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Diocese Cleared in Abuse Allegation

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(May 10, 2003) - A judge has dismissed a lawsuit against the Roman Catholic Diocese of Rochester in connection with a priest's alleged sexual abuse of boys.

State Supreme Court Justice Robert J. Lunn has dropped the diocese as a defendant in a case involving the Rev. Robert O'Neill. The lawsuit alleged that O'Neill had sexually abused 10 boys between 1977 and 1986 when he worked in Monroe County.

Lunn dismissed the complaint against O'Neill in December on the grounds that the statute of limitations had expired.

The plaintiffs had claimed that the diocese should be stopped from asserting the statute of limitations in the lawsuit because the diocese concealed and/or failed to prevent and/or discover O'Neill's alleged continuing acts of sexual misconduct, according to court papers. That action by the diocese prevented the plaintiffs from filing suit, the lawsuit claimed.

However, "no alleged conduct on the part of the diocese prevented plaintiffs from gathering essential facts prior to the expiration of the statute," Lunn ruled Wednesday. Under state law, juvenile victims of sexual abuse have up to three years after their 18th birthday to file civil lawsuits.

John Bansbach, attorney for the men, said Friday he will appeal.

A diocese spokesman said officials were pleased with the ruling.

No criminal charges were filed against O'Neill. In 2002, Bishop Matthew Clark removed O'Neill's priestly faculties.

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