



FOR IMMEDIATE RELEASE
November 8, 2019

MEDIA CONTACT:
Andrea Smith
Rhine Law Firm, P.C.
1612 Military Cutoff Road
Suite 300
Wilmington, NC 28403
(910) 772-9960
E-mail: ars@rhinelawfirm.com

NEWS RELEASE

NEW NORTH CAROLINA LAW EXPANDS ACCESS TO OUR COURTS FOR VICTIMS OF CHILDHOOD SEXUAL ABUSE

New Law Goes Into Effect December 1, 2019

Extends the Statute of Limitations in Civil Childhood Sexual Abuse Cases

WILMINGTON, N.C. -- On Thursday, Governor Roy Cooper signed Senate Bill 199 into law making North Carolina the latest state to extend statutes of limitations in cases involving childhood sexual assault, among other things. This will dramatically impact the number of victims who can hold pedophiles, like convicted teacher Michael Kelly, accountable for assaulting them while they were children, as well as the institutions who enable and protect the abusers.

In the most recent case filed against the New Hanover County Board of Education, this change in the law means that all of Kelly's victims should be able to sue for their injuries. In that lawsuit, all of the defendants who have answered the Plaintiffs' complaint – Defendant Rick Holliday, Timothy Markley and the Board of Education – have alleged the statute of limitations as a defense in the case. "They have been hiding behind a legal 'loophole' to avoid protecting our children. This new law allows all these victims to have their day in court," said Joel Rhine, an attorney who is representing the plaintiffs.

"The law, which becomes effective December 1 of this year accomplishes a number of important things," adds Martin Ramey, another attorney with the Rhine Law Firm, P.C., who represents the victims. "The law not only extends the statute of limitations from 21 years of age to 28, but it allows for a revival of stale claims regardless of when the assault occurred," he added. "For victims of institutional sexual abuse, this is huge – the legislation will enable them to go after the abusers and possibly the institutions that permitted the abuse even though they previously have been told by lawyers that they had no case."

Senate Bill 199 was unanimously supported and approved by representatives in both the North Carolina House and Senate, being passed by both chambers on October 31, 2019. Now, that Governor Cooper has signed the legislation, North Carolina joins states like California, New York, and New Jersey who has also extended statutes of limitations in cases involving childhood sexual abuse.

Those states have seen a dramatic increase in the demand for legal action to be taken against those who perpetrate these horrible crimes against our children. “This is especially true since many victims are not able to process what really happened to them until much later in life,” adds Ramey.

The new law will also exempt victims from other legal defenses such as statutes of repose. In North Carolina, plaintiffs are prevented from suing anyone for an act that occurred more than 10 years in the past. “However, our legislators saw through that problem and exempted these victims from the statute of repose,” he noted.

Additionally, the new law gives victims another two years following a related felony conviction of their abuser. This is important in cases where prosecutions – for whatever reason – are delayed.

Rhine estimates that due to the change in the law, North Carolina will see an increase in the demand to hold these abusers accountable. This is especially true when institutions, such as churches and religious organizations, schools and youth organizations, have helped to protect predators. “Instead of shielding these pedophiles from their victims, these institutions should be shielding our children,” adds Rhine.

But he cautions “the time to act for those stale claims is between January 1, 2020 and December 31, 2021. That is the only timeframe, absent a felony conviction, that previously barred claims can be brought.”

This is an important step in the fight against child predators. The Rape, Abuse & Incest National Network (RAINN) estimates that a sexual assault occurs every 73 seconds in the country. And, every 9 minutes, that victim is a child. Meanwhile, only about 5 out of every 1,000 predators are sent to prison.

“It’s time to change that – and it’s clear that more tools are needed other than criminal prosecution to hold individuals responsible for their actions,” concludes Rhine.

The Rhine Law Firm, P.C. is a Wilmington, NC-based law firm specializing in complex litigation. In July of this year, the firm – along with The Lea/Schultz Firm, P.C. – filed a class action lawsuit against the local school board on behalf of victims of the former teacher Michael E. Kelly. Kelly was convicted this past spring of some 59 felony convictions arising out of a 20+-year history of assaults. For more information on this litigation, see www.nhcssexualabuselawsuit.com.

###