

AMICUS BRIEF FILED IN PA; CHURCH UNDER ATTACK

On September 24, the Catholic League filed an amicus curiae brief with the Pennsylvania Supreme Court in support of the Diocese of Altoona-Johnstown's appeal of the badly flawed decision in *Rice v. Altoona-Johnstown*, et al. We are being represented by the Pittsburgh law firm, Jones Day.

The case involves Renee Rice's contention that she was molested 40 years ago by Fr. Charles Bodziak at St. Leo's Church in Altoona. The priest denies the accusation. Her lawsuit charges that two bishops tried to cover up Bodziak's behavior, even though the diocese sent her a letter 10 years before her lawsuit encouraging her to share details of her abuse. Amazingly, Rice held her claims until after a state grand jury report was issued by Pennsylvania's Attorney General. This is what supposedly awakened her.

Just as amazing is an intermediate state appellate court ruling that changed a basic principle of law: it altered the timeline of the statute of limitations for a civil claim seeking damages for an alleged offense. The Superior Court's use of a grand jury report to trigger the running of statutes of limitation is unprecedented: it seeks to change the practice of allowing the clock to start at the time of an injury.

As our brief states, this Superior Court ruling "effectively enacts window legislation [the look-back provision] from the bench, contrary to decades of precedent." We have reached a new level of creative jurisprudence when a court can invoke a jury decision as the new clock determining when the limitations period starts to run. At issue here is the separation of powers between the legislature and the judiciary, not exactly a small issue.

The plaintiff's bar has been quick to recognize the financial goldmine of Rice. They have called it a "game-changer" that will "open the courthouse doors" to decades-old claims. The floodgates have opened, with 15 copycat lawsuits being filed; more will surely follow.

There is little doubt that this case was heavily influenced by the media sensationalism attendant to the Pennsylvania grand jury report on the Catholic Church. If the Superior Court decision is not overturned it will not only have a ruinous impact on the Church, it will affect all religious organizations. Indeed, it will also impact commerce, putting schools, hospitals, colleges, the Boy Scouts, and all employers at risk for being sued decades later.

At stake are some fundamental principles of law. We could not sit back and allow this power grab to go unchecked. We hope the Pennsylvania Supreme Court will accept review of *Rice* and overturn a very bad law and even worse policy.