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LDS Church told to pay \$4.2 million in abuse case

Jury holds the church liable for emotional distress because a bishop did not report the sexual abuse of two girls

By Elizabeth Neff
The Salt Lake Tribune

A Washington state jury has ordered The Church of Jesus Christ of Latter-day Saints to pay at least \$2.5 million to two sisters who alleged their bishop failed to protect them from a stepfather who sexually abused them for years.

The church also is on the hook for an additional \$1.7 million unless its attorneys can convince a judge that it shouldn't have to pay for damages related to Peter Taylor, who served just over four years in prison for the crimes.

Seattle attorney Timothy Kosnoff, known for filing similar lawsuits in other states, called the ruling a win for victims often abandoned by church leaders who try to keep sexual abuse under wraps by not reporting it to police.

His client, Jessica Cavalieri, 24, said she hopes the verdict is a wake-up call for the church and a "sign to other victims that they too can have their voices heard."

Church attorney Von Keetch, however, called Friday's verdict "a miscarriage of justice," and said he will encourage church leaders to appeal.

Jurors, he said, were more interested in sending a message than considering the evidence.

Both sides did agree on one thing: The whopping award is the first of its kind in which jurors have held a religious organization liable for a Washington state claim similar to Utah's intentional infliction of emotional distress.

The case began when Jessica and Ashley Cavalieri filed a lawsuit against the church and Taylor in 2002.

In the lawsuit, Jessica says Taylor began sexually abusing her back in 1988 - a horror that would continue for a decade. When she mustered the courage to tell a friend in junior high, the friend told the ward's then-bishop, Bruce Hatch.

Hatch invited Jessica and her mother to speak with him, Kosnoff said, telling her mother the meeting was about tension between daughter and stepfather. When Jessica went in alone first, Kosnoff said, Hatch told her to be glad she had not told civil authorities, who would try to destroy her family.

Hatch then spoke with her parents, but never mentioned the abuse, Kosnoff said. Believing her mother had been told, Jessica felt abandoned, she said.

Taylor soon focused his attentions on Ashley, Jessica's younger sister.

When Jessica confided in a friend about the abuse in an e-mail years later, the friend sent the e-mail to her own parents, who then alerted the current bishop of the ward, Stan Wade.

Wade called the family in for an interview, and Taylor confessed to the abuse, Kosnoff said. Jessica's mother was then told by the stake president that civil authorities would be alerted, he said.

When Ashley later told their mother Taylor had abused her, the mother called authorities to report a second case. She then realized church leaders had never reported the abuse of Jessica, Kosnoff said.

The lawsuit alleged an LDS social services therapist who discussed the abuse with Jessica also did not report the allegations to police.

Wade and the stake president later refused to cooperate with police investigating the case, Kosnoff said.

Washington laws don't make clergy mandatory reporters of suspected child sexual abuse. But Kosnoff successfully argued in court that Hatch was acting as a social services counselor when Jessica came to him for help.

The judge on the case allowed that question to go to jurors.

Making clergy subject to the law, said Keetch, is a stretch. Social service counselors are defined as professionals who encourage the welfare of children or provide services to families.

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The church also disputes Kosnoff's version of events. Keetch said Hatch maintained on the witness stand he never had any confirmation that abuse was occurring.

Keetch also points to testimony from several of Jessica's friends.

One in particular, they said, testified that Jessica had told her she

lied to Hatch, denying the abuse when confronted.

The church also points to Jessica's own e-mail, in which she writes: "When my mom found out I had been abused, do you know what she said, 'Jessica, you can't tell anyone. You know how embarrassed Grandma and Grandpa would be. If you want we could go down and file a police report, but then everyone's life would be ruined.' So I never did anything."

Said Keetch, "Our position was Bishop Hatch did not know."

The church notes several efforts it has taken in recent years to ensure it follows state reporting laws for child sexual abuse.

Chief among them: a toll-free number for its lay clergy to call for information on how to handle allegations of abuse.

Keetch calls any allegation that it is a haven for abusers "ridiculous."

Jessica said she decided to pursue a lawsuit after realizing her sister, now 19, had been abused and after noticing a "scary trend" in how the church handles sexual abuse cases.

The litigation, she said, was never about money.

"The church has made extremely horrific decisions in my situation and in other situations, and until they start making the right decisions, they are going to be held accountable."

Jury foreman Steven Webb said the case came down to "whom you believe and what instructions are given to the jury by the judge."

Ten of the 12 jurors found the testimonies of the plaintiffs and their witnesses more credible than the defense witnesses, he said.

Some jurors had close relatives who are Mormon, he said. Most had religious ties or considered themselves spiritual.

Church attorneys, he said, chose to speak to just two of the jurors following the trial, so Webb expressed dismay at Keetch's statement that the verdict was flawed.

"To characterize it as a miscarriage of justice, based on the possibility of one or two people saying our motivation was to send a message, is inaccurate and, to a degree, insulting."

Webb said the verdicts against Taylor were easy.

"Mr. Taylor and those other pedophiles out there need to know we as civilized human beings will not tolerate their heinous actions and they will be punished."

"The church has made extremely horrific decisions in my situation and in other situations, and until they start making the right decisions, they are going to be held accountable."