

On December 16, 2009, Dr. Earl Bradley was arrested. For the first time, the people of Southern Delaware learned that a doctor whom they trusted with their children's care betrayed their trust, preyed on their children, and harmed them in the most unimaginable of ways. Remediation of the harm Earl Bradley inflicted on his patients and their families presented a daunting challenge to Beebe Medical Center and the medical community of Delaware, where he had a long association, and to the lawyers charged with the representation of his victims. The hospital, medical community and the children's lawyers had the same goal – to respond quickly in meeting the obvious needs of those victims and their families.

Rather than engaging in costly, time consuming and painful litigation that would surely have resulted in the hospital's bankruptcy, years of delay and further harm to these victims, lawyers for both Plaintiffs and Beebe resolved to do things differently. There would be no bankruptcy; there would be no interminable delay. And the hundreds of children whom Bradley harmed would have a remedy that would allow them, along with their families and their community, to begin to heal.

For the first time anywhere, a class action was agreed upon and employed to deal with sexual abuse. There is no record of any case dealing with so many victims so clearly, but not necessarily visibly, traumatized. Beebe Medical Center sought the assistance of nationally recognized counsel to assist in maximizing insurance coverage. An expert in the treatment of sexually abuse children was also retained to assist in evaluation of need. Counsel for the class members retained their own expert to provide expertise on the evaluation of the nature and extent of the injuries and damages sustained by the victims. Only limited formal discovery took place before the lawyers for Defendants, the insurance companies and the children agreed that mediation of the victims' claims would both avoid unnecessary delay and eliminate the need to

expose children, wounded by Earl Bradley, from the additional trauma of deposition or even interview.

The mediation was presided over by one of the most respected members of the Delaware Judiciary, retired Delaware Supreme Court Justice Joseph T. Walsh. For seventeen months, in monthly, weekly and finally, daily sessions, the lawyers sought to balance the legal rights of their respective clients against the needs of the children, the availability of insurance proceeds, and the hospital's ability to continue to provide excellent care to the Lower Delaware community. All parties compromised.

While the details of the settlement are still subject to a protective order, the result is a pool of \$123.15 million dollars, to be placed into a trust under the ultimate supervision of the Delaware Court of Chancery. The fund is comprised of insurance proceeds, as well as a significant contribution of cash and future treatment of victims from Beebe Medical Center.

In addition, under the proposed settlement, all claims against the Medical Society and members of its Physicians' Health Committee are being resolved without any admission or finding of liability. The Court initially granted judgment in favor of the Medical Society and its Committee members on all claims. Nevertheless, the Medical Society's insurance carriers have agreed to contribute to the settlement fund in order to assist in resolving this protracted and expensive litigation, in the best interest of the victims of Bradley's horrific acts and their families, and to promote healing and reconciliation in the community in keeping with the mission of the Medical Society. In the mediation proceedings that resulted in this resolution, both Justice Walsh and Jed D. Melnick, Esquire, of JAMS Arbitration, Mediation, and ADR Services, played a prominent role.

Lawyers for the children have submitted an allocation plan to the Presiding Judge, Joseph Slight. The plan calls for administration by attorney Thomas Rutter, to be assisted by pediatrician and child forensic psychiatrist Dr. Anne Steinberg. Both Mr. Rutter and Dr. Steinberg are exceptionally highly regarded in their respective fields. Mr. Rutter has mediated/arbitrated thousands of cases, including most recently, claims made against priests and religious institutions in Delaware. Dr. Steinberg is a well-known child forensic psychiatrist who has served on the faculty of the University of Pennsylvania Medical School and continues to be a treating pediatrician with special expertise in cases of sexual abuse of children.

The plan submitted to the Court provides for the division of claimants into five categories, based upon the nature of the harm the child suffered and his or her need for continued treatment. Children within each category will each receive the same amount of compensation. For the many victims under the age of 18, these funds will be held in trust for their needs under the ultimate supervision of the Delaware Court of Chancery.

A hearing to determine the fairness of the proposed settlement has been set by the Court for November 13, 2012. At that time, Judge Slight will rule on the appropriateness of the final settlement. An affirmative ruling by Judge Slight will result in the dismissal of all present and future claims against the hospital, its insurance carriers and all individuals and entities named in related law suits.

All counsel acknowledge the significant contribution that Attorney General Biden and his deputies and staff have rendered to the victims and their families. The support of the Attorney General's Office to all parties in this litigation has been a positive force in this successful resolution.