

Jury awards \$1.2 million in civil suit

A St. Louis jury has awarded nearly \$1.2 million in damages to a man who claimed that **a St. Louis Catholic priest sexually abused him as a boy and that the archdiocese failed to supervise the priest.**

Henry Bachmann said Monday that the jury award he and his wife got fulfills the second of two personal goals he had for suing the Archdiocese of St. Louis.

His first goal was to get an admission from the now-retired Rev. James Gummersbach that Gummersbach had sodomized Bachmann nearly 35 years ago, when Bachmann was 13.

It is unclear whether that goal was met. On Feb. 23, lawyers for the priest and Bachmann, 47, reached a confidential settlement on Bachmann's claim.

Bachmann's second goal was for the church to be found liable for the abuse, Bachmann said after the jury award.

"I wanted Gummersbach to admit what he did to me and for the church to face its responsibilities," Bachmann said.

His civil suit, filed in St. Louis Circuit Court in 1994, said that Gummersbach sodomized Bachmann in 1964, while Gummersbach worked at the Church of the Immaculate Conception, 3120 Lafayette Avenue. Gummersbach, the suit claimed, would call Bachmann to the church basement when when no one else was around and assault him.

Bachmann alleges that the archdiocese intentionally caused his resulting emotional problems by failing to supervise Gummersbach.

The jury of seven women and five men deliberated for about 5.5 hours Friday and Monday before awarding Bachmann \$498,280 in actual damages and an identical amount in punitive damages.

Jurors awarded his wife, Blanche Bachmann, \$200,000 for damage to the couple's marriage.

Lawyers for the archdiocese said an appeal is likely. They said they were especially upset by the jury's decision to award Bachmann punitive damages.

Though rare, jury awards in instances of sexual abuse by priests can be costly. In 1997, the diocese in Dallas lost a verdict against 11 victims molested by a priest and was

ordered to pay \$119.6 million in damages. It was the biggest verdict ever against a diocese in such cases. Last July, the diocese settled with nine of the victims, for a total of \$23.4 million.

A key to Bachmann's case was his claim that he was so traumatized by the mistreatment that he wiped it from his mind until 1992, when a sharp reprimand from his boss at the Savannah, Ga., port authority began to trigger memories of the abuse.

Bachmann has worked little since 1994.

Defense lawyers disputed Bachmann's "recovered memory" of the abuse: They contended that Bachmann never forgot the incidents, and so his legal claim expired because of Missouri's five-year statute of limitation.

Some jurors indicated that when Bachmann recalled the abuse was of little importance to them. "Regardless, he was still violated," one juror said.

Of greater concern to another juror, Elvery Colquitt, was the church's decision to allow Gummersbach to remain a priest in various parishes after questions arose about his conduct. Gummersbach, now 71, retired about five years ago.

"By keeping him around children, I thought that was very wrong," Colquitt said.

Nine jurors voted to award the Bachmanns damages, which they calculated by adding up his lost wages and medical expenses. Two voted against any award and one took no part in the votes.

That juror said she believed Bachmann never forgot what happened and that evidence of abuse was lacking.

After jurors left the courtroom the Bachmanns hugged their lawyers, Stanley Spero of Cambridge, Mass., and **Rebecca Randles of Kansas City**. The lawyers said that had all of Gummersbach's victims testified, the jurors would have awarded greater damages.

The jury's message to the church is "incomplete," Spero said.

"I don't know if the award is big enough to punish" the church, added Spero, who specializes in representing sexual abuse victims.

"It is horrendous what (Bachmann) and all these other kids suffered," Spero said.

Bachmann, who lives in Port Wentworth, Ga., said the jury's decision is a vindication for all the victims.