

Philly Priest Abuse Suit Stays In NJ, Opening Door For Others

By **Matthew Santoni**

Law360 (March 25, 2019, 5:00 PM EDT) -- A Pennsylvania priest accused of abusing a boy at the Jersey Shore and the Archdiocese of Philadelphia can be sued in New Jersey, a state court has ruled, potentially providing a window for other victims as New Jersey's legislature considers extending the statute of limitations for civil sexual abuse cases.

Atlantic County Superior Court Judge Christine Smith on March 20 denied the archdiocese's motion to dismiss a civil case against it and the St. Charles Borromeo Seminary over a former Phoenixville, Pennsylvania, priest accused of abusing a victim for about five years, including at several locations in New Jersey, starting when the victim was 7 years old.

David Inscho of Kline & Specter PC, one of the attorneys representing the John Doe plaintiff in the case, said letting the case proceed could open a window for victims from other states who were also abused in New Jersey, both because the state has an exception to its statute of limitations for abuse victims citing repressed memories and because the New Jersey Legislature is closer than Pennsylvania's to passing a two-year "window" for victims of abuse to file civil suits.

"This ruling is significant not just because it provides a forum for this client to hold the archdiocese accountable, but also for potentially many other victims who were transported to New Jersey by abusive priests," Inscho said in a statement. "Many priests used the opportunity to seclude victims by taking them on trips, frequently to the Jersey Shore."

Attorneys for the archdiocese declined to comment Monday.

The plaintiff filed suit in New Jersey in 2016 against the archdiocese and St. Charles Seminary after he started having flashbacks and nightmares about his alleged abuse, and then underwent therapy in 2015 that helped him acknowledge his alleged abuse. Even without the proposed changes to the law, New Jersey allows extending the statute of limitations on civil sexual abuse cases for "repressed memories," though the court was waiting to rule on whether the victim's case was eligible until after the jurisdiction question was answered.

The current statute of limitations in Pennsylvania gives juvenile victims of sexual abuse until their 30th birthday to file civil claims.

The judge noted the difference in the states' civil statutes of limitations in her 15-page opinion. New Jersey has no limitations on criminal sexual abuse charges.

"The alternate forum, Pennsylvania, is inadequate as there remains no remedy there for the plaintiff due to its statute of limitations," Judge Smith wrote. "Assuming the statute of limitations has not run and the repressed memory exception applies, New Jersey law would apply."

New Jersey Senate Bill 477 was introduced in February and passed by the state Senate March 14, according to online voting records. It is awaiting a vote by the General Assembly, and Gov. Phil Murphy expressed his support for the measure when it was introduced.

The bill would allow child victims of sexual abuse up until their 55th birthday to file civil suits, or up

to seven years after discovering the abuse and its cause. It would also create a two-year window for the filing of lawsuits for past abuse that would otherwise be time-barred, even under the proposed broader limitations.

Inscho told Law360 that Pennsylvania's appellate courts had specifically rejected a seven-year discovery rule like New Jersey's, which tolls the statute of limitations "until the plaintiff realizes the connection between the abuse and harm he has suffered."

Efforts in Pennsylvania to eliminate the criminal statute of limitations and create a similar window for civil claims against alleged abusers, but not the institutions, ended with the legislative session in October, after the state House of Representatives passed a bill but the Senate failed to advance it.

Though the archdiocese had argued that New Jersey lacked jurisdiction and that it would be easier to try the case in Pennsylvania, Judge Smith said that the archdiocese's former ownership of property in New Jersey and the seminary's partnership with the Diocese of Trenton were enough contact for the court to exercise its jurisdiction over them.

"The archdiocese's ownership of beachfront property in New Jersey over a period of many years leads the court to find that it has the requisite minimum contacts. Specifically, the archdiocese owned the properties during the same time the alleged abuse occurred and only a few miles from the alleged site of the abuse," Judge Smith wrote. "These facts firmly suggest to this court that the archdiocese availed itself of this forum."

Both the priest and the victim were Pennsylvania residents, but the victim's family had a vacation home at the shore where some of the alleged abuse took place. Other acts occurred at a Gloucester County, New Jersey, church rectory where the victim and priest traveled to visit the boy's uncle, who was also a priest and had been at St. Charles Seminary with the alleged abuser. None of the abuse took place at the church's beach property, Judge Smith noted.

The priest accused of the abuse, Craig Brugger, was removed from the clergy in 2006 and died in 2010.

The Archdiocese of Philadelphia is represented by Nicholas M. Centrella and Andrew Gallinaro of Conrad O'Brien PC.

The plaintiff John Doe is represented by David K. Inscho and Thomas R. Kline of Kline & Specter PC.

The case is John Doe 1 v. Archdiocese of Philadelphia et al., case number ATL L-000950 16, in the Superior Court of New Jersey, Atlantic County.

--Editing by Jack Karp.