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# Lawyer argues church can't be sued

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JEFFERSON CITY — As the suit against Columbia Catholic priest John Whiteley and the Roman Catholic Diocese of Jefferson City enters its first month, the diocese's lawyer is seeking to remove the church from the controversy — arguing the church cannot be sued in Missouri.

The civil suit was filed Aug. 1 by a man identified in court papers as John Z. Doe to protect his identity. Doe claims Whiteley sexually abused him more than 20 years ago when Doe was a child. Louis DeFeo, counsel for the diocese, filed several motions Tuesday in Cole County Circuit Court to dismiss the case.

In a related motion, DeFeo asked the court to sever from the case both St. Pius X

church in Moberly, where the alleged abuse occurred, and the Jefferson City diocese on the grounds that neither is a legal entity and thus cannot be sued.

"You can only sue entities that legally exist — individuals, corporations and in certain cases, trusts," he said. If DeFeo is successful, this would leave Whiteley and Bishop Michael McAuliffe, who heads the Jefferson City diocese, as the only de-

fendants.

In a separate motion, DeFeo argued that under Missouri law, the statute of limitations for each of the five counts Doe filed expired in 1982 or earlier.

The only exception to this rule comes in the case of minors, who cannot sue on their own, DeFeo said. Their time clock is frozen until they reach the age of majority. Doe turned 18 in 1977 — 14 years ago.