

Ex-altar boy in N. Providence, alleging abuse, sues church leaders as 'perpetrator defendants'

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The statute of limitations has long expired on his right to sue the Catholic Church as an institution, so he names Diocese of Providence leaders as personally responsible, saying that they concealed abuse, shuttled pedophile priests from parish to parish and interfered with criminal prosecutions.

A former altar boy who says he was sexually abused by a North Providence parish priest filed suit Monday, outlining a novel legal argument that casts the Diocese of Providence and church leaders as accessories to his private torment

Philip Edwardo's lawsuit appears to be the first litigation over Catholic clergy sex abuse filed after the state gave victims more time to sue over such claims.

Edwardo says the Rev. Philip Magaldi, then a pastor at St. Anthony Church, inappropriately touched, molested or abused him 100 to 300 times. The abuse spanned the late 1970s to the early 1980s, when Edwardo was 12 to 17 years old, he says.

Magaldi died in 2008. On July 1, his name was included in the Diocese of Providence's list of "credibly accused" clergy.

Gov. Gina Raimondo signed legislation into law this summer that extends the statute of limitations to file child sexual abuse lawsuits from seven years to 35 years from a victim's 18th birthday.

When a suit is against a “perpetrator defendant” — such as a priest who abused a child — the legislation gives victims more time to sue in Rhode Island even if the statute of limitations had run out under the old law. But for suits against non-perpetrators — like a church that negligently supervised a priest — the change wasn’t retroactive for suits where the statute of limitations had already run out.

That led to concerns among clergy abuse victim advocates that it would shield institutions like the Catholic Church from scrutiny.

But Monday’s lawsuit, filed in state Superior Court two days before Edwardo turned 53, uses a novel legal argument borrowed from criminal law to find a way around that possible barrier: The church and its leaders were, in fact, “perpetrator defendants.”

By concealing abuse, shuffling abusive priests from parish to parish and interfering with criminal investigations, the diocese and its leaders are conspirators or accessories, even if they didn’t physically carry out the abuse, the suit said. It’s a theory akin to the getaway driver for an armed bank robbery suspect, who could be charged with murder if the gunman kills someone even if the driver didn’t actually pull the trigger, Edwardo’s lawyer said.

The diocese’s conduct sent a clear message to priests in Rhode Island, Edwardo’s lawyer said: They could get away with abusing kids.

“It’s license to continue to perpetrate,” said Timothy J. Conlon.

The argument, if successful, could have widespread implications for the diocese as it continues to deal with the fallout from decades of clergy abuse. The suit names St. Anthony Church, the diocese itself, Bishop Thomas Tobin and former Bishop Louis Gelineau. Its claims include intentional misconduct, negligent hiring, conspiracy to violate Edwardo’s rights and invasion of privacy.

The complaint and its exhibits run more than 200 pages, laying out years of the church’s failure to stop abusive priests. It does not allege the diocese specifically knew Magaldi himself was abusing anyone.

In an email, a spokeswoman for the diocese said the lawsuit was “based on claims alleged to have occurred approximately 40 years ago. Our legal counsel is in the process of reviewing it.”

In his suit, Edwardo said Magaldi groped and inappropriately touched him throughout his teens. The abuse included a so-called “medical procedure” that was actually sexual assault, the suit says.

The pattern that emerged was similar to many other cases of childhood sexual abuse by priests, the suit says.

Magaldi lavished attention on Edwardo. Overnight stays in the rectory followed Magaldi’s grooming. The priest brought the altar boy to New York City, where they dined at fine restaurants and stayed at a luxury hotel. Magaldi also abused Edwardo on a trip to New Hampshire, the suit says. During a trip to the Rocky Point amusement park, Magaldi groped his buttocks and genitals on rides, according to Edwardo’s suit.

All along, Magaldi plied Edwardo with booze, and then threatened to tell his father about it.

When Edwardo finally made Magaldi stop, the suit says, Magaldi falsely told his father that his son had been stealing from the church.

If he did make up a story about Edwardo stealing from the church, it would be particularly cynical, given Magaldi’s future troubles.

Magaldi was charged in 1985 with lying in a sworn statement submitted on behalf of Claus von Bulow, who was convicted at one trial and acquitted at a second trial of trying to kill his wife, Martha “Sunny” von Bulow. The charges against Magaldi were later dismissed because of what prosecutors described as problems with the evidence.

That would not be the end of Magaldi’s legal troubles, though: He pleaded guilty in 1992 to embezzling St. Anthony Church funds and was sentenced to two years to serve, according to Journal archives. He used some of the funds to pay for tropical vacations with teen boys and gave one boy enough money to buy a car, according to public accounts of the prosecution.

Magaldi later moved on to active ministry in Texas, but retired from ministry there in 1999 in the wake of allegations similar to Edwardo’s, according to news stories at the time. Before his death, Magaldi denied claims that he’d abused children in Massachusetts and Texas.

Edwardo, who now lives in Florida, did not reveal the abuse he'd suffered until 2007, the suit says.