

**IN THE SUPREME COURT  
STATE OF GEORGIA  
SUPREME COURT CASE NO. S21T0469**

PHILIP DOE,

Petitioner

v.

SAINT JOSEPH’S CATHOLIC  
CHURCH, *et al.*,

Respondents

Court of Appeals No. A20A0784

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**BRIEF OF AMICUS CURIAE  
THE WILBANKS CHILD ENDANGERMENT AND SEXUAL  
EXPLOITATION CLINIC IN SUPPORT OF PETITIONER PHILIP DOE**

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## **I. STATEMENT OF INTEREST**

The Wilbanks Child Endangerment and Sexual Exploitation Clinic (“CEASE”) files this Amicus Brief (“Brief”) in support of Petitioner Philip Doe (“Petitioner”). CEASE is a pro bono public interest legal services clinic at the University of Georgia School of Law that represents survivors of child sexual abuse and exploitation in civil lawsuits and juvenile dependency proceedings. CEASE receives no financial benefit from these cases. CEASE clients have experienced child sexual abuse and/or exploitation in a variety of settings, including religious institutions, where liability may extend to entities charged with the care of CEASE clients.

This case involves the systematic concealment of child sexual abuse by clergy of the Catholic Church, an institution that was charged with the care of Petitioner. Rather than protect Petitioner and the community, the institution fraudulently and purposefully concealed knowledge of the abuse. The Court of Appeals erred when it held that Petitioner knew of the Church’s inaction in 1978, and thus could have maintained a claim against the Defendants at the time of the abuse.

## II. INTRODUCTION

Children are most likely to be abused by an adult who is known to and trusted by the family. An estimated 89% of children who are abused know their abusers, but family members only make up 26% of perpetrators.<sup>1</sup> This means that out of 100 children who are sexually abused, 89 will be abused by someone they know, 26 of which will be family members. The remaining 63 children will be abused by an adult their parents have entrusted with the care of their child, such as Church clergy.

In 2002, the United States Conference of Catholic Bishops commissioned the John Jay College of Criminal Justice at the City University of New York to study the nature and scope of institutional child sexual abuse in the Church.<sup>2</sup> According to the study, between 1960 and 1996, 5% of active diocesan priests had allegations of abuse, and at the peak of the abuse in the 1970s, nearly 1 in 10 active priests had allegations of abuse against them.

The systematic concealment of institutional child sexual abuse in the Catholic Church spans decades and has affected nearly every diocese in the United States.

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<sup>1</sup> David Finkelhor & Anna Shattuck, *Characteristics of Crimes Against Juveniles*, Bull., Univ. of N.H. Crimes Against Children Research Ctr. (May 2012), [http://www.unh.edu/ccrc/pdf/CV26\\_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles\\_5-2-12.pdf](http://www.unh.edu/ccrc/pdf/CV26_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles_5-2-12.pdf)

<sup>2</sup> John Jay Coll. Of Crim. Just., *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in The United States 1950-2002*, CUNY (June 2004), <https://www.usccb.org/sites/default/files/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf> (hereinafter “John Jay study”).

The John Jay study identified several factors that contributed to the abuse and its concealment: (1) the hierarchical structure of unequal power between the Church and parishioners that “span[s] both spiritual and organizational dimensions,” (2) a system of leaders who are in “elite positions” and “have moral authority over the masses,” and (3) systematic “neutralization tactics in order to protect [] offending priests and the image of the institution.”<sup>3</sup> The structure of power and hierarchy in the Church contributed to “an environment in which the behavior can persist,”<sup>4</sup> as well as the “persistent failure to reveal the extent of the problem.”<sup>5</sup> As a Pennsylvania Grand Jury found: “the bishops weren’t just aware of what was going on; they were immersed in it. And they went to great lengths to keep it secret. The secrecy helped spread the disease.”<sup>6</sup>

This secrecy is the basis for Petitioner’s claims against the Archdiocese. Petitioner’s claim is that the Archdiocese knew that Father Edwards, Petitioner’s abuser, had a history of sexually abusing minor parishioners, and failed to protect Petitioner from Edwards. The Archdiocese then concealed its complicity and prior

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<sup>3</sup> *Id.* at 169.

<sup>4</sup> *Id.*

<sup>5</sup> Elizabeth B. Ludwin King, *Transitional Justice and the Legacy of Child Sexual Abuse in the Catholic Church*, 81 ALB. L. REV. 121 (2017).

<sup>6</sup> COMMONWEALTH OF PA. OFF. OF THE ATT’Y GEN., REPORT I OF THE STATEWIDE INVESTIGATING GRAND JURY (July 27, 2018), available at [https://www.attorneygeneral.gov/wp-content/uploads/2018/08/A-Report-of-the-Fortieth-Statewide-Investigating-Grand-Jury\\_Cleland-Redactions-8-12-08\\_Redacted.pdf](https://www.attorneygeneral.gov/wp-content/uploads/2018/08/A-Report-of-the-Fortieth-Statewide-Investigating-Grand-Jury_Cleland-Redactions-8-12-08_Redacted.pdf) (hereinafter “Pennsylvania Grand Jury Report”).

knowledge for 40 years, thereby tolling statute of limitations and preventing Petitioner from pursuing any cause of action against Defendants.<sup>7</sup> The Court of Appeals erred when it held that Petitioner knew of the Church's inaction in 1978.<sup>8</sup> In fact, the Church's alleged concealment was designed to make sure that no one, including the Petitioner, knew of the Church's inaction, or knowledge, in 1978. The purpose of the alleged concealment was to prevent bad publicity against the Church and to avoid being held liable for the Church's role in the harm against Petitioner and others. If the Court of Appeals' Opinion stands, the Church, and other institutions, will be able to hide behind intentional concealment of valid claims of child sexual abuse without facing any consequences for the actions and inactions that led to countless children suffering at the hands of predators. This Court should grant Petitioner's Application for Certiorari and determine whether the laws of Georgia allow such results.

### **III. Fraudulent concealment exacerbates institutional child sexual abuse.**

Institutional abuse is the "sexual, physical, or emotional abuse of a child (under 18) by an adult who works with him or her. The perpetrator may be employed in a paid or voluntary capacity; in the public, voluntary, or private sector; in a residential or non-residential setting; and may work either directly with children or

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<sup>7</sup> O.C.G.A. § 9-3-96.

<sup>8</sup> Opinion at 8–9.

in an ancillary role.”<sup>9</sup> An organization’s failure to protect its charges from abuse is known in psychology as “institutional betrayal.”<sup>10</sup>

The Church’s decades-old practice of systematically concealing child sexual abuse perpetrated by Church clergy, and its betrayal of thousands of minor parishioners, is now widely known. Unfortunately, the Catholic Church is not the only institution to perpetrate such a fraud on survivors of abuse, and on the public—for example, the Boy Scouts of America similarly concealed decades of child sexual abuse, as did several residential schools, among others.<sup>11</sup> Chronic institutional abuse—like that exposed within the Catholic Church—can only happen with the complicity of those in leadership. This level of institutional abuse requires two things: (1) a structure that, by hierarchy and power, creates an opportunistic environment for abuse, and (2) a leadership that is actively involved in concealing the abuse. Much has been written on the ways the structure the Catholic Church (and other institutions) facilitated such widespread abuse, but this Brief will focus on the

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<sup>9</sup> David A. Wolfe et al., *The Impact of Child Abuse in Community Institutions and Organizations: Advancing Professional and Scientific Understanding*, 10 CLINICAL PSYCH.: SCIENCE AND PRACTICE 179 (2003).

<sup>10</sup> Carly P. Smith & Jennifer J. Freyd, *Insult, then Injury: Interpersonal and Institutional Betrayal Linked to Health and Dissociation*, 26 J. OF AGGRESSION, MALTREATMENT & TRAUMA 1117 (June 19, 2017).

<sup>11</sup> See, e.g., Mike Baker, *Boy Scouts Abuse Claims Bankruptcy*, N.Y. TIMES (Nov. 15, 2020), <https://www.nytimes.com/2020/11/15/us/boy-scouts-abuse-claims-bankruptcy.html>; Benjamin Wallace, *How St. George’s Atonement for its Sex-Abuse Scandals Turned Ugly*, VANITY FAIR (July 8, 2016), <https://www.vanityfair.com/news/2016/07/st-georges-sex-abuse-scandals>.

Church's concealment and cover-up, since that is the heart of Petitioner's claims.<sup>12</sup>

A 1400-page report by a Pennsylvania grand jury provides a scathing indictment of the Catholic Church's cover-up:

[T]he pattern was pretty much the same. The main thing was not to help children, but to avoid "scandal." That is not our word, but theirs; it appears over and over again in the documents we recovered. Abuse complaints were kept locked up in a "secret archive."<sup>13</sup> That is not our word, but theirs; the church's Code of Canon Law specifically requires the diocese to maintain such an archive. Only the bishop can have the key.

The strategies were so common that they were susceptible to behavioral analysis by the Federal Bureau of Investigation....Special agents testified before us that they had identified a series of practices that regularly appeared, in various configurations, in the diocesan files they had analyzed. It's like a playbook for concealing the truth.<sup>14</sup>

This playbook did not vary by locale. Across the country "dioceses developed consistent strategies for hiding child sex abuse," including:<sup>15</sup>

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<sup>12</sup> Amicus's discussion of Petitioner's nuisance claims can be found in its brief filed in the Court of Appeals.

<sup>13</sup> A Special Master's report in Colorado quoted a bishop who explained that this archive was where dioceses would put documentation "bad enough that we need to hide it ... the worst type of stuff." ROMAN CATHOLIC CLERGY SEXUAL ABUSE OF CHILDREN IN COLORADO FROM 1950 TO 2019 (Oct. 22, 2019) available at [https://coag.gov/app/uploads/2019/10/Special-Masters-Report\\_10.22.19\\_FINAL.pdf](https://coag.gov/app/uploads/2019/10/Special-Masters-Report_10.22.19_FINAL.pdf) (herein after the "Colorado Special Master Report").

<sup>14</sup> Pennsylvania Grand Jury Report at 2–3.

<sup>15</sup> *Id.* at 297; *See, also e.g.*, Colorado Special Master Report; OFFICE OF STATEWIDE PROSECUTION'S REPORT ON SEXUAL ABUSE IN THE CATHOLIC CHURCH IN FLORIDA (Nov. 6, 2020) available at [http://myfloridalegal.com/webfiles.nsf/WF/SSWN-BV4R8E/\\$file/Report.pdf](http://myfloridalegal.com/webfiles.nsf/WF/SSWN-BV4R8E/$file/Report.pdf) (hereinafter "Florida OSP Report"); PRELIMINARY FINDINGS OF THE INVESTIGATION INTO CATHOLIC CLERGY SEXUAL ABUSE OF MINORS IN ILLINOIS (Dec. 19, 2018) available at [https://illinoisattorneygeneral.gov/pressroom/2018\\_12/Catholic\\_Church\\_Preliminary\\_Finding\\_sUpdate121918.pdf?ftag=MSF0951a18](https://illinoisattorneygeneral.gov/pressroom/2018_12/Catholic_Church_Preliminary_Finding_sUpdate121918.pdf?ftag=MSF0951a18) (hereinafter "Illinois Attorney General Report"); STATE OF MO. OFF. OF THE ATT'Y GEN., CATHOLIC CHURCH CLERGY ABUSE INVESTIGATION

- **Use of euphemisms.** Rather than naming the abuse, Church leaders used euphemisms for abuse such as “scandal,” “inappropriate contact” or “boundary issues.” Similarly, when priests were sent for treatment, public records said only that they were on sick leave or on a leave of absence, and made no mention of abuse allegations.<sup>16</sup>
- **Insufficient, or no, investigations.** Reports of abuse by clergy were commonly dismissed or investigated perfunctorily, with little to no consequences for offending clergy. Although records were kept documenting some limited investigations, the records show a lack of thorough investigation and follow-up. For example, the Church rarely investigated whether other children had also been victimized. Even when dioceses referred priests to “counseling,” or other “treatment” for their abusive behavior, the Church and dioceses rarely engaged in any follow-up with priests in future assignments to ensure that more children were not victimized.<sup>17</sup>
- **Transfer rather than removal.** If allegations were made against a priest, Church leadership routinely responded by simply reassigning the abusing priest to another parish, with no warning to members of the priests’ new parish or surrounding community.<sup>18</sup>
- **Lack of public disclosure.** In addition to a general failure to inform the community or law enforcement, dioceses also settled hundreds of abuse claims using nondisclosure agreements, thus eliminating a whole set of potential records that would have revealed the predatory patterns of offending priests, or the scope of the problem within the Church.<sup>19</sup>

Church leaders took actions according to this “playbook” with knowledge and intent to conceal the abusive behavior. Rather than conceal abuse so the Church could remove offending priests and protect the privacy of victims, credible

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REPORT (Sept. 13, 2019) available at <https://ago.mo.gov/docs/default-source/press-releases/2019/catholicchurchclergyabuseinvestigationreport.pdf> (hereinafter “Missouri Attorney General Report”).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

allegations were buried to maintain the reputation of the Church, resulting in a perpetuation of the abuse. As Cardinal Wuerl of Washington D.C. put it, the Church created a “circle of secrecy.”<sup>20</sup>

Abuse of this scale does not occur in the absence of the knowledge and complicity of the institution’s leadership. As the Pennsylvania Grand Jury concluded, “Priests were raping little boys and girls, and the men of God who were responsible for them not only did nothing; they hid it all. For decades.”<sup>21</sup>

#### **IV. The allegations against Father Edwards match the nationwide pattern of concealment by Church leaders.**

Priests with credible allegations of abuse most often have two things in common: (1) frequent movement or reassignment to different parishes or services, and (2) a leave of absence at least once during their career.<sup>22</sup> The allegations, and evidence, against Father Edwards fit this nationwide pattern, as evidenced in the Archdiocese of Atlanta’s November 2018 letter disclosing the names of priests with credible accusations of abuse.<sup>23</sup> The letter contained an employment history for Edwards that aligns with how the Church handled hundreds of other predatory

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<sup>20</sup> Pennsylvania Grand Jury Report at 299.

<sup>21</sup> *Id.* at 7.

<sup>22</sup> *See, e.g.*, Colorado Special Master Report; Florida OSP Report; Illinois Attorney General Report; Missouri Attorney General Report; Pennsylvania Grand Jury Report.

<sup>23</sup> Letter from Wilton T. Gregory, Archbishop, The Roman Catholic Archdiocese of Atlanta (Nov. 6, 2018), *available at* <https://archatl.com/offices/child-and-youth-protection/list/>.

priests, demonstrating nearly three decades of movement, reassignment, and at least one leave of absence.<sup>24</sup>

Edwards was an ordained priest in the Atlanta Archdiocese from 1961 until 1989.<sup>25</sup> He served at St. Joseph's Catholic Church in Dalton, GA from 1975-1981,<sup>26</sup> during which time Petitioner alleges he was repeatedly sexually abused by Edwards over a period of at least three years.<sup>27</sup> Prior to joining St. Joseph's, the Archdiocese had assigned Edwards to 9 different parishes over the course of 12 years.<sup>28</sup> Most of his assignments lasted only a year or two.<sup>29</sup> Not only did the Archdiocese move Edwards with startling frequency, but less than two years before he was reassigned to St. Joseph's he went on an extended "leave of absence."<sup>30</sup> Edwards' frequent reassignment and leave of absence are hallmarks of what the FBI and numerous jurisdictions have identified as the Church's "playbook for concealing the truth."<sup>31</sup>

Whether or not discovery will bear out Petitioner's claims is irrelevant to the legal question that was before the trial court and the Court of Appeals, and now is before the Supreme Court of Georgia. The complaint sufficiently alleges a probable

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<sup>24</sup> *Id.*

<sup>25</sup> FAVC, Ex. A at 2.

<sup>26</sup> *Id.*

<sup>27</sup> FAVC, ¶ 14.

<sup>28</sup> FAVC, Ex. A at 2.

<sup>29</sup> *See id.*

<sup>30</sup> *Id.*

<sup>31</sup> Pennsylvania Grand Jury Report at 2–3.

claim for negligence under Georgia law against the Archdiocese and others for failing to protect Petitioner through intentional concealment spanning more than 40 years, from the time Petitioner was abused through today.

**V. The Opinion conflicts with Georgia law and public policy regarding child sexual abuse.**

As a general matter, the Georgia General Assembly recognizes that children are unable to know and understand that they may have a cause of action. Under O.C.G.A. § 9-3-90(b), civil statutes of limitation are tolled until a child reaches the age of 18. The Georgia General Assembly also recognizes that children, particularly survivors of child sexual abuse, are uniquely limited in their ability to recognize and understand their abuse and resulting injuries. Although not at issue in this case, the “delayed-discovery” statute of limitations rule under O.C.G.A. § 9-3-33.1(b)(2) demonstrates that the General Assembly specifically recognizes that knowledge of acts of abuse is not equivalent to knowledge of a claim against a perpetrator or negligent institution. Under the delayed-discovery rule, claims resulting from child sexual abuse do not accrue until the victim knows two things: (1) that the conduct was abuse, and (2) that the abuse resulted in an injury. From that point, they have two years to bring a civil suit against the perpetrator.

The delayed-discovery rule is consistent with research on child abuse and trauma. When children are abused by adults they trust, they often will not understand

for years, if not decades, that the conduct was in fact abuse.<sup>32</sup> Especially when in the context of a relationship with an institution that is, or is perceived to be by the child, mandatory, they may “simply assume that whatever occurs at the setting must be normal.”<sup>33</sup> Similarly, through O.C.G.A. § 9-3-33.1(b)(2), the General Assembly recognizes that victims may not recognize their injuries from the abuse until many years later, usually well into their adult years.

Yet, the Court of Appeals Opinion holds—as a matter of law—that a child is deemed to have knowledge of: (a) the abuse, (b) their injury, and (c) the institution’s complicity in the abuse at the time of the sexual assault:

When Edwards abused Doe, Doe was aware at that time that the church had breached its duties to him by hiring Edwards, exposing Doe to Edwards, and failing to protect Doe from Edwards. The defendants’ alleged conduct in tolerating this abuse and keeping it secret from the public and parishioners did not, *as a legal matter*, debar Plaintiff from pursuing the tort claims at issue.<sup>34</sup>

This holding is inconsistent with Georgia law. The law does not countenance defendants avoiding liability by concealing their wrongdoings.<sup>35</sup>

The Court of Appeals Opinion further incentivizes concealment of institutional abuse. Under the Court of Appeals’ ruling, institutions can avoid civil

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<sup>32</sup> Sarah E. Ullman, *Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors*, 16 J. OF CHILD SEXUAL ABUSE 19-36 (2008).

<sup>33</sup> Wolfe, *supra* note 9, at 183.

<sup>34</sup> Opinion at 9 (emphasis added).

<sup>35</sup> OCGA § 9-3-96.

liability by concealing their involvement in the repeated abuse and harm of children long enough for the statute of limitations to lapse. Also under the Court's ruling, that concealment, "as a legal matter," can never be the basis for fraud. This is inconsistent with Georgia's longstanding laws and public policy.

## **VI. The Court of Appeals Opinion denies justice for survivors of child sexual abuse.**

The Court of Appeals Opinion is not limited to the facts of this case. The Opinion has extensive implications for whether Georgia will deny or facilitate justice for survivors of institutional sexual abuse—an issue of great importance not just to survivors, but to all Georgians.

Because institutional abuse is often concealed for years or decades, many claims are now either outside the criminal statute of limitations or the abuser is dead,<sup>36</sup> leaving civil claims as the only remaining source of justice for most survivors. The Court of Appeals' Opinion takes even that limited opportunity for justice from hundreds, if not thousands, of survivors of child sexual abuse. Not just the Catholic Church, but also multiple institutions—other religious institutions, schools, and community organizations—have knowingly allowed perpetrators to

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<sup>36</sup> See, e.g., Pennsylvania Grand Jury Report at 1 ("As a consequence of the coverup, almost every instance of abuse we found is too old to be prosecuted."); Florida OSP Report at 2 ("The investigation [identified] 97 priests against whom allegations of historical sexual abuse were made. However, after careful examination of each allegation and the relevant criminal statutes, prosecution of those allegations is barred by either the relevant statute of limitations or intervening death of the accused priest.").

serve in close, intimate relationships with children. In concealing, and thus perpetuating, the abuse, those institutions are equally responsible for the abuse inflicted on children under their care, guidance, and tutelage.

The Court of Appeals' Opinion's impact goes well beyond the Petitioner. If the Court's Opinion stands, countless survivors of child sexual abuse in Georgia will be denied access to justice, including survivors in the cases of: *Alan McArthur v. Boy Scouts of America, et al.*, Civil Action No. SU-18-CV-0721 (Ga. Sup. Ct. of Clarke County); *William Doe v. Boy Scouts of America et al.*, Civil Action No. SU-18-CV-0723 (Ga. Sup. Ct. of Clarke Cnty.); *John Doe v. Boy Scouts of America et al.*, Civil Action No. SU-18-CV-0725 (Ga. Sup. Ct. of Clarke Cnty.); *Dennis Doe v. Boy Scouts of America, et al.*, Civil Action No. SU-18-CV-0722 (Ga. Sup. Ct. of Clarke Cnty.); *Timothy Doe v. Boy Scouts of America et al.*, Civil Action No. SU-18-CV-0724 (Ga. Sup. Ct. of Clarke Cnty.); *Robert Doe v. Boy Scouts of America et al.*, Civil Action No. SU-19-CV-0378 (Ga. Sup. Ct. of Clarke Cnty.); *John Doe 2 v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-105628 (Ga. Sup. Ct. of Cobb Cnty.); *Michael Doe 2 v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-105630 (Ga. Sup. Ct. of Cobb Cnty.); *David Doe v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-108469 (Ga. Sup. Ct. of Cobb Cnty.); *John Doe v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-105621 (Ga. Sup. Ct. of Cobb Cnty.); *Michael Doe v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-

105626 (Ga. Sup. Ct. of Cobb Cnty.); *Peter Doe v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-105623 (Ga. Sup. Ct. of Cobb Cnty.); *Robert Doe v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-105625 (Ga. Sup. Ct. of Cobb Cnty.); *William Doe v. Archbishop Wilton Gregory et al.*, Civil Action No. 19-107904 (Ga. Sup. Ct. of Cobb Cnty.); *Eubanks v. The Darlington School et al.*, Civil Action No. 19-CV-00237 (Ga. Sup. Ct. of Floyd Cnty.); *Gaba v. The Darlington School et al.*, Civil Action No. 19-CV-00263 (Ga. Sup. Ct. of Floyd Cnty.); *Knight v. The Darlington School et al.*, Civil Action No. 19-CV-00238 (Ga. Sup. Ct. of Floyd Cnty.); *Waters-Day v. The Darlington School et al.*, Civil Action No. 19-CV-00245 (Ga. Sup. Ct. of Floyd Cnty.); *Lee v. The Darlington School et al.*, Civil Action No. 19-CV-00247 (Ga. Sup. Ct. of Floyd Cnty.); *ALL v. The Darlington School et al.*, Civil Action No. 19-CV-00248 (Ga. Sup. Ct. of Floyd Cnty.); *James Doe I v. The Darlington School et al.*, Civil Action No. 19-CV-00262 (Ga. Sup. Ct. of Floyd Cnty.); *Kevin Simmons v. The Darlington School et al.*, Civil Action No. 19-CV-00266 (Ga. Sup. Ct. of Floyd Cnty.); *Tom Doe v. The Darlington School et al.*, Civil Action No. 19-CV-00268 (Ga. Sup. Ct. of Floyd Cnty.); *Word v. The Darlington School et al.*, Civil Action No. 19-CV-00264 (Ga. Sup. Ct. of Floyd Cnty.); *Chris Doe v. The Darlington School et al.*, Civil Action No. 19-CV-00267 (Ga. Sup. Ct. of Floyd Cnty.); *Franklin Simmons v. The Darlington School et al.*, Civil Action No. 19-CV-00243 (Ga. Sup. Ct. of Floyd Cnty.); *RC v. The Darlington*

*School et al.*, Civil Action No. 19-CV-00265 (Ga. Sup. Ct. of Floyd Cnty.); *Joseph Doe v. The Darlington School et al.*, Civil Action No. 19-CV-00269 (Ga. Sup. Ct. of Floyd Cnty.); *Bill Doe v. The Darlington School et al.*, Civil Action No. 19-CV-00250 (Ga. Sup. Ct. of Floyd Cnty.); *Matthew Doe v. The Darlington School et al.*, Civil Action No. 19-CV-00270 (Ga. Sup. Ct. of Floyd Cnty.); *James Doe 2 v. The Darlington School et al.*, Civil Action No. 19-CV-01973 (Ga. Sup. Ct. of Floyd Cnty.); *RS v. The Darlington School et al.*, Civil Action No. 20-CV-01104 (Ga. Sup. Ct. of Floyd Cnty.); and *WS v. The Darlington School et al.*, Civil Action No. 20-CV-01129 (Ga. Sup. Ct. of Floyd Cnty.). The reach of the Opinion is far, and places the burden of the abuse on the victims, not those responsible its perpetuation.

## **VII. CONCLUSION**

In passing laws to protect children, the Georgia General Assembly clearly understood the uphill battle that survivors of child sexual abuse face in finding and accessing justice, not only in recent years, but also for decades. The Georgia Court of Appeals' Opinion undermines that determination by finding that the pervasive and intentional concealment by the Catholic Church of child sexual abuse did not, and does not, deter a survivor from bringing a lawsuit. Petitioner has alleged sufficient facts in the complaint to survive a motion to dismiss under Georgia law.

Therefore, the Georgia Supreme Court should grant certiorari in this case and overturn the Georgia Court of Appeals decision.

Respectfully submitted this 9th day of June, 2021.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing **THE WILBANKS CHILD ENDANGERMENT AND SEXUAL EXPLOITATION CLINIC'S AMICUS CURIAE BRIEF** by email on the following counsel of record:

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