

Time to deal with your hearing loss! Luebbe Hearing Services Doctors of Audiology. Hear what you've been missing... Schedule an appointment today! Click for more info!

Columbus, Ohio • Dec 17, 2015 • 55° Overcast

# The Columbus Dispatch

News Sports Opinion Life & Entertainment Services Contact Subscribe

NDOWS Today's Paper Weekly Ads Video Photos Data Obituaries

Hot Links: Football: OSU may face Irish duo • Hoarder • AEP renewables plan • Ex-county worker settlement • Cabot Rea • Kids cooking • Seasonal beers

## Teen rape victim asks Ohio justices for full damages

### Supreme Court to decide constitutionality of state law capping non-economic awards



Ohio Supreme Court

By Randy Ludlow

The Columbus Dispatch • Wednesday December 16, 2015 6:17 AM

Share 73 Tweet 19 ShareThis 402

The girl was 15 years old when she was raped twice by her pastor during a counseling session in 2008 at Delaware Grace Brethren Church in Sunbury.

Church officials knew the pastor twice had been previously accused of sexual misconduct with teen-age girls, but did not investigate or document the incidents.

A Delaware County jury subsequently found the church negligent and awarded the girl \$3.5 million in damages for her pain and suffering.

But, since the judgment was at odds with a state law capping the amount of non-economic damages, a judge reduced the award to the maximum \$350,000.

The Ohio Supreme Court was asked on Tuesday to declare the limit on damages unconstitutional when applied to child sex-abuse victims, saying it deprives them of adequate compensation for a lifetime of mental trauma.

"It's irrational and arbitrary," said Columbus lawyer John K. Fitch, who represents the woman and her father. "The state has no legitimate interest ... in protecting those who would rape a child" or cover up for a predator, he said.

The tort-reform law passed by legislators in 2005, and upheld as constitutional "on its face" by the Ohio Supreme Court in 2007, deprives childhood-rape victims of due process and equal protection under the law, Fitch argued.

The law overlooks that sexual abuse typically results in more emotional damage than physical harm, yet restrains the awards victims can receive, he said.

William Curley, a Columbus lawyer representing Grace Brethren Church, told the justices that their previous ruling trumps the arguments made by Fitch's clients. Lawmakers capped non-economic damages in a move billed as benefitting businesses and insurers in restricting potential losses in civil lawsuits.

Justice Terrence O'Donnell asked Fitch if his arguments would not better be addressed to the General Assembly in seeking to have the law changed rather than asking the court to resolve the issue and "legislate from the bench."

Fitch also asked the court to rule that his client suffered from two occurrences of rape so she could collect \$350,000 in pain-and-suffering damages on each of the two counts of sexual battery of which the pastor was convicted.

The church argues that it was one occurrence since it happened in a short amount of time.

An appellate court upheld the reduction of non-economic damages in the case, but said the victim was entitled to seek the recovery of punitive damages and that damages should be apportioned between the church and the pastor.

Brian L. Williams, 53, was convicted of two counts of sexual battery in 2008 and sentenced to eight years in prison. He is scheduled to be released on July 13.

Fitch said his now 22-year-old client fears the dark and being alone and struggles in dating relationships with men. She needs long-term treatment for post-traumatic-stress disorder, chronic mild depression and alcohol abuse, he said.

The church counters that the woman's injuries are not comparable to catastrophic physical injuries on which there are no damage caps. She graduated from high school, attended college, received good grades and sought little counseling after her rapes, it says.

rludlow@dispatch.com

@RandyLudlow

Favorite Print Story Email 2

### You May Like

Sponsored Links by Taboola



20 Bone Chilling Photographs from the Past



This "Universal Fuel" Could End Big Oil



Check out the 20 most beautiful women in the...



12 Celebs That Are Donald Trump Supporters



Is it the beginning of the end for Apple's strong...



The Deadliest Animals In The World

### This Week's Circulares

HOVER FOR CIRCULAR: DAILY DEALS, Great Gifts at PETSMART, BUY 3 TIRES, Walmart HURRY IN FOR THE HOTTEST GIFTS

4 Comments Sort by Oldest

Add a comment...

Jeremy Clingerman: I really hope the last paragraph is the lawyer's statement and not the view of the church

Jerry Blake: ASK YOURSELF WHY SUCH A LOW CAP IS ON AWARDS FOR SUCH SERIOUS CRIMES AGAINST CHILDREN? Our legal system is totally corrupted to favor big money!

Jerry Blake: Here is that link: https://www.linkedin.com/pub/jerry-blake/13/b3a/b0b

Pete Myer: Tort caps did NOTHING to lower insurance rates, and the last vestige remaining to the insurance companies was the ridiculous (and unprovable) 'the rate increases would have been more but for this law'.

David Scott: You mean the Wolfe-Sheller Dispatch lied to readers? Im shocked. Caps on what severely injured people could get were a pet project.

Facebook Comments Plugin

Microsoft BOTH Stop retraining

Microsoft EVOLVE YOUR SALES PROCESS READ THE WHITE PAPER

Search

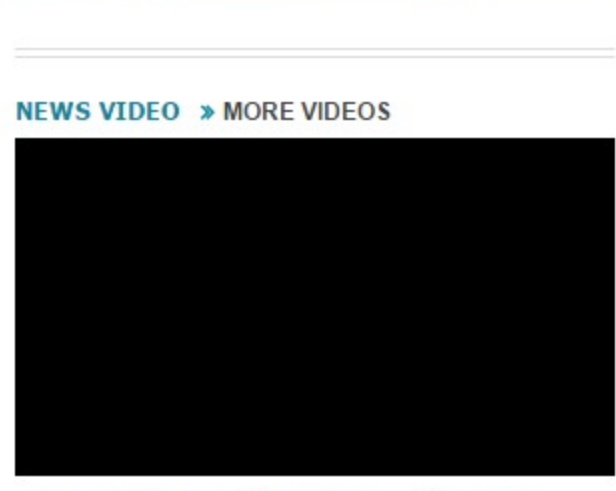
NDOWS Today's Paper Weekly Ads Video Photos Data Obituaries

PEACE OF MIND THE PERFECT GIFT

Advertisement: VANCE Hometel. Buy it for \$349 (\$50 savings) & your first 6 months of monitoring is on us!

BUCKEYEXTRA PREMIER DIGITAL TV \$5.99 PER MONTH

NEWS VIDEO > MORE VIDEOS



Copy Link Embed Share



Cabot Rea to retire



Hoarding issue persists outside home

The Columbus Dispatch's READER VIEW AVAILABLE

This website uses cookies to ensure you get the best experience on our website.

Why We Should Be Thanking China For Slowing Down Investment Week



Why We Should Be Thanking China For Slowing Down



Fired Employee Bought the Business a Year...



How to Turn \$5,000 into \$6.5 Million



Most Extreme Homes Around the World



Please Don't Pay Full Price for a New iPhone 6...



The Best Car

This website uses cookies to ensure you get the best experience on our website.

RECOMMENDED

- Little changed since shooting at grade school
Jury declines to indict officer in connection with shooting
Ex-Pike County deputy indicted on murder, other charges in two deaths
Decade-long hoarding case a first of its kind
Top assistant prosecutor forced out in Fairfield County

Advertisement: Place an ad

A-Listers Read Drake's 'Hotline Bling' Lyrics



More videos: What Each State Gained More Than Any Other State in 2015

NEWS BLOGS

PRODUCT RECALLS Skip Hop recalls crib mobiles

THE DAILY BRIEFING New ad by Kasich super-PAC takes on Christie for the first time

THE BOTTOM LINE Few workers expect bonus

PRODUCT RECALLS Lithonia Lighting fixtures due to recall

MORE NEWS BLOGS

Microsoft Start building your WORLD-CLASS SALES TEAM by answering 5 SIMPLE QUESTIONS

Advertisement: Place an ad

This website uses cookies to ensure you get the best experience on our website.

- NEWS: Business, Crime & Safety, Education, Environment, Government & Politics, Local, Medicine & Health, Obituaries, Religion, Science, US & World, Weather

- SPORTS: Ohio State Sports, Other Colleges, MLB: Crew, MLB: Clippers, MLB: Reds & Indians, NBA: Cavaliers, NFL: Bengals & Browns, Golf, Sports Commentary, High School Sports

- OPINION: Editorials, Letters to the Editor, Nate Beeler Cartoons, Op-Ed Columnists, LIFE TOPICS: Contests, Fashion & Style, Food, Home & Garden, Travel, Advice Columns, Joe Blundo Columns

- ENTERTAINMENT TOPICS: Books, Dining, Events, Movies, Music, Theater, CLASSIFIEDS: Columbus Jobs, Columbus Real Estate, Columbus Cars, Dispatch Classifieds

- SERVICES: Customer Service, Reader Rewards, Place an Ad, Submissions, READER OPTIONS: Home Delivery, Archive, Mobile, E-Edition, Newsletters, RSS Feeds, Podcasts

- DISPATCH MEDIA GROUP: Dispatch Media Group, Browse Affiliate Sites

This website uses cookies to ensure you get the best experience on our website.