

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2011

PHILADELPHIA, TUESDAY, March 26, 2019

An **ALM** Publication

Phila. Archdiocese's Ownership of Jersey Shore Property Means Sex Abuse Suit Stays in NJ

BY P.J. ANNUNZIO

Of the Legal staff

A lawsuit claiming the Archdiocese of Philadelphia is liable for alleged child molestation by one of its former priests in the 1970s will remain in New Jersey court, a state Superior Court judge in Atlantic County has ruled.

Atlantic County Judge Christine Smith held that New Jersey was the appropriate venue for the John Doe lawsuit against defrocked priest Craig Brugger because some of the instances of alleged abuse took place in state.

Brugger, who died in 2010, was laicized in 2002 after abuse allegations against him surfaced. At the time the late Cardinal Anthony Bevilacqua told Brugger's former congregation that the archdiocese took the allegations seriously.

"Like other priests who have been accused, Father Brugger will be treated fairly and with great compassion," he said, according to a CNN report from March 2002. "At the same time, I need to assure you that the archdiocese will not tolerate acts of abuse against minors."

In the Doe lawsuit, the plaintiff alleged he was sexually assaulted several times by Brugger from 1972 to 1976 when he attended St. Anne's Parish in Phoenixville, Pennsylvania, ending when he was 12 years old. The

lawsuit alleged that the assaults occurred in Chester County, Pennsylvania, where the plaintiff lived; at Doe's parents' beach house in Brigantine, Atlantic County; and other New Jersey locations, including a rectory and a hotel, according to Smith's opinion.

At one point Doe reported the abuse to the head of his parish, "Father Griffin," but Griffin told him "these things did not happen and that people should not speak of these types of matters," according to Smith. After a nun intervened, Brugger was transferred to another parish.

In 2014, Doe returned to St. Anne's for the first time in years to attend a wedding. According to Smith, Doe experienced "perceptual distortions" with the church becoming massive and Doe feeling small and frightened. He subsequently started having nightmares, flashbacks and thoughts of abuse, leading him to begin treatment with a therapist.

In response to the lawsuit's filing in New Jersey, the archdiocese argued that the state was an inappropriate venue because the archdiocese did not have "minimal contacts" with the state, as prescribed by law. The allegations in the lawsuit, generally that the archdiocese was negligent in its supervision of Brugger, should be resolved in Pennsylvania, the defendant argued.

Smith said that the proximity of archdiocese property in New Jersey to

the locations of alleged abuse means the lawsuit can stay anchored in state.

"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," Smith said. "Specifically, the archdiocese owned properties during the same time the alleged abuse occurred and only a few miles from the cite [sic] of the abuse."

Smith continued, "These facts firmly suggest to this court that the Archdiocese availed itself to this forum."

The New Jersey court system is a desired venue for plaintiffs in abuse cases because the state Legislature, with Gov. Phil Murphy's support, is close to enacting a law that would allow people sexually abused as children until age 55 to file lawsuits.

"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," **David Inscho, a lawyer at Kline & Specter who represents Doe, said in a statement released by the firm. "Many priests used the opportunity to seclude victims by taking them on trips, frequently to the Jersey Shore."**

Nicholas Centrella of Conrad O'Brien, who represents the archdiocese, did not return a call seeking comment.