

The issues in each of the four cases are as follows:

- 1. Was plaintiff's original injury sufficiently serious to apprise him that a possible violation of his rights had taken place? If so, the statute of limitations bars his suit.

Jacobi, supra, at 1; see Conrad, supra, at 21-23; Rowe, 130 N.H. at 22.

- 2. If the answer to question #1 is "no," when did the plaintiff discover, or in the exercise of reasonable diligence, should he have discovered, both the fact of his injury and the causal relationship between the injury and defendant MacRae's acts? If the relevant date is prior to six years before institution of suit, the statute of limitations bars his suit.

Jacobi, supra at 1; see Conrad, supra, at 22-24; McCollum, 138 N.H. at 286-88.

THE FACTS

[REDACTED]

[REDACTED] was born on [REDACTED]. His lawsuit was instituted on September 10, 1993, when he was age 28. He alleges sexual abuse at the hands of Gordon MacRae (initially when MacRae was a seminarian and later when MacRae was a Roman Catholic priest) during the period of approximately 1979/1980 through 1983, with the last sexual contact occurring no later than December 31, 1983 (when [REDACTED] was age 18), nearly 10 years prior to institution of suit.

[REDACTED]

[REDACTED]

[REDACTED] she said he had almost [REDACTED] in [REDACTED]

[REDACTED] was a strict Roman Catholic and created a home where religion was a dominant factor in her family's life. She taught her children to treat priests with the utmost respect. As [REDACTED] testified, she taught the children that a priest "is someone who is the next thing to God, a messenger from God." There was no higher authority than a priest. The priest made the moral judgments -- decided what was right and what was wrong. She taught the children to do whatever they were told to do by priests. [REDACTED] as well as the other children, went to church regularly on Sunday mornings, and frequently during the week. He attended catechism classes, served as an altar boy, and was confirmed. Until his contact with Gordon MacRae, [REDACTED] had only positive experiences with priests. The [REDACTED] family pastor, Father Horan, of Sacred Heart Church in Marlborough, New Hampshire, was very close to the family. He would frequently come to their home, and became "almost a member of the family." The family was also close to Father Mark, a young priest assigned to St. Bernard's Church.

As a young child, [REDACTED] was very withdrawn. [REDACTED]

[REDACTED] He testified that he "didn't know what he was" and that he was "mentally abused by his teachers." By the time he was in the fifth grade, he was seeing a psychiatrist for the problems he was experiencing.

Prior to his contact with MacRae, [REDACTED] had virtually no sexual experience. He testified that once, when he was very young his brother "tried something on him." Other than that, he had no sexual experience or education, and knew nothing about sex.

[REDACTED] met MacRae in 1979 (when [REDACTED] was 14). He was introduced to MacRae by Father Horan. At the time, MacRae was a seminarian, but [REDACTED] did not know the difference between a seminarian and an ordained priest. MacRae wore priestly garb, and [REDACTED] regarded him as a priest. Following their introduction, MacRae developed a close relationship with [REDACTED], as well as with [REDACTED] and the [REDACTED] children.

MacRae spent much time at the [REDACTED] home -- sometimes as much as five times a week. He would often bring food and gifts; on one occasion, he gave the family a large color television set. As [REDACTED] testified, MacRae made his mother happy. [REDACTED] testified that MacRae frequently offered her advice, and eventually made himself a confidante. The entire family grew close to MacRae. MacRae's relationship with the family was highlighted when he saved the life of [REDACTED], the youngest [REDACTED] boy, during a pool accident.

MacRae developed a special one-on-one relationship with [REDACTED]. He would take [REDACTED] alone, out to eat and on trips. He would give him money. [REDACTED] felt "great" as a result of all this attention -- attention which he did not receive as one of eight children in a home where financial resources were modest. [REDACTED] felt "chosen" by MacRae. He regarded MacRae as his big brother. MacRae was "there all the time" for him. MacRae told him, "I'm your best friend." He told [REDACTED] to call him "Dad." MacRae also told [REDACTED] that he had been a police officer, and showed him a badge and a gun. MacRae told [REDACTED] that he, MacRae, could do anything he wanted to. Both [REDACTED] and [REDACTED] testified that [REDACTED] loved MacRae.

The first physical contact between MacRae and [REDACTED] occurred on a car trip to Lynn, Massachusetts. MacRae had invited [REDACTED] to accompany him on a visit to MacRae's parents. On the way, MacRae asked [REDACTED] why he was sitting so far away from him. He told [REDACTED] to sit closer, and pulled him over to him. He told [REDACTED] "Just call me 'Dad.' I'm your best friend. This is how we bond. This is a normal thing." MacRae placed his hand on [REDACTED] leg and rubbed it. [REDACTED] testified that he didn't think there was anything "abnormal" about this.

The physical contact escalated. MacRae arranged to have even more time together with [REDACTED]. There were lunches and dinners together. MacRae gave him clothes and money. MacRae told [REDACTED] they had a special relationship.

MacRae started taking [REDACTED] to the rectory of St. Bernard's Church in Keene, where MacRae resided. At that time, [REDACTED] understood that a rectory was a sacred place, "sort of like a church." MacRae would take [REDACTED] to his private quarters on the third floor. They would sit and talk. MacRae served [REDACTED] his first drink of alcohol. [REDACTED] testified that he had no previous experience with alcohol other than perhaps an occasional stolen sip of his father's beer.) Drinking became a routine part of their visits. [REDACTED] said the alcoholic drinks tasted good and made him feel good. However, they also made him feel "fuzzy," "blurry," and "strange." At times he could not stand up. [REDACTED] continued to trust and respect MacRae.

On occasion, while they were at the rectory, MacRae would tell [REDACTED] that he was staying overnight. MacRae would then call [REDACTED] to let her know. When the drinking caused [REDACTED] to be unable to walk, MacRae would carry him to MacRae's bedroom. MacRae would give [REDACTED] messages on his back, legs, and buttocks. He would then have [REDACTED] turn over and he would message [REDACTED] chest and genital area in what MacRae termed the "spider game." [REDACTED] testified that he did not question this conduct. MacRae told him that these things were "normal," and were part of their "bonding." MacRae told [REDACTED] that [REDACTED] did not need women in

his life -- that all women did was lie, cheat and steal. MacRae told him that all [REDACTED] needed was MacRae.

[REDACTED] testified that on several occasions, he actually passed out. He would awake with a massive headache and feeling strange. On several occasions, when showering at the rectory, [REDACTED] experienced a burning sensation in his anus. Although he felt discomfort, he stated that he had no idea what happened.

During the period of approximately 1981/1982 MacRae also took [REDACTED] to a rectory in Hudson, New Hampshire. [REDACTED] described one visit as follows. MacRae picked [REDACTED] up at his home and drove him to the Hudson rectory. No one else seemed to be there. MacRae brought him into the living room and then disappeared. [REDACTED] helped himself to some alcohol, which he "guzzled." When MacRae returned, he took [REDACTED] into a bedroom and told him to take off his clothes. MacRae was "edgy" and told him to "do it." MacRae stated to [REDACTED] "If you don't do what I say, I'll never be your friend again." [REDACTED] took his clothes off and MacRae left. Another man, whom [REDACTED] believed to be a priest, came into the room and "raped" him anally. That man reassured [REDACTED] that everything was "fine" and "normal." That man left, and a second man entered. [REDACTED] also believed this man to be a priest. Again, [REDACTED] was anally raped. Again, he was reassured by the man that "everything's fine -- this is normal." [REDACTED] testified that during the course of these assaults, he was "sniffling," and confused. After the second man got dressed and left, MacRae returned and told [REDACTED] to get dressed. MacRae then took him to dinner and a movie. The two never talked about the incident. [REDACTED] believes this incident happened before MacRae's ordination in 1982.

In January of 1982, [REDACTED] separated. (They were divorced in August of 1983.) At the time of the separation, [REDACTED] overheard a conversation between his parents in which [REDACTED] told his wife that he "didn't give a \*\*\*\* about the kids." MacRae continued to be an important figure in [REDACTED] life. MacRae continued to be a frequent visitor at the [REDACTED] household, and on occasion spent the night. [REDACTED] testified that he was happy to have Father MacRae there. The entire [REDACTED] family attended MacRae's ordination in May, 1982, and felt privileged to be assigned to the VIP section in the church.

[REDACTED] graduated from high school in 1983. He worked at construction for a brief period until he was laid off. MacRae then got him a job at the Keene church doing maintenance work. [REDACTED] then enlisted in the U.S. Army and spent time in [REDACTED]. He testified that he had a difficult time in the military. He felt he didn't fit in; he described himself as experiencing an "identity crisis." He developed significant problems with drug and alcohol abuse. During his time in the Army, [REDACTED] maintained

contact with MacRae. [redacted] was discharged in February, 1987, and lived for a time in [redacted].

In the spring of 1988, [redacted] decided to return home to New Hampshire. His mother repeatedly asked him to come back to the [redacted] household, stating that she had room for him. MacRae, however, persuaded [redacted] that his mother had enough problems of her own and that [redacted] should live with him. [redacted] continued to regard MacRae as a father figure. Shortly after [redacted] moved in with MacRae, however, their relationship ended. During a conversation related to [redacted]'s need for money, MacRae told him he knew how [redacted] could make a couple of hundred dollars. He told [redacted] all he had to do was "just lay there." [redacted] understood this as a sexual proposition. He moved out shortly thereafter. Subsequently, in 1988, he was contacted by Keene Detective McLaughlin and he reported the solicitation, which he understood to be a solicitation for homosexual activity.

[redacted] testified that during the summer of 1988, he learned that MacRae had sexually abused his brothers. In a conversation with his mother near their pool, she asked [redacted] whether MacRae ever "tried anything on you." [redacted] recalls that his mother told him that something had happened with [redacted], and possibly [redacted] (Mrs. [redacted] however, testified that this poolside discussion never involved [redacted]) He testified that this hit him "like a rock," and made him very upset. [redacted] reacted to the question, but gave his mother no details. [redacted] stated that until 1988, he never spoke with anyone about the sexual contacts by MacRae. Although [redacted] believes that the conversation with his mother occurred in the summer of 1988, [redacted] testified that she believed it occurred in 1989. She stated that in early 1989, when she was working as a social worker for the State of New Hampshire, she heard that there had been a problem between MacRae and a boy at Spofford Hall, and was advised to ask her sons about their contacts with MacRae. Based on this, she spoke with her sons.

In early 1993, [redacted] began counseling with Richard Dufresne, a clinical social worker. The counseling continued until November, 1995. [redacted] testified that before 1988 he had no idea that he suffered any injury at all at the hands of MacRae. He said that it was not until his counseling with Dufresne that he began to understand that what MacRae did was wrong. He stated that to this day he has difficulty understanding what happened to him and that he blames himself. He states that he knew what happened to him physically -- and that he has not forgotten any of it, but did not know what to call it.

Richard Dufresne diagnosed [redacted] as suffering from chronic post traumatic stress disorder, with delayed onset. He testified that when [redacted] started counseling, he was full of guilt and self-blame, and felt responsible for MacRae's abuse of his

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brothers. He testified when he first saw [REDACTED] [REDACTED] did not understand that MacRae's conduct was wrong. The self-blame continues, and [REDACTED] continues to question whether he did anything to cause the abuse he suffered. In Dufresne's opinion, [REDACTED] did not begin to understand that he had been injured by MacRae until 1992, when his brothers "began confronting" MacRae's abuse of them.

[REDACTED] was born on November 18, 1967. His law suit was instituted on June 7, 1994, when he was age 27. He alleges sexual abuse at the hands of MacRae during the period of approximately 1979 through 1987, with the last sexual contact occurring no later than March 31, 1987, when he was age 19, more than seven years prior to the institution of suit.

[REDACTED] He experienced the same strong religious influence in his upbringing as did his brother [REDACTED] (Please refer to the [REDACTED] fact section for additional detail regarding the [REDACTED] family life and relationship with MacRae.) He served as an altar boy, and was confirmed. He was well-grounded in Catholic education, and religion played an important role in his life. Prior to his contacts with MacRae, [REDACTED] had had very positive relationships with priests. He believed that priests were the "middlemen" between God and the parishioners. Priests articulated what was right and wrong. They were to be revered. [REDACTED] described [REDACTED] as the most devout of her children. She also testified that as a young child, [REDACTED] was very out-going and vivacious.

[REDACTED] first met MacRae when he was 11 years old. He explained that his brother [REDACTED] was the first to meet MacRae, and soon after MacRae started coming to the [REDACTED] home frequently. He testified that MacRae spent the majority of his free time at their home, that he brought many gifts, and that MacRae had the full support and trust of his mother. [REDACTED] testified that MacRae began to take him places alone. He would take him to the store, on errands, miniature golfing, and to the batting cages. [REDACTED] felt very good about this individual attention, and would feel extremely jealous when MacRae would take either [REDACTED] or [REDACTED] out alone.

The first physical contact by MacRae occurred when [REDACTED] was 11 years old, in the summer of 1979. He was delivering a newspaper to the rectory, and MacRae invited him in for donuts and orange juice. In the rectory, MacRae "pinned him up against the wall" and fondled his genitals. [REDACTED] felt uncomfortable and very confused.