

# Lexington settles one Berry lawsuit

## City to pay \$450,000 in molestation case

By Louise Taylor  
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Four men who claimed that Lexington police and other officials knew but did nothing about rumored sexual molestation at a publicly funded youth program have settled a federal lawsuit against the city for \$450,000.

Each of the four men who said they were sodomized as boys by program founder Ron Berry will receive \$112,500, said Michael Baker of Gallion, Baker & Bray, the firm that represented the city in the case. From that sum, each man will have to pay his own court costs and legal fees, Baker said.

The four men said Berry sodomized them in the 1980s and early 1990s when they participated in Berry's non-profit Micro-City Government educational and social program for inner-city children. The police investigated some reports of sexual misconduct by Berry but did not build a criminal case against him until 1997.

Berry heads to criminal trial in March on some of those third-degree sodomy charges. That case will be heard in Louisville because it has received so much publicity in Lexington.

The four men, whom the Herald-Leader is not naming because the newspaper normally does not identify alleged victims of sexual assault, filed their civil lawsuit in federal court in 1998.

"I think it is fair to say that a settlement always brings mixed emotions," said David Friedman, one of the plaintiffs' attorneys. "You always compromise when you settle; it is said that the best settlement is one where neither side is happy. Our clients are happy that the case is resolved but they have misapprehensions, too."

Baker said the city also had misapprehensions. Its decision to settle was based on economics, not by any fear that the government had misbehaved, Baker said.

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Ron Berry faces a criminal trial in March on sodomy charges.

# LAWSUIT: Mayor says economics drove settlement

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"In cases where you don't feel you did anything wrong, you think you ought to fight to the bitter end," he said. "But the economics sometimes are such that we're just better off getting it over with. It is a sad situation all around; we're just relieved to get it over with and move on."

The city agreed to the settlement after it realized that the cost of litigating a protracted civil case involving several lawyers could total far more than the \$450,000 settlement. Had a jury heard the case and awarded even just \$1 to the plaintiffs, the city would have been liable not only for its own defense legal fees but also for those accumulated by the plaintiffs.

"This is not something that I wanted to do, but it is a tough call I feel I have to make to protect taxpayers financially," Lexington Mayor Pam Miller said. "The people did not hire me to gamble with their money on the outcome of a lawsuit that has the potential of

exposing our taxpayers to an award of millions in damages."

## Complaints to police

The four men in the federal lawsuit said that the city had been well aware that Berry might have been having sex with boys but continued to fund his youth program. Among their allegations was that Berry's secretary, Johnnie Mae Cohen, complained to the police about Berry's acts but admitted she bore Berry a grudge because he had fired her.

The police acted on Cohen's complaint and gathered a host of rumors — but no hard facts, court records showed.

Because the allegations stretched back as far as 25 years, Mayor Miller said that defending the city would have been a difficult task. "The files are dusty, memories are clouded, and most of the people involved are no longer here."

The settlement should be filed in U.S. District Court next week and then be made official by Judge Karl Forrester.

The lawsuit was filed as a class action, but it was never certified as such by a federal judge. Baker said Forrester should dismiss the suit as a formality after the settlement is filed.

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