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Sex abuse victim sues NY Archdiocese over compensation fund

By MICHAEL GARTLAND
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Emmett Caldwell agreed to a \$75,000 settlement with the archdiocese's Independent Reconciliation and Compensation Program over his claims that Father Kevin Kelly sexually assaulted him two to three times a week over the course of three months when he was a boy. (iStockphoto)

A 62-year-old man who alleges a Catholic priest sexually abused him when he was in elementary school sued the Archdiocese of New York Thursday over the terms of his settlement with the church.

Emmett Caldwell agreed to a \$75,000 settlement with the archdiocese's Independent Reconciliation and Compensation Program over his claims that Father Kevin Kelly sexually assaulted him two to three times a week over the course of three months when he was a boy.

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Kelly was a priest at St. Thomas the Apostle at the time of the alleged abuse.

On Thursday, Gov. Cuomo signed the Child Victim's Act into law, extending the statute of limitations for sex abuse survivors to file claims against their tormentors.

A few hours later, Caldwell filed his complaint in Manhattan Supreme Court, alleging that the lawyer who advised him when he signed the settlement with the IRCP in July 2017 did not have his interests at heart.

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Caldwell's lawyer said it's no surprise the lawyers used in the IRCP settlement process were not really there to represent the victims.

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exploited their vulnerabilities arising from that abuse, causing their re-victimization,” attorney Jeff Herman said. “Since the New York legislature passed the Child Victims Act, I have heard from numerous victims of clergy child sexual abuse in New York who feel they were tricked into giving up their rights.”

He said he hopes Caldwell’s actions will give other victims a voice — and encourage them to join Caldwell’s claim as a class action lawsuit.

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Archdiocese spokesman Joe Zwilling and IRCP administrator Camille Biros said that every person who agreed to a cash settlement under the IRCP’s terms was advised by a lawyer that they were waiving their right to further claims — waivers Herman now argues should be voided.

“We require every single claimant who comes into the program to have a lawyer discuss and explain the meaning of the release and the rights they’re relinquishing,” Biros said. “That happens with everyone.”

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