

Babel v. Roman Catholic Diocese of Burlington, No. S0274-05 Cncv (Katz, J., Apr. 24, 2008)

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STATE OF VERMONT
Chittenden County, ss.:

SUPERIOR COURT
Docket No. S0274-05 CnC

PERRY BABEL

v.

ROMAN CATHOLIC DIOCESE
OF BURLINGTON, VERMONT

ENTRY

**Plaintiff's Motion for Summary Judgment
on the Statute of Limitations**

Plaintiff Babel moves for summary judgment on Defendant Roman Catholic Diocese's affirmative defense that the suit is barred by the statute of limitations.

The relevant six-year limitations period commences when the plaintiff knows what happened to him, appreciates that he was harmed by the act, and has sufficient information to reasonably conclude that the defendant may be responsible. See 12 V.S.A. § 522(a); Earle v. State, 170 Vt. 183, 188 (1999). See also Sabia v. State, 164

Vt. 293, 309 (1995) (negligent supervision leading to abuse governed by § 522).

This limitations standard hinges on questions of fact. The last prong is particularly fact-based, requiring conclusions about reasonable inferences to be drawn from the information known by the Plaintiff. The facts are hotly contested by the parties and the source from which they are to be determined is the Plaintiff himself. Defendant should have a right to cross-examine on the issue and only when the evidence is complete will we be able to rule on the issue as a matter of law or, if there is evidence raising a question of fact, send it to the jury.

Because the statute of limitations defense hinges on material issues of fact, Plaintiff's summary judgment motion is DENIED. See V.R.C.P. 56(c).

Done at Burlington, Vermont, _____, 2008.

M. I. Katz, Judge