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Death of alleged abuser delays case

By TODD SLISS

SCARSDALE — The more than 30 men who say Edwin “Ted” Gaynor sexually abused them when they were children in the 1950s, ’60s, ’70s and ’80s will never get to face their alleged abuser in court. Eighty-seven-year-old Gaynor was found dead in his Ossining apartment on May 2 by a retired detective, who was there to serve him papers to appear in court May 16 or face arrest as Gaynor continued to be in contempt of court during a civil lawsuit in which he avoided being deposed.

Gaynor was a longtime Catholic school physical education teacher and coach, including at Immaculate Heart of Mary in Scarsdale, and allegedly used those positions to molest young boys, according to testimony given by some named and some anonymous accusers, including former Scarsdale resident and IHM students (<https://bit.ly/3uKfv4w> and <https://bit.ly/3uNBZ4l>) in Daniel Fagan v. The Roman Catholic Archdiocese of New York et al.

“Many of them are very frustrated that they did not get to face their [alleged] tormenter, the abuser who took advantage of them as children, but the memory of whom has tormented them their entire lives,” said Grant & Eisenhofer P.A. partner Barbara Hart, who is representing the plaintiffs in the Child Victims Act case. “They were very much hoping to face him, so they feel frustrated that the delays and his contempt of court facilitated him avoiding being questioned and so the emotional impact is significant as well as their speculation about the cause of death as to which we don’t have answers.”

Hart called Gaynor “Westchester’s Jerry Sandusky,” referring to the former Penn State assistant football coach who was convicted of serial child molestation in 2012 and sentenced to 30 to 60 years



SCARSDALE INQUIRER/FILE PHOTO

Immaculate Heart of Mary School on Post Road where Edwin Gaynor was a coach and physical education teacher.

in prison for his crimes that took place between 1994 and 2009.

IHM and the Archdiocese of New York were both among those named in the lawsuit along with Gaynor. With Gaynor dead, there is a stay on the case until legal issues are cleared up, most notably getting representation for his estate, a copy of the death certificate along with a report that would potentially reveal the cause of death and, Hart hopes, access to the contents of Gaynor’s apartment — he was referred to as a “hoarder” of video tapes, press clippings and his own personal documents by the public administrator — to look for evidence that further backs up the claims made against him.

New York State Supreme Court Judge Leonard D. Steinman has ruled that the contents of the apartment are to go undis-

turbed for the time being.

Hart said there is a “dearth of documents” produced by the defendants in this case, which is often a problem when victims wait decades to come forward as files can be lost or destroyed over time. Hart said the defendants “conceded [Gaynor] was a gym teacher,” but “now none of them purport to have records of his employment at all at the schools.”

“We have no documents from the schools other than some of the victims’ school records,” she said. “I think we have a couple of class photos.”

Gaynor is reported to have contacted his alleged victims later in life and Hart said he believes there could be evidence in addition to the notes Gaynor had written on correspondences with Hart about his “sinful affliction that God

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IHM abuser

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cured him of.”

“I don’t know whether his cure actually involved a medical or psychological intervention,” Hart said. “I don’t know whether there would be records that would speak as to how he was purportedly cured in his apartment. We don’t know what’s there, but if he was undergoing treatment, there might be records related to that.”

Hart doesn’t believe Gaynor had “any significant assets” to compensate victims if found guilty in the civil suit and noted going forward “the thrust of the suits is the failure of the schools to protect and safeguard the then-children and in essence their facilitation and cover-up of his conduct and allowing him to continue to have access to all of these young boys at the time by moving him from school to school.”

Gaynor had claimed that due to his age and health issues, among other factors, he could not appear in court.

“The delay exacerbates the trauma for our clients and has long been thwarting the policy of the Child Victims Act, where these cases were to have been

litigated expeditiously, fast-tracked and brought to conclusion,” Hart said. “It’s a function of COVID, it’s a function of the volume of the cases, it’s a function of strategic decisions and the nature of litigation, so it’s extremely difficult for the clients to weather this continued darkness for them. It protracts a really, really difficult life experience and the sense of being whipsawed and not in control. The litigation at its best is a tool through which the survivors feel heard and they feel compensated for the trauma they suffered.”

Hart called New York’s 2019 CVA “quite inspirational to try to address an enormous societal wrong,” but noted that doesn’t make it easy, especially with “tremendous passage of time” and statutes of limitations.

“We want to encourage people to come forward quickly, but when we’re talking about children and their ability to come to terms with trauma and speak out on their own behalf, we know that that takes a tremendous amount of time for people to have the ability to emotionally come forward,” she said. “Many of my clients still don’t discuss this with anyone. It’s a very dark experience.”

Emails from the Inquirer to IHM and the Archdiocese of New York received a

response from Archdiocese Director of Communications Joseph Zwilling, who wrote, “We cannot comment on the specifics of any case while that case is still in litigation, except to note that we will continue to work with the courts to ensure that the rights of all parties involved are protected. It is the desire of the archdiocese to resolve all meritorious claims in a fair and reasonable fashion once the discovery process concludes. That has been our goal since the archdiocese established the Independent Reconciliation and Compensation Program in 2016, and remains our goal with cases brought under the CVA.”

Hart said that since Gaynor was an employee, not a priest, the church’s Independent Reconciliation and Compensation Program (IRCP) doesn’t apply in this case and that the Archdiocese is using that as a “façade.”

“My clients span 40 years just for this one guy who was moved from school to school,” Hart said. “We know there were multiple complaints from the students themselves and from their parents and we have a legion of information related to very strident complaints to the heads of those schools.”

For now, the accusers must wait. Again.