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# Clergy abuse survivors at Mount Cashel and elsewhere reach \$45.8-million settlement agreement with NL government

*NL Supreme Court Justice Garrett Handrigan will hear an application to approve the settlement this week; if approved, money will come within three months*

By [Tara Bradbury](#)

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The former Mount Cashel Orphanage building in St. John's. - Telegram file photo PHOTO BY GLEN WHIFFEN /Glen Whiffen

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Survivors of abuse by Christian Brothers at the Mount Cashel orphanage and other locations within the St. John's archdiocese are asking the court to approve a \$45.8-million settlement agreement with the province of Newfoundland and Labrador.

Lawyer Geoff Budden, who represents more than 200 of the claimant survivors, filed an application for the approval in the Supreme Court of Newfoundland and Labrador on Monday, April 20. The matter will be heard in court on Friday morning, April 24.

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The court learned last month that lawyers for the survivors had reached a substantial agreement with an undisclosed third party in relation to its liability for the abuse. Bob Buckingham, whose firm represents 91

claimants, described the agreement as “the second-best thing to happen in the case.”

The first, he said, was the Supreme Court of Canada’s 2021 refusal to grant the Roman Catholic Episcopal Corp. of St. John’s (RCEC) leave to appeal a decision holding it responsible for the abuse.

Details of the agreement are laid out in the recently filed court documents, which indicate the province began negotiations with the claimants’ lawyers in 2024.



St. John's lawyer Bob Buckingham. PHOTO BY CONTRIBUTED /Contributed

## **SETTLEMENT INCLUDES COUNSELLING FUND**

A small number of the claimants were denied compensation under the settlement agreement, including those who had already released the province through other proceedings, and 12 claimants from B.C. who were abused by three Christian Brothers who were transferred to schools in Vancouver

after allegations and admissions of sexual abuse in St. John's.

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Individual amounts for those awarded compensation from the province range from just under \$6,000 to roughly \$750,000.

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The amounts are based on factors that include the type and timing of the abuse, and applicable laws relevant to the government's

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responsibility for children at Mount Cashel, in Roman Catholic schools, and at other institutions.

The settlement agreement also includes a \$500,000 counselling fund for the survivors.

Claimants have the choice to opt out of the settlement. If the total allotted compensation of those who opt out exceeds \$9 million, the province can terminate the agreement.

“The settlement agreement avoids a future of potentially complex, time-consuming and costly litigation, with no certainty of outcome, and which might otherwise take years to resolve,” states James Foran of Deloitte, court-appointed financial advisor to the claimants’ counsel, in an affidavit.

He notes many of the survivors are elderly, and some are in poor health.

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If the agreement is approved, the claimants can expect to receive money within three months.

## **ARCHDIOCESE \$80 MILLION SHORT**

The RCEC has been in creditor protection since December 2021 as it sells its assets to compensate more than 300 survivors, to whom an independent claims adjudication awarded \$121.3 million. Its creditor protection extension will run out June 30, and the archdiocese expects to present an application to the court to terminate the insolvency proceedings by then.

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So far, the claimants have received about \$37 million of compensation, and the RCEC's assets are predicted to come in at about \$80 million less than what it needs.

The archdiocese — supported by the claimant's lawyers — had been hoping for a ruling in its favour on an appeal over its insurance coverage, so that Guardian Insurance would cover some of the settlement. However, the province's Court of Appeal ruled last week that Guardian can void the RCEC's insurance policy due to the archdiocese's failure to disclose sexual abuse claims when it bought and renewed the policy in the 1980s.

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Geoff Budden, a lawyer representing victims of sexual abuse at the former Mount Cashel Orphanage, speaks to reporters following a hearing at Newfoundland and Labrador Supreme Court Wednesday, April 19, 2023.  
PHOTO BY TARA BRADBURY /Tara Bradbury

“I’m still making my best efforts to close that gap,” Budden said of the financial shortfall, saying there are other potentially liable third parties.

He described the settlement with the province as a significant step for his clients, who have spent years fighting for justice and closure. Many did not live to receive compensation directly.

“The government has been quite proactive in addressing its own liabilities,” he said.

“This is a negotiated resolution and a compromise that was able to build on work done in the insolvency and claims proceedings.”

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