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Court Throws out Suit against Diocese

Albany Allegations on Effects of Sexual Abuse Too Vague, Judge Rules

By Andrew Tilghman
Times Union (Albany, NY)
October 30, 2002

A judge on Monday dismissed a lawsuit against the Albany Roman Catholic Diocese filed by a man who was sexually abused by a priest as a child and received a confidential settlement payment in 1997.

State Supreme Court Justice Joseph Teresi threw out the lawsuit filed in June by Edward Oathout, a 41-year-old inmate serving a 5- to 15-year sentence at Attica prison for his 1997 conviction for sexually abusing two young girls.

Oathout, who has no lawyer, filed the vaguely worded lawsuit against the Rev. David Bentley, the Albany Diocese and others for "intentional infliction of emotional distress." He did not make specific allegations.

In response to a motion filed by the diocese's lawyer, Michael Costello, Teresi rejected the lawsuit because it "contained no date and no specifics in regard to injuries incurred or alleged to have been incurred."

Oathout and his brother, Thomas Oathout of Watervliet, settled individual cases with the church in 1997, after they said Bentley abused them in the 1970s when they lived at the Albany Home for Children, church officials said. It is unclear how much Edward Oathout received, but his brother, Thomas, publicly disclosed that he received a \$70,000 payment from the church. Both settlements prohibited the brothers from talking publicly about their abuse or the payments from the church.

In June when he filed the suit, Edward Oathout said he was broke, but Teresi in August denied his request for a court-appointed lawyer.

The Albany Diocese has confirmed allegations of sexual abuse against 11 priests over the past 25 years. The church paid out more than \$2.3 million in confidential settlements to a total of 11 victims of sexual abuse by priests.

Allegations of sexual abuse by Bentley, a former principal at Vincentian Institute High School in Albany, surfaced for the first time in 1986, church officials said.

Soon afterward, Bentley left the diocese for assignments in other dioceses. Earlier this year, when Bentley was working as a priest in New Mexico, Albany Bishop Howard Hubbard recalled him and removed him from active ministry. Hubbard also removed five other priests from active ministry.