fresno, Oakland, San Bernardino, Santa Rosa, San Jose, Monterey, Orange and Sacramento, fought against the suit, said Reck.

The lawsuit is in "uncharted legal waters" and may not make it to the trial stage, Reck said, adding that it isn't clear whether the defendants can appeal the ruling at this point.

But the plaintiffs "now have a path through this case to do discovery, to excavate this information that is being hidden as we speak," said Jeff Anderson. They "hope to uncover these perils, these secrets, these names and hopefully be allowed to reveal

them."

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They also hope to discover information that can aid law enforcement with prosecutions, Anderson added.

Over 600 priests are named as "credibly accused" on lists released by various dioceses in California, the San Francisco Archdiocese and the Sacramento and Fresno Dioceses haven't released lists at all yet. Emens and the law firm believe there are more names yet to be known publicly, even in the dioceses that have released lists.

Speakers at the press conference held up a recent example that seems to confirm this belief; the Archdiocese of Baltimore announced April 24 that multiple individuals had accused Los Angeles Auxiliary Bishop Carl Fisher of abuse which happened during his time as a priest in Baltimore.

Related: Baltimore releases names of 23 priests accused of abuse after they died

The allegations came after his death in 1993 and were conveyed to the Los Angeles archdiocese, but weren't made public until April when the Baltimore archdiocese decided to add certain deceased priests to its list of those credibly accused.

"This is a very long, difficult battle," Emens said, "but it's a moral battle, it's a just battle, and I will stand here with these people — these victims, these survivors, these advocates — and I will do everything I can to hold the church accountable."

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