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FOR IMMEDIATE RELEASE

ARCHMERE ACADEMY & NORBERTINE ORDER SETTLE LANDMARK CHILDHOOD SEXUAL ABUSE LAWSUIT

Wilmington, DE: Today, one of the pioneers of the childhood sexual abuse litigation in Delaware, Commander Kenneth J. Whitwell, announced the settlement of his Delaware Superior Court lawsuit against Archmere Academy and the Delaware, Pennsylvania and Wisconsin branches of the Norbertine religious Order for an undisclosed sum of money and numerous forms of non-monetary relief. The Diocese of Wilmington reached an earlier settlement with Commander Whitwell in January of 2008.

Commander Whitwell is a decorated 40 year old Naval Officer and flight surgeon, presently stationed at Naval Air Station Pensacola, Florida. His lawsuit was filed in August of 2007 under the landmark Delaware Child Victim's Act and charged that from 1982-1985, he was the victim of nearly three years and more than 200 incidents of brutal rape and other childhood sexual abuse by Rev. Edward Smith, while Smith was the Campus Minister, as well as a teacher of both religion and English at Archmere Academy, an exclusive private high school in Claymont, Delaware, run by the Norbertine religious Order. The lawsuit also charged that Smith was transferred to Archmere two years after he was removed from his position as principal at St. John Neumann high school in Philadelphia as a result of being caught sexually abusing male students there in 1980.

Commander Whitwell's Superior Court lawsuit followed on the heels of an earlier federal court lawsuit against Rev. Smith individually. There, in March 2007, a six person federal court jury awarded \$6 million in compensatory damages and \$35 million in punitive damages against Smith under Vermont law for four acts of rape and sexual abuse inflicted upon young Kenny Whitwell when he was taken across state lines to ski lodges in Vermont. Following the General Assembly's unanimous July 2007 enactment of the Child Victim's Act, Commander Whitwell was able to file this present lawsuit against those institutions which allowed his abuse to happen in Delaware.

The non-monetary relief provided for in the settlement includes the following:

- (1) Archmere "expresses deep remorse for the tragic sexual and psychological abuse suffered against his will by Commander Ken Whitwell and inflicted by Edward Smith while Ken was a student at Archmere Academy;"
- (2) Archmere and the Norbertines admit that Smith "never should have been assigned to Archmere Academy, or any other institution with children;"
- (3) Archmere admits that "mistakes were made" in accepting Smith's transfer to the school by the Norbertines;
- (4) the defendants "apologize[] for the failure of Norbertine/Archmere leadership to act in a timely way to have prevented Ed Smith from being placed in a position of trust at Archmere, which gave him access to Ken Whitwell, culminating in his abuse;"

(5) they apologize for the failure of Abbott John Neitzel, Rev. Joseph McLaughlin (the present Headmaster), Rev. Michael Collins (the present Dean of Students) and Rev. Timothy Mullen (the past Headmaster), to prevent or detect the abuse suffered by Commander Whitwell in a timely fashion;

(6) they agree that they will never again seek to obtain priestly faculties for Smith anywhere in the world;

(7) they agree that Smith is forever barred from ever again working or being alone with children, anywhere in the world;

(8) they will each send letters of apology to Commander Whitwell;

(9) they will each also send individual letters of apology to Commander Whitwell's wife and parents; and

(10) Archmere will send a public letter of apology to the entire Archmere alumni, parent and student communities.

The following is a statement from Commander Whitwell:

I want to thank my wife and my family for standing behind me over the last five long, difficult years. I also want to thank Judge Robert B. Young, the Delaware Supreme Court, the Delaware General Assembly, Judge Sue L. Robinson and the federal court jury. Without them, I never would have had the opportunity to seek fairness and justice in a court of law. I will be forever grateful.

It has been a long and difficult journey, but settlement is an important step in the healing process for my myself and my family. My goals in these court cases have always been simple ones - to tell the truth about past injustices and ensure that young children are protected from sexual predators in the future. I am very proud of the fact that in rejecting one of the many defense attacks on my case, Judge Young upheld the constitutionality of the Child Victim's Act and kept the courthouse doors open to all my fellow survivors. It is important that victims of these crimes expose those that are responsible and hold them accountable for their actions. It is my profound hope that real change will result and lead to a better, safer future for innocent young children everywhere.

"This is a tremendous victory for all survivors of abuse here in Delaware," said Thomas S. Neuberger, one of the attorneys for Commander Whitwell. "There is hope for victims in Delaware today because our General Assembly took the lead in making Delaware the most unwelcome state in the nation for child abusers and their enablers. After Judge Young upheld the constitutionality of the landmark Child Victim's Act of 2007, the writing was on the wall. It is because of the courage of brave survivors like Ken who blazed the path that so many others have found the inner strength to come forward and expose the shameful cover-ups that destroyed the lives of so many young innocents," he concluded. Commander Whitwell is represented by The Neuberger Firm and Jacobs & Crumplar.