

January 18, 2007 - **Judge Rules against S.D. Diocese in 2 abuse cases**, Mark Sauer, Union-Tribune SAN DIEGO (CA)

Punitive-damage requests allowed

Diocese of San Diego officials, who knew for years that the Rev. Edward Anthony Rodrigue preyed on children sexually, should face punitive damages in addition to compensation requests for pain and suffering, according to legal arguments put forth by the plaintiffs' attorneys.

A judge this week agreed.

That means requests for punitive damages, which are rare in clergy-abuse cases, have now been granted in two of the five lawsuits against the Roman Catholic diocese set for trial beginning in mid-February. More than 150 such lawsuits are pending in San Diego.

Over strenuous denials from San Diego Bishop Robert Brom's attorneys, Los Angeles Superior Court Judge Haley Fromholz ruled sufficient evidence existed that church officials for years knew of Rodrigue's lust for boys, yet failed to intercede.

"The legal standard for punitive damages here is where you can show the priest's conduct was despicable and his superiors knew of it and continued to retain him," Irwin Zalkin said.

Zalkin is a San Diego attorney representing plaintiffs in 24 lawsuits stemming from abuse by Rodrigue.

"Their (church officials') behavior must demonstrate a conscious disregard for the safety of kids by a clear and convincing standard," he said.

Diocese officials have declined to comment on the pending lawsuits.

Rodrigue, 69, admitted in depositions to molesting five to six boys a year over a 24-year period, beginning in the 1960s. He was suspended from performing priestly duties in 1985 and removed from the priesthood in 1991.

After being convicted of molesting a disabled boy in 1998, Rodrigue spent eight years in state prison. He was paroled last year and is living in San Bernardino, according to the state attorney general's Web site.

In addition to reports that Rodrigue was abusing children even as a seminarian, court papers cite these instances:

While assigned in 1967 to St. John the Evangelist parish in Encinitas, Rodrigue was confronted by a church dean for sexually abusing children and was reassigned to Our Lady of Guadalupe in Calexico.

A boy at the Calexico parish told the pastor and others in 1969 that he regularly spent the night with Rodrigue. Later, another boy told the pastor that Rodrigue fondled him, yet the priest remained at the church for another two years.

In 1975, while serving as pastor at Our Lady of Guadalupe in El Centro, Rodrigue admitted he abused young boys. One boy twice called the San Diego diocese office to complain and was told "not to say such things."

While assigned in 1977 to St. George's in Ontario, Rodrigue's request for a room with a private door was granted and, according to his deposition, he took advantage by abusing dozens of children there.

The other lawsuit in which punitive damages will be requested involves the late Rev. Franz Robier. He is accused of repeatedly abusing four orphaned sisters from Germany during the 1950s at a San Diego facility run by Catholic Charities.

The Robier case is scheduled for March.