

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

JOAQUIN AGUILAR MENDEZ,)
)
)
Plaintiff,)
)
vs.) Case No. BC358718
)
CARDINAL ROGER MAHONY, THE)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, A CORPORATION SOLE,)
CARDINAL NORBERTO RIVERA, THE)
DIOCESE OF TEHUACAN, FATHER)
NICHOLAS AGUILAR, AND DOES)
1 - 100,)
)
Defendants.)
)

DEPOSITION OF CARDINAL NORBERTO RIVERA
Mexico City, Mexico
Wednesday, August 8, 2007

Reported by: Dana Christensen

Hahn & Bowersock (800) 660-3187 FAX (714) 662-1398
151 Kalmus Drive, Suite L1 Costa Mesa, CA 92626

SCANNED

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES - CENTRAL DISTRICT
3
4 JOAQUIN AGUILAR MENDEZ,)
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6 Plaintiff,)
7 vs.) Case No. BC358718
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9 CARDINAL ROGER MAHONY, THE)
10 ROMAN CATHOLIC ARCHBISHOP OF)
11 LOS ANGELES, A CORPORATION SOLE,)
12 CARDINAL NORBERTO RIVERA, THE)
13 DIOCESE OF TEHUACAN, FATHER)
14 NICHOLAS AGUILAR, AND DOES)
15 1 - 100,)
16)
17 Defendants.)

18 Deposition of CARDINAL NORBERTO RIVERA, taken on
19 behalf of the Plaintiff, at Durango No. 90, Col. Roma,
20 06700 Mexico, D.F. Mexico, beginning at 9:22 a.m. and
21 ending at 6:01 p.m., on Wednesday, August 8, 2007, before
22 DANA CHRISTENSEN, Certified Shorthand Reporter
23 No. 11251.
24
25

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INDEX

1	WITNESS	EXAMINATION		
2				
3				
4	CARDINAL NORBERTO RIVERA			
5		PAGE		
6	BY MR. WATERS		9	
7	BY MR. SELSBERT		170	
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

5

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COUNTING

1 EXHIBITS (continued):
2 Page Page
3 Plaintiffs Description introduced marked
4 Exhibit 10 letter, Spanish 150 151
5 Exhibit 11 letter, Spanish 150 151
6 Exhibit 12 1/11/88 letter, English 152 152
7 Exhibit 13 2/13/88 letter, English 153 154
8 Exhibit 14 letter, Spanish 156 151
9 Exhibit 15 letter, Spanish 157 157
0 Exhibit 16 letter, Spanish 157 170
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

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1 and, No. 2, we will create a list of any such questions
2 that are in dispute that may need to be taken up with the
3 judge and that we will try to resolve those questions, but
4 absent that, we will take it up with the judge as a
5 group.
6 MR. WATERS: So stipulated.
7 MR. SELSBERG: Second, we have two other people in
8 the room here. On behalf the defendants we have Bernardo
9 Fernandez del Castillo. He's a licensed attorney in
10 Mexico. And we have Jose Bonella, and plaintiff's counsel
11 has stipulated that Jose is also a licensed attorney in
12 the country of Mexico and he's been hired by the
13 plaintiffs to work on the case.
14 MR. WATERS: So stipulated. With that may we go
15 ahead and swear in the witness.
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1 Mexico City, Mexico, Wednesday, August 8, 2007
2 9:22 a.m. - 6:01 p.m.
3 VIDEOGRAPHER: This is the tape of Cardinal Norberto
4 Rivera in the case of Joaquin Mendez versus Cardinal Roger
5 Mahony, et al, Case BC358718 in the Superior Court in the
6 State of California, Los Angeles County, Central District.
7 Would the attorneys please state their
8 appearances
9 MR. WATERS: Robert Water with The Drivon Law Firm
10 for Plaintiff Joaquin Aguilar Mendez.
11 MR. DRIVON: David Drivon, attorney for Plaintiff
12 MR. SELSBERG: Steve Selsberg, attorney for
13 defendants.
14 MR. WOOTEN: Evan Wooten, attorney for defendants.
15 VIDEOGRAPHER: Would the court reporter swear in the
16 witness, please.
17 MR. SELSBERG: Before you swear in the witness, we
18 have two stipulations. We will take it under the rules
19 except because this is a deposition with respect to
20 jurisdiction only and because the judge said in open court
21 that the judge is willing to rule on any disagreement
22 relating to the scope of questioning and whether it
23 relates to jurisdiction, we agreed, No. 1, we will state
24 the question on the record and the objection on the record
25 and the reasons supporting the question and the objection

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1 VERNON TUCK,
2 the interpreter herein, was duly sworn by the
3 Certified Shorthand Reporter to correctly translate the
4 English language into Spanish, and the Spanish language
5 into English.
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1 opportunity to describe what we are doing here today as
2 well.

3 Basically the lawsuit is in the procedural
4 posture to see if the California courts can exercise
5 jurisdiction over yourself as well as the defendants in
6 the Diocese of Tehuacan. I will ask you questions today
7 and hopefully you will provide responses to those
8 questions.

9 A couple of things are very important. The most
10 important thing is that you understand my question. If at
11 anytime today you do not understand the question, please
12 let me know and then I will try to rephrase the question
13 in such a manner that you understand the question. Will
14 do you that?

15 A Correct.

16 Q The other thing is that the court reporter is
17 taking down everything that is said in the room here
18 today, and that is an official transcript of today's
19 proceedings. Ms. Christensen is a very talented court
20 reporter but what she cannot do is take down two people
21 speaking at once, so it's very important today that you
22 extend me the courtesy of allowing me to finish my
23 question and I will extend you the same courtesy and wait
24 for you to finish your response until I ask my next
25 question. Does that make sense?

1.0

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1 A Correct.

2 Q Another thing is the court reporter cannot take
3 down nonverbal communication. You are doing a good job.
4 We need to make sure we communicate today verbally. If
5 you nod your head or say uh-huh or hub-uh, I may say a
6 word or is that a yes or is that a no. I am not trying to
7 be critical. I'm just trying to make sure that we have
8 accurate representation of today's proceedings.

9 Another thing is during some of my questions
10 today your attorney, who is a very experienced attorney,
11 may have an objection to the question, and so if he states
12 his objection for the record and instructs you not to
13 answer and you want to follow his instruction, we will
14 take that up with the judge at the end of the day.
15 However, if he just states an objection but fails to
16 instruct you not to answer, I am entitled to a response to
17 the question so long as you understand the question that
18 is asked. Do you understand that?

19 A Yes, I understand.

20 Q The other thing is that the oath that you took
21 is the same oath that you will take if called to testify
22 in this matter in a court of the United States of America,
23 and so although we're in the palatial confines in the
24 diocese offices, the testimony here today is sworn
25 testimony and has the same force and effect as testimony

1.1

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1 in court. Do you understand that?

2 A I understood that.

3 Q So today we are entitled to your full, complete,
4 and truthful responses to our questions. Do you
5 understand that?

6 A I understood it.

7 Q At the end of the proceeding the court reporter
8 will type up today's proceedings in a booklet form and she
9 will send you a copy or your attorney a copy and they will
10 send you a copy, but you will be able to review the
11 transcript. Upon review of the transcript you're free to
12 make any changes to the transcript. However, I must
13 caution you that if you change a substantive response, for
14 example a yes to a no, then either myself or another
15 attorney will be able to make a comment upon that change
16 at other proceedings in this matter. And to be quite
17 honest with you, Norberto, the reason we will be making
18 the comment is to try to show that the testimony today was
19 inaccurate, and therefore it might have an effect on your
20 credibility. Do you understand that?

21 A I understood.

22 Q So in summary if you answer a question here
23 today, myself as well as everybody that reads the
24 transcript are going to assume a couple of things. We
25 will assume that you understood the question. We will

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1 understand that your response was full, complete, and
2 truthful. Does that make sense?

3 A Yes.

4 Q Is there any reason why we cannot obtain your
5 full, complete, and truthful testimony here today?

6 A No.

7 Q Prior to today's deposition have you had any
8 comments or conversations with anybody besides your
9 attorney regarding this deposition?

10 A Only, my only instructions have been from my
11 lawyers.

12 Q My question was a little different. I want to
13 know if you have spoken about this deposition with anybody
14 besides your attorneys?

15 A No.

16 Q Prior to today's deposition did you review any
17 documents to prepare yourself for your sworn testimony?

18 A Yes.

19 Q Which documents did you review?

20 A The documents that my attorneys presented to
21 me.

22 Q Did you bring those documents with you here
23 today?

24 A No.

25 Q Do you know if your attorneys have copies of

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1 those documents which you reviewed?
 2 A I don't know if they brought them.
 3 MR. WATERS: Steve, I would like to take a look at
 4 the documents that he reviewed in preparation for today's
 5 deposition.
 6 MR. SELSBERG: I will stipulate to you that the only
 7 documents are documents that we presented to you in the
 8 case, period, and we did not show him all of those.
 9 MR. WATERS: I'd like to see the documents that you
 10 showed him in preparation for the deposition.
 11 MR. SELSBERG: Do you want to see them now? I will
 12 show them to you at a break or something. It's the same
 13 documents. They are all letters that he wrote or were
 14 sent to him.
 15 MR. WATERS: No problem. I will take a look at them
 16 on a break. That's a good idea.
 17 BY MR. WATERS:
 18 Q Prior to reviewing the documents in preparation
 19 for today's deposition, did you recall personally your
 20 involvement, or lack thereof, with Father Nicholas Aguilar
 21 and his movement from the Diocese of Tehuacan to the
 22 Archdiocese of Los Angeles and his return back to Mexico?
 23 A Yes.
 24 Q Tell me what you remembered -- or when reviewing
 25 the documents, did new memories come to service regarding

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1 that same topic?
 2 A Yes.
 3 Q What memories resurfaced upon your review of
 4 those documents?
 5 A Some dates.
 6 Q Sure. I'm poor with dates as well.
 7 MR. SELSBERG: By the way, I'm sorry. I meant to ask
 8 you this before, did you get our letter that was
 9 supplemented with the supplemental to interrogatories?
 10 MR. WATERS: Yes, we're getting to that. I did not
 11 get the letter but Mr. Wooten explained it to us this
 12 morning.
 13 BY MR. WATERS:
 14 Q In reviewing these documents in preparation for
 15 today's sworn testimony, did any other memories become
 16 refreshed besides dates?
 17 A I don't remember it at this moment.
 18 Q So is it an accurate statement that in reviewing
 19 the documents in preparation for today's deposition no
 20 substantive matters regarding your involvement or lack
 21 thereof in the movement of Father Nicholas Aguilar from
 22 the Diocese of Tehuacan to Los Angeles Archdiocese and the
 23 return to Mexico were refreshed?
 24 MR. SELSBERG: Objection. Vague. I'm not trying to
 25 make this difficult, but I consider dates substantive.

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1 BY MR. WATERS:
 2 Q Anything besides dates?
 3 A I don't remember.
 4 Q When did you review these documents in
 5 preparation for today's sworn testimony?
 6 A Yesterday and the day before yesterday.
 7 Q How long did you devote to reviewing these
 8 records? We'll start with two days ago, which would be
 9 Monday the 6th.
 10 A I didn't count the hours.
 11 Q Was it more than one hour?
 12 A Yes.
 13 Q More than five hours?
 14 A I don't believe.
 15 Q Besides the range of more than one hour and you
 16 don't believe more than five hours, can you provide me a
 17 better estimate as to the time spent in reviewing these
 18 documents?
 19 A Around four hours.
 20 Q Let me -- that's a good point. I should have
 21 told you this at the beginning. During today's testimony
 22 nobody wants you to guess at anything. If you are
 23 guessing, it's called speculation and there's no competent
 24 testimony based on speculation. What we are entitled to
 25 today though is an entitlement to your best estimate, so a

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1 lot people say what is the difference between a guess and
 2 an estimate, and the example we use in California to
 3 explain it to a witness is I can ask you the length of
 4 this table. I don't believe you have a tape measure with
 5 you so you could not tell me exactly how long it is but
 6 you can eyeball it and tell me what you estimate the
 7 length of this table to be. So that's an estimate. On
 8 the other hand, if I tell you that I have a desk in my
 9 office and I was to ask you what the length of this desk
 10 was, you have never been to my office so that would be a
 11 guess because you have no personal knowledge upon which to
 12 base your response. Do you understand the difference
 13 between a guess and an estimate?
 14 A I understand.
 15 Q We're entitled to estimates. Nobody wants you
 16 to guess, and if you're giving us an approximation, let us
 17 know.
 18 So am I correct in my understanding on Monday
 19 August 6th, you spent approximately four hours reviewing
 20 documents in preparation for today's sworn testimony?
 21 A Approximately.
 22 Q Great. And you also took a look at those
 23 documents yesterday, correct?
 24 A Correct.
 25 Q Approximately how long did you spend reviewing

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1 those documents yesterday, which was Tuesday, August
2 7th?
3 A Approximately three hours.
4 Q Besides your attorneys, if they were there, was
5 anybody else present during the review on Monday the
6 6th?
7 A My two attorneys who speak English and an
8 attorney who speaks Spanish.
9 Q Nobody else?
10 A Nobody else.
11 Q No employees from the Archdiocese in Mexico?
12 A No, only employees of the house who may have
13 brought us soft drinks or water.
14 Q I appreciate that. No employees of the Diocese
15 of Tehuacan?
16 A No.
17 Q Regarding your review yesterday for the three
18 hours, anybody present besides those people you've already
19 mentioned?
20 MR. SELSBERG: Objection. Asked and answered. I'm
21 sorry, he's asking about yesterday and the prior question
22 was the day before yesterday.
23 MR. WATERS: Correct, he reviewed the documents for
24 two days.
25 MR. SELSBERG: Sorry.

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1 reporter mark it with a sticker?
2 BY MR. WATERS:
3 Q My first question is have you ever seen this
4 document before today?
5 A Yes.
6 Q When was the first time that you had seen this
7 document?
8 A Approximately May or June. I don't remember the
9 date.
10 Q Sure. I will make the representation for the
11 record that this document was served on July 20th, 2007.
12 I am not telling you anything you probably don't already
13 know. In legal matters a lot of paperwork is generated
14 and so -- and one similar document preceded this document
15 so it would be physically impossible for you to have
16 reviewed this document in May or June, but it could have
17 been a similar document. Between May and June and today,
18 do you recall receiving this document?
19 A Unless it was a document that was similar.
20 Q What this is, this is called Amended Notice of
21 Taking Deposition and Request for Production of Documents,
22 and this document is responsible for us getting here today
23 in this pleasant setting.
24 In addition to requiring you to be personally
25 present here today, it also requires you to present

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1 BY MR. WATERS:
2 Q Yesterday when you reviewed the documents was
3 anybody present besides the individuals which you
4 mentioned that were present on Monday the 6th?
5 A The same ones who were with me the day before
6 only.
7 Q Excellent. Did you create any notes regarding
8 your review of the documents on either day?
9 A No.
10 Q Since yesterday after you completed your review
11 of the documents have you had any conversations with
12 anybody besides your attorneys regarding the documents
13 reviewed?
14 A With nobody.
15 MR. WATERS: May I have this document marked as
16 Exhibit 1.
17 What I am having marked as Exhibit 1 I will show
18 your attorney, and after his review I will ask him to hand
19 it to you.
20 (The document referred to was marked as
21 Plaintiff's Exhibit 1 for identification and
22 attached to this deposition.)
23 MR. WATERS: Your attorney has handed you what I have
24 marked as Exhibit 1.
25 MR. SELSBERG: In California you don't have the court

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1 documents which were requested. At anytime before today
2 did you cause or yourself search Diocesan files for
3 documents responsive to request by plaintiff's
4 attorneys?
5 MR. SELSBERG: For these requests, because there was
6 a prior set of questions?
7 MR. WATERS: We're referring to any request because
8 he's not sure if he reviewed this document so I thought
9 that would be the best way to go about it.
10 MR. SELSBERG: I recognize you're entitled to answer
11 so go ahead and answer the question, but if this helps
12 you.
13 For the record, Exhibit 1 is in English, so what
14 we did was we, with the help of our Mexican counsel
15 because I do not speak Spanish, we went through it with
16 the Cardinal, the witness, and he helped ask the question
17 in Spanish, and we have it. We have the document to
18 produce for you. We have these documents that were
19 produced for you in response to the subpoena attached to
20 Exhibit 1, and we're just confirming because there are not
21 anymore. I will have that answer for you at the same time
22 that I give you the documents that you asked for earlier
23 during a break.
24 MR. WATERS: Okay.
25 MR. SELSBERG: I only have one copy of these right

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1 now.
2 MR. WATERS: We'll make a copy. I will have these
3 marked.
4 (The document referred to was marked as
5 Plaintiff's Exhibit 2 for identification and
6 attached to this deposition.)
7 BY MR. WATERS:
8 Q I appreciate your counsel's statement, and
9 that's the reason why my question was very broad.
10 What I want to know is at anytime did you cause

1 case of Father Aguilar, both in Tehuacan as well as in
2 this Archdiocese.
3 Q Let me ask this question, is Father Baldemar a
4 Father of the Archdiocese in Mexico or an employee of the
5 Archdiocese in Tehuacan?
6 A That's two questions. Which question do you
7 want to answer?
8 Q I want to ask whether Father Baldemar, whether
9 he's an employee of the -- or the Archdiocese in Mexico?
10 A Yes.

1 A Thank you very much.
 2 Q However, you must also be aware that after each
 3 break you're still under oath; do you understand that?
 4 A Correct.
 5 Q We were talking about you having Father Baldemar
 6 search the Diocesan files for records responsive to
 7 plaintiff's request. Which files did Father Baldemar
 8 search?
 9 MR. SELSBERG: Objection. Calls for speculation.
 10 BY MR. WATERS:
 11 Q Which files did you instruct or order Father
 12 Baldemar to inspect?
 13 A I repeat, I sent him to Tehuacan as well as to
 14 the files of this Archdiocese.
 15 Q Prior to your assent or being named as
 16 Archbishop of Mexico, you were Bishop of Tehuacan,
 17 correct?
 18 A That's correct.
 19 Q While you were Archbishop -- sorry, while you
 20 were Bishop of Tehuacan, did the Diocese of Tehuacan
 21 maintain sub secreto files?
 22 A Yes.
 23 Q To your knowledge did Father Baldemar search sub
 24 secreto files for information responsive to plaintiff's
 25 request?

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1 A He received orders to bring all the documents.
 2 Q And so when you gave him the order to bring all
 3 documents, did you have in your mind that that included a
 4 search of the sub secreto files of the Diocese of
 5 Tehuacan?
 6 A I repeat, all the documents.
 7 Q My question is, though, is a little different.
 8 MR. WATERS: Please read the question back.
 9 (Record read:
 10 "Question: And so when you gave him the order
 11 to bring all documents, did you have in your
 12 mind that that included a search of the sub
 13 secreto files of the Diocese of Tehuacan?")
 14 THE WITNESS: Yes.
 15 BY MR. WATERS:
 16 Q Did Father Baldemar ever inform you that he
 17 actually searched the sub secreto files at the Diocese of
 18 Tehuacan?
 19 A No. All he told me was that these were all of
 20 the documents in existence.
 21 Q What categories of documents were kept in the
 22 sub secreto files in the Diocese of Tehuacan while you
 23 were Bishop of the Diocese?
 24 A Secret documents kept by the secretary of the
 25 Diocese; those are concerning matters, confidential

27

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1 matters, on any person.
 2 Q If there was a diocesan employee where there
 3 were allegations of sexual misconduct with minors and
 4 there were documents evidencing that, would that type of
 5 document be kept in the sub secreto files?
 6 MR. SELSBERG: Objection. Assumes facts not in
 7 evidence.
 8 THE WITNESS: All of the documents are there and they
 9 can all be obtained.
 10 BY MR. WATERS:
 11 Q I understand that. My question though is a
 12 little different.
 13 A Yes, tell me.
 14 Q I'm talking about as far as when you were the
 15 Bishop of the Diocese of Tehuacan and the type of
 16 documents that would be put in the sub secreto files.
 17 What I want to know is if there were
 18 allegations, written allegations or any documents
 19 evidencing claims of sexual misconduct by an employee of
 20 the Diocese of Tehuacan, would those types of documents be
 21 placed in sub secreto files?
 22 MR. SELSBERG: Objection. Assumes facts not in
 23 evidence and calls for speculation. You can answer.
 24 THE WITNESS: The documents were available to the
 25 Bishop, to the secretary, and to the General Vicar's

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1 office.
 2 MR. WATERS: My question though is a little
 3 different. Would you please read the last question back?
 4 (Record read:
 5 "Question: I'm talking about as far as when you
 6 were the Bishop of the Diocese of Tehuacan and
 7 the type of documents that would be put in the
 8 sub secreto files.
 9 "What I want to know is if there were
 10 allegations, written allegations or any
 11 documents evidencing claims of sexual misconduct
 12 by an employee of the Diocese of Tehuacan, would
 13 those types of documents be placed in sub
 14 secreto files?")
 15 MR. SELSBERG: Objection. Assumes facts not in
 16 evidence and calls for speculation.
 17 THE WITNESS: No.
 18 BY MR. WATERS:
 19 Q Where would those types of documents be kept?
 20 MR. SELSBERG: Objection. Calls for speculation,
 21 assumes facts not in evidence.
 22 THE WITNESS: In the ordinary file.
 23 BY MR. WATERS:
 24 Q Where -- when you were Bishop of the Diocese of
 25 Tehuacan, where were the sub secreto files located?

29

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NO. 10-11-84

1 A In a file of the curate's office; that's the
2 government entity, the government house.
3 Q Who had access to the file cabinet in the
4 curia's office where the sub secreto files or documents
5 were kept?
6 A The Bishop, the secretary, and the General
7 Vicar's office.
8 Q The Diocese of Tehuacan at the time that you
9 were Bishop of the Diocese of Tehuacan, did you have a
10 canon lawyer on your staff?
11 A Yes.
12 Q Was there a head or chief canon lawyer for the
13 Diocese of Tehuacan during the time you were Bishop of
14 Tehuacan?
15 A No.
16 Q Did you have an official title for the canon
17 lawyer that was employed by the Diocese of Tehuacan during
18 the time that you were Bishop of the Diocese of
19 Tehuacan?
20 A No.
21 Q Did you have more than one canon lawyer?
22 A No.
23 Q Who was -- what was the name of the canon
24 lawyer?
25 MR. SELSBERG: Objection. When are you talking

30

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1 conversation with Father Perez?
2 A Close to two years ago.
3 Q When is the last time that you saw him?
4 A Two years ago.
5 Q What was the occasion of that meeting two years
6 ago?
7 A He came to congratulate me and to have breakfast
8 with me.
9 Q During this meeting two years ago did you have
10 any conversations with Father Perez regarding Father
11 Nicholas Aguilar?
12 A Not at all.
13 Q At anytime during this meeting two years ago did
14 you have any conversation with Father Perez regarding Juan
15 Aguilar Mendez?
16 A No.
17 Q Do you know Father Perez's name -- his age. I'm
18 sorry. Do you have any idea regarding Father Perez's
19 age?
20 A No.
21 Q Can you provide an estimate for his age?
22 A Approximately 60.
23 Q Do you have any understanding regarding his
24 current health?
25 A I don't know.

32

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1 about? Time frame.
2 MR. WATERS: During the time he was Bishop of
3 Tehuacan. If there's more than one, I'm sure he'll tell
4 me, but you're right, it probably does lack foundation.
5 MR. DRIVON: Vague as to time.
6 THE WITNESS: Francisco Aristeo Perez.
7 BY MR. WATERS:
8 Q Was there another canon lawyer?
9 A In the Diocese?
10 Q While you were Bishop of the Diocese of
11 Tehuacan.
12 A Yes, but I never consulted him.
13 Q So is -- am I correct with my understanding that
14 Father Perez was the only canon lawyer that you used as a
15 consultant as to canon law issues?
16 A That's correct.
17 Q Is Father Perez still living?
18 A Yes.
19 Q Are you aware of his physical location?
20 A Not at the moment. In Tehuacan though.
21 Q That was my next question. Is your
22 understanding that he remains employed by the Diocese of
23 Tehuacan?
24 A I don't know.
25 Q When is the last time that you had a

31

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1 Q When you saw him two years ago, was Father Perez
2 in good health?
3 A Not very good.
4 Q The file cabinet in the curia where the sub
5 secreto files are kept, is that file cabinet under lock
6 and key?
7 A Correct.
8 Q And who has access to the key?
9 A Now I don't know.
10 Q During the time that you were Bishop of
11 Tehuacan?
12 A The Secretary Chancellor, Francisco Aristeo
13 Perez.
14 Q So is my understanding correct that two people
15 had access to the key, one, the secretary Chancellor and
16 the other one is your canon lawyer, Francisco Perez?
17 A It was the same person.
18 Q Oh, the same person. Did anybody besides Father
19 Perez have access to the key to the sub secreto file
20 cabinet?
21 MR. SELSBERG: Objection. Calls for speculation.
22 You can answer.
23 THE WITNESS: With permission of the Bishop, the
24 general Vicar's office.
25 INTERPRETER TUCK: In case I'm not too strong on this

33

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6/15/06

1 terminology, every place in the record where I say the
2 "General Vicar's" office, the Spanish words are Vicario,
3 V-i-c-a-r-i-o, General.

4 MR. WATERS: I pronounce it Vicar General.

5 BY MR. WATERS:

6 Q Did you yourself maintain a copy of the key to
7 the file cabinet where the sub secreto files were kept?

8 MR. SELSBERG: While he was Bishop of Tehuacan?

9 MR. WATERS: Of course.

10 THE WITNESS: No.

11 BY MR. WATERS:

12 Q So is my understanding correct that the only
13 person that had a key to the file cabinet would be your
14 Secretary Chancellor Father Perez?

15 A That's correct.

16 Q If somebody from the Vicar General's office
17 wanted access to the sub secreto files, they would have to
18 request access through you as Bishop, correct?

19 A That's correct.

20 Q Did you have any procedures regarding how that
21 request would need to be made?

22 A It's ordered in canonic law.

23 Q Is my understanding correct that you followed
24 the procedure as prescribed by canon law regarding access
25 to the sub secreto files?

34

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1 A That's what he told me. He had access to all
2 the files.

3 Q Did Father Baldemar ever inform you that he
4 discovered any documents regarding documents requested by
5 plaintiffs in sub secreto files maintained by the Diocese
6 of Tehuacan?

7 A The documents were delivered to the lawyers.

8 MR. SELSBERG: Objection. Nonresponsive.

9 BY MR. WATERS:

10 Q I understand that all documents were given to
11 your attorneys. What I want to know was whether Father
12 Baldemar ever informed you that he did in fact find
13 documents responsive to plaintiff's request in any sub
14 secreto files maintained by the Diocese of Tehuacan?

15 A No secret document.

16 Q So am I correct in my understanding that Father
17 Baldemar never told you that he found any responsive
18 documents in sub secreto files maintained by the Diocese
19 of Tehuacan?

20 A He only told me that he had access to all the
21 documents.

22 Q Does the Archdiocese of Mexico maintain sub
23 secreto files?

24 A Every curia should have them.

25 Q I understand that the canon law talks about the

36

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1 A That's correct.

2 Q How were the files in the sub secreto file
3 cabinet organized during the time you were Bishop of the
4 Diocese of Tehuacan?

5 A It was -- that was the jurisdiction of the
6 secretary's office.

7 Q As you sit here today do you recall there being
8 a sub secreto file on Father Nicholas Aguilar?

9 A I never knew.

10 Q Besides the Secretary Chancellor Perez or the
11 Vicar General when he requested access to the file
12 cabinet, at anytime during the time that you were Bishop
13 of the Diocese of Tehuacan did you grant any other
14 employee access to the sub secreto files?

15 A To nobody.

16 Q Is it your understanding that the Diocese of
17 Tehuacan currently maintains sub secreto files?

18 A I don't know.

19 Q To your knowledge did Father Baldemar request
20 access to any sub secreto files after you ordered him to
21 search the Diocese of Tehuacan for documents responsive to
22 plaintiff's request?

23 A Yes.

24 Q And it's your understanding that he was granted
25 access to search those files?

35

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1 maintenance of sub secreto files.

2 MR. SELSBERG: I object to the responsiveness to that
3 answer.

4 BY MR. WATERS:

5 Q My question though is whether or not currently
6 the Archdiocese of Mexico of which you're the Archbishop
7 maintains sub secreto files?

8 A That's correct.

9 Q And what type of documents are kept in the sub
10 secreto files maintained by the Archdiocese of Mexico?

11 A Documents that judge the Secretary Chancellor
12 that must be kept separately, of which they should only be
13 accessible by the secretary himself and the Bishop.

14 INTERPRETER TUCK: I may want to correct a term
15 in that answer.

16 (Record read:

17 "Answer: Documents that judge the Secretary
18 Chancellor that must be kept separately, of
19 which they should only be accessible by the
20 secretary himself and the Bishop.")

21 INTERPRETER TUCK: That should have been: Documents
22 which in the "judgment" of the Secretary Chancellor should
23 be. I don't know how to fix it or if it needs fixing.

24 MR. WATERS: Is the interpreter finished with his
25 correction?

37

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1 INTERPRETER TUCK: Well, I'm still not sure. I sort
 2 of think that that should have been: Those documents that
 3 in the judgment of the Secretary Chancellor should be kept
 4 there.
 5 BY MR. WATERS:
 6 Q Does the Secretary Chancellor have sole
 7 discretion in determining which documents should be placed
 8 in the sub secreto files?
 9 A As well as the Bishop.
 10 Q And that Bishop being you, correct, today?
 11 A I am the Bishop.
 12 Q If at any point you feel that a document has a
 13 possibility of causing scandal to your Diocese or the
 14 church, is it your policy to place that type of document
 15 in the sub secreto file?
 16 MR. SELSBERG: Objection. Assumes facts not in
 17 evidence.
 18 THE WITNESS: That has not happened.
 19 BY MR. WATERS:
 20 Q Let me make sure I understand your response. At
 21 no time since being elevated to Archbishop of Mexico have
 22 you ordered a document to be placed in a sub secreto file
 23 because you felt that the document may lead to scandal to
 24 the Archdiocese or the Roman Catholic church?
 25 A I've never -- I have not sent any document to

1 A I don't know.
 2 Q How old is Juan De Dios?
 3 A Approximately 50.
 4 Q Do you have an understanding regarding his
 5 general health?
 6 A His health is good.
 7 Q Good. You testified that while you were Bishop
 8 of Tehuacan in addition to sub secreto files there were
 9 also ordinary files?
 10 A That's correct.
 11 Q What type of documents would go in the ordinary
 12 files during the time you were Bishop of Tehuacan?
 13 A Letters that the Bishop writes and letters
 14 received by the Bishop. The curriculum, the resume of
 15 priests. The most important activities of the Diocese
 16 such as congresses, conferences, documents we receive from
 17 the Holy See and the conference Bishops.
 18 Q How were these ordinary files maintained? For
 19 example, did each priest employed by the Diocese have
 20 their own file or were they obtained or maintained by
 21 parish or both?
 22 A I don't understand the question.
 23 Q What I want to try to understand is the
 24 organization structure for these ordinary files maintained
 25 by the Diocese at Tehuacan during the time you were

38
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40
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1 the secret file.
 2 Q So my understanding is correct? During the time
 3 that you have been Archbishop of Mexico you have never
 4 directed a document to be placed in the sub secreto file?
 5 MR. SELSBERG: Objection. Asked and answered.
 6 THE WITNESS: I answered that no document has been
 7 sent to the secret file.
 8 BY MR. WATERS:
 9 Q By you, correct?
 10 MR. SELSBERG: Objection. Asked and answered.
 11 THE WITNESS: Once again I answer. I have not sent
 12 any document to the secret file.
 13 BY MR. WATERS:
 14 Q Have you ever directed that another employee
 15 send a document to the sub secreto file?
 16 A No.
 17 Q Who is the current Secretary Chancellor for the
 18 Archdiocese of Mexico?
 19 A Juan De Dios.
 20 MR. WATERS: Can you please spell the last name for
 21 the court reporter?
 22 INTERPRETER TUCK: D-e, D-i-o-s.
 23 BY MR. WATERS:
 24 Q To your knowledge has Father De Dios ever sent
 25 any document to the sub secreto file?

1 Bishop.
 2 A For Tehuacan?
 3 Q Yes.
 4 A I never saw the order of the file. It was the
 5 secretary who took care of that matter.
 6 Q And were these ordinary files maintained in the
 7 curia?
 8 A That's correct.
 9 Q Were these ordinary files maintained in the same
 10 file cabinet as the sub secreto files?
 11 A The secret file should always be separate than
 12 the general file.
 13 Q So is it your understanding that the sub secreto
 14 files and the ordinary files maintained by the Diocese of
 15 Tehuacan while you were Bishop were separated?
 16 A That's what I believe.
 17 Q Are the ordinary files maintained under lock and
 18 key?
 19 A That's correct.
 20 Q Who has access to the key?
 21 A The Secretary Chancellor.
 22 Q During the time that you were in the Diocese of
 23 Tehuacan, that was your canon lawyer, Father Perez,
 24 correct?
 25 A That's correct.

39
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41
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5/11/00

1 Q If somebody needed to pull a file out of the
2 ordinary files during the time that you were Bishop of the
3 Diocese of Tehuacan, would they have to make a notation on
4 a sign-out sheet or any other record to indicate that they
5 were either removing an entire file or documents from a
6 file?

7 MR. SELSBERG: Objection. Assumes facts not in
8 evidence.

9 MR. WATERS: You can provide a response if you
10 understand the question.

11 THE WITNESS: Repeat please.

12 (Record read:

13 "Question: If somebody needed to pull a file
14 out of the ordinary files during the time that
15 you were Bishop of the Diocese of Tehuacan,
16 would they have to make a notation on a sign-out
17 sheet or any other record to indicate that
18 they were either removing an entire file or
19 documents from a file?")

20 MR. SELSBERG: Objection. Assumes facts not in
21 evidence.

22 THE WITNESS: That was not my responsibility.

23 BY MR. WATERS:

24 Q I understand, and I should have probably told
25 you this starting out today, if you do not have facts or a

42

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1 response to my question, just let me know you don't know.
2 Again --

3 A But I did not understand the question, that's
4 why I asked you to repeat it.

5 Q That's fine. I just want you to know it's
6 perfectly okay if you do not recall a response to my
7 question and it's also okay if you forgot, and if that
8 happens and you respond I don't know or I can't recall, I
9 may ask a follow-up question. Again, I'm not trying to be
10 critical. I'm just trying to see if I can jog your
11 memory.

12 A Okay, but I did not understand the question
13 because it was long.

14 Q No problem, but your response when it was read
15 back to you, you understood the question?

16 A Correct. I answered.

17 Q I will try to make my questions shorter.

18 A Okay, and one by one.

19 Q Yes. At anytime while you were Bishop of the
20 Diocese of Tehuacan did you ever review the ordinary file
21 maintained on Father Nicholas Aguilar?

22 A No.

23 Q At anytime during the time that you were Bishop
24 of the Diocese of Tehuacan did you ever review a sub
25 secreto file maintained on Father Nicholas Aguilar?

43

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1 A No.

2 Q You're currently Archbishop for the Diocese of
3 Mexico, correct?

4 A That's correct.

5 Q And in the Archdiocese of Mexico do you maintain
6 ordinary files on diocesan employees?

7 A No.

8 Q Do you cause to have maintained ordinary files
9 on Archdiocesan employees?

10 A That's correct.

11 Q Who is in charge of maintaining the ordinary
12 files on Archdiocesan employees for the Archdiocese of
13 Mexico?

14 A The Secretary Chancellor.

15 Q And that would be Juan De Dios?

16 A Juan De Dios, yes.

17 Q Do you have any knowledge as to what types of
18 documents are maintained in the Archdiocese of Mexico's
19 ordinary files? And if your understanding is it's the
20 same type of documents when you were the Bishop of
21 Tehuacan, for brevity sake you can just tell me that.

22 A That's correct, they are the same type but there
23 are more of them.

24 Q The Archdiocese of Mexico is much larger than
25 the Diocese of Tehuacan, correct?

44

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1 A The largest in the world.

2 Q Regarding where these ordinary files are
3 maintained, what is your understanding as to where they
4 are maintained?

5 A In a place specifically devoted to that.

6 Q Where is that place?

7 A It's close to the Secretary Chancellor's
8 office.

9 Q Are the documents or files maintained in the
10 ordinary files kept under lock and key?

11 A Everything is.

12 Q To your understanding who has access to the key
13 to the ordinary files?

14 A Only the Secretary Chancellor.

15 Q And to your knowledge if an individual needs to
16 retrieve information from ordinary files are they required
17 to make a notation on a sign-out sheet or any other
18 document which would evidence that the file was reviewed
19 and that a document was removed from the file if that took
20 place?

21 A That's not one of my responsibilities.

22 Q So if I wanted to find out the procedures
23 regarding the ordinary files and the maintenance of those
24 files, you'd tell me, Rob, ask Father De Dios?

25 A Go to Father De Dios and he will tell you the

45

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1 procedure.

2 Q Excellent. Thank you. When we're talking about

3 ordinary files, you described the type of documents in

4 there, and my understanding means that these are just

5 ordinary documents generated in the day-to-day operation

6 of the Archdiocese?

7 A That's correct.

8 Q And you're using the term "ordinary files" in no

9 way refers to documents solely by the office of the

10 ordinary?

11 MR. SELSBERG: I'm not understanding.

12 MR. DRIVON: Let me clarify. In nomenclature of the

13 Roman Catholic Church, "ordinary" can refer to Bishop, an

14 Archbishop, or the General Superior of an order, so it's

15 an official title. We think it means general information

16 in the in the general file, it's not. It's kind of a

17 technical word.

18 THE WITNESS: That's correct. The term ordinary

19 refers to several people.

20 BY MR. WATERS:

21 Q During the time that you have been Archbishop

22 of the Archdiocese of Mexico, have you ever reviewed the

23 ordinary file maintained on Father Nicholas Aguilar?

24 A I've never gone to review the file.

25 Q During your time as Archbishop of the

1 source was one file or the other.

2 MR. WATERS: Thank you.

3 BY MR. WATERS:

4 Q Besides the ordinary file we discussed and the

5 sub secreto file we discussed, during the time that you

6 were Bishop of Tehuacan did you cause to have any other

7 files maintained on clerics employed by the Diocese of

8 Tehuacan?

9 A No.

10 Q Same question regarding the Archdiocese of

11 Mexico.

12 A No, only the historic file.

13 Q And what is the historic file?

14 A The historic file should keep all documents that

15 go beyond 50 years.

16 Q Okay. And so I think I have the understanding

17 that if a document in an ordinary file is older than 50

18 years old, it will be moved to the historical files?

19 A After 50 years it should be removed to the

20 historic file.

21 Q And where -- for the Diocese of Tehuacan where

22 are the historic files maintained?

23 A In the curia.

24 Q And for the Archdiocese in Mexico where are the

25 historical files maintained?

1 Archdiocese of Mexico have you ever reviewed any sub

2 secreto file maintained regarding Father Nicholas

3 Aguilar?

4 A I've never gone to the secret file.

5 Q My question is a little different. My question

6 isn't if you have ever gone to the secret file. My

7 question is specific as to a sub secreto file maintained

8 on Father Nicholas Aguilar. And what I want to know is

9 during the time that you were or have been Archbishop of

10 the Archdiocese of Mexico, have you ever personally

11 reviewed a sub secreto file maintained on Father Nicholas

12 Aguilar?

13 A I don't know where Father Hugo brought the

14 documents to me from.

15 Q Has Father Hugo Baldemar ever informed you that

16 he found any documents regarding Father Nicholas Aguilar

17 in any sub secreto files maintained by the Archdiocese of

18 Mexico?

19 A My answer is again the Father informed me that

20 he had access to all the files.

21 Q But he never specifically told you or discussed

22 where each document came from?

23 MR. SELSBERG: Objection. Asked and answered.

24 THE WITNESS: I already answered that he told me that

25 they were from all the files. I don't know whether the

1 A Here in this curia.

2 Q Are the historical documents maintained by the

3 Diocese of Tehuacan under lock and key?

4 A That's correct.

5 Q And who has access to the key?

6 A The Secretary Chancellor.

7 Q And for the Archdiocese of Mexico are the

8 historical files maintained under lock and key?

9 A That's correct.

10 Q And who has access to the key?

11 A The person responsible for the historic file.

12 Q If an individual removes a file from historical

13 files, does that individual have to sign a sign-out sheet

14 or any other document which evidences the fact that the

15 file or a document maintained in the file was removed?

16 A That's correct.

17 Q And where are the sign-out sheets for documents

18 maintained for the Archdiocese in Mexico?

19 A For the historic files, in the office of

20 historic files here in Mexico.

21 Q And if a historic file were removed during the

22 time that you were Bishop of Tehuacan, would somebody have

23 to sign a sign-out sheet or other document evidencing that

24 the file or a document in the file was removed?

25 A I suppose that the secretary would keep track of

NO. 1174-0

1 .that.
2 MR. SELSBERG: I don't want you to guess and he
3 doesn't want you to guess.
4 BY MR. WATERS:
5 Q That's your estimate?
6 A I think so.
7 Q That's your assumption based upon the fact that
8 you were the head of the Tehuacan Diocese prior to your
9 promotion to the Archdiocese of Mexico?
10 A Currently I don't know how it's kept. I suppose
11 that they would observe the laws of canon law. Once
12 again, I'm supposing.
13 Q I have some questions regarding Exhibit 1. If
14 you can please turn to page 3 of Exhibit 1. On page 3 of
15 Exhibit 1 there are 14 categories of documents which we
16 requested you to produce here today for inspection. Your
17 attorney has provided two documents here today, which have
18 been marked Exhibit 2.
19 My question is do you have any other documents
20 that are responsive to the categories requested on page 3
21 of Exhibit 1?
22 A No.
23 MR. SELSBERG: We're checking to just make sure that
24 we've been through them. We're checking, and as I told
25 you, when we take a break and get the documents and get

50

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1 not waiving our right to inspect the original documents
2 that are responsive to page 3 of Exhibit 1. Is that
3 agreed?
4 MR. SELSBERG: Well, I don't — point me to the
5 request in the document that you review the original.
6 MR. WATERS: We ask that all documents be produced
7 here today.
8 MR. SELSBERG: Well, we are producing the documents.
9 You want to look at the original, then I understand what
10 you're saying and you're not waiving your right.
11 MR. WATERS: No problem then.
12 MR. SELSBERG: Okay.
13 MR. WATERS: And the documents that — maybe when we
14 come back from break you can identify the documents by
15 Bates number that you produced prior to today that are
16 responsive to the documents, the categories requested on
17 page 3 of Exhibit 1.
18 MR. SELSBERG: No. I mean for example you ask in No.
19 2 and I all documents concerning Father Aguilar. We've
20 already — you've asked that already and we've already
21 produced them and they are Bates-stamped produced. You
22 have them all. I will not go through and do that again
23 for you.
24 MR. WATERS: I'm sorry. My request must have been
25 ambiguous. I'm not asking you to identify by Bates number

52

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1 the answer, I will tell you either way.
2 MR. WATERS: It's my understanding that off the
3 record you made representation that there were documents
4 that were responsive to these requests that were not
5 produced today because they had been produced in response
6 to a document request made by plaintiffs.
7 MR. SELSBERG: Actually, I think that's probably
8 true. I would have to read them again now. I will have
9 to read these over again now, but the answer to your
10 question is if we have already produced them, then we are
11 not producing it again.
12 MR. WATERS: And we are going to want to take a look
13 at the original documents, and we requested that they be
14 produced here today.
15 MR. SELSBERG: Are you talking about original
16 documents that were produced earlier in the case?
17 MR. WATERS: I'm talking about original documents
18 responsive to the category of documents placed on page 3
19 of Exhibit 1. At some point in this litigation we are
20 going to want to review the original documents, okay, and
21 I have no problem with your representation that you have
22 produced some responsive documents in response to a
23 verified request for production of documents; I have no
24 problem with that representation but what I want to make
25 sure is on the record and is crystal clear is that we're

51

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1 each document responsive to each category. I'm just
2 asking you simply to acknowledge for the record that on
3 whatever date you produced documents Bates number whatever
4 through whatever are all documents in the custody and
5 control of the defendant, they are responsive to the
6 categories of the documents on page 3 of Exhibit 1.
7 MR. SELSBERG: That's fine.
8 MR. WATERS: We'll do that on the break. We need to
9 change the tape.
10 (Break taken from 11:10 a.m. to 11:18 a.m.)
11 BY MR. WATERS:
12 Q Back on the record. Norberto, during anytime
13 did Father Baldemar ever tell you that somebody else
14 besides himself searched any files for any documents
15 responsive to plaintiff's request?
16 A No.
17 Q So as you sit here today it's your understanding
18 that only Father Baldemar searched the files for
19 responsive documents to plaintiff's request?
20 MR. SELSBERG: Objection. That misconstrues his last
21 answer.
22 THE WITNESS: Only Father Baldemar. The only person
23 that I coordinated the search of the documents with was
24 Father Baldemar.
25 BY MR. WATERS:

53

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1 Q And at no time did Father Baldemar tell you that
 2 another person assisted him in his search?
 3 MR. SELSBERG: Objection. Asked and answered.
 4 THE WITNESS: No.
 5 BY MR. WATERS:
 6 Q Norberto, would you please give me a brief
 7 background regarding your education from elementary school
 8 through the seminary and any post-graduate degrees.
 9 A With great pleasure. I studied elementary
 10 school in my town of La Purisissima. I studied humanities
 11 at the Seminary Consigiar de Durango. I studied
 12 philosophy for three years at the same seminary in
 13 Durango. I studied for one year of theology in the same
 14 seminary. I studied for four years theology at the
 15 Gregorian University.
 16 Q Is that a complete summary of your educational
 17 background?
 18 A In the seminary and the university, yes.
 19 Q And the Gregorian University, is that located in
 20 Rome?
 21 A It's in Rome.
 22 Q And all other educational facilities which you
 23 spoke of are located in the country of Mexico?
 24 A In Durango, Mexico.
 25 Q And Durango is a state?

54

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1 A Durango is a state.
 2 Q Besides the education and institutions
 3 mentioned, have you received any other formal education or
 4 degrees?
 5 A Only these institutions.
 6 Q Do you maintain any degree in Canon law?
 7 A No.
 8 Q At anytime have you caused to study Canon law,
 9 or have you studied Canon law?
 10 A Yes.
 11 Q Can you please run down for me any studies you
 12 had in Canon law?
 13 A For two years at the School of Theology is where
 14 I studied Canon law.
 15 Q During those two years --
 16 A It's my understanding that's two years because
 17 I'm talking of four semesters.
 18 Q And during those two years that you studied
 19 theology, or where you studied Canon law at the School of
 20 Theology, were your full-time studies devoted to Canon law
 21 or was it just you had a class or two in Canon law?
 22 A Which question do you want me to answer?
 23 Q What I want to know is during the two years that
 24 you studied Canon law at the School of Theology, was it a
 25 full-time study of the topic of Canon law?

55

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1 A No.
 2 Q So during these two years you also had other
 3 courses?
 4 A Correct.
 5 Q Do you today hold yourself out as a Canon
 6 lawyer?
 7 A No.
 8 Q At anytime during your employment by any
 9 instrumentality of the Roman Catholic Church have you ever
 10 held yourself out as a Canon lawyer?
 11 A Never.
 12 Q Have you ever held yourself out as an expert in
 13 Canon law?
 14 A No.
 15 Q During the time that you were a Bishop of the
 16 Diocese of Tehuacan, if you had a Canon law issue, you
 17 would rely on the -- on a Canon lawyer; is that correct?
 18 A Yes.
 19 Q And that Canon lawyer is the Secretary
 20 Chancellor you identified, Francisco Ortiz Perez,
 21 correct?
 22 A No, that's not correct. It's Francisco Aristeo
 23 Perez.
 24 Q Thank you for the correction on the
 25 pronunciation. And thank you for the summary of your

56

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1 education. Could you likewise please provide a brief
 2 summary of the involvement which you have had with the
 3 Roman Catholic Church from the date of ordination to
 4 present.
 5 A With great pleasure. The first year I worked as
 6 an associate vicar in the parish of Rio Grande Zacatecas.
 7 MR. WATERS: Would the translator please spell that
 8 for the court reporter as well as myself?
 9 INTERPRETER TUCK: Z-a-c-a-t-e-c-a-s.
 10 THE WITNESS: Afterwards I was transferred to Durango
 11 in order to teach theology in the superior seminary; I did
 12 so for 18 years. During that same time I had several
 13 positions in San Martin de Porres, P-o-r-r-e-s, as the
 14 youth assistant, as the marriage assistant, as a counselor
 15 to the Bishop, as a pastoral consultant in Canon matters
 16 of the cathedral.
 17 In 1983 I was appointed professor of dogmatic
 18 theology at the University Pontificia de Mexico. I taught
 19 for three semesters in that university. In December of
 20 1985 I was transferred to Tehuacan as Bishop. In June
 21 1995 I was transferred as Archbishop for the Archdiocese
 22 of Mexico.
 23 In 1998 his Holiness, John Paul, II, appointed
 24 me Cardinal of the church of San Francisco of Ripa Grande.
 25 Q Thank you. I'm sorry. Do you have more?

57

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10/11/98

1 A And here I am.
 2 Q Thank you. You were appointed as Bishop of the
 3 Diocese of Tehuacan in December of 1985, correct?
 4 A Yes.
 5 Q Who was the prior Bishop of the Diocese of
 6 Tehuacan?
 7 A Rafael Y. Ayala, A-y-a-l-a. The letter Y,
 8 A-y-a-l-a.
 9 Q Were you transferred because Bishop Ayala passed
 10 away or for some other reason?
 11 A Because the Pope appointed me. I was appointed
 12 by the Pope.
 13 Q Do you have any knowledge as to why Bishop Ayala
 14 was removed as Bishop of Tehuacan or no longer made as a
 15 Bishop of Tehuacan? I'm not trying to imply any reason.
 16 I'm just trying to understand why he left and you came in.
 17 A The Bishop Ayala had died on July 3rd.
 18 Q And July 3rd, 1985, correct?
 19 A Of '85.
 20 Q And in June of 1995 you were appointed
 21 Archbishop for the Archdiocese of Mexico?
 22 A That's correct.
 23 Q And who was the prior Archbishop?
 24 A Ernesto Corripio, C-o-r-r-i-p-i-o, Ahumada,
 25 A-h-u-m-a-d-a.

1 Q And what is your understanding as to why you
 2 were appointed Archbishop in June of '95 to succeed the
 3 prior Archbishop?
 4 A Because that was the decision made by John Paul
 5 the Second.
 6 Q Was Archbishop Ahumada alive in June of 1995?
 7 A That's correct.
 8 Q Is Archbishop Ahumada currently alive?
 9 A That's correct.
 10 Q Do you know the time frame that Archbishop
 11 Ahumada served as Archbishop for the Archdiocese of
 12 Mexico?
 13 A Approximately for 18 years.
 14 Q Do you have the address for the Archbishop
 15 Ahumada, his present address?
 16 A I know where he lives. I don't remember the
 17 name of the street, nor the house number. I know how to
 18 get there.
 19 Q I understand. Is it a private residence or is
 20 it a residence maintained by the Archbishop, Archdiocese
 21 of Mexico?
 22 A It's private property. I don't know who it
 23 belongs to but it does not belong to the Archdiocese.
 24 Q What is -- to your knowledge how old is
 25 Archbishop Ahumada?

1 A Approximately 88 years old.
 2 Q What is your understanding regarding Archbishop
 3 Ahumada's current health?
 4 A He's ill.
 5 Q Is he ill physically, mentally, or both? What
 6 is your understanding as to ill?
 7 A Physically.
 8 Q Are you aware of any elements which he suffers?
 9 A Yes.
 10 Q What elements are you aware that he suffers?
 11 A One of his legs was amputated.
 12 Q Anything else regarding his physical illness?
 13 A The normal things for a person of that age.
 14 Q I understand. Prior to your appointment as
 15 Bishop of Tehuacan, was there an interim superior
 16 overseeing the Diocese of Tehuacan after the passing of
 17 Father, or Bishop, Ayala?
 18 A There was an administrator Diocese,
 19 administrator.
 20 Q And who was the Diocese administrator?
 21 A Father Pacheco, P-a-c-h-e-c-o, Rodrigo,
 22 R-o-d-r-i-g-o.
 23 Q Prior to him being the Diocese administrator,
 24 are you aware of the position which Father Pacheco held in
 25 the Diocese of Tehuacan?

1 A He was a parish priest.
 2 Q To your knowledge is Father Pacheco still
 3 alive?
 4 A Yes.
 5 Q To your knowledge where is Father Pacheco
 6 residing?
 7 A I don't know.
 8 Q Do you know if he's still located within the
 9 Diocese of Tehuacan?
 10 A He's in the Diocese of Tehuacan.
 11 Q It's your understanding that he is still
 12 employed by the Diocese of Tehuacan?
 13 A The priests are not employees.
 14 Q What are the priests?
 15 A They are priests.
 16 Q Is it your understanding that he's still a
 17 priest within the Diocese of Tehuacan?
 18 A A priest.
 19 Q How old is Father Pacheco?
 20 A Close to 65.
 21 Q Do you have any understanding regarding Father
 22 Pacheco's health?
 23 A I don't know at present.
 24 Q When you assumed the role of Bishop of the
 25 Diocese of Tehuacan, did you have an opportunity to meet

1 with Father Pacheco, the interim Diocese administrator,
 2 regarding the priests working in the Diocese of
 3 Tehuacan?
 4 A That's correct.
 5 Q And when did this meeting take place?
 6 A The following day, the day after I got there to
 7 Tehuacan.
 8 Q What did this meeting entail?
 9 A The matters that were dealt with as far as I can
 10 recall was the history of the Diocese, the affection they
 11 had for the previous Bishop, their good willingness to
 12 work with me as co-workers, not as employees, and that I
 13 should not have any prejudices toward them.
 14 Q Was this meeting with all priests working for
 15 the Diocese of Tehuacan, or was this a meeting with just
 16 Father Pacheco as the Diocesan administrator?
 17 A It was with the Presbyterians and it was
 18 attended by at least most of them.
 19 Q When you became Bishop of the Diocese of
 20 Tehuacan, were you provided a list of priests working for
 21 your Diocese?
 22 A Nobody gave me any kind of a list.
 23 Q When you became the Bishop for the Diocese of
 24 Tehuacan, how did you become aware of the priests serving
 25 in your Diocese?

1 A I visited them little by little.
 2 Q Did you ever request someone inform you verbally
 3 or via writing of the names of the priests and their
 4 locations in the Diocese of Tehuacan at the time you
 5 became the Bishop of Tehuacan?
 6 A No.
 7 Q So the way that you were -- the way that you
 8 became aware of the priests working in the Diocese of
 9 Tehuacan, the names of the priests, the locations of the
 10 their parish, and their job functions was through these
 11 personal visits?
 12 A That's correct.
 13 Q Any other way that you became familiar with the
 14 priests' job duties, locations in the Diocese of
 15 Tehuacan?
 16 A I myself would ask questions.
 17 Q You'd ask questions to other priests or to
 18 people in the chancellery?
 19 A No, I would direct my questions directly to the
 20 priests.
 21 Q At anytime while you were the Bishop of the
 22 Diocese of Tehuacan, had you ever requested anybody in the
 23 chancellery provide you information as to the name, job
 24 duty, work location for all clerics, priests, and brothers
 25 functioning in your Diocese at Tehuacan?

1 A I don't understand the term "brothers."
 2 Q Religious brothers, order brothers.
 3 A For us those are priests.
 4 Q What I want to know is at anytime that you were
 5 head of the Diocese of Tehuacan, did you ever request
 6 information from the Chancellery regarding information of
 7 all priests or other clerics serving under you in the
 8 Diocese of Tehuacan?
 9 A No.
 10 Q To your knowledge did the Chancellery maintain
 11 that information when were you appointed as the Bishop at
 12 Tehuacan?
 13 A I don't understand the question.
 14 Q Sure, Does the Diocese of Tehuacan have a
 15 chancellery office?
 16 MR. SELSBERG: Does it have it now or then?
 17 THE WITNESS: That's correct.
 18 BY MR. WATERS:
 19 Q When you were appointed Bishop, did it have a
 20 chancellery office?
 21 A Yes, that's correct.
 22 Q Was the chancellery office in charge of
 23 personnel issues regarding priests serving in the Diocese
 24 of Tehuacan?
 25 A I already answered that the Chancellor kept the

1 corresponding documentation.
 2 Q My question is whether, to your knowledge, at
 3 the time that you were appointed as Bishop of Tehuacan and
 4 during your time as Bishop at Tehuacan, to your knowledge
 5 did the chancellery office maintain a list of the priests
 6 serving in your Diocese?
 7 A I believe that was correct.
 8 Q Was that list on computer?
 9 A At that time none existed.
 10 Q At anytime while you were Bishop of Tehuacan do
 11 you know if that list was maintained on any type of
 12 computer?
 13 A I'm not sure.
 14 Q How long did it take you to meet or to come to
 15 an understanding of all the priests serving under you in
 16 the Diocese of Tehuacan from the time you were appointed
 17 in December 1985 to the time you left in June of '95, if
 18 you feel that you ever got an understanding of the priests
 19 serving under you?
 20 MR. SELSBERG: Objection. Compound and assumes facts
 21 not in evidence. Are you asking if he met them or
 22 understood them because you said them both?
 23 MR. WATERS: I'm trying to find out if he ever in his
 24 mind came to a feeling of confidence that he knew all of
 25 the people he was responsible for in the Diocese of

10-11-95

1 .Tehuacan.
 2 MR. SELSBERG: That's different than what you
 3 asked.
 4 MR. WATERS: I'm just trying to find out.
 5 THE WITNESS: More or less in a year I had knowledge
 6 of the names in the positions, but I cannot presume to
 7 have full knowledge.
 8 BY MR. WATERS:
 9 Q Did you have any discussions regarding personal
 10 matters with Father Pacheco during the transition of the
 11 Diocese being run by Father Pacheco as administrator and
 12 the Diocese being run by you as Bishop?
 13 A No.
 14 Q I would like to turn now to the time frame that
 15 you were appointed or transferred as Archbishop, the
 16 Archdiocese of Mexico, and basically I want to try to get
 17 the same understanding regarding the transition from
 18 Archbishop Ahumada to yourself as leader of the
 19 Archdiocese.
 20 After being appointed Archbishop of the
 21 Archdiocese of Mexico, did you have any meetings with
 22 anybody in the Archdiocese regarding the priests or
 23 personnel serving under you as arch -- since you were the
 24 Archbishop?
 25 A Yes.

1 functioning in their geographic area?
 2 A No.
 3 Q At anytime did they tell you verbally the names
 4 of all the priests or -- and the assignments of those
 5 priests in their geographic areas?
 6 A Only when it dealt with a matter of making
 7 changes or was some kind of an important issue like an
 8 illness.
 9 Q When you took over as Archbishop for the
 10 Archdiocese of Mexico in June of 1995, there was an
 11 existing chancellery office, correct?
 12 A I never said that there had been -- that I had
 13 assumed the position of Archdiocese in June. I said that
 14 I was appointed in June 1995.
 15 Q Okay. When did you assume the duties of
 16 Archbishop?
 17 A I assumed the duty on July 26th.
 18 Q Sorry for the incorrect date. When you assumed
 19 the duties of Archbishop for the Archdiocese of Mexico,
 20 was there an existing chancellery department?
 21 A That's correct.
 22 Q And was the chancellery department in charge of
 23 maintaining records and information on priests functioning
 24 in the Archdiocese in Mexico?
 25 A That's correct.

1 Q And when did this meeting take place?
 2 A Every week.
 3 Q And who was this meeting with?
 4 A The vicar -- the Episcopal vicars.
 5 Q Who were the Episcopal vicars at this time?
 6 A The General Vicar was Mr. Rutilio,
 7 R-u-t-i-l-i-o, Ramos. Mr. Francisco Aguilar,
 8 A-g-u-i-l-a-r, Luis Mena, M-e-n-a. Felipe, excuse me,
 9 Felipe Tejada, T-e-j-e-d-a, and Father Arriola,
 10 A-r-r-i-o-l-a. Father -- who else? Father Pedro of the
 11 8th Vicar's office. Father -- how many is that now?
 12 There is still some more. Yes, Father -- I already
 13 mentioned Father Arriola. I mentioned Mr. Tejada,
 14 Aguilar, Rutilio Ramos, and I'm missing the second one
 15 exactly. That's Father --
 16 Q If you remember later, you can tell us.
 17 A I will certainly complete the list.
 18 Q It's my understanding that each of these
 19 Episcopal vicars are in charge of the different
 20 geographical areas within the Tehuacan Diocese on priest
 21 personnel matters?
 22 A Yes. Not all of them. Father Ramos is the
 23 general vicar. The others, that's correct as to them.
 24 Q And during these weekly meetings, did these
 25 individuals present you with a list of the priests

1 Q To your knowledge in June of '95 when were you
 2 appointed Archbishop for the Archdiocese in Mexico, did
 3 the chancellery office maintain a list of all priests and
 4 other clerics of the Roman Catholic Church serving under
 5 the Archbishop for the Archdiocese in Mexico?
 6 A I think so.
 7 Q To this date have you ever reviewed a list that
 8 we've been discussing?
 9 A I did not understand the question. Have I
 10 personally?
 11 Q Yes.
 12 A I have not reviewed the list.
 13 Q At anytime?
 14 A No. I repeat, I personally have not reviewed
 15 the list of all the priests. This is done by the
 16 vicars.
 17 Q To your knowledge, in 1995 when you were
 18 appointed as Archbishop for the Archdiocese of Mexico,
 19 which Episcopal vicar oversaw the church of San Miguel
 20 Arcangel, A-r-c-a-n-g-e-l, located in Col. San Miguel
 21 Chapultepec, C-h-a-p-u-l-t-e-p-e-c?
 22 A I want to remember the name of the Father,
 23 Daniel Nolasco, N-o-l-a-s-c-o, that was the one that was
 24 missing here.
 25 Q Okay, got you. To your knowledge is Father

1 Daniel Nolasco still alive?
 2 A Yes.
 3 Q And approximately how old is Father Nolasco?
 4 A At least 80 years.
 5 Q And where is he currently residing?
 6 A In this Archdiocese.
 7 Q Do you know the name of the street on which he
 8 resides? Is he living in Mexico City?
 9 A In Mexico City.
 10 Q Is he currently employed by the Archdiocese of
 11 Mexico?
 12 A That's correct.
 13 Q And what is his current position?
 14 A He is responsible for a rectory, or chapel.
 15 Q What is your understanding as to his health?
 16 A About -- how you would be if you were 80 years
 17 old?
 18 Q Is the place where he's residing a property
 19 owned by the Archdiocese of Mexico?
 20 A No.
 21 Q Do you know the name of the facility in which
 22 Father Nolasco is residing?
 23 A I don't remember the name of the chapel but I'm
 24 sure that it does not belong to the Archdiocese because
 25 all those properties are federally owned.

1 MR. WATERS: It's the same difference.
 2 MR. SELSBERG: It's not to me.
 3 BY MR. WATERS:
 4 Q Who was in charge of maintaining lists of the
 5 residences of priests serving in the Archdiocese of
 6 Mexico?
 7 A There's an official in charge of the directory
 8 and it's published and you can buy one --
 9 Q I have one.
 10 A -- in these offices.
 11 Q That's a good commercial, and I have one.
 12 A Very well.
 13 Q What's the name of the employee that is in
 14 charge of gathering that information?
 15 A I don't remember the Father's name. There's
 16 2100 priests.
 17 Q In the calendar year 1995 or thereafter, did you
 18 ever have a conversation with Father Nolasco regarding
 19 Father Nicholas Aguilar?
 20 A No. I've only received some information that I
 21 saw in the files and on one occasion he stated to me, he
 22 mentioned to me an incident that occurred in his parish.
 23 Q We'll get to that.
 24 MR. SELSBERG: I object to the responsiveness of the
 25 answer in part.

1 Q As you sit here today you do not recall the name
 2 of the facility or the name of the rectory?
 3 MR. SELSBERG: Objection.
 4 THE WITNESS: I don't remember.
 5 MR. SELSBERG: Objection. Asked and answered.
 6 BY MR. WATERS:
 7 Q If I wanted to obtain the name of the facility
 8 or the address of the facility where Father Nolasco is
 9 residing, to whom would I have to request that
 10 information?
 11 MR. SELSBERG: Objection. It calls for speculation
 12 and you're asking him to -- I don't understand the
 13 competence of this witness to give you that information.
 14 MR. WATERS: He's the head of the Archdiocese. I'm
 15 sure he has people that work underneath him to give him
 16 the location of employees of Archdiocese or the priests of
 17 the Archdiocese.
 18 MR. SELSBERG: That's a different question.
 19 Basically you're asking him to tell you how to do your
 20 job.
 21 MR. WATERS: No, I'm not. I'm asking him the name of
 22 the person that would know the name of the locality of
 23 Father Nolasco.
 24 MR. SELSBERG: Then ask it that way. Or if you don't
 25 agree with me --

1 BY MR. WATERS:
 2 Q To your knowledge, in July of 1995 was Father
 3 Nicholas Aguilar functioning as a parochial vicar for the
 4 church of San Miguel in Chapultepec?
 5 A I wasn't here.
 6 Q In July 1995 you were here.
 7 A But not until July. Not in June.
 8 Q Okay. In July of 1995 were you aware that
 9 Father Nicholas Aguilar was serving as a parochial vicar
 10 for the Church of San Miguel Arcangel?
 11 A No.
 12 Q As you sit here today have you ever become
 13 aware?
 14 A I have now through the documents.
 15 Q When was the first time that you became aware
 16 that in June of 1995 Father Nicholas Aguilar was serving
 17 as the parochial vicar for the Church of San Miguel
 18 Arcangel?
 19 A Recently with the documents.
 20 Q Can you provide me an estimate of the time
 21 frame? Was it before the filing of this lawsuit?
 22 A No, after.
 23 Q So sometime in the calendar year 2006 or 2007,
 24 correct?
 25 MR. SELSBERG: Misleading. The lawsuit was filed 1

10-11-00

1 believe September 11.
2 MR. WATERS: I'm not trying to be misleading.
3 THE WITNESS: I don't understand.
4 MR. WATERS: No problem. I just want to make sure
5 I'm correct. I'll make the representation that this
6 lawsuit was filed on September 19th, 2006.
7 BY MR. WATERS:
8 Q It was sometime between September 19, 2006 and
9 today that you became aware that Father Nicholas Aguilar
10 was serving as a parochial vicar for the Church of San
11 Miguel Arcangel.
12 MR. SELSBERG: He answered in June of 1995.
13 BY MR. WATERS:
14 Q June 1995?
15 A Excuse me. When I got here I didn't know that.
16 Q No problem, and I understand that's your
17 testimony. I just want to make sure I'm clear that it was
18 not until after September 19, 2006 that you became aware
19 that in June of 1995 Father Nicholas Aguilar Rivera --
20 A Repeat the dates for me.
21 Q Strike that. I just want to make clear that my
22 understanding is correct as to your testimony on this
23 particular issue, and it's my understanding that your
24 testimony is that it was not until after the complaint was
25 filed, September 19, 2006, that you became aware that

74

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1 Father Nicholas Aguilar was serving as a parochial vicar
2 for the Church of San Miguel Arcangel in July of -- excuse
3 me, from February of 1995 through December 31st, 1995?
4 MR. SELSBERG: Objection. Assumes facts not in
5 evidence.
6 THE WITNESS: That's correct.
7 BY MR. WATERS:
8 Q And you became aware of that fact through
9 reviewing a letter; is that correct?
10 MR. SELSBERG: Objection. Assumes facts not in
11 evidence.
12 MR. WATERS: I'm laying foundation.
13 THE WITNESS: I became aware of that appointment
14 recently.
15 BY MR. WATERS:
16 Q And you became aware of the appointment by
17 reviewing a letter, correct?
18 A No, I know of the appointment because of
19 official letters.
20 MR. WATERS: May I please have this marked next in
21 order. What I am providing you is Plaintiff's Exhibit 3.
22 BY MR. WATERS:
23 Q My first question is have you ever reviewed this
24 document?
25 A With my lawyers yesterday and the day before.

75

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1 Q Is this the document which gave you information
2 regarding Father Nicholas Aguilar Rivera serving as
3 parochial vicar for the parish of Saint Miguel Arcangel in
4 the calendar of 1995?
5 A Of this appointment, yes.
6 Q What is this document?
7 (Pause in proceedings.)
8 (The document referred to was marked as
9 Plaintiff's Exhibit 3 for identification and
10 attached to this deposition.)
11 BY MR. WATERS:
12 Q Father, before the power went out, we were
13 discussing what I have had marked Exhibit 3, and I was
14 asking you if you could describe for me --
15 A Is this it?
16 Q Yes. And I was asking if you could describe for
17 me what this document is. What is this document?
18 A The essence of it is that I am giving you
19 ordinary ministerial authorities until December 31st,
20 1995.
21 Q And this document contains what appears to be a
22 stamp.
23 A Yes.
24 Q And what is -- first of all, do you recognize
25 that stamp?

76

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1 A It appears to be a stamp.
2 Q Do you --
3 A It's illegible here.
4 Q You have ever seen a stamp like this?
5 A Something similar, yes.
6 Q Where have you seen something similar?
7 A Here in this curia.
8 Q I also make reference to Exhibit 2, which
9 appears to have a stamp as well.
10 A This one is clearer.
11 Q Then we'll talk about the one on Exhibit 2.
12 What is this stamp depicting, or what is the purpose of
13 this stamp?
14 A This is the seal used by the Vicars' office of
15 this Archdiocese.
16 Q And Exhibit 3, that is a document that was
17 generated from the office of the Bishop for the
18 Archdiocese of Mexico, correct?
19 A I'm --
20 MR. SELSBERG: Can you repeat that question?
21 (Record read:
22 "Question: And Exhibit 3, that is a document
23 that was generated from the office of the Bishop
24 for the Archdiocese of Mexico, correct?")
25 THE WITNESS: I'm not sure.

77

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1 BY MR. WATERS:
 2 Q This Exhibit 3 appears to be on letterhead,
 3 correct?
 4 A That's correct.
 5 Q Do you recognize this letter?
 6 A It's similar to this letterhead.
 7 Q Is Exhibit 3 a document generated by the office
 8 of the Archbishop for the Archdiocese of Mexico?
 9 A I'm not sure.
 10 Q Do you believe that what I have marked as
 11 Exhibit 3 was not generated by the office of the
 12 Archbishop for the Archdiocese of Mexico?
 13 A I don't know. I was not here.
 14 Q Do you have any basis to dispute the genuineness
 15 of the document which I have had marked as Exhibit 3?
 16 A I'm not an expert.
 17 Q I'm not asking you if you are an expert, sir.
 18 I'm asking if you have any information or basis to dispute
 19 the genuineness or authenticity of the copy of this letter
 20 which I have had marked Exhibit 3?
 21 A I repeat, I'm not sure as to its authenticity.
 22 I was not here.
 23 Q No problem. Do you have -- I will make the
 24 representation that this document was provided by your
 25 attorneys in response to a request for production of

78

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1 documents, which plaintiffs have signed.
 2 When reviewing the documents that Father
 3 Baldemar gathered, did you review this document?
 4 A That's how they presented it to me yesterday.
 5 Q My question is a little different. Let me lay
 6 some foundation first. You requested -- you charged
 7 Father Baldemar with an order to search the files of the
 8 Diocese of Tehuacan and the files of the Archdiocese of
 9 Mexico for documents responsive in a request by plaintiffs
 10 in this lawsuit?
 11 A That's correct.
 12 Q Father Baldemar returned to you and told you
 13 that he found some documents responsive, correct?
 14 A That's correct.
 15 Q At that point did you review the documents that
 16 Father Baldemar found?
 17 A The lawyers, not me.
 18 Q The first time you reviewed any documents
 19 provided by Father Baldemar was at some time at some
 20 meeting with your attorneys?
 21 A Yesterday and day before, some documents.
 22 Q Prior to me giving you Exhibit 3, had you ever
 23 seen what I've marked Exhibit 3?
 24 A This document?
 25 MR. SELSBERG: Objection. Asked and answered.

79

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1 THE WITNESS: That's correct.
 2 MR. WATERS: Nonresponsive.
 3 BY MR. WATERS:
 4 Q My question is prior to me handing you what I
 5 marked as Exhibit 3, had you ever seen this document?
 6 MR. SELSBERG: Objection. Asked and answered.
 7 BY MR. WATERS:
 8 Q Is that a yes?
 9 A Yes.
 10 Q And when was the first time that you saw this
 11 document?
 12 MR. SELSBERG: Objection. Asked and answered.
 13 THE WITNESS: I already answered. I saw it with the
 14 lawyers.
 15 BY MR. WATERS:
 16 Q Either on August 6th or August 7th?
 17 A That's correct.
 18 Q Have you ever had a conversation with the Vicar
 19 General Rutilio Ramos Rico regarding Father Nicholas
 20 Aguilar Rivera and his role as a parochial vicar for
 21 church of San Miguel Arcangel?
 22 MR. SELSBERG: Objection. Assumes facts not in
 23 evidence.
 24 THE WITNESS: It's not my practice to talk with dead
 25 people. It's not my practice to talk with dead people.

80

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1 BY MR. WATERS:
 2 Q Probably a good practice to adhere to. At
 3 anytime prior to Father Ramos Rico's passing, had you ever
 4 had a conversation with him regarding Father Nicholas
 5 Aguilar Rivera being appointed as parochial vicar for the
 6 church of San Miguel Arcangel?
 7 A I did not know of the appointment so I could not
 8 have talked to him about it.
 9 Q So your answer is no?
 10 A No.
 11 Q Have you ever had a conversation with the vice
 12 chancellor noted on Exhibit 3, Dr. Gerardo Sanchez Santos,
 13 I believe?
 14 A No.
 15 Q Is Dr. Sanchez Santos still alive?
 16 A That's correct.
 17 Q And is Dr. Sanchez Santos -- is that the correct
 18 name?
 19 A Gerardo Sanchez.
 20 Q Is Dr. Gerardo Sanchez still employed by the
 21 Archdiocese of Mexico?
 22 A He's not an employee. He's a parishioner.
 23 Q Is he affiliated in any official capacity with
 24 the Archdiocese of Mexico?
 25 A That's correct.

81

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1 Q And what is his current title?
 2 A Parishioner and Vicar of the Cause of the
 3 Saints.
 4 Q How old is Dr. Sanchez?
 5 A I believe he's approximately 45 years old.
 6 Q Do you have any understanding as to his general
 7 health?
 8 A I have no information.
 9 Q Do you know his current residence address?
 10 A He's at his parish.
 11 Q And what is the name of his parish?
 12 A I don't remember.
 13 Q At the time that you were appointed Archbishop
 14 for the Archdiocese in Mexico, did you maintain a priest
 15 personnel board?
 16 INTERPRETER TUCK: Like a bulletin board?
 17 MR. WATERS: No, like a committee.
 18 (Record read:
 19 "Question: At the time that you were appointed
 20 Archbishop for the Archdiocese in Mexico, did
 21 you maintain a priest personnel board?")
 22 THE WITNESS: No.
 23 BY MR. WATERS:
 24 Q At the time that you were appointed -- strike
 25 that. Currently do you maintain a priest personnel

1 Mexico.
 2 Q When did you create that?
 3 A Approximately four years ago.
 4 Q So you created this position where this priest
 5 would just document the individuals affiliated with the
 6 Archdiocese of Mexico in a clerical function, because I
 7 know you don't like calling them employees?
 8 A Which question shall I answer, the first one or
 9 the second one?
 10 Q You can answer this question. I'll withdraw the
 11 other one. Approximately four years ago you created a
 12 position where a priest would document the priest clerics
 13 and religious workers within the Archdiocese of Mexico?
 14 A That's correct.
 15 Q However, you would not consult with this
 16 individual regarding personnel issues?
 17 A No.
 18 Q Now, at anytime have you ever made a board or
 19 maintained a board of consultants regarding priest
 20 personnel issues?
 21 A My auxiliary Bishops.
 22 Q And who are the auxiliary Bishops?
 23 A The auxiliary Bishops are Monsignor Moreno
 24 Bravo; Monsignor Carlos Arch; Monsignor Marcelino
 25 Hernandez; Monsignor Jonas, J-o-n-a-s, Guenrero; Monsignor

1 board?
 2 A A priest, yes.
 3 Q One priest?
 4 A One priest.
 5 Q And who is the name of that priest?
 6 A I'll repeat that, I don't remember his name
 7 right now.
 8 Q But he's currently a priest whom you consult
 9 with regarding personnel issues?
 10 A No.
 11 Q When did you consult with him regarding priest
 12 personnel issues?
 13 A I didn't consult with him.
 14 Q Then I'm not following and it's probably my
 15 fault. It's my understanding that your testimony is you
 16 didn't maintain a priest personnel board at the time you
 17 were appointed Archbishop of Mexico; is that correct?
 18 A Correct.
 19 Q It's also my understanding that at some point
 20 after you became Archbishop of Mexico, you would consult
 21 with one priest regarding --
 22 A No.
 23 Q Clarify for me, please. My misunderstanding.
 24 A I did not consult. I created a person
 25 responsible for the directory of the Presbyters of

1 Francisco Clavel; Monsignor Felipe Tejada. That's how
 2 many? Six Monsignors. Antonio -- Monsignor Antonio,
 3 Vicar of the fifth, no, the Fourth Vicaria.
 4 Q And you consulted these auxiliary Bishops
 5 regarding these issues?
 6 A Only when they are dealing with matters.
 7 Q When dealing with these auxiliary Bishops
 8 regarding priest issues, are minutes or notes kept
 9 regarding discussions?
 10 A Yes.
 11 Q Where are these minutes or notes maintained?
 12 A By the Secretary Chancellor.
 13 Q Are they placed in a certain file?
 14 A He has his file.
 15 Q If I wanted to get copies of these minutes, how
 16 would I have to identify them so that you would understand
 17 that I want a copy of these documents?
 18 MR. SELSBERG: Are you just asking him what he calls
 19 them?
 20 MR. WATERS: I'm asking him what I need to put in a
 21 request for production of documents so I don't get an
 22 objection from you saying it's vague and ambiguous.
 23 MR. SELSBERG: I'm sorry but I cannot agree that
 24 you're allowed to ask him how to phrase your request. You
 25 can ask him what he calls them.

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1 MR. WATERS: That's basically what I'm doing.
 2 MR. SELSBERG: Then please just do me a favor and ask
 3 him that because I don't want to be in a position where
 4 he's telling you how to draft your request for production
 5 but if you ask him -- I'm not instructing him but just ask
 6 him what he calls it, please.
 7 BY MR. WATERS:
 8 Q That's fine. What do you call the file, binder,
 9 cabinet where these minutes are kept?
 10 A I didn't understand. Minutes of the Episcopal
 11 council.
 12 Q And so these auxiliary Bishops who you
 13 identified are members of the Episcopal council?
 14 A Yes.
 15 Q And so it's the same council that you met with
 16 back in July of '95 when you were appointed Archbishop for
 17 the Diocese, Archdiocese of Mexico, not the same
 18 individuals but the same committee?
 19 A That's correct. They are not the same
 20 members.
 21 Q When you --
 22 A May I add something, an omission?
 23 Q Sure.
 24 A I didn't mention Monsignor Esquivel,
 25 E-s-q-u-i-v-e-l.

1 United States whereabouts, in 1994. He becomes Archbishop
 2 in 1995, and I want to know what the procedures were for
 3 the Archdiocese to put a person in that position. I think
 4 it's relevant to show that he -- there was a method
 5 available for him to send Aguilar back to the authorities
 6 in the United States, and as a result of him either not
 7 doing his homework or his failure to do it adequately, the
 8 failure to re -- the felon was able to remain at large,
 9 and his intentional failure to do that would be a further
 10 act in support of the alleged conspiracy.
 11 MR. SELSBERG: I understand what you're saying but I
 12 don't understand what this question for appointing Vicars
 13 in 1995 has to do with that, and there's no evidence that
 14 Nicholas was here under his authority in 1995 and no
 15 evidence that he appointed him in '95, so I don't
 16 understand the connection there.
 17 MR. WATERS: There is evidence that he was under the
 18 authority of the Archbishop for the Archdiocese in Mexico
 19 in '95; that's Exhibit 3.
 20 MR. SELSBERG: Not after July.
 21 MR. WATERS: Exhibit 3 appoints him as that position
 22 through December 31.
 23 MR. SELSBERG: You mean -- so what does this have to
 24 do with that? What does the question of procedures
 25 appointing vicars have to do with your other argument? I

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1 Q And Monsignor Esquivel is currently a member of
 2 the Episcopal Vicars?
 3 A Yes.
 4 Q When you became Archbishop of the Archdiocese of
 5 Mexico in July of 1995, what were the procedures for
 6 appointing an individual a parochial Vicar?
 7 A I don't understand the question. To appoint him
 8 or remove him or what?
 9 Q Yes, to appoint him. To appoint the priest what
 10 were the procedures if the Archdiocese wanted a pastor to
 11 become a parochial Vicar?
 12 MR. SELSBERG: Stop for one second, please. I'm
 13 giving you a lot of leeway. Can you explain to me what
 14 this has to do with jurisdiction because as I understand
 15 it from the complaint, the alleged rape was in 1994? This
 16 is 1995 and Cardinal Rivera, or Norberto Rivera, in
 17 Mexico. Can you explain the connection or the
 18 jurisdiction?
 19 MR. WATERS: Sure. Here's why I believe it's
 20 relevant to the jurisdiction. The Archbishop is in charge
 21 of appointing individuals to positions to become
 22 Archdiocese of Mexico. It's in the discretion of the
 23 Archbishop which priest goes to which position.
 24 Defendant Rivera claims that he has no knowledge
 25 of the -- of Father Aguilar, who pled justice in the

1 understand the other argument but I don't understand how
 2 this relates to it.
 3 MR. WATERS: In response to his question regarding
 4 Exhibit 3, at least I got the feeling that he had
 5 questions regarding the genuineness of the document as
 6 well as the information contained therein. So the
 7 Archbishop himself did not sign that document, his Vicar
 8 General did and some other guy. So I want to find out
 9 when he --
 10 MR. SELSBERG: Go ahead.
 11 BY MR. WATERS:
 12 Q So my question is in July of 1995 when you
 13 became Archbishop for the Archdiocese in Mexico, what were
 14 the procedures for appointing a priest to the position of
 15 a parochial Vicar?
 16 A Up to the extent that I had knowledge of the
 17 procedure that was followed was that there would be a
 18 meeting of the Episcopal Vicars and the General Vicar gave
 19 the appointments -- made the appointments.
 20 Q And the General Vicar made the appointments
 21 pursuant to delegated authority by the Archbishop for the
 22 Archdiocese in Mexico?
 23 A The Archbishop of Mexico was very ill during his
 24 last three years.
 25 Q Okay, and so would the Vicar General in

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