

John Doe (G.E.B. #25) v. The Roman Catholic Episcopal Corporation of St. John's

(March 20, 2018 – St. John's, NL) Budden & Associates has received a written decision from Mr. Justice Faour in the matter of *John Doe (G.E.B. #25) v. The Roman Catholic Episcopal Corporation of St. John's*. Judge Faour has ruled that the Defendant, the Roman Catholic Episcopal Corporation of St. John's, is not liable to the Plaintiffs, our clients, for the abuse suffered by them at the hands of Christian Brothers and others at Mount Cashel Orphanage in St. John's, Newfoundland and Labrador, primarily in the 1950's.

Our clients are disappointed in this decision. They note that Mr. Justice Faour did conclude that a number of former child residents of the orphanage told the resident priest/chaplain at Mount Cashel that they were being abused:

“On the first issue, I do not doubt that the disclosures were made. I found the testimony and the written statements believable and accept that Msgr. [name redacted by Court Order] was told.” (Paragraph 267, page 76 of the written decision)

While our clients are pleased they were believed, they respectfully disagree with the findings and legal analysis that led Judge Faour to conclude that the priest/chaplain had no responsibility to act on this disclosed information.

Our clients therefore have instructed us at Budden & Associates to appeal the denial of liability on this and other grounds, and we will do so.

They further recognize several findings within this decision which do advance the cause of survivors of abuse, including:

- (1) an expanded definition of “misconduct of a sexual nature” to include the beating of a naked boy, in a shower;
- (2) that the fact that a disclosure of child abuse was made in confession did not free a priest from an obligation to act on it; and
- (3) what we believe to be the highest judge-awarded damages (contingent on a successful Appeal), \$1,930,833.87, to a survivor of sexual abuse in Canadian history.

An appeal will be filed on behalf of our clients in this case within 30 days.

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