

Abuse settlement to proceed

Diocese of Antigonish going ahead with \$15-million deal after opt-out deadline passes

By ALISON AULD The Canadian Press

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Ronald Martin filed suit against the Diocese of Antigonish after his brother killed himself, citing sexual abuse by a priest as a cause. As a result, the diocese negotiated the terms of a \$15-million settlement for victims who were sexually abused by priests since Jan. 1, 1950. (LAURA FRASER / Cape Breton Bureau)

A historic class-action settlement involving Roman Catholic priests accused of abusing young boys in Nova Scotia will proceed after clearing a final hurdle, a lawyer for the victims said Friday.

John McKiggan said the Diocese of Antigonish has agreed to go ahead with the \$15-million deal after passing a Dec. 4 deadline that would allow people to opt out.

He said alleged victims had until that date to opt out, at which point the diocese and the man who filed the original suit could also have withdrawn from the arrangement.

But McKiggan said the diocese has decided to proceed with the settlement even though some people have informed counsel for the church that they want out.

"This is a landmark case. It's a tremendously important case," McKiggan said in Halifax.

"This is the first time that the Catholic Church has acknowledged its responsibility to survivors of sexual abuse."

The proposed settlement was announced last August by Bishop Raymond Lahey, who is facing unrelated charges of possessing and importing child pornography.

The settlement, certified by a Nova Scotia Supreme Court justice, is intended to compensate anyone who was allegedly or known to have been sexually assaulted by a priest with the Catholic Episcopal Corp. of Antigonish since Jan. 1, 1950.

The two parties could also have scrubbed the deal if more than 70 people wanted to join the claim, which would provide less money for claimants.

McKiggan said the number of claimants has exceeded that figure and he expects that will grow before the cutoff date of March 10, 2010.

But he said the two parties decided to proceed, adding that the case is not about money for the man who prompted the suit.

Ron Martin filed suit after his brother left a suicide note in 2002, outlining abuse he alleged to have suffered by a Roman Catholic priest who often came over to the family home for dinner.

The suicide note named Hugh Vincent MacDonald as the abuser, a revelation that Martin said "nearly destroyed" him as it brought back painful memories of his own alleged abuse by the same man.

MacDonald was charged with multiple sex-related offences in 2003, but died before the court process concluded.

Martin wasn't available for comment, but McKiggan said it will likely let him fulfil a promise he made to his brother to hold someone accountable for what he alleges happened.

Bruce MacIntosh, a lawyer for the diocese, said it agreed to proceed because it is the most cost-effective way of dealing with a multitude of cases.

"It was still the best deal that was achievable and it was the right thing to do," he said, adding that seven people have opted out.

The class action also involves allegations of abuse by four other priests, three of whom have been convicted of multiple counts of sexual assault against children in the care of the diocese. Allegations made in the suit have not been proven in court.

Philip Latimer, who alleges he was abused by a priest when he was a boy, opted out of the deal and has launched a separate civil lawsuit against the diocese and the Archdiocese of Halifax.

Latimer and his lawyers argue that the class action shields the church from public scrutiny because the disclosure of evidence will take place behind closed doors.

McKiggan confirmed the class-action process is confidential, but stressed that it's no different than a civil lawsuit when it comes to disclosure of evidence at the discovery stage.