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Two Boys Town Suits are Dismissed

Judges Rule that the Statute of Limitations has Run Out on the Claims of Sexual Abuse

By Todd Cooper
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Judges have dismissed two of the five lawsuits alleging sexual abuse at Boys Town, and a third lawsuit is reeling with little hope that it will survive.

With those recent developments, only two lawsuits are likely to remain against the home for troubled teens — one in federal court and one in Douglas County District Court.

Douglas County District Judge Sandra Dougherty this week dismissed a lawsuit brought by Todd Rivers of Omaha.

Dougherty ruled that the statute of limitations had passed on Rivers' claims that he was abused by the Rev. James Kelly and family counselor Michael Wolf while a student at Boys Town in the 1980s.

Under Nebraska law, plaintiffs have four years from the time of an alleged injury to file a lawsuit claiming negligence or assault. Children who have been abused can file lawsuits until they're 25.

Plaintiffs typically take one of two routes to overcome the statute of limitations: They say a disability precluded them from taking action, or they assert that they had repressed memories of the abuse.

However, Dougherty rejected the concept of repressed memories as unscientific. As a result, she ruled time had expired on Rivers' claim.

Likewise in January, a federal judge ruled that time had expired on Arizona resident James Duffy's claims against Boys Town.

James Martin Davis, an attorney representing Girls and Boys Town, said the claims had no merit. Kelly denied abusing any children while at Boys Town. Wolf died in 1990.

"We're saying they were never abused at Boys Town," Davis said.

Rivers' attorney, Patrick Noaker of Minnesota, scoffed at that contention.

"This doesn't exonerate anyone," Noaker said. "They prevailed on a straight legal technicality. They haven't convinced anyone that this didn't happen."

Davis said investigators have found no evidence that it did. Without corroboration, he said, he couldn't recommend that Boys Town and the Rev. Val Peter — the former executive director who has aggressively defended the children's home — pay any plaintiff.

Another former student's lawsuit against Boys Town also suffered a severe blow this week.

In September, Wyoming resident Darren Boudreau sued Boys Town and the Rev. Richard Colbert, claiming that Colbert molested him while Boudreau was a student there in the 1980s.

But Noaker said Friday he withdrew as Boudreau's attorney after a trustee in Boudreau's bankruptcy

filed notice that any proceeds from Boudreau's lawsuit would go to pay off his debts.

Though Boudreau filed for bankruptcy before the abuse lawsuit, Noaker said he didn't realize the bankruptcy estate would claim ownership of the lawsuit.

"I'm willing to invest a lot of money in order to help a victim," Noaker said. "I'm not willing to do it for a bankruptcy trustee."

Colbert's attorney, Steve Lefler, said he thinks that lawsuit will soon be dismissed. Colbert, who denies abusing anyone, has been on leave from a Missouri parish.

Two other cases remain: Lance Rivers, Todd's brother, against Boys Town and Wolf in federal court; and John J. Sturzenegger's allegations against a Boys Town counselor from 1997.

Girls and Boys Town, which changed its name in 2000, will make its counseling services available to former students regardless of whether the lawsuits succeed, Davis said.

"Boys Town's business is not to win lawsuits," he said. "It's to take care of their children."

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