

February 15, 2012 January 19, 2011
February 3, 2010 January 27, 2010
January 28, 2009

Top Defense Verdicts--John Do and John P. Doe v. Franciscan Friars of California, Inc. and Fr. Alexander Manville



Child Molestation
Orange County Superior Court
Santa Ana
Judge Nancy Wieben Stock
Defendants' attorneys: Kosowitz, Benson, Torres & Friedman LLP, Brian P. Brosnahan; Weintraub, Genshlea, Chediak, Tobin & Tobin, Paul Gaspari, Daniel Zamora
Plaintiffs' attorneys: Law Offices of Ronald B. Schwartz; Spencer Law Firm

It was an extremely intense and emotional case, filled with ugly images and heart-rending pathos.

The case involved two brothers who had alleged they were molested by two Catholic priests 18 years ago. *Doe v. Franciscan Friars of California Inc.*, 30-2009-00124288 (Orange County Super. Ct.).

The primary accusations were against Alexander Manville, who had never been accused before. Additional allegations were made against Gus Krumm, an admitted molester who was defrocked in 2005. He was not a defendant at trial.

The defense had to proceed very gently in questioning the brothers, said Brian P. Brosnahan.

The use of a video deposition of the lead plaintiff proved to be useful to the defense.

"He came across as either crazy or on drugs," Brosnahan said. "Our explanation for the accusations being made was that it was purely imaginary and caused by methamphetamine use."

The second brother hadn't made any accusations until more than two years later, Brosnahan said, and didn't recall any acts of sexual abuse until after extensive therapy sessions, including hypnosis.

In his case, Brosnahan contended, the defense contended that his accusations were the product of suggestion and a desire to support his brother, or profit from bringing his own case.

It was an uphill battle, he said, given all of the high-profile cases of priest pedophilia in the Catholic Church.

"We thought that it was important to convey to the jury that the church has done a lot of wrong things, but that this situation isn't one of them," Brosnahan said. "They'd have to look at this one on its own."

For the 84-year-old defendant, and a Franciscan friar, much was at stake.

"The accusation completely destroyed him and removed him from the community pending the trial," Brosnahan said. "If the jury found that he did this, it would be every bit as serious to him as if he were going to jail. We asked the jury to take this case equally seriously as a criminal case."

The Franciscans had wanted to try the case, he said, because they believed that the claims were false. To settle the case, Brosnahan added, would have led the public to believe that Manville was a molester.

But a verdict of compensatory damages, as well as punitive damages, would have exceeded the order's insurance coverage. So, Brosnahan structured a high-low

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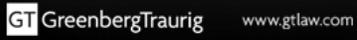
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settlement prior to trial, ranging from \$400,000 to \$1.4 million, which insured that if plaintiffs won, the award would be within the Franciscans' policy limits.

As it happened, the jury found in favor of the defense after a five-week trial.

- **PAT BRODERICK**

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