WE NOW MOVE TO THE FINAL CASE ON TODAY'S DOCKET, R.R., ET AL. V. NEW LIFE COMMUNITY CHURCH OF CMA.
>> MAY IT PLEASE THE COURT, I'M SUSAN FOX.
THANK YOU FOR HEARING OUR PETITION, AND I RESERVE FIVE MINUTES FOR REBUTTAL.
PETITIONERS ARE TWO YOUNG WOMEN WHO, AT AGES 4 AND 5, WERE SEXUALLY MOLESTED BY DANIEL HATFIELD-- WHO I'LL JUST REFER TO AS DANIEL-- SON OF THE PASTOR OF NEW LIFE COMMUNITY CHURCH.
THE ISSUE BEFORE THE COURT IS WHEN THE STATUTE OF LIMITATIONS RAN ON THEIR CLAIMS AS TO THE NEGLIGENT ACTORS.
RESPONDENTS CONTEND THAT R.R.'S CLAIM RAN OUT IN THE YEAR 2000 WHEN SHE WOULD HAVE BEEN 8 YEARS OLD AND THAT S.B.'S CLAIM RAN OUT IN 2009 WHEN SHE WOULD HAVE BEEN 15.
BOTH GIRL WERE STILL MINORS, DIDN'T REALIZE THEY HAD BEEN SEXUALLY ABUSED, WHAT HAD BEEN DONE TO THEM WAS UNDER THE GUISE OF PUNISHMENT.
AND, OF COURSE, NOT REALIZING THE FACTS OF SEXUAL ABUSE, THEY DIDN'T HAVE THE ABILITY TO TELL THEIR PARENTS TO FILE SUIT FOR THEM.
SO WE HAVE FOUR MAIN ARGUMENTS TO PRESENT AS TO WHY WE CONTEND THE STATUTE OF LIMITATIONS DID NOT RUN ON THEIR CLAIMS.
I'D LIKE TO ADDRESS THEM IN TURN, AND I'LL GO THROUGH THEM AS QUICKLY AS POSSIBLE.
FIRST OF ALL, THE DELAYED DISCOVERY DOCTRINE UNDER HEARNDON.
I KNOW WE'RE GOING TO TALK ABOUT THAT AT LENGTH, BUT I BELIEVE IT'S STILL APPLICABLE.
SECOND, TOLLING OF THE ACTIONS

BECAUSE THE PARENTS DIDN'T KNOW
AND COULDN'T SUE.
THIRD, STATUTORY CONSTRUCTION
WHICH THIS COURT ALWAYS FINDS
WHEN NECESSARY TO PROTECT THE
RIGHTS OF CHILDREN, BECAUSE
OTHERWISE THEY'RE LEFT
COMPLETELY WITHOUT A REMEDY.
AND FOURTH, EQUITABLE ESTOPPEL
LIKE THE S.A.P. CASE WHERE THE
CHILDREN WERE ABUSED AT A VERY
YOUNG AGE-- 4 YEARS OLD-- AND
THE FACTS OF THE NEGLIGENT
CONDUCT THAT LED TO THEIR ABUSE
WAS ACTUALLY CONCEALED AND ONLY
CAME TO THEIR ATTENTION AS IT
DID HERE MUCH LATER, WHEN DANIEL
WAS ARRESTED EXPECT FACTS OF
WHAT HAD BEEN GOING ON WITH HIM
BEHIND THE SCENES BECAME PUBLIC.
SO--
>> COUNSEL, ISN'T IT-- I'M
SORRY TO INTERRUPT YOU.
ISN'T THIS FUNDAMENTALLY A
SEPARATION OF POWERS CASES IN
TERMS OF WHETHER WE SHOULD LOOK
TO THE LEGISLATURE TO ADDRESS
THESE ISSUES RATHER THAN HAVE US
TRY TO STEP IN AND, YOU KNOW,
CREATE DOCTRINES TO ADDRESS
WHAT, YOU KNOW, IS A COMPELLING
POLICY ISSUE, FOR SURE?
>> WELL, I KNOW THAT HAS BEEN
STATED IN SOME OF THE CASES,
MAYBE IN THE DISTRICT COURT OF
APPEAL CASES, BUT I THINK THIS
COURT ANSWERED IT IN THE
HEARNDON CASE WHICH BROADLY
STATES THAT THE DELAYED
DISCOVERY ACTION IS APPLICABLE
IN CHILD SEXUAL ABUSE CASES
BECAUSE OF THE EFFECT THAT IT
HAS ON THE VICTIMS.
AND THAT INCLUDES THEIR YOUNG
AGE, LACK OF UNDERSTANDING,
REPRESSION OF MEMORIES, THEY
DON'T UNDERSTAND SEXUAL
BEHAVIOR, SHAME, RISK OF
CONDEMNATION AND FEAR OF
CONFRONTING THE POWERFUL ADULTS

RESPONSIBLE FOR THE ABUSE.
AND FEAR OF CONFRONTING POWERFUL ADULTS RESPONSIBLE FOR THE ABUSE.
ALL OF THOSE ARE PRESENT AND THEY ARE PRESENT IN THIS CASE AND THE PRIMARY FACTOR CITED, ANOTHER PRIMARY FACTOR WAS DELAYED DISCOVERY HAD BECOME THE MAJORITY RULE IN OTHER JURISDICTIONS.
IT WAS BASED ON PRIOR DECISION OF THE COURT.
AND THE CITY OF MIAMI VERSUS BROOKS, THE VICTIMS WOULDN'T KNOW A SPONGE WAS LEFT INSIDE AND WOULDN'T KNOW THE DOCTORS HAD BEEN NEGLIGENT UNTIL SOMETHING HAPPENED LATER THAT WOULD MAKE THEM AWARE OF THAT.
NOT ONLY THAT THEY WOULD BE AWARE OF THE INJURIES THAT THEY HAD BUT IT WAS CAUSED BY THAT.
>> WE SUBSEQUENTLY LIMITED DAVIS.
>> RIGHT ON TO DAVIS.
DAVIS LIMITED HERNDON AND I RECOGNIZE THAT BUT THE RESPONSE BUT IT LIMITED IN THIS CASE, THIS IS A CHILD SEXUAL ABUSE CASE AND DAVIS SAYS THAT WE LIMIT HERNDON TO CHILD SEXUAL ABUSE CASES AND DAVIS --
>> THE LEGISLATURE HAS DEALT -- THEY HAVE SHOWN ATTENTION TO THESE ISSUES THEY HAVE DONE IN A PARTICULAR WAY.
>> THAT IS CORRECT BUT YOU HAVE TO CONSIDER TWO THINGS.
CAN I GET TO ONE THING?
THE FOUR REASONS DAVIS MENTIONS FOR DELAYED DISCOVERY APPLIES ONLY IN CHILD SEXUAL ABUSE CASES AND THEY DID USE THAT LANGUAGE, CAUSES OF ACTION ARISING OUT OF CHILD SEXUAL ABUSE.
THE UNIQUE AND SINISTER EFFECTS ON CHILDREN THAT CAUSED DELAY AND DISCOVERY, THE FACT THAT DELAYED DISCOVERY IS APPLIED IN

SIMILAR CASES, MEDICAL
MALPRACTICE.
THE LEGISLATIVE ENDORSEMENT IN
SECTION 95.1, SUBSECTION 7, AND
THE FACT THAT IT WAS A MAJORITY
RULE IN TRENDS IN THE US AS WE
HAVE SHOWN YOU, TO ALLOW
ADDITIONAL TIME FOR YOUNG
CHILDREN SUBJECTED TO SEXUAL
ABUSE.
GETTING TO YOUR QUESTION,
JUSTICE KENNEDY, WITH REGARD TO
STATUTORY INTERPRETATION,
SECTION 95, THE ACCRUAL RULE, IT
WAS CONSTRUED TO APPLY TO CHILD
SEXUAL ABUSE CASES SUCH THAT THE
LAST ELEMENT WHICH WAS THE
LANGUAGE USED IN SECTION 031,
THE LAST ELEMENT BY ABUSE SO
UNDER RULES OF STATUTORY
CONSTRUCTION THE LEGISLATURE
WOULD BE PRESUMED TO KNOW THE
CONSTRUCTION HAD BEEN MADE, AND
TO RATIFY THAT CONSTRUCTION WHEN
SUBSEQUENTLY AMENDED, SECTION
95.031, WITHOUT CHANGING THAT,
IT WAS A LONG TIME SINCE IT WAS
CONSTRUED IN HERNDON.
I WOULD POINT OUT TO YOU, THAT
WAS NOT A BLANKET RULE FOR
ALLOWING DELAYED DISCOVERY TO
END STATUTES OF LIMITATION FOR
ALL KINDS OF CASES.
>> DIDN'T THE PARENTS KNOW ABOUT
THIS IN 1998?
>> AND RR'S CASE THEY KNEW
DANIEL HAD HELD HER DOWN AND
THAT SHE BECAME DISTRAUGHT AND
PITCHED A FIT ABOUT THAT.
SHE STATES SHE DIDN'T KNOW OR
DIDN'T UNDERSTAND THAT HE WAS
PUTTING HIS FINGERS TO TOUCH HER
GENITALIA.
SO SHE WOULDN'T HAVE BEEN ABLE
TO EXPLAIN THAT PART.
THEY KNEW SOMETHING HAD HAPPENED
AND THE CHURCH PASTOR
APOLOGIZED.
>> THEY SHOULD HAVE KNOWN THE
INJURY OCCURRED?

>> UNDER HERNDON YES.
>> HASN'T THE STATUTE RUN?
>> MY POSITION WITH REGARD TO RR IS A NEW THEY HELD HER DOWN. THEY DIDN'T KNOW HE HAD SEXUALLY ABUSED HER.
WE HAVE AN EXPERT WITNESS AFFIDAVIT THAT SHE DIDN'T KNOW. IF YOU ASSUME THAT SHE DIDN'T KNOW, HOW COULD SHE HAVE TOLD ANYONE ELSE?
>> THE OTHER WAS A SIBLING, RIGHT?
>> KNOW.
A YOUNG GIRL WHO HAD BEEN IN THE CHURCH HER WHOLE LIFE, WAS ONLY ONE TIME, SB, IT HAPPENED WHEN SHE WAS 5, CONTINUED UNTIL SHE WAS 11 OR 12, PUT IN A TIMEOUT AND NOT SIT ON HIS LAP AND WRAP HIS ARMS UNDER THEM.
>> I AM SORRY.
GOING BACK TO RR, SHE TOLD HER PARENTS ABOUT THE DATE IT HAPPENED.
AM I CORRECT?
>> WITHIN THE WEEK IS WHAT SHE SAID.
>> AND HER FATHER CONTACTED MISTER HATFIELD, DANIEL'S DAD AND CONFRONTED HIM ABOUT IT AND DANIEL'S DAD PUT MISTER HATFIELD PUT HIM ON THE PHONE AND APOLOGIZED FOR WHAT HE DID.
HOW MUCH DETAIL, WAS RR PRESENT WHEN THIS HAPPENS?
>> YOU REALIZE THERE WAS AN ADULT WITNESS WHO CAME ON THE SCENE, CAME ON THE SCENE AND FOUND RR IN A DISTRAUGHT --
>> YOUR RESPONSE WAS YOU DON'T KNOW HOW MUCH DETAIL RR WAS AWARE OF.
WAS RR PRESENT?
THE TELEPHONE CALL WHEN DANIEL WAS TOLD TO GET ON THE PHONE AND APOLOGIZE, THE APOLOGY, WAS THAT MADE TO RR.
IT WAS ABOUT HOLDING HER DOWN AND THE ADULT WITNESS WHO CAME

ON THE SCENE.
UNDERSTOOD ONLY THAT HE HOLD HER DOWN.
>> WHEN SHE REPORTED IT IN A SHORT TIME SHE WAS THEN AWARE OF WHAT WENT ON.
>> I DON'T THINK SHE WAS CAPABLE OF UNDERSTANDING THE SEXUAL NATURE OF WHAT HE WAS TRYING TO DO AND THAT WAS HER DEPOSITION TESTIMONY.
>> AS DID THE PARENTS, WHAT IS YOUR BEST ARGUMENT WHY THIS WASN'T SATISFIED.
I UNDERSTAND THE ARGUMENT ON 4-YEAR-OLD DID NOT EQUATE A CERTAIN TYPE OF TOUCHING WITH SEXUAL ASSAULT BUT OBVIOUSLY GIVE ME THE ARGUMENT GIVEN WHAT PARENTS KNEW, AT A MINIMUM THEY SHOULD HAVE KNOWN IT WASN'T SATISFIED.
>> AS A PARENT I WOULD HAVE MADE FURTHER INQUIRIES.
IN THIS SITUATION I THINK WE ARE HERE ON SUMMARY JUDGMENT, THE PARENTS HAVEN'T BEEN DEPOSED.
ALL WE KNOW IS TWO PEOPLE WHO TESTIFIED ABOUT WHAT HAPPENED HAVE SAID THAT NEITHER OF THEM UNDERSTOOD AT THE TIME TO BE A SEXUAL SORT OF TOUCHING.
RR WAS MAD BECAUSE SHE WASN'T GETTING PUNISHED.
OTHER PEOPLE GET MAD WHEN SOMEBODY PUNISHES THEIR KIDS.
IT IS NOT NECESSARILY ABOUT SEXUAL ABUSE, THE NARROW WINDOW THAT WAS LEFT OPEN, IT DOESN'T LET EVERYBODY, IT IS ONLY FOR CHILD SEXUAL ABUSE CASES.
I WANT TO SAY JUST LIKE YOU OFTEN SAY DEATH IS DIFFERENT, CHILD SEXUAL ABUSE IS DIFFERENT FROM OTHER CASES BECAUSE CHILDREN NEED TO BE PROTECTED.
CHILDREN HAD NO REMEDY AGAINST NEGLIGENT CAREGIVERS GIVEN SOME BEHAVIOR THAT CREATES A TICKING TIME BOMB AGAINST THEM THAT DOES

NOT GO OFF FOR 10 OR 15 YEARS.
THE PERPETRATOR HIMSELF LIKE IN MANY OF THESE CASES WERE LONG GONE, DAD RETIRED IN JAIL BUT THE FOCUS NEEDS TO BE ON THE NEGLIGENT CAREGIVERS WHO CAN PUT IN PLACE THE REPORTING OF ABUSE, BETTER BACKGROUND CHECKS, CHILD SAFETY MEASURES AND THINGS LIKE THAT THAT WOULD PREVENT THESE THINGS FROM GOING ON RATHER THAN AS THE TRIAL COURT SAID, CREATING THIS HORRIFIC POLICY THAT ACTUALLY ENCOURAGES COVERING UP THE ABUSE IN HOPES THAT IT WON'T COME TO LIGHT.
>> CAN YOU TELL ME WHAT THE CHRISTIAN AND MISSIONARY LINES DENOMINATION HAS TO DO WITH THIS?
>> THEY --
>> THEY DIDN'T EMPLOY ANYBODY HERE, DID THEY?
>> THEY ARE NOT ALLEGED TO HAVE BEEN EMPLOYERS AND I THINK THEY ARE OUT OF THE CASE AT THE LOWER COURT LEVEL.
THEY DID ADOPT --
>> THEY ARE HERE TODAY.
>> I'M NOT SURE WHAT THEIR STATUS IS AT THIS MOMENT.
>> WHAT DO YOU THINK IT SHOULD BE?
>> THEY ADOPTED CHILD SAFETY MEASURES THAT ARE IN THE SUMMARY JUDGMENT EVIDENCE AND THOSE MEASURES WERE NOT ENFORCED.
THE COMPLAINT ALLEGES THEY HAD THE SUPERVISORY AUTHORITY TO ENSURE NEW LIFE COMMUNITY CHURCH PUT THOSE MEASURES INTO PLACE.
THE SOUTHERN DISTRICT PURCHASED AND INTERMEDIATE CHURCH, APPOINTS AND SUPERVISES THE MINISTERS AND THERE WERE CHILD SAFETY MEASURES THAT REQUIRED TWO ADULT AND THINGS LIKE THAT, A CHILD NEVER TO BE HELD DOWN AND THOSE WERE NOT ENFORCED.
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>> YOU SERVED THAT IN YOUR BRIEFS?
>> IT IS ALL IN THE RESPONSES TO SUMMARY JUDGMENT AND SO FORTH. WE ARE JUST ON STATUTE OF LIMITATIONS, NOT ON THEIR DUTY AND THINGS LIKE THAT.
>> MISTER CHIEF JUSTICE AND MAY IT PLEASE THE COURT, I REPRESENT NEW LIFE COMMUNITY CHURCH AND RON HATFIELD.
I AM GOING TO ADDRESS ARGUMENT ON BEHALF OF ALL OF THE RESPONDENTS THAT THE SOUTHEASTERN ALLIANCE WILL BE ADDRESSING MATTERS THEY RAISED IN THEIR BRIEF BY HEAR YE, HEAR YE, HEAR YE, THE SUPREME COURT OF FLORIDA IS NOW IN SESSION, ALL WHO HAVE CAUSE TO PLEAD, DRAW NEAR, GIVE ATTENTION AND YOU SHALL BE HEARD.
-- IT IS AN APPOINT CONCESSIONS WHAT I HEARD THAT THIS IDEA OF A NEW OR SHOULD HAVE KNOWN RULE ESSENTIALLY RAISED IN THIS CASE IS A TOLLING CONCEPT BECAUSE BEFORE, THE WAY IT WAS PRESENTED THAT THIS IS ANOTHER EXCEPTION TO ACCRUAL THAT WILL DELAY ACCRUAL.
THAT WAS NEVER RAISED BELOW AS A TOLLING CONCEPT BUT I THINK THE STATUTORY FRAMEWORK IS CLEAR THAT DISABILITY AS A TOLLING CONCEPT CAN ONLY BE RAISED UNDER 95.051.
THE LAST SUBSECTION OF THE STATUTE SAYS THE ONLY DISABILITY CAN ONLY BE RAISED AS A TOLLING CONCEPT AS SET FORTH IN THE STATUTE.
>> IT SAYS DISABILITY OR ANOTHER REASON DOES NOT TELL THE RUNNING OF ANY STATUTE EXCEPT THOSE SPECIFIED.
THE FLORIDA GUARDIANSHIP LAW. WE EITHER SAY IT OR IT DOESN'T EXIST.
>> TO GO BACK TO TRY TO CREATE

AN ACCRUAL EXCEPTION WE RUN
AFOUL OF MAKING COMMON-LAW THAT
ACCORDING TO DAVIS IT HAS TO BE
STATUTORY IN ORDER TO DELAY
ACCRUAL OF A STATUTE.
AND SO THE LINE THAT DAVIS DREW
THE REASONING THEY DREW WAS
BASED ON THE DELAY HAVING BEEN
CAUSED GOING BACK TO HERNDON,
TRAUMATIC AMNESIA HAVING BEEN
CAUSED BY THE ABUSER.
IN OUR CASE, THIS IS A
FUNDAMENTAL CONTRADICTION WITHIN
THE ARGUMENT RAISED ON THE OTHER
SIDE THERE ARE NO FACTS OF SOME
COVER-UP OR SOME CONCEALMENT OR
SOME CONDONING OF ACTION.
THE TESTIMONY AS IT HAS BEEN
RAISED ON APPEAL IS WE DIDN'T
KNOW WHAT HAPPENED TO US WAS
WRONG.
>> WHEN DID SB'S CLAIMS ACCRUE?
>> THEY ACCRUED IN MARCH FOUR
YEARS FROM HER 12TH BIRTHDAY,
MARCH 2010 WHICH IS THE LURE --
BEFORE JULY 1ST.
>> WHAT DOES THAT DATE
REPRESENT?
>> THAT IS BASED ON HER
DEPOSITION TESTIMONY, HER
BIRTHDAY, I AM SORRY, GOING BACK
HERE, ON PAGE 111 ON DEPOSITION
TESTIMONY, THE ABUSE, WHEN SHE
TURNED 12.
SHE TURNED 12 MARCH 25, 2006,
FOUR YEARS FROM THAT BEFORE
JULY 1, 2010.
>> A STATUTE RAN THE DATA OR THE
CAUSE OF ACTION BEGAN TO ACCRUE.
>> THAT IS WHEN IT RAN.
IT RUNS UNDER ANALYSIS,
ESSENTIALLY TALKED ABOUT THE
CASE, IT RUNS WHEN THE EVENT
OCCURS, THE ABUSE OCCURS.
>> IS THERE NO TOLLING OR DELAY
FOR HER BEING SO YOUNG SHE
DIDN'T APPRECIATE WHAT WAS
HAPPENING TO HER?
>> THERE IS NO STATUTORY BASIS
TO TOLL OR OTHERWISE DELAY

ACCRUAL BASED ON LACK OF OPACITY
AS THE STATUTES THAT APPLIED TO
HER CASE TO HER CAUSE OF ACTION.
THE INTERESTING WAY TO LOOK AT
IT.
>> HE HAD PARENTS?
>> CORRECT.
CORRECT.
ESSENTIALLY, IF YOU ARE GOING TO
ADD LACK OF KNOWLEDGE AS A FORM
OF A SUBSTANTIVE ELEMENT YOU ARE
REWRITING THE STATUTORY
FRAMEWORK.
A BUNCH OF CASES, CHIEF JUSTICE
KENNEDY MENTIONED THAT IN HIS
DISSENT, YOU ARE ALLITERATIVE
THE STATUTE, THERE'S A
SYMPATHETIC PLAINTIFF THAT COMES
AROUND TO MAKE AN EXCEPTION.
THE STATUTORY FRAMEWORK IS WHAT
IT IS, IF YOU HAVE PARENTS IN
ALL TIMES, BOTH -- THE ENTIRE
TIME THAT THEY HAD THESE CLAIMS
YOU CAN'T AVAIL YOURSELF OF
95.051 OF 95.051H, THE TOLLING
STATUTE AND THERE IS NO
COMMON-LAW BASIS TO DELAY
ACCRUAL OR CREATE SOME SORT OF
COMMON-LAW TOLLING CONCEPT AND
THE POINT I WAS GOING TO MAKE
UNDER SOME EQUITY WE HAVE NO
FACTS SINCE THERE WAS NO
REPORTING OF THIS UNTIL AFTER
DANIEL'S ARREST IN 2012, NO
TESTIMONY, NO RECORD EVIDENCE
THAT CONTRADICTS THE TESTIMONY
OF THE PLAINTIFF SAYING I DIDN'T
KNOW WHAT WAS HAPPENING THAT
WOULD SOMEHOW INDUCE THEM NOT TO
FILE SUIT, NO BASIS TO
CONTRADICT THE GENUINE ISSUE OF
MATERIAL FACT THAT THE TRIAL
LEVEL.
>> CAN YOU ADDRESS THE ARGUMENT
THAT HERNDON APPLIES EVEN THOUGH
THIS IS NOT INTENTIONAL?
>> THE WAY I HEARD IT WAS
BECAUSE THE STATUTE WAS
REENACTED IN 2003 THAT PRESUMES
THE LEGISLATURE ADOPTED HERNDON

TO APPLY BEYOND ADDITIONAL
TOWARDS.
DAVIS CAME ON IN 2002.
IF ANYTHING WE ARE TO PRESUME
THE LEGISLATURE UNDERSTOOD THAT
DAVIS LIMITED HERNDON TO ITS
FACT ONLY TO APPLY TO ADDITIONAL
TOWARDS.
THE CISCO CASE, THE WDK'S, THEY
TALK ABOUT WHETHER THE STATUTE
OF 95117 SHOULD APPLY TO
INSTITUTIONS AND BASED ON
DEFINITIONS OF THE STATUTES IT
DOESN'T APPLY TO THOSE.
IT SAYS WHAT IT SAYS.
IT ONLY APPLIES TO THE ABUSER.
IS THAT - SO THERE IS AN ATTEMPT
TO FALL WITHIN SOME TYPE OF
EXCEPTION TO THE STATUTE OF
LIMITATIONS BASED ON WHEN THESE
CLAIMS OCCURRED.
WE GO THROUGH THE CHECKLIST AND
NONE OF THEM APPLY.
HERNDON IS COMMON-LAW THE ONLY
COMMON-LAW EXCEPTION TO THE
STATUTE OF LIMITATIONS AND IT
HAS TO BE STATUTORY.
WE GO THROUGH 95117, ONLY
APPLIES TO INTENTIONAL TORTS AND
95119 THESE CLAIMS THE STATUTE
RAN BEFORE JULY 1, 2010, AND
AGAIN THERE IS NEW EVIDENCE TO
CONTRADICT, THE ONLY EVIDENCE WE
HAD BEFORE US TO SUPPORT SOME
SORT OF EQUITABLE STOP, THE ONLY
TESTIMONY THEY PROVIDED WAS WE
DIDN'T FILE SUIT OR TELL ANYBODY
BECAUSE WE DIDN'T KNOW WHAT
HAPPENED TO US WAS WRONG.
THERE IS NO EVIDENCE TO
CONTRADICT THE RESPONDENTS IN
ANY WAY PREVENTING SOMEONE
FILING SUIT, INDUCED THEM NOT TO
FILE SUIT SO IF THERE ARE NO
OTHER QUESTIONS I WILL RELY ON A
JOINT BRIEF AND YIELD THE REST
OF MY TIME.
THANK YOU.
>> I'M SORRY.
>> THANK YOU.

YOU WILL HAVE YOUR TIME.
>> MAY IT PLEASE THE COURT.
HEAR YE, HEAR YE, HEAR YE, THE SUPREME COURT OF FLORIDA IS NOW IN SESSION, ALL WHO HAVE CAUSE TO PLEAD, DRAW NEAR, GIVE ATTENTION AND YOU SHALL BE HEARD.
-- RAISE THE ISSUE OF ABSENCE OF ANY BRIEFING AS THEY RELATE TO MY CLIENT AND THE CHRISTIAN MISSIONARY ALLIANCE.
I REPRESENT THE SOUTHEASTERN DISTRICT, THE COURT WAS WELL AWARE ARGUMENTS RAISED BY INITIAL BRIEF ARE WAIVED.
NOW RELATION TO THESE INITIAL RESPONDENTS.
MY CLIENT IS NOT EVEN NAMED ANYWHERE IN THE BRIEF.
THIS COURT WAS VERY CLEAR IN THE ADEPT OPINION.
CHIEF JUSTICE KENNEDY, YOUR DISSENT WITH JUSTICE LAWSON, ARGUMENTS NOT RAISED IN THE BRIEFING ARE WAIVED SO WE WOULD RESPECTFULLY REQUEST THE COURT AFFIRMED SUMMARY JUDGMENT FOR THOSE REASONS AS WELL FOR MY CLIENT AND THE CHRISTIAN MISSIONARY ALLIANCE.
>> I JUST WANT TO MAKE TWO MAIN POINTS.
FIRST IS A QUOTE FROM DAVIS.
IN HERNDON WE HAVE THE PLAINTIFF'S CAUSE OF ACTION, WE CITED THE SPECIFIC STATUTORY GROUNDS FOR TOLLING LIMITATIONS PERIOD AND RECOGNIZE LACK OF MEMORY WAS NOT AMONG THE A NUMERATOR GROUNDS ALTHOUGH THE LEGISLATURE DID SPECIFICALLY, DID NOT SPECIFICALLY PROVIDE DELAYED ACCRUAL, IN THE NARROW CIRCUMSTANCE OF CHILD SEXUAL ABUSE CASES THE DOCTRINE WAS APPROPRIATE.
THE SITUATION WAS CAUSED BY THE ABUSER.
IN THE ACTUAL HOLDING WE APPLIED

THE DELAYED DISCOVERY TWO CAUSES
OF ACTION ARISING OUT OF CHILD
SEXUAL ABUSE SO I DON'T KNOW
WHERE YOU CAN INFER LIMITATION
TO ADDITIONAL TOWARDS IN THERE
AND THAT LEAVES CHILDREN WITHOUT
A REMEDY.
THIS COURT HAS ALWAYS BEEN ABLE
TO LOOK AT THE FLORIDA STATUTE.
>> THE NATURE OF STATUTE OF
LIMITATIONS THAT WHEN THEY RUN
THE PERSON WHO HAD A CLAIM
BEFORE THE STATUTE RAN IS LEFT
WITHOUT A REMEDY, THE STATUTE OF
LIMITATIONS INVOLVED.
>> THE RIGHT BECOMES ILLUSORY IF
IT WOULD RUN WHEN 12 YEARS OLD
YOU DON'T KNOW YOU HAVE BEEN
ABUSED AND HAVEN'T HAD THE
ABILITY TO TELL ANYBODY.
BUT I WANT TO BRIEFLY ADDRESS
THE EQUITABLE ISSUE BECAUSE AS
THERE ARE TWO DIFFERENT KINDS.
THERE IS ONE WHERE SOMEBODY
TAKES ACTION TO PREVENT YOU FROM
FILING A CLAIM AND THERE IS THE
OTHER KIND WHERE SHE WAS ONLY 4
YEARS OLD WHEN SEXUALLY ABUSED,
SHE WAS IN FOSTER CARE AND THE
ABUSE IS ACTIVELY COVERED UP AND
SHE DIDN'T DISCOVER IT UNTIL SHE
WAS A YOUNG ADULT.
HERE WE HAVE THE SAME SORT OF
THING, DANIEL ADMITS HE WAS A
PORNOGRAPHY ADDICT TO THE
MID-1990s.
HE ADMIT SEXUAL ABUSE OF A CHILD
WHEN HE WAS 18.
HE ADMITTED THIS IN FEDERAL
COURT WHICH WOULD HAVE BEEN IN
THE TIMEFRAME OF RR AND SB.
THE CHURCH SECRETARY FINDS
PORNOGRAPHY REPEATEDLY ON THE
CHURCH COMPUTERS, GOES TO THE
PASTOR, TRIES TO GET HIM TO DO
SOMETHING ABOUT IT.
DANIEL GET SENT TO BRAZIL TO GET
HIM AWAY FROM THE STUFF HE IS
DOING, HE REAFFIRMED THERE.
IT IS ALL IN THE FBI REPORT, HE

ACCESSES PORNOGRAPHY AGAIN.
HE GETS SENT BACK TO HIS PARENTS.
THE SAME THING GOES ON, THE SECRETARY GETS SO UPSET SHE GOES TO THE BOARD OF ELDERS OVER THE PASTOR'S HEAD AND EXPRESSES HER CONCERN ABOUT DANIEL AND HE GETS FIRED.
SHE EVEN GETS A DISTURBING VIDEO WITH SEXUAL CONTENT ON IT AND GETS FIRED.
>> I WANT TO ASK ONE QUESTION. AND SB, THE TIMING ON THE BLAST ACT.
>> IT IS NOT PINNED DOWN TO AN EXACT DATE.
>> ANYTHING YOU CAN POINT TO THAT WE NEED TO LOOK AT THAT WOULD CONTRADICT WHAT HE SAID?
>> SHE SAID IT WENT ON UNTIL SHE WAS 11 OR 12, DIDN'T PIN IT DOWN TO A SPECIFIC DATE, DURING HER 12 YEAR THAT IS WHEN IT WOULD HAVE END, THAT IS THE WAY I READ HER TESTIMONY.
>> THANK YOU FOR YOUR ARGUMENTS AND THAT WILL CONCLUDE TODAY'S SESSION OF COURT, THE COURT STANDS IN RECESS.