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California Supreme Court to decide on statute of limitations in abuse cases

by Monica Clark

SAN FRANCISCO -- A major case that could reopen the statute of limitations window for sex abuse victims to file third-party claims is now before the California Supreme Court.

Should the court rule in favor of six brothers who say they were sexually abused by a priest of the Oakland diocese decades ago but only recently linked the abuse to their psychological difficulties, the church in California could see a wave of new clergy abuse lawsuits.

At issue are two conflicting lower court rulings on the state's statute of limitations law, which was lifted by the legislature for one year (2003) to allow victims who would otherwise have been precluded from filing civil claims to do so.

In one case (*Quarry v. Doe 1*) the 1st District Court of Appeal held in 2009 that, under certain circumstances, plaintiffs were entitled to rely on the delayed discovery provisions of the statute of limitations for claims against non-perpetrators who knew or should have known about the abuse and acted to prevent it. In the earlier 2006 case (*Hightower v. Roman Catholic Bishop of Sacramento*), the 2nd District Court of Appeal ruled that expired claims could only have been revived during the 2003 window.

After the 2009 decision, the Oakland diocese asked for the state Supreme Court's clarification while maintaining that since the brothers did not file claims in 2003 that they are not now eligible to do so.

Oral arguments were held here Jan. 5 and a decision is expected within 90 days.

The Oakland case involves the six Quarry brothers, who allege they were molested by Fr. Donald Broderon in 1972 and 1973, and who claim they didn't connect their subsequent emotional distress to

the abuse until 2006, three years after the open period for filing claims had expired. Broderson was forced to retire in 1993 because of other abuse allegations and he was laicized in 2005. He died in 2010.

Mike Brown, spokesman for the Oakland diocese, said up to five cases are pending in the diocese that could be impacted by the court's decision. Additionally, he said, there are likely to be similar situations in the state's other dioceses.

During 2003, hundreds of cases, some dating back 50 years, were filed throughout the state and dioceses paid out millions in claims.

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