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Man, Parents Sue Two Area Priests

Albany Lawsuit Alleges a Conspiracy to Intimidate Victim of Sexual Abuse

By Andrew Tilghman
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A Capital Region man and his parents have filed a \$450,000 lawsuit against two Roman Catholic priests in the Albany Diocese, accusing them of conspiring to intimidate a victim of sexual abuse and discourage him from coming forward with a formal complaint.

According to the lawsuit, the Rev. John Bertolucci placed a phone call to the parents of the man, whom he sexually abused more than 20 years ago. The priest tried to intimidate the parents and get them to discourage their son from coming forward and filing a complaint, the lawsuit said.

All three family members withheld their names from the lawsuit, filed this week in state Supreme Court. The lawsuit names Bertolucci, a former pastor at the St. Ambrose parish in Latham, and the Rev. Kenneth Doyle, the diocese's chancellor and director of public information.

Doyle, who is also a lawyer, responded to the lawsuit with a terse public statement, calling the lawsuit "pure fiction." Bertolucci, who lives in Catskill and was a prominent figure in the national Catholic charismatic movement, did not return a call for comment.

The victim had decided to come forward about his abuse and set up a meeting for Sept. 12 to formally register his allegations with Doyle and the diocese's attorney, Michael Costello, according to the lawsuit.

But on Sept. 11, Bertolucci allegedly called the parents, saying it was 3 p.m., the time Jesus is considered to have died on the cross and known to many Roman Catholics at the "Hour of Mercy."

"My lawyer tells me I could not call your son directly, so I am calling both of you," Bertolucci said, according to the lawsuit.

"I did not have sexual intercourse with your son, I only fondled him," Bertolucci allegedly said. "I was very proud of your son the way he repeatedly fought off my sexual advances most of the time. I want you to know that I still love your son after all these years."

The man, who is now in his late 30s and works locally as a police officer, had told his parents about the abuse many years ago, the family's attorney, John Aretakis, said.

The lawsuit does not seek damages for the sexual abuse, which allegedly took place in the 1970s and is out of reach under the state's three-year statute of limitations.

Instead, the lawsuit focuses on the alleged call last month. Bertolucci is accused of harassing and intentionally inflicting emotional harm on the family. The lawsuit accuses Doyle of breaching confidentiality by allegedly calling Bertolucci and urging him to call the man's family.

Albany Law Professor Timothy Lytton said a judge would have to decide whether a claim of intentional affliction of emotional harm has merit.

"The conduct has to be so outrageous and so extreme as to go beyond all possible bounds of

decency and be regarded as atrociously and utterly intolerable in a civilized society," Lytton said.

"You could say calling someone up and trying to persuade them not to file a lawsuit in and of itself doesn't seem beyond the bounds of common decency," Lytton said. "On the other hand, calling up someone's parents and unearthing the sexual abuse of their child from 30 years ago in a way that creates tremendous pain and turmoil in the family, it's possible that that would be considered extreme or outrageous conduct."

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