



THE HIGH COURT

[2026] IEHC 491

[Record No. 2022/763 P]

BETWEEN

GRACE ODUMOSU

PLAINTIFF

-AND-

PATRICK CAFFREY

DEFENDANT

Judgment of Mr Justice Paul Coffey delivered on the 22nd day of July 2026

Introduction

1. The plaintiff was born on 18 December 1987 and brings these proceedings arising out of childhood sexual abuse perpetrated by her uncle by marriage over a period of approximately five years, commencing when she was about eight years of age and continuing until she was thirteen.

2. The abuse occurred in circumstances where the plaintiff was a frequent visitor to the defendant's family home. Following the breakdown of her parents' relationship, she came to spend most weekends there because her mother regarded it as a place of

safety. The plaintiff regarded the defendant's wife, her maternal aunt, as a second mother and was particularly close to the defendant's daughter, who was her closest childhood friend. The defendant was the husband of the plaintiff's maternal aunt. He was aware of the difficulties within the plaintiff's family, and occupied a position of trust within the household and the wider family. It was in the course of that relationship of trust that the abuse occurred.

3. In November 2021, the defendant pleaded guilty before the Circuit Criminal Court to 21 counts of sexual assault involving the plaintiff and other members of her family, including counts relating to the abuse complained of in these proceedings. On 21 October 2024, the plaintiff obtained judgment in default of defence against the defendant. Liability is therefore not in issue and the proceedings come before the Court solely for the assessment of damages.

Applicable Legal Principles

4. The assessment of damages in this case is governed by the common law. As was recently confirmed by the High Court in *Kemmy v Murray & Anor* [2025] IEHC 421, the Personal Injuries Guidelines do not apply to actions founded upon the intentional torts of assault, battery and trespass to the person, including claims arising from childhood sexual abuse. The assessment of damages in cases of childhood sexual abuse therefore continues to be determined by the common law principles developed by the courts.

5. Although the ordinary principles governing the assessment of general damages, including fairness to both parties and proportionality within the overall scheme of awards, remain applicable, the courts have consistently recognised that childhood sexual abuse constitutes a distinct category of case. The injury suffered extends beyond any identifiable psychiatric condition or the individual acts of abuse themselves. It

encompasses the abuse of trust, the corruption of a child's emotional and psychological development and the enduring consequences of that abuse throughout adult life.

6. The starting point is accordingly the decision of the Supreme Court in *MN v SM* [2005] 4 IR 461, which remains the leading authority on the assessment of damages in cases of childhood sexual abuse. Denham J. (as she then was) explained that the Court's task is not merely to value individual assaults but to assess the cumulative injury resulting from a course of abusive conduct occurring during a child's formative years.

7. Particular regard is to be had to the duration and gravity of the abuse, the plaintiff's age and vulnerability, the abuse of a position of trust and the enduring consequences for the plaintiff's emotional, psychological and personal development.

8. The principles identified in *MN v SM* have subsequently been considered and applied in a number of decisions, including *Hickey v McGowan* [2017] 2 IR 196, *Brennan v Mullan* [2015] 4 IR 385, *AB v HSE* [2022] IEHC 376, *Donoghue v Connolly* [2022] IEHC 386 and, most recently, *Kemmy v Murray*. These authorities emphasise that, in assessing damages for childhood sexual abuse, the Court must have regard not merely to any diagnosed psychiatric injury but also to the nature, severity, timing and duration of the abuse itself and to its broader impact upon trust, family relationships, personal development, education, intimacy, social functioning and future wellbeing.

9. As the plaintiff has made a claim for aggravated damages, it is also necessary to have regard to the principles governing such damages insofar as they are applicable to this case. In *Conway v Irish National Teachers Organisation* [1991] 2 IR 305, Finlay C.J. explained that aggravated damages are compensatory rather than punitive in nature. He described them as damages increased, *inter alia*, by reason of:

- (a) "the manner in which the wrong was committed, involving such elements as oppressiveness, arrogance or outrage, or

(b) the conduct of the wrongdoer after the commission of the wrong, such as a refusal to apologise...”

10. The purpose of such damages is to compensate for any additional injury to the plaintiff’s dignity, feelings and self-respect arising from such circumstances.

Findings of Fact

11. I found the plaintiff to be an impressive witness. Her evidence was measured, internally coherent and entirely consistent with the histories recorded in the expert report, the surrounding documents and the defendant’s guilty pleas. I accept her evidence in all material respects.

12. The plaintiff described a happy childhood until difficulties emerged in her parents’ relationship when she was approximately eight years old. At that time she began spending most weekends in the defendant’s home. What was understood by her mother to be a place of safety became the setting for the abuse.

13. I am satisfied that the defendant embarked upon a sustained course of sexual abuse of the plaintiff over a period of approximately five years. The abuse began with repeated and inappropriate kissing on the lips. The plaintiff gave evidence that the defendant touched her beneath her pyjama top. The agreed report of a psychiatrist who examined the plaintiff further records a history that the abuse also involved the touching of her breasts and the defendant placing his tongue in her mouth. The conduct occurred repeatedly over a period of approximately five years.

14. I accept the plaintiff’s evidence that she ultimately brought the abuse to an end by distancing herself from the defendant, ceasing to visit his home and withdrawing from her close childhood friendship with her cousin. In doing so, she sacrificed what had previously been one of the closest relationships of her childhood.

Features of the Abuse

Position of Trust

15. The abuse was committed by the plaintiff's uncle. He was not a stranger but a trusted family member. Following the breakdown of her parents' relationship, the plaintiff's mother began sending her to the defendant's home, which she regarded as a place of safety. The defendant was well aware of the circumstances in which the plaintiff had come to spend most weekends at his home. Knowing that she had been entrusted to his household because her mother regarded it as a place of safety, he exploited both that trust and the plaintiff's vulnerability.

Continuum of Abuse

16. This was not an isolated incident. The abuse occurred repeatedly over approximately five years. I accept the plaintiff's evidence that the kissing alone occurred on more than one hundred occasions and formed part of a continuing pattern of abuse throughout her childhood. Consistent with the observations of Denham J. in *MN v SM*, I find as a fact that the plaintiff's injury resulted not merely from the individual acts of abuse viewed in isolation, but from their cumulative effect over a prolonged period.

Formative Years

17. The abuse occurred during a critical period of emotional, psychological and sexual development. The plaintiff was aged approximately eight years when it commenced and thirteen years when it ended. Those years are central to the development of trust, identity, relationships and emerging sexuality. The defendant's conduct intruded directly into that developmental process.

The Effect of the Abuse Upon the Plaintiff

18. The most striking aspect of the evidence is the manner in which the abuse corrupted the plaintiff's understanding of trust and safety. The defendant took a place which was perceived to be safe and transformed it into a place associated with secrecy, anxiety and fear. He did the same to relationships which should have been protective and nurturing. The consequences of that betrayal continue to reverberate throughout the plaintiff's life.

Childhood and Adolescence

19. I accept that the plaintiff became increasingly withdrawn during adolescence. She found it difficult to form and maintain friendships and carried what she described as a "massive secret". She did not experience what she regarded as a normal adolescence or engage in relationships with the confidence ordinarily associated with that stage of life.

20. The evidence establishes that she lived for many years under the burden of secrecy and the confusion generated by the abuse. The burden of concealment emerges as a recurring theme throughout the evidence. The plaintiff felt unable to disclose what had occurred because she feared the consequences for her family and feared that she would not be believed. As a result, she increasingly withdrew into herself and carried the consequences of the abuse alone throughout much of her adolescence and early adulthood.

Intimacy and Relationships

21. The most enduring consequences of the abuse are evident in the plaintiff's adult relationships. The plaintiff described longstanding difficulties with intimacy, physical affection and sexual relationships. The psychiatrist who examined the plaintiff

diagnosed her as suffering from Genito-Pelvic Pain/Penetration Disorder. I accept that evidence. He expressed the opinion that there was a temporal association between the development of that recognised psychiatric disorder and the abuse suffered by the plaintiff.

22. The plaintiff continues to experience anxiety, fear and distress associated with penetration and sexual intimacy. These difficulties have had a significant impact upon her adult relationships and overall quality of life. The psychiatrist explained that the condition has persisted since the plaintiff became sexually active and has caused clinically significant distress throughout her adult life. Having regard to the plaintiff's evidence and the psychiatric evidence as a whole, I am satisfied that the difficulties described by the plaintiff in relation to intimacy and sexual relationships form part of the consequences of the abuse which she suffered.

23. The psychiatrist recommended a course of psychosexual therapy together with a course of mindfulness therapy. I accept those recommendations as reasonable and necessary and further accept the plaintiff's evidence that she wishes to avail of the recommended therapies.

Trust and Personal Relationships

24. The plaintiff finds it difficult to trust others. The evidence discloses a continuing tendency towards caution, anxiety and guardedness in personal relationships. The plaintiff described a persistent fear of vulnerability and of being harmed by those with whom she formed relationships. I am satisfied that these difficulties arise directly from the betrayal of trust which lay at the heart of the abuse.

Disclosure and Its Consequences

25. The disclosure process became a profoundly traumatic event in its own right. The plaintiff ultimately disclosed the abuse because she became concerned for the safety of a young child, her niece, within the family.

26. Once disclosure occurred, the consequences were immediate and far-reaching. The disclosure revealed that the defendant had abused not only the plaintiff but also two of her sisters and a cousin.

27. Long-standing family relationships fractured. Following disclosure, the plaintiff became estranged from both her maternal aunt and her cousin. The plaintiff's evidence was that she has not spoken to either of them since. Her mother's relationship with her sister was destroyed. Relationships within the wider family were permanently altered.

28. While none of these consequences were the plaintiff's responsibility, I accept her evidence that she nevertheless carried feelings of guilt concerning the impact disclosure had upon others. The Court is satisfied that these consequences form part of the overall injury caused by the defendant's wrongdoing.

29. The abuse itself caused substantial injury. The disclosure of that abuse, although necessary and entirely justified, resulted in further trauma and family fragmentation. The plaintiff was therefore required to endure not only the abuse itself but also the profound familial consequences of bringing that abuse into the open.

Circumstances Following Disclosure

30. The plaintiff first disclosed the abuse in December 2016. The disclosure subsequently revealed that other members of the family had also been abused by the defendant. The ensuing criminal investigation and prosecution extended over approximately five years. That process concluded only when the defendant ultimately entered guilty pleas on the morning fixed for trial. The plaintiff was therefore required

to endure the entirety of the criminal investigation and prosecution in the expectation that she would be called upon to give evidence.

31. Similarly, the defendant did not admit liability in these civil proceedings. Rather, the plaintiff was obliged to obtain judgment in default of defence on 21 October 2024.

32. The plaintiff's evidence, which I accept, is that the defendant has never apologised to her and has never acknowledged the harm which he caused. The defendant was represented by solicitor and counsel at the hearing of the assessment of damages, who indicated that they had no instructions to participate in the proceedings. Consequently, no apology or acknowledgement of the harm suffered by the plaintiff was made on the defendant's behalf.

Educational and Vocational Functioning

33. The plaintiff's educational and vocational achievements are striking. They demonstrate considerable resilience and determination. Those achievements should not, however, be mistaken for an absence of injury.

34. The plaintiff completed her education, obtained a Master's degree and established a successful working life both in Ireland and abroad. Those accomplishments were achieved notwithstanding, rather than because of, the abuse she suffered.

35. Another striking feature of the evidence was the plaintiff's repeated departure from Ireland. Following completion of her Master's degree, she felt unable to continue living in circumstances where she was required to maintain family relationships whilst concealing what had happened to her. She emigrated to the United States and described experiencing an immediate sense of relief at no longer having to attend family gatherings or conceal the abuse.

36. Following the disclosure of the abuse to her family, she returned to the United States. Apart from a period of some months spent in Ireland in 2018, she remained there until late 2020, when she returned because of the COVID-19 pandemic and concerns for the health of her young son.

37. Whilst a number of factors undoubtedly influenced those decisions, I accept her evidence that the abuse and its consequences within the family formed a significant part of her motivation for living outside Ireland.

Aggravated Damages

38. The plaintiff also sought aggravated damages.

39. I am satisfied that aspects both of the manner in which the abuse was committed and of the defendant's conduct thereafter are capable, in principle, of attracting an award under that heading.

40. However, in the circumstances of the present case, I am satisfied that the matters relied upon by the plaintiff in support of that claim form an integral part of the injury which she has suffered and of the overall assessment of compensatory damages which the Court is required to undertake.

41. In particular, the prolonged abuse of trust, the consequences of disclosure, the criminal proceedings which followed, the timing of the defendant's guilty pleas and his continuing failure to apologise or acknowledge the harm caused are all matters to which I have already had regard in assessing the nature and extent of the plaintiff's injuries.

42. I therefore take those matters into account as part of the overall compensatory award rather than by way of a separate award of aggravated damages.

Assessment

43. The object of an award of general damages is to compensate, so far as money can do so, for the pain, suffering and loss of amenity resulting from the defendant's wrongdoing. No award can undo what occurred. The Court's task is to arrive at an award which is fair to the plaintiff, fair to the defendant and proportionate within the overall framework of awards recognised by law.

44. In undertaking that assessment, I have applied the principles identified by the Supreme Court in *MN v SM* and the subsequent authorities reviewed by Egan J. in *Kemmy v Murray*. I have had regard, in particular, to the nature, duration and gravity of the abuse, the plaintiff's age and vulnerability, the abuse of a position of trust, the effect of the abuse upon her emotional and psychological development and its consequent effect on relationships and family life.

45. In considering proportionality, I recognise that the present case falls below the level of gravity exhibited in authorities such as *MN v SM*, *AB v HSE*, *Brennan v Mullan* and *Kemmy v Murray*, which involved rape or other forms of penetrative sexual abuse. This was, however, a serious and sustained course of childhood sexual abuse committed by a trusted uncle over a period of approximately five years. It has had significant and enduring consequences. The duration of the abuse was itself a significant feature of the case, extending throughout much of the plaintiff's formative years. A central feature of the injury was the destruction of trust. The defendant corrupted what the plaintiff and her family believed to be a place of safety, impaired her capacity to trust others and to form intimate relationships, fractured important family relationships, and left her with psychosexual difficulties which continue to affect her. I have also had regard to the burden of secrecy which she carried for many years, extending well beyond the period of abuse itself, and to the profound personal and familial consequences which followed

disclosure. I have also had regard to the fact that the defendant has never apologised to the plaintiff or acknowledged the harm which he caused her.

46. Although the plaintiff has demonstrated considerable resilience in her education, employment and family life, resilience should not be mistaken for recovery. I am satisfied that the effects of the abuse remain active and will continue into the future. She will require further treatment, including the courses of psychosexual therapy and mindfulness recommended by her consultant psychiatrist, together with the continuation of psychotherapy which she has been attending regularly since January 2022. In addition, she has been taking antidepressant medication prescribed by her general practitioner since November of last year. She takes that medication regularly. She gave evidence that it regulates her mood and that she believes that she will remain dependent upon it for the foreseeable future.

47. Having regard to all of the evidence, the principles identified in *MN v SM*, the subsequent authorities and the requirement of proportionality, I assess damages for pain and suffering to date in the sum of €175,000. I assess damages for future pain and suffering in the sum of €50,000. The total award of general damages is therefore €225,000.

48. I also award the sum of €3,910 in respect of the plaintiff's claim for 52 sessions of psychotherapy which she has undergone from 18 January 2022 to date. I further award the plaintiff the sum of €3,120 (€130 x 24 sessions) in respect of the cost of 24 sessions of psychosexual therapy recommended by her consultant psychiatrist, together with €330 to enable her to attend the recommended mindfulness course.

Conclusion

49. Accordingly, I will enter judgment for the plaintiff in the total sum of €225,000, together with special damages of €7,360, giving an overall award of €232,360.