

Court restores suit alleging molestation

Catholic brother abused her in '70s, woman says

By Ted Gregory

TRIBUNE STAFF WRITER

The Illinois Appellate Court has revived a Kane County lawsuit alleging that a Roman Catholic brother molested an Aurora woman during the 1970s when she was a young girl.

The recent 2nd District Appellate Court ruling returns the case to Kane County Circuit Court, which must determine whether the reasons the woman was unable to recall the alleged abuse until 1995 are legitimate.

In the 18-page opinion, Appellate Justice Fred Geiger wrote, "We acknowledge that in certain instances a plaintiff may be suffering from a condition that precludes her from recognizing that she has been a victim of childhood sexual abuse."

The 2nd District Appellate Court, based in Elgin, hears appeals from throughout northern Illinois, except those from Cook County.

Kane County Circuit Judge Timothy Q. Sheldon dismissed the lawsuit March 4, 1997, contending the woman had filed the suit after the statute of limitations expired.

"I'm thrilled," said Joseph Klest, the Schaumburg attorney representing the 30-year-old accuser. "I thought the justices were going to rule the other way and that this was going to end up in the Supreme Court."

The woman filed the lawsuit in 1996 against Brother Richard Kuhl, now 71, and the Society of the Missionaries of the Sacred Heart, a mission at 305 S. Lake St., Aurora, near the home where the accuser was raised.

Four other accusers have filed

suit.

The lawsuit alleges that Kuhl, a familiar figure in the neighborhood who with other brothers frequently helped struggling families, molested the woman "approximately two times a week" from about 1973 to 1977.

"He would do this through the use of emotional coercion and not by force or violence," the lawsuit contends. The complaint adds that the woman "had no memory of the molestation . . . until February 1995 and is still, to this day, recalling additional incidents."

The woman contends she discerned that she had been molested by Kuhl after speaking with her older sister in 1995. The older sister reunited with the woman after years of separation and spoke about her own alleged molestation by Kuhl.

That discussion jogged the woman's memory, Klest said. He added that numerous victims of child sexual abuse recall their experiences in similar fashion.

He stopped short of calling the woman's experience "repressed memory," in which supposed victims recall sexual abuse years later. Critics contend overzealous therapists plant the recollections of sexual abuse in patients' minds.

The four additional civil complaints allege that Kuhl molested other young girls in the neighborhood near the mission. One involved the older sister, and another was filed by a woman who is now 31 years old.

Both were dismissed in Kane County and are being appealed.

The other two suits, involving sisters, are expected to go to trial early next year, Klest said.

Kuhl, who was not charged with criminal violations, reportedly is residing in a mission in Center Valley, Pa.