

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 05-602

THE ROMAN CATHOLIC BISHOP OF)
SPRINGFIELD, a Corporation Sole,)
Plaintiff)

v.)

TRAVELERS PROPERTY CASUALTY)
COMPANY, MASSACHUSETTS)
INSURERS INSOLVENCY FUND,)
NORTH STAR REINSURANCE)
CORPORATION, UNDERWRITERS AT)
LLOYD'S, LONDON, CENTENNIAL)
INSURANCE COMPANY,)
INTERSTATE FIRE & CASUALTY)
COMPANY, and COLONIAL PENN)
INSURANCE COMPANY,)
Defendants)

HAMPDEN COUNTY
SUPERIOR COURT
FILED
AUG 27 2007
Brian P. Lee
CLERK-MAGISTRATE

CLAIMANTS' MOTION FOR AN ORDER REQUIRING THE PARTIES TO PARTICIPATE IN MEDIATION

On June 14, 2005, after settling the claims of 46 claimants who had been sexually abused as minors by priests of the Roman Catholic Diocese of Springfield, the plaintiff, Roman Catholic Bishop of Springfield, (Diocese) filed a complaint against its insurers, seeking reimbursement from the insurers of funds paid by the Diocese to the 46 claimants, as well as declaratory judgment concerning the insurers' obligations on an outstanding 40-plus unsettled claims¹. The Diocese has repeatedly represented that it will resolve the outstanding claims against it after the resolution of its suit against its insurers. Based upon this representation, the claimants have agreed to stay their claims until the present matter is resolved. Some of the claimants whose cases are now on hold have been waiting five years to resolve their claims against the Diocese.

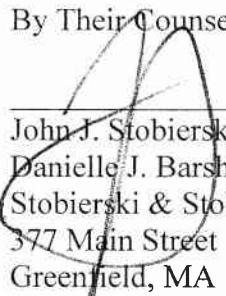
While this matter plods through the court accompanied by phalanxes of attorneys and tens of pounds of papers, the forty-plus victims of sexual abuse who have been waiting for the Diocese to settle their cases endure the agony of waiting for this legal battle to conclude. Meanwhile, the claimants' misery is compounded by seeing dioceses and archdioceses all around the country resolve the sexual abuse claims made against them. From Boston to Los Angeles, dioceses and their insurers have figured out a way to address the pleas of the public, the parishioners and the victims of clergy sexual abuse to compensate the victims for the ruinous experiences they endured as children.

The defendant insurance companies proclaim that they "fully understand the sensitivity and implications" of seeking to depose the victims. They also have indicated to claimants' counsel that they are interested in mediating with the Diocese, a move which if successful, would obviate the need for painful depositions. The Diocese, for its part, has now regularly repeated its interest in settling fully and fairly with the victims, and has also represented to claimants' counsel that it is interested in mediating with the insurance companies. Perhaps neither party is willing to make the first move. That is no reason, however, that the victims of sexual abuse should continue to be battered by a process which each party has indicated it would welcome the opportunity to conclude. The present litigation thus far has succeeded in wasting much time, causing the expenditure of millions of dollars in legal fees and prolonging the period of uncertainty and anxiety for the victims. It is time that the parties avail themselves of the promise of mediation, and since neither party is apparently willing to make the first move, the claimants request that this court order them to do so.

¹ At the time of filing of the declaratory judgment action, this figure was 35. Since then, however, at least six new claims have been made against the Diocese.

Therefore, the Claimants respectfully request that this Court order the Plaintiff Roman Catholic Bishop of Springfield and the Defendants insurance companies to participate in a mediation process intended to resolve all issues raised in the declaratory judgment action.

Respectfully Submitted,
THE CLAIMANTS,
By Their Counsel,



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CERTIFICATE OF SERVICE

I, John J. Stobierski, hereby certify that a copy of the foregoing has been served upon the following parties in the above captioned action:

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