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## **PRESS RELEASE**

### **APPEALS COURT REINSTATES LAWSUIT OF 6 BROTHERS AGAINST NORTHERN CALIFORNIA DIOCESE. COURT FINDS THAT CALIFORNIA LEGISLATURE INTENDED TO ALLOW VICTIMS OF CHILDHOOD SEXUAL ABUSE TO BE ABLE TO FILE LAWSUITS EVEN AFTER 2003**

Yesterday, Division Four of the First Appellate District, issued a 21 page opinion in *Quarry v. Doe1*, certified for publication, reversing an Alameda County Judge's ruling that had dismissed a complaint by 6 brothers who alleged that they had been molested by serial pedophile Fr. Donald Broderson. In sworn testimony given by Broderson in a deposition taken of him in 2005 he admitted to molesting Tony Quarry and his brothers.

The 6 brothers alleged that it was not until after Broderson's deposition and sometime in 2006 that they began to connect the fact of their abuse as children with the problems they suffered as adults. The brothers brought their lawsuit in 2007. The Bishop moved to have the lawsuit dismissed. His lawyers argued that when the California Legislature amended the State's statute of limitations dealing with claims by adults of childhood sexual abuse, it allowed only a one year window in 2003 to file such claims that were barred by the previous statute of limitations. Devin Storey, Esq. of the Zalkin Law Firm (formerly Zalkin & Zimmer, LLP), on behalf of the Quarrys, responded that the California Legislature intended to allow victims who had not yet made a causal connection between the sexual abuse and the on-set of their adult injuries an opportunity to file their lawsuit within 3 years from when they make that connection. The one year window in 2003 applied only where a victim had already made a causal connection was over age 26 and thus was barred from bringing a case by the previous statute of limitations. The trial court, agreeing with the Bishop's position, dismissed the case. The First District Court of Appeals, agreeing with the position argued by Irwin M. Zalkin and Devin Storey of the Zalkin Law Firm, reversed and reinstated the Quarry brothers' case.

"This is a very well researched and reasoned opinion by Justice Rivera and concurred in by Justices Ruvolo and Sepulveda" said Irwin M. Zalkin. "Since 1990, the California Legislature has amended the statute of limitations for childhood sexual abuse five times, always expanding the ability for victims to access the civil justice system. And that is what the Legislature did in 2002" said Zalkin.

" This is a great day for victims of childhood sexual abuse. There is simply no logical basis to deny a victim, who has not been able to connect his or her abuse with adult injuries until now access to justice. The Legislature never intended to discriminate between sex abuse victims," said Storey.

The opinion has far reaching implications and will undoubtedly be reviewed carefully by other Courts in California where this issue is pending.

"This opinion keeps the door open to justice for victims of the most horrific of injuries, abuse of their innocence," said Zalkin.