**Deborah Carley and other Oakland County Prosecutors sued for improper removal of autistic teen from home; children returned, but federal judge grants immunity**

**Prosecutors hold immunity as controversial sex abuse case moves forward**

The Oakland Press

By Ann Zaniewski
March 31, 2011

A couple's federal lawsuit over a controversial sex abuse case is moving forward, with a judge saying prosecutors have governmental immunity but also ruling that a number of other claims can stand.

"We're disappointed about some aspects of the governmental immunity decision, but overall, we are very pleased that we'll have our day in court against all of the defendants," said Deborah Gordon, the attorney representing Tali and Julian Wendrow.

The Wendrows allege that they were maliciously prosecuted and that their children were improperly removed from their care after Julian was accused in November 2007 of sexually abusing their teen daughter.

The Wendrows' daughter, who has autism and is unable to speak, was working in November 2007 with a paraprofessional at Walled Lake Central High School when she was alleged to have disclosed the abuse through a highly controversial method known as facilitated communication. In facilitated communication, a facilitator holds or supports a person's hand or arm while they type on a keyboard.

Tali and Julian Wendrow were arrested and criminally charged. The alleged victim and her younger brother were removed from their home and put in foster placements.

At a district court hearing, the teen was asked simple questions when her facilitator was out of the room. When the facilitator returned to help her answer the questions, many of the answers were nonsensical.

The Oakland County Prosecutor's Office eventually dropped the charges. Julian spent 80 days in jail before being released.

The Wendrows filed a lawsuit against the Michigan Department of Human Services and officials from the agency; Oakland County and individuals in the prosecutor's office; West Bloomfield Township Police and police officials; and the Walled Lake Consolidated School District.

U.S. District Judge John Corbett O'Meara issued an opinion this week in response to motions for summary judgment filed by the school district, Oakland County and the Department of Human Services. The Wendrows previously settled with the police department for $1.8 million.

"This allegation touched off an investigation and prosecution that proceeded like a runaway train," O'Meara wrote in his opinion.

O'Meara wrote that then-prosecutor David Gorcyca and assistant prosecutors Andrea Dean and Deborah Carley were protected by governmental immunity.

The judge said he finds that Gorcyca is entitled to governmental immunity with respect to the plaintiffs' tort claims, which included allegations of malicious prosecution and abuse of process, "except for any allegedly defamatory statements made after Gorcyca left office."

The judge let stand a number of allegations involving DHS and the school district, and also dismissed some claims.

O'Meara is allowing the Wendrows' claims that DHS, Oakland County and the school district violated laws that protect people with disabilities to move forward.

Robert Lusk, attorney for the Walled Lake Consolidated School District, said the district is considering whether to ask the judge to reconsider the claims left in place.

"We're pleased that the judge dismissed the claims that he did," Lusk said.

Gordon said the litigation has been a plus and a minus for the Wendrows. She said the minus is that they have to keep reliving what happened.

"But a plus because they have been able to bring to light all of these incredible injustices," she said.