

Article - Diocese takes insurers to court

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By BILL ZAJAC

SPRINGFIELD - Hoping it will lead to settlements of outstanding clergy sexual abuse claims, the Roman Catholic Diocese of Springfield filed legal action this week against its insurance carriers.

The diocese filed a declaratory judgment action against seven insurance carriers in Hampden Superior Court Tuesday, two days before diocesan and claimants' lawyers meet today in court to provide a status report on unresolved clergy abuse suits.

Although the diocese settled claims with 46 claimants last year, another 30 claims were left unresolved.

The diocese is "asking that the court determine the obligations of our insurance carriers to reimburse the diocese for past settlements of sexual abuse claims and determine responsibility for payment of future claims," according to a press release from the diocese. "The Diocese and the insurance companies have had multiple discussions to try to resolve these matters without the necessity of involving the courts."

Kevin B. Sousa, a former diocesan priest who filed a claim against the diocese saying he was allegedly abused as a minor by now defrocked priest Richard R. Lavigne, expressed frustration yesterday with the length of time it has taken to resolve his claim.

"This is a good step, but the question remains as to why it has taken so long," said Sousa, who filed his claim almost two years ago.

Sousa was informed the diocese was planning this legal action when he met last week with the Most Rev. Timothy A. McDonnell, the diocese's bishop.

In August, the diocese used its own funds and sold property to cover a \$7.7 million settlement with claimants represented by Greenfield lawyer John J. Stobierski.

Since last summer's settlement, Stobierski has filed 13 subsequent claims against the diocese.

"It's time for the diocese to be aggressive about this. I hope it leads to a swift resolution of all claims," Stobierski said.

Stobierski expressed frustration that the diocese is making settlement of the claims contingent upon the diocese's settlement with its insurance carriers.

The diocese's attempt to reach an out-of-court agreement on obligations of its insurance carriers in outstanding and future clergy sexual abuse claims was complicated when Home Insurance Co. became insolvent, according to the diocese.

Home was the diocese's insurance carrier for a "significant" period of the time that alleged incidents of abuse took place, according to diocesan spokesman Mark E. Dupont.

The diocese had been in discussion about claims with the state-operated Massachusetts Insurance Insolvency Fund, which covers partial liabilities of insolvent insurance companies.

"I understand what the Springfield Diocese is doing and why they are doing it. It is similar to what happened in Boston and other areas," Stobierski said.

The Archdiocese of Boston sued one of its insurance carriers, Lumbermen's Mutual Casualty Co., before reaching a \$20 million settlement in March to cover part of its \$85 million settlement with 500 claimants in 2003.

In the Springfield settlement last summer, claimants received an average of \$168,478, which is slightly more than the average settlement in Boston.

Dupont would not say if outstanding claims will be settled for the same amount.

"I think the bishop wants to be fair and is mindful of what was previously done. But he can't make promises until he knows how insurance carriers will meet their obligations," Dupont said.

Other insurance carriers named in the legal action are: Travelers Property Casualty Co.; North Star Reinsurance Corp.; Underwriters at Lloyd's, London; Centennial Insurance Co.; Interstate Fire & Casualty Co. and Colonial Penn Insurance Co.