

BishopAccountability.org

Law Firm Moves against Diocese

Files suit alleging secret settlement in abuse claims

By Rita Ciolli
Newsday
June 7, 2002

A Garden City law firm has filed a racketeering lawsuit against the Diocese of Rockville Centre claiming that its legal counsel, Msgr. Alan Placa, conspired with two of the firm's clients to secretly settle sexual abuse claims against the diocese, depriving the firm of \$100,000 in legal fees.

The law firm of Resnikoff and Viscio filed suit Tuesday in State Supreme Court in Mineola, claiming that the diocese recently reached settlements of \$150,000 each with two women the firm said it had represented in earlier litigation.

George Rice, an attorney for the Roman Catholic diocese, said the lawsuit was the first Racketeer Influenced and Corrupt Organizations Act, or RICO, suit brought against the diocese. But he dismissed the action as "baseless both in law and in fact."

Gary Viscio, who brought the suit, said RICO is warranted because the church has engaged in a pattern of concealing criminal conduct to protect the priests and the church "and maintaining bank accounts for the purpose of quietly paying off victims/complainants."

Rice confirmed that the diocese did agree in the past few months to make payouts to the women, but said there was no intent to deceive or make secret deals. "At some point in time it is in the best interest of the parties to anticipate the future needs and to make a lump sum payment to them based on those needs," he said.

The diocese recently agreed to pay the women \$150,000 each, of which \$48,000 would be a lump sum payment and the remaining amount would be an annuity, according to the suit filed Tuesday. The court filing also says the women agreed to release the diocese from any future liability and agreed to a nondisclosure agreement.

Four years ago Judith Cajigas of Riverhead and Patricia Hastings, who lives out of state, sued for damages on complaints that they were sexually abused by the **Rev. John Mott**, a now-deceased priest who supervised their cheerleading squad in the late 1950s when they attended elementary school at St. Raphael's in East Meadow. Their lawsuits were dismissed in 1998 because their complaints were too old.

Viscio said his clients were anticipating at the time that New York State would change its law to allow sexual abuse victims more time to file complaints based on "recovered memory." Complaints against Mott first surfaced in 1994 when a third woman who said she was molested as a young girl filed a lawsuit; Hastings and Cajigas went public six months later with their charges against Mott.

Mott denied the allegations in those cases.

Viscio is seeking damages equal to the amount of the one-third contingency fee he said he was entitled to had he been involved in the settlement. He charged that Placa "took advantage of the clients' state of mind and willingness to resolve the issue" in pushing a settlement.

"Placa told our clients don't come back to us and assigned them an attorney," Viscio said.

Rice said, however, the agreement to pay the women "was not a settlement of a lawsuit because they

had lost a lawsuit. And it was not to keep them quiet because they had been public as they were entitled to be." He declined to discuss specific financial arrangements made with Hastings and Cajigas.

Hastings, reached by telephone late Wednesday, was upset to find out the RICO lawsuit disclosed her arrangements with the diocese. "I didn't settle. I am not saying that is the truth," she said.

Cajigas declined to comment.

Court papers in the suit say Cajigas has yet to receive her initial payment. When Cajigas asked the attorney recommended by Placa to help her get the money, she was told that the attorney couldn't help her because of the attorney's "close relationship with Placa." That attorney has not been identified.

Placa, who served as counsel to the diocese, stepped down as vice chancellor in April and is on a leave of absence.

A Suffolk grand jury is investigating whether top church officials - including Placa - obstructed justice in the handling of complaints about sex abuse by priests. Placa has faced criticism for his actions in some cases, including one in which he paid a lump sum payment in 1993 to a drug addict after the young man had quit therapy.

The man, Raymond Trypuc, had complained he was abused as a boy by his parish priest in Patchogue. Weeks after receiving the payment, he was found dead of a cocaine overdose.

The federal racketeering law was originally written to allow victims of organized crime to sue for civil damages. While RICO lawsuits have been filed against several dioceses, including Los Angeles and Cleveland, no court has yet found that the statute can be used against the church for the way it has handled abuse cases.

Any original material on these pages is copyright © BishopAccountability.org 2004. Reproduce freely with attribution.