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The now closed and demolished Mount Cashel Orphanage in St. John's, Nfld. Register file photo

## Long-suffering Mount Cashel victims settlements on hold, again

By [Quinton Amundson, The Catholic Register](#)

- June 19, 2024

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Recently, Geoff Budden was in Ontario visiting family members of a client who passed away in late May.

The lawyer spearheading the effort to secure financial compensation for 369 plaintiffs who suffered abuse at the hands of Christians Brothers at Mount Cashel Orphanage or by Archdiocese of St. John's clergy during the 1940s, '50s and '60s wanted to hear the concerns of, and provide comfort to, the late gentleman's loved ones.

On June 6, Budden and Bob Buckingham, a fellow lawyer representing the abuse claimants, informed Justice Garrett Handrigan in the Newfoundland and Labrador Supreme Court that at least nine of their clients have died since July 2020. That month the Newfoundland Court of Appeal ruled the St. John's Archdiocese was "vicariously liable" for atrocities committed by the Christian Brothers of Ireland at Mount Cashel, the infamous St. John's orphanage.

"We thought it was important for all parties to know that another client has passed away even before finding out the results of his adjudication," Budden told *The Catholic Register*. "We must resolve this as soon as we can for the benefit of those who are still living."

Monetary restitution not received is ultimately justice denied.

The legal advocate of Mount Cashel and clerical abuse survivors since the summer of 1999, Budden admitted that it is challenging to inform his clients or their loved ones about delays that have continually cropped up in the process.

"All we can do is assure them that we are moving the process along as best we can and other parties are working hard," said Budden. "We're certainly not suggesting anyone is deliberately delaying or not being diligent. It's just perhaps because we're closer to the clients. We deal with them firsthand. We hear their anxiety."

Originally, the 369 plaintiffs were due to receive their initial disbursement on April 29, but Global Resolutions Inc., the dispute mediation company designated as claims officer, needed an extra two months to evaluate the voluminous amount of applications.

Now, as the amended June 29 target date — not a court-ordered deadline according to the court-appointed monitors from Ernst & Young — approaches, Globe Resolutions is saying that the timeline should be altered again as there are still a few assessment matters requiring verification.

Paul Torrie, president of Global Resolutions Inc., wrote in an email to one of the court monitors, George Kinsman, that there are two matters that need resolving. The first is substantiating the claims made by the estates of deceased claimants. The second is "financial reconciliation issues, relating to prior payments to abuse claimants and releases and indemnities executed by abuse claimants as a term of prior payments."

Plaintiffs could have potentially received previous payments from the Christian Brothers' U.S. bankruptcy proceedings, the Canadian winding-up process of the Christian Brothers or as a result of private legal actions, likely filed against the Province of Newfoundland and Labrador.

The 14th report of the court monitor, filed by Kinsman on June 14, includes emails from Kinsman addressed to James Stang, a founding partner of the L.A.-based law firm Pachulski Stang Ziehl & Jones. This firm served as lead counsel during the Chapter 11 bankruptcy proceedings of the U.S. Christian Brothers of Ireland (CBI) back in 2011.

On May 28, Kinsman asked Stang if it was possible for the Roman Catholic Episcopal Corporation of St. John's (RCESJ) to receive "a complete listing of payments funded as part of the U.S. CBI Proceeding and whether that list can be cross referenced with the RCESJ Abuse Claims."

Ernst & Young is also securing documentation about prior abuse settlements from the provincial government.

Just days away from June 29, it appears that the Global Resolutions Inc. panel will not receive the necessary information to complete its work on the revised timeline it proposed.

On behalf of his clients, Budden has filed an application asking Justice Garrett Handrigan to issue a ruling that Globe Resolutions Inc. release the adjudications on June 29 using the best information on hand at the time. This order would give the claims officer authority to issue a revised, potentially smaller settlement if information comes to light that they received prior payment.

"If undisclosed prior amounts come forward, we accept that, but please release them to us so we can review them with our clients," said Budden on June 6.

This matter will be argued in court on June 28.

Geoffrey Spencer, the counsel for the RCESJ, told the court he will be opposing this deadline suggested by Budden.

"We'll see how quickly the province can provide their settlement information," said Spencer in court. "We don't know at this stage, of course, when that's going to be provided or how voluminous it will be. We don't know if it's going to be 10 pages that the claims officer has to look at or if it's going to be 1,000 pages. We will be opposing an arbitrary deadline that has been suggested."

Budden said Handrigan has a track record of issuing rulings in a timely fashion so he anticipates an answer early next month.

"He has been responsive, and as he himself has stated many times, very well aware that these matters are time sensitive."

Throughout the long, winding legal process, clients have filed affidavits to express to the court that they are of an advanced age, and in some cases in poor health, and they urgently desire a conclusion to this journey.

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