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I am here today in Albany, New York with my clients, Bobby Davis and Mike Lang, to announce our whole hearted support for A5488 by Assembly Member Margaret Markey which would extend the statute of limitations for the filing of criminal and civil actions involving child sexual abuse. The bill if passed into law would open a one year window for victims who would otherwise be barred from suing and would allow victims to file a lawsuit against those responsible for the harm inflicted upon them.

Bobby Davis is 40 years old. Mike Lang is Bobby's step-brother and is 45 years old.

In a lawsuit which we have filed against Syracuse University Basketball coach, James Boenheim, and Syracuse University and which is now pending in New York, Bobby Davis alleges that he was regularly sexually abused by Bernie Fine, formerly a senior member of the coaching staff of the Syracuse University Men's Basketball Team. Mike Lang also alleges in his lawsuit that Fine repeatedly sexually abused him after Fine met him when Lang began delivering newspapers to Fine's home and both men allege that they have suffered profoundly from Fine's extended and violent abuse. They also allege that they were both ball boys for the Syracuse University Men's Basketball Team and that Fine traded on the prestige and power of his coaching position to gain access to both Bobby and Mike.

Bobby, Mike and I feel that it is long overdue for those who have committed acts of child sexual abuse to be held accountable.

Opening up a one year window would allow Bobby and Mike to file a lawsuit and to seek justice. Without it they will be denied their day in a civil court against the alleged perpetrator of their abuse.

In 1984, I filed a lawsuit in California on behalf of Rita Milla who had been sexually abused by seven Catholic priests and had a baby by one of them. Rita had delayed filing a lawsuit before she came to me because the Church kept promising to help her, but they never did.

After we filed a lawsuit for her, the California Court of Appeals ruled in part that Rita could not seek justice because she had waited too long before filing and that the statute of limitations had run out. The Court was not going to permit Rita to go to trial and it appeared that neither the Archdiocese nor the priests would ever have to answer for their conduct.

The battle was not over however. A bill was introduced into California which would open a one year window for victims such as Rita who had been time barred by the previous law and which would allow those victims to file or re-file their case. Rita and I publicly supported this bill and Governor Grey Davis signed it into law in 2002.

As a result, the new law (similar to what is being proposed by Assembly Member Markey) opened the courthouse door at least for a short time for victims who had had it shut in their face in the past. Because of the new window, we were able to re-file Rita's case which we did. After litigating it we were successful in winning a \$500,000 settlement for Rita.

The District Attorney, William Fitzpatrick of Onondaga County, has stated publicly in a news conference that he believes Bobby Davis and Mike Lang, but that the statute of limitations bars him from prosecuting in their case. We believe that perpetrators of child sexual abuse should not be able to abuse the trust of victims and then hide behind the statute of limitations. We also believe that institutions and employers that know, or have reason to know, or who are otherwise on notice of any unlawful sexual conduct by an employee and who fail to take reasonable steps and implement reasonable safe guards to avoid future acts of unlawful sexual conduct should also be held accountable.

Bobby and Mike have demonstrated enormous courage in coming forward. They did so in large part because they wanted to protect other children from the abuse that they allege that

they suffered.

We thank and commend Assembly Member Markey for introducing this important bill. We plan to do everything possible to support it so that Bobby, Mike and all adult survivors of child sexual abuse in New York can receive the full measure of justice that they so rightly deserve.

Gloria Allred

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Representing Bobby Davis and Mike Lang

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