

By Matt Carroll
Friday, Jan. 11, 2013

LEHIGH VALLEY'S NEWSPAPER
THE MORNING CALL

Attorney says settlement talks close to deal in PSU civil suits

Lawyer for Victim 5 says first phase is done; sides are now discussing money.

A civil attorney for one of Jerry Sandusky's sex-abuse victims said Thursday the first phase of settlement talks with Penn State is finished and the sides are now discussing money.

Tom Kline of Philadelphia, who represents the man identified as Victim 5, gave the update to a throng of media minutes after a Centre County Court hearing on Sandusky's bid for a new trial.

As the sides wait — probably for weeks — for Judge John Cleland to rule, civil attorneys for Victim 5 and at least 19 other men will continue to talk settlements with Penn State.

"Where we are now is what I would call the brass-tacks part of negotiations," Kline told reporters and camera crews.

"Phase 1 was fact-gathering," he said. "Negotiators from Penn State looked to determine facts — were these young men injured, was it on Penn State property, was it before or after the now infamous [Mike] McQueary incident?"

"That's done," he continued. "We're now getting to the point where we are actually talking about money and talking about whether the case is going to be resolved."

Penn State previously set a self-imposed deadline to settle claims by the end of 2012, but announced in December it would not meet that goal. Kenneth Feinberg, one of the attorneys Penn State retained in September to settle the claims out of court, said talks will resume this year.

Kline called the university's initial deadline unrealistic, but said the sides have made progress. Although he declined to provide a specific time frame for a settlement, he said the sides were "somewhere in the middle" in talks.

"But sometimes the middle to the end is a very long process ... the harder process," he said.

Last month Feinberg said there had been "excellent progress" in negotiations. Kline seemed to echo that optimism.

"The tone and the tenor and the context of the negotiations have been most serious and most deliberate," he said. "Penn State has gone about this with very professional negotiators ... who are very skillful and very experienced."

Attorneys not affiliated with the case have said resolving the claims and lawsuits could end up costing Penn State tens of millions of dollars. Penn State is already on the hook for more than \$80 million in costs from the

fallout of the Sandusky scandal.

Feinberg said 20 to 25 men are part of the talks, and possibly two or three more will be included if their claims are corroborated.

Attorneys for the victims have said the Freeh Report, which concluded senior Penn State leaders concealed abuse allegations against Sandusky in 1998 and 2001, made the university liable for damages.

The senior leaders — ex-President Graham Spanier, Athletic Director Tim Curley and retired Vice President Gary Schultz — face a preliminary hearing on perjury and obstruction-of-justice charges. Their attorneys have maintained they are innocent and want to fight the charges at trial.

Sandusky, 68, a retired Nittany Lions football coach, is in solitary confinement at the state prison in Greene County. He is serving a 30- to 60-year sentence for sexually abusing 10 young boys, some on the Penn State campus.