

THE SAN DIEGO UNION TRIBUNE



## Diocese's lawyers ask judge to make plaintiffs' names public

### Motive questioned in sex-abuse cases

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Most of the 150 adults suing the Diocese of San Diego for alleged sexual abuse by priests decades ago have done so anonymously. Now attorneys for Bishop Robert Brom want their real names revealed.

In a motion filed last week, attorneys defending Brom and the Roman Catholic diocese are asking a judge, "in the interest of fairness," to order that the real names of those bringing suit as simply "John Roe" or "Michael S." be revealed in court documents.

Attorneys representing these plaintiffs are outraged by the motion, saying that Brom's attorneys already know the names for the purposes of locating potential witnesses and developing other pretrial discovery.

"I think their motivation is solely to intimidate and harass these victims," said Irwin Zalkin, a Solana Beach plaintiffs attorney.

State law allows civil cases involving rape and other sexual abuse to proceed without victims being named in public documents, Zalkin said.

"The bishop already knows who they are and has been using their real names in investigating the charges, in issuing subpoenas for medical records and employment records, to contact friends and family, and so forth," Zalkin said.

Dave Carothers, an attorney representing Brom, acknowledged that diocese attorneys know the names of all plaintiffs whose cases have been filed anonymously. But, Carothers said, "we cannot use the names outside of limited parameters."

Zalkin scoffed at that.

"The judge said only that they exercise professionalism when using these victims' names," Zalkin said.

Some alleged victims, Carothers said, already have made their names public by giving media interviews about how they were sexually abused by priests as children.

"Some of these plaintiffs are using their identities as both a sword and a shield," Carothers said. "When it benefits them, they have no problem identifying themselves; when it doesn't, they don't want to be identified."

Zalkin conceded that if "a victim has agreed to have his name out there in the media, then it is out there and plaintiffs attorneys should agree that they be named. But that is not the case with my client (who is included

in the defense motion), nor with many others.”

Nearly all of the 150 San Diego lawsuits alleging sexual abuse by priests were filed in 2003 after the state Legislature passed a law allowing a one-year window to file such complaints about incidents that happened many years earlier.

The San Diego cases, along with about 450 similar Los Angeles cases, had been stalled in mediation until May, when the Superior Court judge overseeing them ordered 10 cases – five in each city – to proceed toward trial.

So far, diocese attorneys have requested that only the names of anonymous plaintiffs in the released cases be revealed in court documents.

Trials in the five Los Angeles cases are set to begin in November, with the San Diego cases going to trial in mid-January.

The issue of whether plaintiffs' names will be revealed will be heard Sept. 6 by Superior Court Judge Haley Fromholz in Los Angeles.

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