

3 suits blame diocese for priests' sex abuse

By Jerry Shnay
TRIBUNE STAFF WRITER

For more than 20 years, Roman Catholic priest Myles Patrick White tried to conceal his secret obsession as he ministered to congregations from Hinsdale to Kankakee.

It is concealed no longer. White is in prison at the Joliet Correctional Center, serving time for sexual offenses, but the Joliet Diocese and some of his victims are still feeling the effects.

The diocese is facing three lawsuits over the White case. The victims and their families, who insist that church officials "knew or should have known" about the priest's conduct and stopped him, are filing them.

One of those seeking retribution is a boy, called John Roe in court records, whose abuse by White led to the priest's downfall. John Roe met White when he was 6 years old and White, active in youth counseling at the time, was serving as pastor of St. Boniface Church in Monee.

White allegedly encouraged the boy to spend nights with him, and when the youth was a 14-year-old high school freshman in 1989, the two began having sex. Those acts continued in Illinois and at White's residence in Culver, Ind., until White was arrested in Indi-

ana in 1992 and charged with a number of sexual offenses.

White ended up pleading guilty in both states to molesting the youth and is serving a 4-year prison term.

The youth and his mother recently filed suit against White and the diocese for what they say is a failure to monitor the former priest's activities.

In papers filed in the Will County Courthouse, family lawyer Joseph G. Klest alleges the diocese and its bishop, Joseph Imesch, should have stopped White.

At the same time, Klest filed a similar suit on behalf of another plaintiff, called Jim Doe, 29, who says he was the victim of illicit sexual contact when he was teenager.

In December, the diocese and White were named as defendants in a \$5 million suit filed by Klest for a couple who claim their son suffered similar abuse more than 20 years ago that eventually led to his suicide.

The suits come in the wake of growing concern among Catholics that church officials have failed to respond quickly enough to these crises.

Some had called for Pope John Paul II to address the situation

SEE PRIESTS, PAGE 2

CONTINUED FROM PAGE 1

during his visit in Denver.

But speaking Saturday at McNichols Sports Arena, the pope was ambiguous on the problem. He did not make a strong apology to victims, nor did he offer any solutions. Nonetheless, it was significant as his first acknowledgment of the problem in a public address.

White's case was the third in the last six years in which a Joliet Diocesan priest had been removed after allegations of sexual abuse.

In 1987, Rev. Edward Stefanich, the former pastor of St. Scholastica Parish in Woodridge, resigned from the priesthood after pleading guilty to sexually abusing a 14-year-old girl.

Rev. Henry Slade, former pastor of St. Isidore's Parish in Bloomingdale, pleaded guilty in 1990 to sexually abusing an 18-year-old man with cerebral palsy. Since then, a suit filed against Slade and the diocese was settled.

Klest said he has not determined a dollar amount he would seek from the diocese, but in the Roe and Doe suits, he asked for damages of \$15,000 or \$30,000, and whatever else a jury wanted.

In the suits, Klest alleges that on one occasion before his arrest, the diocese chancery office did nothing after being told that White had engaged in illicit sexual conduct.

That, Klest said, created an atmosphere where White felt free "to commit acts of sexual abuse without fear of prosecution."

In the second suit, Jim Doe said his pants were "stripped" by White in front of others in 1980 or 1981 and two years later, White fondled the plaintiff's genitals.

White was ordained in 1968 and served as associate pastor at St. Isaac Jogues Catholic Church in Hinsdale, Sacred Heart Church in Lombard and Notre Dame Church in Clarendon Hills before becoming pastor of St. Boniface Catholic Church in Monee in 1978.

In the suit filed in December, White is charged with abusing a teenaged boy between 1967 and 1972. In 1990, the victim, 36, com-

High court asked to clarify discovery in sex abuse cases

By DAVID HECKELMAN
Law Bulletin staff writer

SPRINGFIELD — The Illinois Supreme Court has been asked to clarify whether childhood sexual abuse constitutes a "sudden and traumatic event" that places the victim on immediate notice of any resulting injuries.

A defendant in a suit alleging such abuse has petitioned the court for review of a 2d District Appellate Court decision holding that the statute of limitations might not have begun running on the plaintiff's claims until she "discovered" that the alleged abuse had occurred.

While reversing the Kane County Circuit Court's dismissal of plaintiff Joell Clay's complaint, the appeals court said the plaintiff on remand should be required to file an amended complaint "specifically alleging why she was unable to discover the alleged abuse until 1995."

One of the defendants, Brother Richard Kuhl, has filed a petition for leave to appeal under Supreme Court Rule 315, stating, "[T]his court has yet to address whether the common-law 'discovery rule' applies to toll [delay the statute of limitations on] claims for childhood sexual abuse.

"Because this case involves an issue of general importance upon which our courts need guidance, and because the

Appellate Court erred in reversing the trial court's dismissal of plaintiff's complaint, this court should grant leave to appeal," the petition continues.

But the plaintiff's attorney, Joseph G. Klest of Schaumburg, argues that the appeals court's ruling was consistent with every prior decision on the issue except the same court's opinion in *M.E.H. v. L.H.*, 283 Ill.App.3d 241, 669 N.E.2d 1228 (2d Dist. 1996).

The court in *M.E.H.* held that the discovery rule provisions of section 13-202.2 of the Code of Civil Procedure, which governs childhood sexual abuse, did not apply to the claims of two women in their 40s, who alleged that their father had committed such abuse years earlier.

"[W]here a sudden traumatic event causes a plaintiff's injury, the cause of action accrues immediately, and, thus, the statute of limitations begins to run," the *M.E.H.* court said, citing the Supreme Court's decision in *Golla v. General Motors Corp.*, 167 Ill.2d 353, 657 N.E.2d 894 (1995).

"An injury is traumatic if it is immediate and caused by an external force or violence," the opinion continued, citing *Sharpenter v. Lynch*, 233 Ill.App.3d 319, 599 N.E.2d 464 (1992).

"Applying the sudden traumatic event rule to this case, we hold that the

Limitations — page 18

Continued from page 3

plaintiffs' causes of action against their father accrued when they reached 18 years of age," the court said, citing section 13-211 of the code, the two-year statute of limitations on actions by persons previously minors or under another legal disability.

While the Supreme Court upheld the appeals court's dismissal of the plaintiffs' complaint, the high court relied on the fact that the plaintiffs had filed suit more than two years after they had discovered their injuries.

Justice James D. Heiple wrote in a two-paragraph special concurrence, "[T]his opinion does not address: ... what impact the sudden traumatic event exception ... might pose to any applicable discovery rule for sexual abuse cases where victims claim to have repressed memories of the abuse." *M.E.H. v. L.H.*, 177 Ill.2d 207 (1997).

And apparently as a result of the high court's ruling, the appeals court in the present case characterized as "dicta" the comments of its *M.E.H.* decision regarding the discovery rule.

"After carefully reconsidering this court's comments in *M.E.H.*, we have come to the conclusion that further clarification of our description of childhood sexual abuse as a 'sudden traumatic event' is necessary," Justice Fred A.

Geiger wrote in a 14-page opinion.

"Giving effect to the plain language of section 13-202.2, we are compelled to conclude that childhood sexual abuse, although a 'sudden traumatic event,' may not in every instance preclude application of the discovery rule," the opinion continued, with Justice John J. Bowman concurring.

Justice S. Louis Rathje wrote a four-page special concurrence, arguing that the court should abandon the reasoning of *M.E.H.* and hold that childhood sexual abuse is not always a "sudden and traumatic event."

Joell Clay v. Brother Richard Kuhl and Society of Missionaries of the Sacred Heart, No. 2-97-0266 (June 22, 1998).

Brother Kuhl filed a petition for leave to appeal on July 27, arguing that, "The lack of precedent from this court has resulted in a conflict among the lower courts, an uncertainty as to what rule to apply and a conflict with the decisions of this court on the application of the discovery rule in general."

The codefendant Society of the Missionaries of the Sacred Heart filed a separate petition for leave to appeal the same day. Both petitions remain pending under Supreme Court Rule 315.

Joell Clay v. Brother Richard Kuhl, et al., Nos. 85913 and 85930.