

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Coordinated Proceeding  
Special Title (Rule 1550(b))

THE CLERGY CASES III

JOHN DOE 39,

Plaintiff,

vs.

JUDICIAL COUNCIL  
COORDINATED PROCEEDING  
No. 4359

THE FRANCISCAN FRIARS  
OF CALIFORNIA, INC., et al.,

Defendants.

DEPOSITION OF FR. [REDACTED]

Taken in Behalf of the Plaintiff

November 22, 2005

1 BE IT REMEMBERED THAT, pursuant to Oregon  
2 Rules of Civil Procedure, the deposition of FR. [REDACTED]  
3 [REDACTED] was taken before D. Iwalani Carr, RPR, CSR, a  
4 professional shorthand reporter certified by the State  
5 of Oregon, that pursuant to Oregon Revised Statute  
6 44.320 said reporter is empowered to administer oaths to  
7 witnesses, that the above-named witness was placed under  
8 oath on November 22, 2005, commencing at the hour of  
9 10:00 a.m., in the conference room of Carr Court  
10 Reporting, in the City of Portland, County of Multnomah,  
11 State of Oregon.

12 --o0o--

13  
14 APPEARANCES:

15  
16 For the Plaintiff: TIMOTHY HALE, ESQ.  
17 Nye, Peabody & Stirling, LLP  
18 33 West Mission Street, Suite 201  
19 Santa Barbara, CA 93101  
20 For the Defendant: PAUL A. MATIASIC, ESQ.  
21 Lewis Brisbois Bisgaard & Smith, LLP  
22 One Sansome Street, Suite 1400  
23 San Francisco, CA 94104  
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- I N D E X -

EXAMINATION BY: PAGE  
MR. HALL 4

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EXHIBITS FOR IDENTIFICATION: PAGE  
1: Letter dated 2/24/93,  
Bates No. FF-CIMM 000285

--o0o--

INFORMATION TO PRODUCE: PAGE  
NONE

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INSTRUCTIONS BY COUNSEL: PAGE  
NONE

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1 FR. [REDACTED]  
2 was thereupon produced as a witness in behalf of the  
3 Plaintiff and, having been first duly sworn on oath by  
4 the Certified Shorthand Reporter, was examined and  
5 testified as follows:

6 EXAMINATION

7 BY MR. HALE:

8 Q. Good morning, Father. My name is Tim Hale.

9 A. Tim?

10 Q. Yes.

11 Could you state and spell your name for the  
12 record, please.

13 A. [REDACTED], [REDACTED], [REDACTED],

14 [REDACTED].

15 Q. And do you sometimes go by the name of [REDACTED]?

16 A. That was a religious name that I dropped, but  
17 I --

18 Q. And that would have been spelled [REDACTED]?

19 A. Yes.

20 Q. Have you ever had your deposition taken  
21 before?

22 A. No.

23 Q. I'm sure Paul has explained the process to you  
24 to some extent. I'm going to go back over some of the  
25 ground rules. Some of them may be repetitive, but just

1 bear with me; I just want to make sure we're on the same  
2 page.

3 MR. MATIASIC: And Tim, we want to object  
4 on the notice of the deposition.

5 MR. HALE: Go for it.

6 MR. MATIASIC: If you want me to do that  
7 afterward, I can do that.

8 MR. HALE: No. Go for it.

9 MR. MATIASIC: We want to object to the  
10 deposition notice insofar as it categorizes Father  
11 [REDACTED] as "accused." We aren't aware of any pending  
12 lawsuits in Clergy I and Clergy III in which Father  
13 [REDACTED] has been implicated, and so I think under the  
14 Clergy III protocol, it would be inappropriate to  
15 categorize him as "accused."

16 MR. HALE: That was a mistake. We did  
17 not intend to label you as an accused, and I apologize  
18 for that. I guess I misunderstood the protocol. I  
19 thought it was a case where it was "accused" or "fact"  
20 witness. I thought those were separate.

21 MR. MATIASIC: No. And I can appreciate  
22 the confusion. Unfortunately Category I is accused or  
23 fact -- and/or fact witness.

24 MR. HALE: Okay. Well, I apologize  
25 again. That was not our intent.

1 THE WITNESS: Thank you.

2 MR. HALE: And that notice, we have  
3 sent out -- oh, boy. We'll send out amended notices to  
4 clear that up. I apologize for that.

5 MR. MATIASIC: Okay.

6 MR. HALE: And if you could, just let all  
7 your clients know that it was not our intent to label  
8 all of them as perpetrators.

9 MR. MATIASIC: I appreciate that.

10 MR. HALE: I'm really sorry about that.  
11 That was not the intent. Definitely a misunderstanding  
12 on our part.

13 MR. MATIASIC: Okay.

14 MR. HALE: Okay. Back to the process.

15 BY MR. HALE: (Continuing)

16 Q. Do you understand your testimony today will  
17 have the same force and effect as if we were sitting in  
18 a court of law before a judge and a jury?

19 A. Yes.

20 Q. Do you understand you've been placed under  
21 oath by the reporter?

22 A. Yes.

23 Q. Have you consumed any alcohol in the last 12  
24 hours that would impact your ability --

25 A. Twelve hours? No.

1 MR. MATIASIC: Let him finish his  
2 question, Father.

3 THE WITNESS: What?

4 MR. MATIASIC: Let him finish his  
5 question first.

6 BY MR. HALE: (Continuing)

7 Q. Part of these rules is one of the things  
8 that's happening right now is the court reporter is  
9 taking down my questions and your testimony. It's  
10 critical for both me and for you that we both wait until  
11 the other finishes his response so we've got a clearer  
12 record. I think you understand that. So, I'll do my  
13 best not to interrupt you --

14 A. My reflex -- Okay.

15 Q. I'll do my best not to interrupt you. Do the  
16 same thing when I'm asking a question, we'll have a  
17 nice, clear record when this thing is all over.

18 Have you consumed any drugs in the last 24  
19 hours that might impact your ability to give your clear,  
20 best testimony?

21 A. No.

22 Q. Is there any reason that you can't give your  
23 best testimony today?

24 A. No.

25 Q. We don't want you to -- I don't want you to

1 guess to any questions, the answers to any questions  
2 that I ask you. I am entitled to your best estimate. I  
3 assume you understand the difference between a guess and  
4 an estimate?

5 A. (Witness nods head.)

6 Q. Is that a yes?

7 A. Yes.

8 MR. MATIASIC: You have to respond  
9 audibly, Father.

10 THE WITNESS: Yeah.

11 BY MR. HALE: (Continuing)

12 Q. That's the other thing. For purposes of the  
13 record, it's very important that rather than giving nods  
14 and uh-huhs and huh-uhs, it's got to be a "yes."

15 A. I understand.

16 Q. If you don't understand a question I ask you,  
17 please feel free to ask me to rephrase or ask me to  
18 clarify a certain point. I'll be happy to do that. If  
19 you respond to a question I ask you, I'm going to assume  
20 that you understood what it meant. So if you don't  
21 understand, it's critical that you speak up and let me  
22 know.

23 Do you understand that?

24 A. If I remember, yes.

25 Q. At the end of your deposition, your testimony



1 is going to be placed in the typed booklet form that I  
2 referred to earlier. You're going to get a chance to  
3 review that testimony and you'll have a chance to make  
4 any changes or corrections you feel are necessary at  
5 that time. You need to keep in mind that if you do make  
6 any changes, myself or another attorney in this matter  
7 would be free to comment on those changes at the time of  
8 trial. So it's really important that you give your best  
9 testimony today, if possible.

10 Do you understand that?

11 A. Yes.

12 Q. Great.

13 If you need to take a break today at any time,  
14 just let me know.

15 Do you have any questions about the process?

16 A. No.

17 Q. Did you review any documents in preparation  
18 for the deposition today?

19 A. No.

20 Q. I'd like to go over your educational and your  
21 employment background now.

22 Where were you born?

23 A. Where was I born?

24 Q. Yes.

25 A. Petaluma, California.

1 Q. Did you attend St. Anthony's Seminary?

2 A. One year.

3 Q. Was that your --

4 A. Fifth year.

5 Q. Fifth year. Okay.

6 What year was that?

7 A. I lose track of time. It's '55, '56, '54,  
8 '55, somewhere in that period of time.

9 Q. So around the mid-'50s.

10 A. Yes.

11 Q. Where did you attend high school at?

12 A. Sacred Heart High School in San Francisco.

13 Q. And what year did you graduate from there?

14 A. '53. '53.

15 Q. Do you think there -- was there a year between  
16 you graduating and you attending St. Anthony's, or was  
17 it immediately after the --

18 A. It was about a year and a half or so, or two  
19 years.

20 Q. So it would make sense probably around 1955,  
21 you were at St. Anthony's?

22 A. Probably, yes. I believe.

23 Q. Do you think it was maybe the 1955-'56 school  
24 year?

25 A. Again, I have a vague recollection on that.

1 So, mid-'50s would sound accurate.

2 Q. In those two years between graduating from  
3 high school and attending St. Anthony's, did you go to  
4 junior college?

5 A. I went to San Francisco State.

6 Q. Any degrees from San Francisco State?

7 A. A B.A. in chemistry.

8 Q. Did you obtain that before you went to  
9 St. Anthony's?

10 A. Yes.

11 Q. What year -- well, you can't -- if you recall,  
12 what year did you get your B.A. from San Francisco  
13 State?

14 A. I think '53, I -- '53, I think, comes to my  
15 mind.

16 Q. Definitely in the early 1950s?

17 A. (Witness nods head.)

18 Q. Any other education between high school and  
19 St. Anthony's other than your time at San Francisco  
20 State?

21 A. No.

22 Q. And then when you attended St. Anthony's, was  
23 that for the novitiate year?

24 A. No. Prior to the novitiate year.

25 Q. What is that year called? A pre-novitiate?

1 A. It was at the time called fifth year.

2 Q. And what -- were they studies or was it  
3 learning how to be a Franciscan?

4 A. It was studies. It was -- at the seminary you  
5 had five years, and lay vocations would come in for the  
6 fifth year.

7 Q. Okay. So you were taking --

8 MR. MATIASIC: Speak up a little, if you  
9 can, Father.

10 THE WITNESS: I'll sit closer. I'm  
11 tired.

12 It was a fifth year for mainly lay  
13 vocations.

14 BY MR. HALE: (Continuing)

15 Q. So, did you have a full class load?

16 A. Yes.

17 Q. What kind of subject matter were the classes?

18 A. Logic, religion, English literature, his -- I  
19 think history. It was normal academic freshman year.

20 Q. So basically --

21 A. Freshman college year.

22 Q. Okay.

23 After the fifth year at St. Anthony's, did you  
24 then go to San Luis Rey?

25 A. I went to San Miguel.

1 Q. How many years was that for?

2 A. One year.

3 Q. And that was for novitiate?

4 A. Yes.

5 Q. Who was the novice master that year at  
6 San Miguel?

7 A. Reginald -- Father Reginald.

8 Q. And how many other novices were there that  
9 year?

10 A. I believe we went in at 25, class of 25.

11 Q. Did all of those novices go on to become  
12 priests with you?

13 A. No.

14 Q. Do you know how many dropped out or didn't  
15 make the cut?

16 A. I think we left novitiate with 21, then went  
17 to San Luis Rey for college, and at that time I was --  
18 at my previous schooling I skipped a year. Instead of  
19 being three years at San Luis Rey, I was two years. So  
20 I estimate 11 to 13 in the class.

21 Q. So approximately half didn't finish the San  
22 Luis Rey process?

23 A. Right. These are estimates.

24 Q. I understand. I totally understand.

25 Do you recall what year you finished at San

1 Luis Rey? I assume we're in the late '50s by that time.

2 A. '59, '58, somewhere.

3 Q. And what happened after San Luis Rey? What  
4 was the next step in the process?

5 A. Go to Santa Barbara for theology.

6 Q. And was that? How many years was that?

7 A. Four. Four years.

8 Q. And was one of those what was called the  
9 simplex year, the final year? Was that the simplex  
10 year?

11 A. No. I don't believe they had a simplex year  
12 at that time. Or might have -- they -- vague.

13 Q. What year were you ordained?

14 A. 1962, December.

15 Q. And then after you were ordained, there was  
16 still one more year at the school of theology?

17 A. No. Six months.

18 Q. And during those final six months was it  
19 just --

20 A. Continued studies.

21 Q. Okay.

22 A. I believe it was called simplex year.

23 Q. I know at some point it stopped being called  
24 that, I'm just not sure when.

25 Were there any more -- were there any more

1 studies for you after you finished your final six months  
2 at the school of theology? Any more academic work?

3 A. Academic? Later?

4 Q. Sure.

5 A. Let me recollect. You mean summer schools  
6 included or --

7 Q. Sure.

8 A. Summer school at UC Santa -- what's the UC out  
9 at Oceanside?

10 Q. Not UC San Diego?

11 A. No. It was at Oceanside.

12 Q. UC Irvine?

13 A. Maybe it wasn't UC. This was in the '60s, I  
14 believe, sometime. It was a -- I took a summer school  
15 in science there.

16 Q. Just one summer of --

17 A. -- science, yeah.

18 Q. You didn't receive a degree or anything from  
19 that?

20 A. No. No. Then -- let's see. And then around  
21 the year '70 or so, I -- Wyoming for a year study and  
22 degree in science.

23 Q. Was it University of Wyoming?

24 A. University of Wyoming.

25 Q. Did you receive an advanced degree?

1 A. Master's in Science, MS.

2 Q. That was around 1970, you said?

3 A. Around '70, yeah.

4 Q. Any other education other than that?

5 A. Two years at Lewis and Clark, counseling psych  
6 degree, master's of counseling psych.

7 Q. And what year did you finish that?

8 A. '82, '83, somewhere in there.

9 Q. Anything else?

10 A. No.

11 Q. How did you end up in Wyoming for your  
12 master's in science?

13 A. It was enjoyable. No. They were offering to  
14 high school teachers national science foundation grants.

15 Q. It must have been a cultural experience.

16 A. It was an enjoyable one.

17 Q. Any other education other than what we've  
18 already talked about here?

19 A. Not really to speak of.

20 Q. Any certificates or anything like that?

21 A. I attended a couple of psych seminars. I  
22 don't know if I got a -- they were offering  
23 certificates, but I don't know if I got one or if I had  
24 one or if I received one, but somewhere in the 80's.

25 Q. With regards to your master's in counseling



1 and psychology -- Is it psychology or psychiatry?

2 A. Counseling psych.

3 Q. Counseling psych. Okay.

4 Was there an area of specialty?

5 A. No. No.

6 Q. Did you have a --

7 A. -- practicum?

8 Q. Sure.

9 A. Yes. Catholic Family Services for a year.

10 Q. And who did you -- who were you seeing in  
11 conducting those services?

12 A. People who frequented Catholic Family  
13 Services.

14 Q. What I'm getting at, is it marital counseling  
15 or --

16 A. No, there was no marital counseling at that  
17 place, no.

18 Q. What kind of counseling were you providing, in  
19 other words, is what I --

20 A. Personal, individual.

21 Q. Just one on one?

22 A. One on one.

23 Q. Did any of it involve counseling victims of  
24 childhood sexual abuse?

25 A. No.

1 Q. Did any of it involve counseling perpetrators  
2 of childhood sexual abuse?

3 A. No.

4 Q. Your first assignment after you were  
5 ordained -- I'm sorry. After your final six months at  
6 the School of Theology, what was your first assignment?

7 A. At that time they had a pastoral year in  
8 Stockton.

9 Q. Was that at St. Mary's?

10 A. Yes.

11 Q. And did you just do parish work or did you  
12 work at the high school or --

13 A. Parish work.

14 Q. And that was for one year?

15 A. Yes.

16 Q. Who was your pastor?

17 A. Father [REDACTED].

18 Q. And who else -- was there a name for this year  
19 of pastoral?

20 A. Pastoral year.

21 Q. Who else was there assigned with you for their  
22 pastoral year?

23 A. You mean --

24 Q. Well, was there anyone else, any other -- in  
25 other words, somebody who'd just finished like you, the

1 final --

2 A. We went as a class. It was the ordination  
3 class that went.

4 Q. How many people in the ordination class?

5 A. I think there was six. Estimate six.

6 Q. Got it.

7 Do you remember who it was?

8 A. Roland Franz, Daniel Sharp, Carey Martin,  
9 Alcuin Peck, myself. Five.

10 Q. And would that year have been around '63-'64,  
11 do you think?

12 A. Yes. Somewhere in there. That's -- yeah,  
13 '63-'64.

14 Q. Okay.

15 Going back to your ordination, was there an  
16 ordination ceremony at the Mission?

17 A. Yes.

18 Q. And who ordained you?

19 A. I think it was Cardinal Manning.

20 Q. And at that time were you granted faculties by  
21 the Archdiocese of Los Angeles as well?

22 A. I think it was limited faculties.

23 Q. So Father [REDACTED] was there, your ordination  
24 classmates were in Stockton as well.

25 Were there any Franciscans who were simply

1 assigned there as associate pastors or any residents?

2 A. Bruce Pardella. I'm vague on it.

3 Q. Okay.

4 What was your first assignment after  
5 St. Mary's?

6 A. St. Francis Seminary, Troutdale.

7 Q. That's up here in Oregon, right?

8 A. Yes.

9 Q. How long did that assignment last for?

10 A. Two years.

11 Q. And were you on the faculty?

12 A. Yes.

13 Q. Teaching science, I assume?

14 A. Yes.

15 Q. Would that have been the -- about the '64-'65,  
16 or '64 to '66 school years?

17 A. Something like that, yes.

18 Q. That's a Franciscan -- that was a  
19 Franciscan-run seminary, correct?

20 A. Yes.

21 Q. It's no longer in operation, is it?

22 A. No, it's not.

23 Q. Who was the -- was there a rector or was there  
24 a principal?

25 A. Father Kevin was rector, Kevin Murphy.

1 Q. And how large was the faculty for your two  
2 years?

3 A. Father Murphy, Father [REDACTED], Father  
4 [REDACTED], myself, and I think there was some lay  
5 persons involved.

6 Q. What was your -- what was -- how big was the  
7 student body there, approximately?

8 A. I think it reached it's peak of about 69.

9 Q. What was your next assignment?

10 A. St. Mark's Parish in Phoenix.

11 Q. And how long did that last for?

12 A. One year.

13 Q. Who was the -- were you the associate pastor  
14 there?

15 A. Yes.

16 Q. Were there any other associate pastors?

17 A. No.

18 Q. Who was the pastor?

19 A. Father Howard Hall.

20 Q. Were there any other Franciscans in residence  
21 there while you were there?

22 A. Brian Lyons.

23 Q. And was he also teaching -- was there a high  
24 school attached to St. Marks?

25 A. No.

1 Q. Was there a Franciscan-run high school in the  
2 Phoenix area?

3 A. Yes. Connected with St. Mary's Parish.

4 Q. And was Father Lyons working at St. Mary's?

5 A. No.

6 Q. Did he have assignment, to your knowledge,  
7 while he was in residence at St. Mark's?

8 A. To my knowledge, no.

9 Q. Was he retired at that time?

10 A. I believe, yes.

11 Q. So that would have been around the '66-'67  
12 time frame?

13 A. Yeah, somewhere in there.

14 Q. During your time at St. Mark's, were you ever  
15 aware of Father Lyons taking seminarians from  
16 St. Anthony's camping during the summertime?

17 A. No.

18 Q. Were you ever aware during that time of Father  
19 Lyons taking students from St. Mary's camping?

20 A. No.

21 Q. Do you know a former Franciscan named [REDACTED]  
22 [REDACTED]?

23 A. He was a moral professor.

24 Q. At the School of Theology?

25 A. Yes.

1 Q. Have you ever had any conversations with him  
2 about Father Lyons?

3 A. No.

4 Q. What was your next assignment after  
5 St. Mark's?

6 A. St. Anthony's Seminary, Santa Barbara.

7 Q. My recollection is that was in the '68  
8 school -- or '68-'69 school year?

9 A. Approximately, yeah.

10 Q. And that was for two years?

11 A. Yes.

12 Q. Do you recall if you left before 1970 rolled  
13 around?

14 A. I don't recall the exact time.

15 Q. And I assume you were on the faculty and  
16 taught science?

17 A. Yes.

18 Q. Going back briefly to Troutdale, other than  
19 being on the faculty, did you have any other duties or  
20 responsibilities or assignments while you were there?

21 A. Helped out at parishes on occasion.

22 Q. Any other position at the seminary?

23 A. No.

24 Q. What about at St. Anthony's?

25 A. No.

1 Q. So you simply were on the faculty and you  
2 taught science.

3 A. Science and math, same thing.

4 Q. For instance, you were never an assistant  
5 prefect of discipline?

6 A. (Witness shakes head.)

7 Q. You weren't. Were you a spiritual advisor for  
8 any students?

9 A. No, I don't think so.

10 Q. I take it Xavier Harris was the rector during  
11 your time there?

12 A. Yes.

13 Q. Where were your living quarters at  
14 St. Anthony's?

15 A. I think two on the second floor and two rooms  
16 down from the rec room and at the head of the stairs.

17 Q. Were they in the same place for your two  
18 years?

19 A. Yes.

20 Q. When you say the rec room, are you referring  
21 to the Franciscans' rec room or the seminary rec room?

22 A. Right. Franciscan.

23 Q. Did you have -- I assume you had your own  
24 living quarters?

25 A. Bedrooms, yes.



1 Q. Did you have neighbors?

2 A. I can't -- I think it might have been -- and  
3 this -- I'm -- don't recollect exactly. Might have been  
4 [REDACTED], questionable, and [REDACTED],  
5 questionable.

6 Q. Did you have a separate office space from your  
7 living quarters?

8 A. No.

9 Q. So your office space was your living quarters.

10 A. Well, I had a desk, if you want to call it.

11 Q. Did you have office hours for your students?

12 A. No.

13 Q. I'm sorry? No?

14 A. No.

15 Q. Did you meet somewhere outside of your office  
16 with students ever, if they had questions about class or  
17 subject matter or anything like that?

18 A. At times you bump into them. No formal  
19 appointments.

20 Q. But you did not have students in your living  
21 space?

22 A. No. No.

23 MR. HALE: I'm sorry about that error on  
24 the depo notice. It was definitely not intentional.

25 BY MR. HALE: (Continuing)

1 Q. Regarding your living quarters, were the walls  
2 thin? In other words, if your neighbor is snoring at  
3 night, is that going to keep you awake?

4 A. Not to my recollection.

5 Q. If voices are raised in the next room, would  
6 you likely have heard those? Or did you ever hear  
7 voices raised --

8 MR. MATIASIC: Objection, vague and  
9 ambiguous.

10 THE WITNESS: I don't believe I heard any  
11 noises from adjacent bedrooms. No.

12 BY MR. HALE: (Continuing)

13 Q. Were your living quarters on the same floor as  
14 any student dormitories?

15 A. God. I don't believe so. No. No.

16 Q. What was your next assignment after  
17 St. Anthony's?

18 A. I went to Wyoming.

19 Q. So you did a year of study in Wyoming.

20 And after Wyoming -- Well, let me ask you  
21 this: Were you in residence anywhere while you were in  
22 Wyoming?

23 A. Newman Center in Wyoming.

24 Q. Were there any Franciscans there?

25 A. No.

1 Q. Did you assist at the Newman Center?

2 A. No. I said mass, but really was not involved.

3 Q. After your year at Wyoming, where did you go  
4 next?

5 A. I believe I went to St. Elizabeth's, Oakland  
6 High School.

7 Q. How long did that assignment last?

8 A. Two years. Two years.

9 Q. So around '71 to '72?

10 A. Somewhere in there, yes. It might have been  
11 one year. Again, it all fades.

12 Q. Okay.

13 And same assignment there, you're on the  
14 faculty and teaching science?

15 A. Yes.

16 Q. Anything else?

17 A. No.

18 Q. Is that a parochial school?

19 A. Yes.

20 Q. Who was on the -- who was the principal or the  
21 rector at that time?

22 A. The principal was a lay person. I don't  
23 remember his name.

24 Q. Don't worry about it.

25 Were there any other Franciscans on the

1 faculty with you?

2 A. Father Kenny Scott.

3 Q. Anyone else?

4 A. And I think Bede McKenna. B-E-D-E, Bede,  
5 McKenna. There was one other, but I forget his name.

6 Q. Next assignment, what was it?

7 A. I believe I went to Tigard, St. Anthony's  
8 Parish in Tigard.

9 Q. Is that T-I-G-A-A-R-D? No?

10 And what was the location?

11 A. Pastor associate. I was also teaching at  
12 Central Catholic.

13 Q. What was the name of the parish, though?

14 A. St. Anthony's, Tigard.

15 Q. So you were an associate pastor?

16 A. Associate pastor, and also taught part-time at  
17 Central Catholic.

18 Q. A parochial school?

19 A. Yes.

20 Q. Were there any other Franciscans on the  
21 faculty at Central Catholic while you were there?

22 A. No.

23 Q. How long did that assignment last?

24 A. One year.

25 Q. Who else was assigned or in residence with you

1 at St. Anthony's?

2 A. Father Basil Kelly.

3 Q. Anyone else?

4 A. No.

5 Q. So that would have been around '73, '74?

6 A. Somewhere, yes.

7 Q. What was your next assignment?

8 A. I believe I went back to St. Elizabeth's in  
9 Oakland one year.

10 Q. And did you teach again?

11 A. Yes.

12 Q. And did you help out with the parish work  
13 again?

14 A. Not at St. Elizabeth's, no.

15 Q. Somewhere else?

16 A. I don't -- maybe infrequently at one of the  
17 local parishes.

18 Q. Were there any other Franciscans on the  
19 faculty when you taught -- was that at St. Elizabeth's?

20 A. Yes. I think it was still the same faculty.

21 Q. That was for one year, so around 1975 did you  
22 go somewhere else?

23 A. Maybe '74. Again...

24 Yeah. I went to Ascension Parish here in  
25 Portland.

1 Q. How long did that assignment last?

2 A. Approximately seven years.

3 Q. So until around 1981?

4 A. '80, '81, yes.

5 Q. And were you the pastor? The associate  
6 pastor?

7 A. I was both. I went as an associate pastor,  
8 then became pastor.

9 Q. During your approximately seven years at  
10 Ascension, who were the Franciscans who were either  
11 assigned there or were in residence there?

12 A. Father Remy Rudin. [REDACTED], but he was  
13 not assigned, he was in residence. Brother Guadeloupe,  
14 and one other priest and I forget his name right now.

15 Q. Have you heard of there being any allegations  
16 of sexual abuse against Father Rudin?

17 A. I have heard, yes.

18 Q. Are you aware of the litigation in Oregon  
19 that's gone on involving Father Rudin?

20 A. I've heard something of that, yes.

21 Q. When did you first hear about the allegations  
22 involving Father Rudin?

23 MR. MATIASIC: Other than anything you've  
24 learned from an attorney.

25 MR. HALE: Right.

1 MR. MATIASIC: Other than anything you've  
2 learned from an attorney, Father.

3 BY MR. HALE: (Continuing)

4 Q. In other words, any information you've gleaned  
5 only from your counsel, I don't want to hear about it.

6 A. I have no time recollection. It was through  
7 the paper or a conversation.

8 Q. While you were at Ascension, were you aware of  
9 the allegations of abuse by Father Rudin?

10 A. No. Much later. Much later.

11 Q. Other than Ascension, were you ever assigned  
12 anywhere else with Father Rudin?

13 A. No.

14 Q. Any other Franciscans at Ascension during that  
15 period when you were there other than the ones you've  
16 already identified and the one I know you can't remember  
17 the name of?

18 A. Michael Dougherty was associate, and Richard  
19 Jusix was associate.

20 Q. Is that J-U-S-I-X?

21 A. I think that's close. Yes.

22 Q. Any other Franciscans during that approximate  
23 seven-year period of time?

24 A. I don't -- I don't think so.

25 Q. What was your next assignment?

1           A.    Then I went to Wyoming.  No.  Excuse me.  Beg  
2 your pardon.  Wrong.  I went to Notre Dame for three  
3 months for studies.

4           Q.    University of Notre Dame?

5           A.    University of Notre Dame.

6           Q.    Did you ever obtain a degree or certificate?

7           A.    No.  It was a pastoral institute.

8           Q.    What was the subject of that institute?

9           A.    Theology and current thought and morals,  
10 scripture.

11          Q.    So that would have been around '81, '82?

12          A.    Yeah.  Well, right after I left Ascension.  It  
13 would be -- yes.  '81 -- '80 or '81, I believe.

14          Q.    Was there any discussion at that institute  
15 about sexual abuse of children?

16          A.    No.

17          Q.    What came next after the pastoral institute?

18          A.    I went to St. Clair's in Portland.

19          Q.    Is that a parish?

20          A.    Yes.

21          Q.    What was your assignment there?

22          A.    I was in residence.

23          Q.    Did you have an assignment somewhere else?

24          A.    No.  I was -- I was going to Lewis and Clark.

25          Q.    Were there any other Franciscans in residence



1 there or assigned there when you were there?

2 A. There was Barry Brunnsman, and then [REDACTED]  
3 later became pastor there, [REDACTED]. And then I  
4 think that Father Dave Garcia.

5 Q. Anyone else you can remember? I know it was  
6 about two years, right?

7 A. Might have been a little longer than that.

8 Q. Anyone else you can -- any other Franciscans  
9 you can recall being assigned or in residence there?

10 A. Not offhand, no.

11 Q. Did you do any parish work while you were  
12 there?

13 A. Said mass at times, yes.

14 Q. Anything else?

15 A. No.

16 Q. And that was around 1982, '83, if I --

17 A. Yes. It would be '84.

18 Q. What was your next assignment?

19 A. Then I went -- administrator at St. John's  
20 Church, parish, in Milwaukie, Oregon.

21 Q. How long was that assignment for?

22 A. It was temporary. It was about seven months.

23 Q. Is that a Franciscan-run parish?

24 A. It was diocesan.

25 Q. Were you the only Franciscan there?

1 A. Yes.

2 Q. And when you say administrator, what were you  
3 doing?

4 A. Basically what a pastor would do.

5 Q. Were there any Franciscans in residence there?

6 A. No.

7 Q. So around 1984, '85?

8 A. Yes.

9 Q. Next assignment?

10 A. Stayton -- Immaculate Conception, Stayton.

11 Q. Stayton in Oregon?

12 A. Yes.

13 Q. How do you spell Stayton?

14 A. S-T-A-T-Y-O-N (sic)? May be corrected.

15 Q. Got it.

16 I take it that's a parish?

17 A. Yes.

18 Q. Were you a pastor? Associate pastor?

19 A. Yes.

20 Q. How long did that assignment last for?

21 A. Four years, I believe.

22 Q. So, approximately '84-'85 to '88 or '89?

23 A. '88, '89 or '90, somewhere in there.

24 MR. MATIASIC: Father, Tim asked you,  
25 were you pastor or were you associate pastor, and you

1 said yes. Were you both or were you one or the other?

2 THE WITNESS: I was pastor.

3 MR. MATIASIC: Okay.

4 BY MR. HALE: (Continuing)

5 Q. Pastor for all four years that you were there?

6 A. Yes.

7 Q. Do you have associate pastors?

8 A. Father Tim Murphy was principal of the school  
9 and -- no. Father Murphy was in residence.

10 Q. Any other Franciscans in residence?

11 A. No.

12 Q. Was the school also Immaculate Conception?

13 A. Grammar school was called St. Mary's.

14 Q. Any other Franciscans on the faculty at  
15 St. Mary's?

16 A. No.

17 Q. What was your next assignment?

18 A. Our Lady of Sorrows, Portland.

19 Q. How long did that last for?

20 A. Parish.

21 Eight or nine years, somewhere in there.

22 Q. So, until around '88-'89?

23 A. Ninety --

24 Q. I'm sorry. '98-'99?

25 A. Yes.

1 Q. And did you have associate pastors there, or  
2 assistants?

3 A. At Sorrows? No.

4 Q. Were there any other Franciscans in residence  
5 there?

6 A. No.

7 Q. Totally flying solo?

8 A. Yes. Well, brought in outside help.

9 Q. Diocesan or Franciscan priests?

10 A. Both.

11 Q. Who were the Franciscans that helped out  
12 there?

13 A. Father John DePomilary.

14 Q. Anyone else?

15 A. No.

16 Q. What was your next assignment?

17 A. I went in residence. I had no assignment.

18 Q. Where were you in residence at?

19 A. At the Formation House at Alberta Street, and  
20 at Ascension friary on 68th Street.

21 Q. So that would have been around '99 to -- are  
22 you still there?

23 A. No. Let's see. 2001, maybe.

24 Q. So you were at the friary at Ascension.

25 A. Yes.

1 Q. Did you have assignments anywhere?

2 A. I helped out at Stayton, and infrequently at  
3 Our Lady of the Lake in -- parish there, Lake Oswego.

4 Q. Who was the pastor there at that time? At  
5 Ascension, that is.

6 A. At Ascension was Gus Krumm.

7 Q. Who else -- what other -- were there other  
8 Franciscans in residence or assigned there?

9 A. [REDACTED], [REDACTED]. I think  
10 that's -- that's it.

11 Q. Were you in residence at Ascension when word  
12 broke about the allegations against Father Krumm?

13 A. Yes.

14 Q. Were you there when he was transferred out of  
15 Ascension?

16 A. Yes. I think so.

17 Q. Had you heard allegations of abuse by Father  
18 Krumm prior to the press coverage of that incident?

19 A. No.

20 Q. Did you receive any kind of communication from  
21 the province after the media coverage began regarding  
22 Father Krumm's status?

23 MR. MATIASIC: Other than anything you  
24 received from the provincial attorney.

25 MR. HALE: Right.

1 A. I don't recollect any.

2 Q. Were there discussions amongst the Franciscans  
3 that you were a part of at Ascension regarding Father  
4 Krumm's status?

5 A. I don't recall any conversations of such with  
6 others.

7 Q. Did you participate in any meetings with  
8 parishioners regarding Father Krumm's status?

9 A. No.

10 Q. Were you aware of any discussions regarding  
11 meetings with parishioners regarding Father Krumm's  
12 status?

13 A. The only thing that comes to mind is I believe  
14 Father [REDACTED] came up to address the parishioners.

15 Q. But you didn't attend that?

16 A. No.

17 Q. Did you have any discussions with Father  
18 [REDACTED] about Father Krumm's status?

19 A. No. No.

20 Q. Were you working your academic studies again  
21 during this time when you were simply in residence at  
22 the Formation House?

23 A. No. I was kind of retired.

24 Q. And then I know -- I think you said 2001, you  
25 left Ascension. What was your next position or

1 assignment?

2 A. Nativity of the Blessed Virgin in Rainier,  
3 Oregon.

4 Q. How long did that last for?

5 A. Continuing.

6 Q. Are you the pastor there?

7 A. Yes.

8 Q. Anyone in your time at Nativity -- you said  
9 Nativity of the Blessed Virgin, correct?

10 A. (Witness nods head.)

11 Q. Have you had any assistants in that time?

12 A. No.

13 Q. Any Franciscans in residence there during your  
14 time?

15 A. No.

16 Q. Again, you're flying solo?

17 A. Yes.

18 Q. Anyone coming in and helping you out?

19 A. At times, yes.

20 Q. Who has come in and helped you out?

21 A. Father Ed Alstock.

22 Q. Anyone else?

23 A. Father Pat Evert, and on occasion Father Joe  
24 Benoit.

25 Q. Have you ever held any elected positions

1 within the province?

2 A. No.

3 Q. Never served on the definitorium?

4 A. No.

5 Q. Ever been on any boards or committees within  
6 the province?

7 A. No.

8 MR. MATIASIC: Let him finish his  
9 question, Father.

10 THE WITNESS: Pardon?

11 MR. MATIASIC: I know you can anticipate  
12 what he's asking, but let him finish his question, okay?

13 BY MR. HALE: (Continuing)

14 Q. During your time at St. Anthony's Seminary,  
15 was it common or uncommon for faculty members, to your  
16 knowledge, to have living quarters that also served as  
17 their office space?

18 MR. MATIASIC: Vague and ambiguous.

19 Go ahead, Father.

20 A. I'm not certain.

21 MR. HALE: We've been at this for an  
22 hour. I'm going to start a different line of  
23 questioning. If you want to take a break, we can take a  
24 break; if you want to keep going, we can keep going.

25 THE WITNESS: Let's keep going.



1 MR. HALE: Okay.

2 BY MR. HALE: (Continuing)

3 Q. During your time at St. Anthony's Seminary did  
4 you ever observe or hear or learn of a seminary student  
5 having what appeared to be an emotional breakdown?

6 A. No.

7 MR. MATIASIC: Vague and ambiguous.

8 Q. Yes. Just for Paul's sake, take your time  
9 before you respond to all my questions. Think through  
10 my question, and while you're thinking through my  
11 question, it will give him time to make his record.

12 When you were at St. Anthony's seminary in  
13 Santa Barbara, did you assist at parishes in the Santa  
14 Barbara community?

15 A. I don't remember right offhand.

16 Q. Did you know a diocesan priest named Matthew  
17 Kelly?

18 A. No.

19 Q. Did you ever assist at Our Lady of Guadeloupe,  
20 off of Milpas?

21 A. I don't believe so.

22 Q. I've referred to childhood sexual abuse a  
23 couple of times during this deposition. When I refer to  
24 that, do you understand that to mean the abuse of  
25 someone under the age of 18?

1 A. (Witness nods head.)

2 Q. Is that --

3 A. Yes.

4 Q. Okay. Thanks.

5 Do you personally draw any distinction between  
6 the abuse of adolescents versus sexual abuse of  
7 pre-adolescent or younger children?

8 MR. MATIASIC: Calls for an expert  
9 opinion and conclusion.

10 Go ahead, Father.

11 A. And I think it's all in one bag.

12 Q. While you were at St. Anthony's seminary, were  
13 you involved in any -- do you know who [REDACTED] is?

14 A. Psychologist? Yes.

15 Q. While you were at St. Anthony's Seminary, were  
16 you involved in anything referred to as sensitivity  
17 training?

18 A. I believe it was going on. I was not  
19 involved.

20 Q. What do you recall about it going on?

21 A. That we -- it was kind of a over-emotional --  
22 that's a generalized term, but -- and just -- group  
23 meetings where they expressed feelings and maybe  
24 possibly -- and this is vague -- maybe put people on the  
25 spot about expressing feelings.

1 Q. Did you attend any sensitivity training for  
2 Franciscans only?

3 A. No. I don't -- No. No.

4 Q. Were you aware of there being any kind of  
5 sensitivity training sessions for seminary students,  
6 St. Anthony Seminary students?

7 A. I think they were involved, but I don't think  
8 [REDACTED] was involved.

9 Q. Do you recall who led the sensitivity training  
10 sessions for the students?

11 A. Not specifically. Vague impression, it was  
12 somebody from San Francisco.

13 Q. Were you aware of any discussions amongst the  
14 faculty at St. Anthony's Seminary regarding whether  
15 sensitivity training was appropriate for seminary  
16 students?

17 A. There was kind of a general scuttlebutt. I  
18 think in general, there was some, but I -- I have no  
19 specifics.

20 Q. Do you recall anyone expressing  
21 dissatisfaction about sensitivity training?

22 A. No.

23 Q. Did you ever hear that the sensitivity  
24 training involved at times touching and hugging amongst  
25 the students?

1           A.    I think it did.  And again, vague recollection  
2 that there was hugging.

3           Q.    What about, did you ever hear that there was  
4 touching and hugging between students and faculty at  
5 St. Anthony's?

6                   MR. MATIASIC:  Vague and ambiguous as to  
7 what touching is, but go ahead.

8           A.    No.

9           Q.    Did you ever hear that there were any kind of  
10 sexual overtones during the sensitivity training for the  
11 St. Anthony's seminary students?

12                   MR. MATIASIC:  Same objection.

13          A.    No.

14          Q.    Did you ever hear there was any kind of  
15 inappropriate conduct during the sensitivity training  
16 for the St. Anthony students?

17                   MR. MATIASIC:  Vague and ambiguous.

18          A.    No.

19          Q.    Do you know who William Coulson is?

20          A.    Name's familiar.  He was connected with  
21 President -- am I thinking of the same person?  Nixon  
22 or --

23          Q.    No.  We're thinking about somebody else.  I'll  
24 move on.

25          A.    Okay.

1 Q. Do you recall there being any kind of  
2 expressed or implicit "no fraternization policy" between  
3 faculty and students while you were at St. Anthony's  
4 seminary?

5 MR. MATIASIC: On the faculty or when he  
6 was a student?

7 MR. HALE: That's a good question.

8 BY MR. HALE: (Continuing)

9 Q. While you were on the faculty.

10 A. I think it was generally accepted there was  
11 no -- that that was the existing expectation.

12 Q. But you weren't aware of anything in writing  
13 like that.

14 A. Not to my knowledge, as I recollect.

15 Q. It sounds like it was just an implicit,  
16 everybody knew?

17 A. You understood, yeah.

18 Q. Were you ever aware of any faculty members  
19 being chastised or disciplined for violating the no  
20 fraternization policy?

21 MR. MATIASIC: While he was on the  
22 faculty?

23 MR. HALE: Yes.

24 A. No.

25 Q. Let me ask you some questions about Father

1 Cimmarrusti.

2 When did you first meet Father Cimmarrusti?

3 A. When I went to Santa Barbara.

4 Q. So when you were on the faculty at  
5 St. Anthony's?

6 A. Yes.

7 Q. And were the two of you close or were you  
8 simply colleagues or what was the nature of the  
9 relationship?

10 A. Colleagues.

11 Q. Other than at St. Anthony's have you ever been  
12 assigned or in residence with him anywhere else?

13 A. No.

14 Q. When was the last time you spoke to Father  
15 Cimmarrusti?

16 A. Somewhere in the '90s at San Dom.

17 Q. That's San Damiano?

18 A. San Damiano, yes.

19 MR. HALE: I want to attach what I think  
20 will be our one and only exhibit. For the record, this  
21 will be Exhibit 1. This is correspondence. I believe  
22 it's from Father [REDACTED]. It's dated February 24,  
23 1993. It appears to be to, I would assume, Father [REDACTED]  
24 [REDACTED], [REDACTED], and it's Bates stamped 285.

25 And Father, when you're done reading it,

1 just let me know and I'll ask you some questions and  
2 then we'll move on.

3 (Exhibit 1 marked  
4 for identification.)

5 (Pause in the proceedings.)

6 MR. HALE: Ready?

7 THE WITNESS: (Nods head.)

8 BY MR. HALE: (Continuing)

9 Q. Am I correct in assuming that Father [REDACTED] -- or  
10 "Dear [REDACTED]" is a reference to Father [REDACTED]?

11 A. I presume so. I think so.

12 Q. I know it's been a while.

13 The first sentence says the occasion of the  
14 letter was the news of allegations involving Mario C.

15 Do you recall how you heard the news about the  
16 allegations?

17 A. No. I don't remember the letter.

18 Q. Okay.

19 During your time at St. Anthony's, either as a  
20 student or as a faculty -- well, let me ask you this:

21 Were there prefects of disciplines at -- is the

22 Troutdale Seminary the only other seminary you worked  
23 at?

24 A. (Witness nods head.)

25 Q. Is that a yes?

1 A. Yes.

2 Q. Was there a prefect of discipline at  
3 Troutdale?

4 A. I have no recollection.

5 Q. During your time -- as in your fifth year and  
6 your one and only year as a student at St. Anthony's,  
7 was there a prefect of discipline then?

8 A. The prefect was a moderator. I don't think  
9 there was -- I think -- the fifth year was separated  
10 from the other four years, and treated on a different  
11 kind of a level, and I don't know which was going on.  
12 There could well have been. I have no idea.

13 Q. During your time at Troutdale on the faculty,  
14 you recall there being an infirmarian?

15 A. Again, no recollection. There could well have  
16 been.

17 Q. Do you recall there being an infirmary at  
18 Troutdale?

19 A. I think there might have been. Again, I have  
20 no definite recollection. Father Claude was also at  
21 Troutdale.

22 Q. And was it likely that Father Claude would  
23 have --

24 A. Possibly.

25 Q. In your fifth year, in that one year you were



1 at St. Anthony's as a student, was there an infirmarian  
2 then?

3 A. I don't remember.

4 Q. Do you recall Father Cimmarrusti serving as  
5 both the prefect and the infirmarian?

6 A. Reading the letter, I guess I -- at that time  
7 I did. Right now I don't recall.

8 MR. MATIASIC: And Counsel, just to  
9 clarify, you were talking about when he was on the  
10 faculty as opposed to his fifth year.

11 MR. HALE: Right. Yes.

12 MR. MATIASIC: Okay.

13 BY MR. HALE: (Continuing)

14 Q. Other than your experience as a faculty member  
15 at St. Anthony's, do you have any awareness of a prefect  
16 of discipline also serving as infirmarian at a  
17 Franciscan-run seminary?

18 A. No.

19 Q. Does that strike you as unusual?

20 A. Never -- no. Never -- the question never  
21 arose, in my mind.

22 Q. I think the third sentence you write, "I found  
23 Mario to be very open and his approach filled with  
24 euthrophia."

25 A. Yes.

1 Q. Which is E-U-T-H-R-O-P-H-I-L-I-A, and I  
2 understand you had questions about the correct spelling  
3 of that word. I have questions about, what does that  
4 word mean? I've never heard that word before.

5 A. It's, I guess, a term I heard in theology, and  
6 it deals with humor or humorous situations or things  
7 that get -- kind of laughable. And that's probably not  
8 an exact definition, but in that vein.

9 Q. Do you know if that's the correct spelling of  
10 euthrophilia?

11 A. No. I don't know.

12 Q. I was hoping maybe your understanding had --

13 A. I think you said it correctly. Love of  
14 euthro, is what it -- lightheartedness.

15 Q. The next sentence, you say, "His humor and  
16 openness did not reflect a manner that would indicate  
17 any sexual deviance."

18 How was it you were aware of his humor and  
19 openness?

20 A. In the recreation room, his demeanor and the  
21 way he came across.

22 Q. So in other words, when you saw him  
23 interacting with other Franciscans?

24 A. (Witness nods head.)

25 Q. Did you ever have the opportunity to observe

1 Father Cimmarrusti teaching a class?

2 A. No.

3 Q. Did you ever have the opportunity to observe  
4 Father Cimmarrusti interacting with students outside of  
5 a class?

6 A. I don't think so.

7 Q. You put in parentheses, "[REDACTED] might be  
8 a good source."

9 Why do you think [REDACTED] might be a good  
10 source?

11 A. [REDACTED] was there long before I came and was  
12 athletic director, and I -- I think had good rapport  
13 with the students and would know more than I did.

14 Q. When was the last time you spoke to  
15 Mr. [REDACTED]?

16 A. I think I -- I think when -- 19 -- 30 years,  
17 35 years.

18 Q. That's all I needed to know.

19 And the next sentence I think you say,  
20 "Possibly it was inappropriate for 'naive sheltered  
21 seminarians' and open to misunderstanding."

22 What behavior did you observe that was  
23 possibly inappropriate for naive and sheltered  
24 seminarians and open to misunderstanding?

25 MR. MATIASIC: Lacks foundation.

1           A.    I think I was -- had in mind teaching of a  
2 sexual class, sex education.

3           Q.    Did you observe something specific?

4           A.    No.

5           Q.    Did you hear him discuss something about that?

6           A.    No.

7           Q.    Do you recall what led you to think that his  
8 conduct might be open --

9           A.    When he --

10                   MR. MATIASIC:  Let him finish his  
11 question, Father.

12                   THE WITNESS:  Pardon?

13                   MR. MATIASIC:  He wasn't done with his  
14 question.  Let him finish.

15                   THE WITNESS:  Okay.  Pardon me.

16                   MR. HALE:  Thanks, Counsel.

17 BY MR. HALE:  (Continuing)

18           Q.    Do you recall what about his conduct led you  
19 to believe that it was open to misunderstanding?

20           A.    Because of the humor involved earlier.  He --  
21 again, my recollection is vague, but he might have  
22 discussed how he was teaching this class in the rec  
23 room.

24           Q.    How he discussed -- he discussed teaching the  
25 sexuality class?

1           A.   (Witness nods head.) I believe so. I am not  
2 certain, recollection on that.

3           Q.   Do you recall if he discussed the subject  
4 matter or if he discussed how it was presented to the  
5 students?

6           A.   The subject matter, I think, was sex  
7 education. I can't -- what would come to mind are  
8 charts or whatever. Again, no definite knowledge.

9           Q.   Did he say anything in the context of -- did  
10 you ever hear him saying anything that you felt was  
11 inappropriate with regards to how he taught the class?

12                   MR. MATIASIC: Vague and ambiguous.

13           A.   No.

14           Q.   Did you ever hear him make sexually suggestive  
15 comments in any context?

16                   MR. MATIASIC: Same objection.

17           A.   No.

18           Q.   Did you ever hear him speak in a way -- in any  
19 context that you felt was inappropriate with regards to  
20 how he discussed sexual matters?

21           A.   No.

22           Q.   Do you recall why you put "naive sheltered  
23 seminarians" in quotes?

24           A.   Maybe that's part of my reading -- in a way,  
25 the seminary's a hot house. Poor term, but it's a

1 segregated student body. And that may be -- that part.

2 Q. What do you mean by "hot house"?

3 A. Well, it's... The area is limited with the  
4 seminary grounds and buildings. The exposure to outside  
5 influences are limited. The main interaction is among  
6 the students themselves and the student -- the faculty  
7 and the students.

8 Q. Was there a bar in the recreation room?

9 A. There was a bar, yes.

10 Q. Do you recall --

11 A. Open cabinet, I think.

12 Q. Do you recall Father Cimmarrusti drinking  
13 frequently, while in the recreation room with him?

14 A. No.

15 Q. Do you recall ever observing Father  
16 Cimmarrusti intoxicated?

17 A. No.

18 Q. Have you ever heard someone say they observed  
19 Father Cimmarrusti intoxicated at the seminary?

20 A. No.

21 Q. Did you ever smell alcohol on Father  
22 Cimmarrusti's breath during school hours?

23 A. No.

24 Q. Did you ever hear anyone say they smelled  
25 alcohol on Father Cimmarrusti's breath during school

1 hours?

2 A. No.

3 Q. At the end of that first paragraph you say,  
4 "From my own experience and association with Mario, I do  
5 not believe the allegations."

6 Have there been any Franciscans who, after  
7 you've heard they were accused, where you had an  
8 opposite reaction -- I mean, obviously here you state  
9 clearly you did not believe the allegations against  
10 Mario. Had there been any Franciscans who you heard  
11 they were accused of childhood sexual abuse and you had  
12 an opposite reaction, in other words, you said, Yeah, I  
13 can believe that Franciscan has been accused of  
14 childhood sexual abuse?

15 MR. MATIASIC: I'm going to object that  
16 it's overbroad, and on the grounds of relevance.

17 But go ahead and answer the question.

18 A. No direct knowledge.

19 Q. But I'm not looking for knowledge, but have  
20 there been any circumstances where you just had --  
21 sounds like you had a pretty clear response when you  
22 heard the allegations against Father Cimmarrusti. Have  
23 you ever had the opposite reaction where you went, Yeah,  
24 I believe those allegations against that Franciscan, for  
25 whatever reason, whether you had direct knowledge or

1 not?

2 MR. MATIASIC: Same objections.

3 A. I lived with Father Cimmarrusti. The others  
4 that I heard, I did not associate with or live with or  
5 know that well.

6 Q. So the answer to the question is no, you've  
7 never had the opposite reaction. Is that fair to say?  
8 Because I'm not questioning your reaction to Father  
9 Cimmarrusti. I don't want you to misunderstand my  
10 question.

11 A. I think I understand. Again, I -- no direct  
12 knowledge.

13 Q. What about through indirect knowledge, though?  
14 In other words, where maybe you heard something about  
15 another Franciscans so that when the allegation came out  
16 you went, Well, I know someone who lived with the guy  
17 and I can kind of believe that.

18 MR. MATIASIC: Same objections.

19 A. I have no -- not from any personal  
20 communication.

21 Q. What about through some kind of -- what about  
22 through a third-hand communication?

23 A. What do you mean?

24 Q. Rumors. Gossip.

25 A. No.



1 Q. So, just so I'm clear, has there ever been a  
2 circumstance where you heard an allegation against a  
3 Franciscan and your reaction was, It doesn't surprise  
4 me?

5 MR. MATIASIC: Same objections. I think  
6 also it calls for a legal conclusion.

7 A. Again, to be surprised or not surprised, I  
8 would have to -- I believe I would have to be personally  
9 involved and know the person and not go from any  
10 prejudice or prejudgment, so I would hesitate to answer  
11 that.

12 Q. Have you ever heard anyone say, I've heard  
13 allegations against a Franciscan regarding child sexual  
14 abuse and, frankly, it doesn't surprise me?

15 A. Has somebody said that to me?

16 Q. Yes.

17 A. No.

18 Q. Have you ever been aware that somebody said  
19 something to that effect?

20 A. To someone else?

21 Q. Yes.

22 A. No.

23 Q. While you were on the faculty at  
24 St. Anthony's, did you know a student named [REDACTED]?

25 A. I don't know. I might have, I might not have.

1 Q. I'm going to run a few more names by you. [REDACTED]

2 [REDACTED]? Does that name sound familiar?

3 A. No recollection.

4 Q. What about [REDACTED]?

5 A. No recollection.

6 Q. He had a twin brother named [REDACTED].

7 Does that name sound familiar to you at all?

8 A. (Witness shakes head.)

9 Q. Did you ever know a student name [REDACTED],  
10 [REDACTED]?

11 A. I don't think so.

12 Q. How about a student named [REDACTED],  
13 [REDACTED]?

14 A. I don't remember. I don't think so.

15 Q. During your two years on the faculty and your  
16 one year as a fifth-year seminarian, do you have a  
17 recollection of students being expelled from school?

18 A. Not expelled -- I know when I was in fifth  
19 year, I think some left before the completion of the  
20 year, but not expelled.

21 Q. So you have no recollection of anyone being  
22 expelled by the faculty.

23 A. No.

24 Q. And do you recall each day at the seminary  
25 starting with morning prayers?

1           A.    I don't remember that.  I guess -- I think so.  
2  I'm not sure.

3           Q.    Do you recall an incident while you were on  
4  the faculty where a senior seminarian read a meditation,  
5  but then at the end of the reading kind of went into a  
6  diatribe against the Franciscans?

7           A.    I have no -- no, never heard of it.

8           Q.    You never heard of anything like that  
9  happening?

10          A.    No.

11                       MR. HALE:  Let's stop for a second.

12                       (Off the record, 11:22 to 11:31 a.m.)

13  BY MR. HALE:  (Continuing)

14          Q.    Did you attend -- there were faculty meetings  
15  when you were on the faculty at St. Anthony's Seminary,  
16  correct?

17          A.    I don't remember any.

18          Q.    Do you recall participating and sending a  
19  report to the provincial regarding recommending whether  
20  a student should go on in his candidacy for priesthood?

21          A.    I think the process took place, yes.

22          Q.    Did you participate in it, though?

23          A.    I'm not sure.

24          Q.    Do you recall ever making a recommendation  
25  against a candidate going on to becoming a priest while

1 you were on the faculty?

2 A. I don't think so.

3 Q. Do you recall hearing anyone making a  
4 recommendation against a candidate going on to becoming  
5 a priest?

6 A. I don't remember.

7 Q. Since you've left Santa Barbara, have you ever  
8 been back and visited and stayed at the mission or the  
9 seminary?

10 A. I think there was meeting -- chapter meeting  
11 in the '90s that I went back for.

12 Q. And that's the only time?

13 A. I think so, yes.

14 Q. Did you spend -- were you at St. Anthony's for  
15 one summer or for two? Just on the faculty, that is.

16 A. I don't remember.

17 Q. Do you recall if you spent your summers in  
18 Santa Barbara during the break between the school years?

19 A. No recollection.

20 Q. During your time as a student -- or a faculty  
21 member at St. Anthony's, do you have any recollection of  
22 a faculty member buying a student a gift?

23 A. No.

24 Q. Would that have been a cause for concern if  
25 you'd have been aware of that while you were a faculty

1 member at St. Anthony's?

2 MR. MATIASIC: Vague and ambiguous, lacks  
3 foundation.

4 A. I don't know.

5 I did -- excuse me. I did spend one summer at  
6 Oceanside helping out part of the summer. That was at  
7 Santa Barbara.

8 Q. So you weren't there for the summer, then?

9 A. Yeah. Or for six or eight weeks of it, right.

10 Q. Six or eight weeks you were in Santa Barbara  
11 or another place?

12 A. Six or eight weeks I was at Oceanside.

13 Q. During the summertime that you --

14 A. (Witness shakes head.)

15 Q. Is that wrong?

16 A. It wasn't Oceanside. My synapses aren't... I  
17 wen to summer school at, I think, Long Beach, stayed at  
18 a community college and helped out at the parish.

19 (Witness confers with Mr. Matiasic.)

20 MR. MATIASIC: If you can remember, go  
21 ahead and tell him.

22 THE WITNESS: I don't remember.

23 BY MR. HALE: (Continuing)

24 Q. Did you spend some time in summers at Santa  
25 Barbara while you were on the faculty at St. Anthony's?

1           A.    I have no recollection other than what I just  
2 mentioned.

3           Q.    Do you know a Franciscan named [REDACTED]  
4 [REDACTED]?

5           A.    No.

6           Q.    Have you ever heard that name before?

7           A.    I'm not sure.

8           Q.    While you were on the faculty at St. Anthony's  
9 in Santa Barbara, did you have any contact with the  
10 Archdiocese of Los Angeles's Advisory Board of  
11 Education?

12          A.    No.

13          Q.    Did you have any contact with the Vicar  
14 General for Religious, for the Archdiocese of  
15 Los Angeles?

16          A.    No.

17          Q.    What about Bishop John Ward?

18          A.    No.

19          Q.    Do you recall ever receiving any  
20 correspondence from the Office of the Vicar General for  
21 Religious while you were in Santa Barbara?

22          A.    No.

23          Q.    Have you ever been aware of a Franciscan  
24 losing his faculties or having them taken away?

25                   MR. MATIASIC: From the -- by the

1 Archdiocese of Los Angeles?

2 MR. HALE: Right.

3 A. No.

4 Q. What about from anywhere else?

5 A. When I was in Phoenix, we went down to a place  
6 that I understood that -- when I was in Phoenix, we  
7 visited a -- somewhere else, might have been Tucson. I  
8 don't have exact recollection. The priest there had  
9 been kind of cloistered, in a sense.

10 Q. Was it a Franciscan priest?

11 A. Yes.

12 Q. Do you know why he was cloistered?

13 A. No. I forget.

14 Q. Do you know who that was?

15 A. I think the first name was Anthony, I think.

16 Q. Was it [REDACTED]?

17 A. No. This was in '60.

18 Q. Were you on the faculty with Father [REDACTED],  
19 [REDACTED]?

20 A. Yes.

21 Q. Did you ever hear that Father Harris had  
22 gotten in trouble with the bishop's office in  
23 Los Angeles for giving communion to a non-Catholic?

24 A. No.

25 Q. Did you ever spend any time in the infirmary

1 while you were on the faculty or a student at  
2 St. Anthony's seminary?

3 A. Student, no. We --

4 Q. What about as a faculty member?

5 A. No.

6 Q. Were you ever aware, either as a student or as  
7 a faculty member of a faculty member giving a student a  
8 rub-down with alcohol in the infirmary?

9 MR. MATIASIC: Vague and ambiguous.

10 A. No.

11 Q. Were you aware there was rubbing alcohol in  
12 the infirmary?

13 A. No.

14 Q. While you were on the faculty at St. Anthony's  
15 seminary, did you ever hear Father Cimmarrusti express  
16 concern over a student's physical development or  
17 maturity?

18 MR. MATIASIC: Vague and ambiguous.

19 A. No.

20 Q. Were you ever aware of a program that was  
21 instituted by Father Cimmarrusti to assess seminarians'  
22 physical development or maturity at St. Anthony's  
23 Seminary?

24 MR. MATIASIC: Same objection.

25 A. No.



1 Q. At any time in your career on any high school  
2 faculty have you ever heard of a program where a faculty  
3 member instituted a program to assess students' physical  
4 maturity or development?

5 MR. MATIASIC: Same objection.

6 A. No.

7 Q. Did you ever hear Father Cimmarrusti discuss  
8 examining a student to determine whether they had an  
9 undescended testicle?

10 A. No.

11 Q. Did you ever hear any discussions while you  
12 were at St. Anthony's seminary regarding concerns about  
13 a student having an undescended testicle?

14 A. No.

15 Q. Were you ever aware of any such discussions  
16 taking place?

17 A. No.

18 Q. Did you ever hear any discussions while you  
19 were on the faculty at St. Anthony's Seminary regarding  
20 Father Cimmarrusti examining a student to determine  
21 whether or not they were growing enough pubic hair?

22 A. No.

23 Q. Were you ever aware of any such discussions  
24 while you were on the faculty?

25 A. No.

1 Q. Can you think of any circumstance where it  
2 would have been appropriate, in your experience as a  
3 member of a high school faculty, for a faculty member to  
4 give a student a back rub?

5 MR. MATIASIC: Vague and ambiguous, lacks  
6 foundation, calls for speculation, and an incomplete  
7 hypothetical.

8 A. Giving a back rub?

9 Q. Yes.

10 A. No.

11 Q. Can you think of any circumstance where it  
12 would have been appropriate -- and again, based on your  
13 experience as a member of the high school faculty, any  
14 of your experiences -- where it would be appropriate for  
15 a faculty member to wrestle with a student?

16 MR. MATIASIC: Same objections.

17 A. No.

18 Q. During your time at St. Anthony's on the  
19 St. Anthony's Seminary faculty, did you ever observe a  
20 priest assigned to the mission take a seminary student  
21 out of class?

22 A. No.

23 Q. Did you see a priest from the mission come  
24 over to the seminary while you were on the faculty at  
25 St. Anthony's?

1 A. I don't remember any.

2 Q. Do you recall any students while you were at  
3 the seminary spending any time or working at the  
4 mission?

5 MR. MATIASIC: While he was on the  
6 faculty at the seminary.

7 MR. HALE: Yes.

8 A. No.

9 Q. Would it have struck you as odd while you were  
10 on the faculty at the seminary to see a Franciscan from  
11 the mission walking with a seminary student back to the  
12 mission?

13 MR. MATIASIC: Lacks foundation, calls  
14 for speculation, incomplete hypothetical, vague and  
15 ambiguous.

16 A. Walking back to the sem --

17 Q. To the mission, not the seminary.

18 A. To the mission. Never saw it and I  
19 wouldn't -- no.

20 Q. Was there any aspect of your Franciscan  
21 education and training that discouraged you or any other  
22 Franciscan from reporting an act of childhood sexual  
23 abuse by another Franciscan?

24 MR. MATIASIC: Vague and ambiguous.

25 A. The thoughts never crossed my mind.

1 Q. But was there any aspect -- in other words,  
2 was there anything in your education or training that  
3 might have --

4 A. It was never brought up, to my knowledge, that  
5 I remember.

6 Q. During your two years at the -- or  
7 approximately two years on the faculty at St. Anthony's,  
8 did you have much interaction with any other priests  
9 from around the community. And when you say the  
10 community, I don't mean St. Anthony's, I mean the  
11 Santa Barbara community.

12 A. No.

13 Q. Do you know Dave Johnson?

14 A. Yes.

15 Q. How do you know Dave?

16 A. He was a student in class.

17 Q. And did you first meet him while you were on  
18 the faculty of St. Anthony's?

19 A. Yes.

20 Q. After he finished at St. Anthony's did you  
21 stay in touch with him?

22 A. No.

23 Q. Was your relationship strictly  
24 teacher/student?

25 A. Yes.

1 Q. Have you ever been assigned anywhere with him?

2 A. No.

3 Q. Did you have him in more than one class or was  
4 it simply one class?

5 A. Might have been two classes, possibly.

6 Q. Did you spend time with him ever outside of  
7 the classroom?

8 A. One occasion, he and another student went up  
9 to San Luis Obispo for a math presentation and test, and  
10 I drove them up and back.

11 Q. Was that an overnight --

12 A. No.

13 Q. -- presentation?

14 A. One day.

15 Q. Did you have to help him prepare for the  
16 presentation?

17 A. No.

18 Q. Was there any kind of coaching involved?

19 A. No. Other than class.

20 Q. Were you involved in evaluating him as a  
21 student?

22 A. No.

23 Q. Did you ever help evaluate his candidacy for  
24 becoming a Franciscan?

25 A. No.

1 Q. What about for becoming a priest?

2 A. No. No.

3 Q. Have you ever supervised Johnson anywhere?

4 A. No. Other than that one day.

5 Q. Did you ever discipline him?

6 A. No.

7 Q. Were you ever aware of him being disciplined?

8 A. No.

9 Q. Have you heard that he's been accused of  
10 childhood sexual abuse?

11 A. I think -- yeah. Vaguely, yes.

12 Q. Do you recall when you heard that?

13 A. I guess in the last couple of years sometime.

14 Q. Do you recall who you heard it from?

15 A. No.

16 Q. Do you recall what you heard?

17 A. Pardon?

18 Q. Do you recall what exactly you heard?

19 A. Not exactly, no. Something to that nature.

20 Q. Did you know Father David Carriere,

21 C-A-R-R-I-E-R-E?

22 A. Yes.

23 Q. When did you first meet him?

24 A. He was in our fifth-year class.

25 Q. Was he at the -- did he go with you through

1 the training -- were you classmates, basically?

2 A. Classmates up to San Luis Rey.

3 Q. And did you stop being classmates because  
4 you'd already completed some college and you went on  
5 your own path?

6 A. Yes.

7 Q. So how many years did you spend with him  
8 before that happened?

9 A. Four, approximate.

10 Q. Were you friends with him?

11 A. We're friendly, yes.

12 Q. Were you ever assigned anywhere with him?

13 A. No.

14 Q. Are you aware that he's been accused of  
15 childhood sexual abuse?

16 A. No.

17 Q. Never heard that before?

18 A. Never heard that before.

19 Q. Did you ever observe any conduct by him that  
20 you thought was inappropriate?

21 MR. MATIASIC: Vague and ambiguous.

22 A. No.

23 Q. When you knew him, do you recall him speaking  
24 overtly regarding sexual matters?

25 MR. MATIASIC: Vague and ambiguous.

1 A. I did not ever hear -- never heard that.

2 Q. Did you ever have any conversations with him  
3 involving sexual matters?

4 A. No.

5 Q. Have you ever heard that he was sent to the  
6 Paraclete center in Jemez Spring for treatment?

7 A. No, I had not heard.

8 Q. Do you know what the Paraclete center is in  
9 Jemez Springs?

10 A. Is that in New Mexico?

11 Q. Yes.

12 A. I think it's a rehabilitation center for  
13 pedophiles and such.

14 Q. When did you first hear about the Paraclete  
15 center?

16 A. I believe when a local diocesan priest was  
17 sent there.

18 Q. Do you recall when that was?

19 A. Father John Laughlin.

20 MR. MATIASIC: He asked when that was,  
21 Father.

22 A. Oh. When?

23 Q. Right.

24 A. Late '70s.

25 Q. And that was Father Laughlin, you said, that



1 was sent there?

2 A. Yes.

3 Q. Have you ever heard about any Franciscan being  
4 sent to the Paraclete center in Jemez Springs?

5 A. I'm not certain. I'm not sure.

6 Q. Were you ever assigned anywhere with Father  
7 Edmund Austin, A-U-S-T-I-N?

8 A. No.

9 Q. Did you know him?

10 A. Edmund Austin? I don't believe so.

11 Q. Did you ever visit Father Carriere when he was  
12 assigned in Fresno?

13 A. No.

14 Q. Did you ever visit Father Carriere when he was  
15 assigned anywhere?

16 A. No.

17 Q. Did you say in touch with Father Carriere over  
18 the years?

19 A. No.

20 Q. Did you know [REDACTED], [REDACTED], [REDACTED]?

21 A. I met him when he was in the North, yes.

22 Q. When he what?

23 A. He was here in the Northwest for a time.

24 Q. Where was -- was he in residence somewhere in  
25 the Northwest?

1           A.    I believe it was -- again, my knowledge is not  
2 certain -- in a college in Toledo.  Again, vague.

3           Q.    Did you ever discuss Father Carriere with  
4 Father ██████?

5           A.    No.

6           Q.    Have you ever heard Father ██████ was  
7 complaining about Father Carriere?

8           A.    No.

9           Q.    Did you ever hear about Father Carriere being  
10 checked in to a mental health facility?

11          A.    I heard something took place in Sacramento.  I  
12 don't remember exactly what.

13          Q.    Sometime in the late '70s?

14          A.    I lost track of time.  I think probably was  
15 late '70s.

16          Q.    And do you recall -- what did you hear about  
17 that exactly?

18          A.    I don't know what I heard, but -- but some  
19 type of erratic behavior.  That's my term.

20          Q.    Are you -- have you heard of the House of  
21 Affirmation?

22          A.    I think so.

23          Q.    Did you ever hear that Father Carriere was  
24 sent to treat at the House of Affirmation?

25          A.    No.

1 Q. How are you familiar with the House of  
2 Affirmation?

3 MR. MATIASIC: Other than anything you  
4 may have heard from counsel.

5 MR. HALE: Right.

6 A. I may be confusing the terms. I -- I can't  
7 say.

8 Q. What about Robert Van Handel, have you met  
9 him?

10 A. Yes.

11 Q. When did you first meet him?

12 A. I think I -- in the '70s.

13 Q. Where at?

14 A. At Ascension.

15 Q. Was Father Van Handel in residence or assigned  
16 as Ascension?

17 A. No. Visiting.

18 Q. Did he have relatives in Portland he was  
19 visiting?

20 A. No. Not to my knowledge.

21 Q. How long did he visit Ascension?

22 A. I believe it was a day.

23 Q. Did he stay overnight?

24 A. I don't remember him staying overnight.

25 Q. Was he with anyone when he arrived at

1 Ascension?

2 A. I think it was a group of students, my vague  
3 recollection.

4 Q. Was it a group of students from St. Anthony's?

5 A. I believe so.

6 Q. Is it possible it was a group of -- are you  
7 familiar with his boys choirs?

8 A. I think it was -- yes.

9 Q. Is it possible it was members of the boys  
10 choir?

11 A. Yes.

12 Q. Do you believe it was members of the boys  
13 choir?

14 A. I think so.

15 Q. Were they younger boys?

16 A. Yes.

17 Q. So in other words, they weren't adolescents;  
18 more eight, nine, ten, eleven, twelve?

19 A. Oh, no. They were adolescents.

20 Q. So you think they were choir members, but not  
21 members of his boys choir.

22 A. I don't know.

23 Q. What makes you think they were choir members?

24 A. Because he was choir director.

25 Q. Do you think this was in the later '70s?

1 A. Probably the later '70s.

2 Q. Do you recall how many students he had with  
3 him?

4 A. Estimating six to eight. Again, it's  
5 estimating.

6 Q. How were they -- what was their mode of  
7 transport? How were they getting around?

8 A. I don't know.

9 Q. Do you recall if he was driving something?

10 A. I don't know.

11 Q. Were there any other Franciscans that were  
12 traveling with him?

13 A. I don't recall any.

14 Q. Were there any parents that were traveling  
15 with him?

16 A. Again, I don't recall any. There may have.

17 Q. Do you recall where they were going? Were  
18 they on a choir tour or something like that?

19 A. I think it was something like that. At least  
20 that's my -- what I would put it in context of.

21 Q. Did you guys go out to dinner or did they stop  
22 in at the parish or what happened?

23 A. They stopped in at the parish.

24 Q. Do you recall how long they stayed for?

25 A. Afternoon, possibly.

1 Q. Do you recall if they had lodging in Portland  
2 or if they were going on?

3 A. I have no idea.

4 Q. Did you guys -- was there a meal or did you  
5 just socialize or --

6 A. I met them in a playground, I believe. There  
7 was no meal.

8 Q. And were the students playing on the  
9 playground?

10 A. No.

11 Q. And did you sit down and talk with Father  
12 Robert?

13 A. We might have had a brief conversation as far  
14 as I remember, but no.

15 Q. Were the students present during the  
16 conversation?

17 A. I think they were in the surrounding area.

18 Q. Just running around playing?

19 A. Playing or talking or whatever, visiting.

20 Q. Do you recall there being any discussions of  
21 them being on a choir trip to Vancouver?

22 A. No.

23 Q. And you can't be certain regarding the age of  
24 the students?

25 A. I would think between --

1 Q. Let me ask you this: Adolescent or  
2 preadolescent?

3 MR. MATIASIC: If you can make that  
4 distinction.

5 Q. Yes. If you can.

6 A. I think they were adolescent.

7 Q. Any other contact with Father Van Handel other  
8 than that meeting?

9 A. Not to my recollection.

10 Q. Did you ever attend any choir performances?

11 A. No.

12 Q. How were you aware that he was directing  
13 choirs?

14 A. God.

15 Q. Was it just kind of common knowledge in the  
16 province?

17 MR. MATIASIC: That's compound. That's  
18 two questions.

19 MR. HALE: Sure.

20 MR. MATIASIC: Why don't we take them one  
21 at a time.

22 MR. HALE: Let's start with the first  
23 one.

24 THE WITNESS: Repeat it, please.

25 MR. HALE: Sure.

1 BY MR. HALE: (Continuing)

2 Q. How were you aware that Father Robert was  
3 directing choirs?

4 A. I don't know if it was listed. Again, I have  
5 no recollection. It might have been listed or common  
6 knowledge.

7 Q. Did he stop in to see you or did he stop in to  
8 see someone else at Ascension?

9 A. He didn't stop to see me, and I don't know if  
10 he stopped to see somebody else. Might have been  
11 somebody else. I'm not sure.

12 Q. Do you recall him being friends with someone  
13 at Ascension?

14 A. No. No knowledge.

15 Q. Have you ever been assigned anywhere with him?

16 A. No.

17 Q. Have you ever supervised him anywhere?

18 A. No.

19 Q. Ever hear of him being disciplined by anyone?

20 A. No. Well -- no.

21 MR. MATIASIC: Do you mean within the  
22 province, Counsel?

23 MR. HALE: Right.

24 A. No.

25 Q. You seemed to hesitate a second there.



1           Are you hesitating because you're thinking of  
2 the criminal prosecution?

3           A.    Yes.

4           Q.    I take it you are aware he's been accused of  
5 childhood sexual abuse, then?

6           A.    Yes.

7           Q.    When did you first hear he was accused of  
8 childhood sexual abuse?

9           A.    I'm not certain exactly, but I saw the article  
10 in Time magazine, I believe. It was in Time magazine.

11          Q.    When was the last time you had contact with  
12 him?

13          A.    The visit at Ascension.

14          Q.    How about a brother named Sam Cabot, do you  
15 know him?

16          A.    Yes.

17          Q.    How do you know Brother Cabot?

18          A.    I have no exact knowledge. It might have been  
19 that meeting at San Luis Rey. Again, very vague.

20          Q.    Let me ask you this: In your experience as a  
21 Franciscan, are there different rules for priests versus  
22 brothers regarding how much time one or the other can  
23 spend outside of the Franciscan community? For  
24 instance, at a parishioner's home?

25                   MR. MATIASIC: Are you talking about

1 rules within the province?

2 MR. HALE: Within the -- Right. Right.

3 A. No knowledge of any existing rules.

4 Q. Do priests have more freedom to spend time  
5 outside of a Franciscan community they're assigned to  
6 than a brother does, just in your experience as a  
7 Franciscan?

8 MR. MATIASIC: Within the province.

9 MR. HALE: Within the province.

10 A. They may have more opportunity. I don't know  
11 if they have more time.

12 Q. So you're not aware of any limitations that  
13 are placed on brothers that are not placed on priests.

14 A. No. I know of no limitation.

15 Q. And you can't recall when you first met  
16 Brother Cabot?

17 A. No. I'm not sure.

18 Q. Do you recall ever speaking with him?

19 A. Casually.

20 Q. Have you ever been assigned anywhere with him?

21 A. No.

22 Q. Have you ever heard that he's been accused of  
23 childhood sexual abuse?

24 A. No.

25 MR. MATIASIC: Other than anything you've

1 heard from counsel.

2 MR. HALE: Right.

3 A. I have no knowledge, no.

4 Q. What about [REDACTED], [REDACTED]? Do you  
5 know him?

6 A. He was on -- at Santa Barbara when I was  
7 there.

8 Q. He was on the faculty?

9 A. He was the printer, working in the printing  
10 shop.

11 Q. For the Serra Press?

12 A. Serra Press, yes.

13 Q. Was he there both years you were there?

14 A. Yes.

15 Q. Have you heard he's been accused of childhood  
16 sexual abuse?

17 A. Yes.

18 MR. MATIASIC: Other than anything you've  
19 heard about from counsel.

20 MR. HALE: Right.

21 A. Yes.

22 Q. When did you first hear that?

23 A. Last three years, something like that.

24 Q. Do you recall, was he the senior moderator at  
25 St. Anthony's while you were there, ever?

1 A. I have no knowledge.

2 Q. Did you know a student named [REDACTED] while  
3 you were at St. Anthony's?

4 A. I don't remember. I don't think so.

5 Q. Did you ever hear that Father Cimmarrusti was  
6 abused as a child himself?

7 A. No.

8 Q. We'd previously talked about Father Krumm.  
9 When was the first time you actually met  
10 Father Krumm?

11 A. He was a student at Santa Barbara when I was  
12 at Santa Barbara.

13 Q. Was he in any of your classes?

14 A. No.

15 Q. Did you get to know him in any way while you  
16 were on the faculty at St. Anthony's?

17 A. I believe I gave out the allowance to the  
18 students for the store.

19 Q. And did you have contact with Krumm in that  
20 capacity?

21 A. Yes.

22 Q. And how was it -- was he involved in the store  
23 somehow?

24 A. No. I think they came -- they lined up and  
25 came to receive their -- again, I -- weekly -- or an

1 allowance for spending.

2 Q. Every student did this?

3 A. Yes.

4 Q. And why does Krumm stick out to you for doing  
5 that?

6 A. Well --

7 MR. MATIASIC: Counsel, I think it  
8 misstates his testimony. I don't think he said that  
9 Krumm stuck out. I believe he said that that's when he  
10 may have had contact with him.

11 Q. Why do you recall that contact with Krumm from  
12 that experience?

13 A. I'm not sure. Because later I was stationed  
14 with him and he said he knew me from Santa Barbara.

15 Q. Between the time he was at Ascension and the  
16 time he was at St. Anthony's, did you have any contact  
17 with him?

18 A. No.

19 Q. When he was at Ascension, I assume he was  
20 living in the friary as well?

21 A. Yes.

22 Q. Did you have -- how much contact -- did you  
23 guys socialize together?

24 A. Occasionally, yes.

25 Q. Did he ever discuss with you allegations

1 against him?

2 A. On his departure.

3 Q. Did he tell you that -- What did you guys  
4 talk about when the allegations came up?

5 A. That this appeared in the -- going from memory  
6 again -- the Oregon -- excuse me, Orange County Press,  
7 and that it was an incident that happened somewhere  
8 around '85 or so, and that nothing had happened since  
9 that time, and that...

10 Q. So he told you that aside from -- Did he tell  
11 you the name of the accuser in that incident?

12 A. No.

13 Q. Does the name [REDACTED] -- I'm sorry, was that a  
14 no?

15 A. Not to my recollection, he didn't tell me.

16 Q. Does the name [REDACTED] sound familiar to  
17 you?

18 A. No.

19 Q. And it sounds like he told you that aside from  
20 the incident that was raised in the Orange County Press,  
21 there had been -- he had not -- Well, what exactly did  
22 he tell you in that regard?

23 A. Well, that somebody --

24 MR. MATIASIC: Counsel, can I just have  
25 one moment with him real quick?

1 MR. HALE: Yes. Go for it.

2 (Off the record.)

3 MR. MATIASIC: We can go back on.

4 And Counsel, for the record, I just was  
5 clarifying as to whether or not there may have been --  
6 the conversation may have been in context of a  
7 confession.

8 MR. HALE: I figured as much.

9 THE WITNESS: That he was visiting a  
10 family and one of the children crawled into bed with  
11 him.

12 BY MR. HALE: (Continuing)

13 Q. And this occurred in Orange County?

14 A. I don't know. I didn't ask where.

15 Q. So he wasn't referring to an incident at  
16 St. Anthony's Seminary, though.

17 A. And there was also an incident that he said  
18 the same thing happened at St. Anthony's Seminary.

19 Q. And with regards to the -- not the incident at  
20 St. Anthony's, but with regards to when the child  
21 crawled into bed with him, did he discuss the age of  
22 that child?

23 A. No.

24 Q. Do you know if it was an adolescent or  
25 preadolescent?

1 A. No. I don't know.

2 Q. Do you know if there was an investigation of  
3 that incident by the province?

4 A. I don't know.

5 Q. Did he say that that incident was discussed in  
6 the media in Orange County? And I'm not referring to  
7 St. Anthony's, I'm referring to the one with the child  
8 crawling into bed.

9 A. No. He didn't -- no, he didn't specify.

10 Q. Did he state that the family raised a  
11 complaint, though, about the child crawling into bed  
12 with him?

13 A. No, I don't think he said that.

14 Q. How did the incident regarding the child come  
15 up in your conversation?

16 A. He was taking his departure and he explained  
17 that these kind of things -- these things happened; it  
18 was way back when. And -- yeah. That's about it.

19 Q. Did he describe what happened when the child  
20 crawled into bed with him?

21 A. No.

22 Q. Did he make a statement to you as to whether  
23 or not there had been any other instances since that  
24 child had crawled into bed with him?

25 A. No.



1 Q. Do you recall what year he was representing to  
2 you that incident with the child happened?

3 A. I don't remember, but he said nothing had  
4 happened since 1985.

5 Q. Did he talk to you about the incident  
6 involving the St. Anthony's Seminary student?

7 A. Other than what I said, no.

8 Q. Had you ever heard of either of those  
9 incidents before you talked to him about those  
10 incidents?

11 A. No.

12 Q. Had you ever heard that there were allegations  
13 against him prior -- before you talked to him about  
14 those --

15 MR. MATIASIC: Other than anything you  
16 heard from counsel.

17 Q. Other than what you've heard from counsel.  
18 -- before you talked to him about those  
19 incidents?

20 A. I can't remember.

21 Q. Did it bother you at all that he waited until  
22 he was leaving to tell you about those incidents?

23 MR. MATIASIC: I'm going to object to the  
24 grounds of relevance. I don't think it's reasonably  
25 calculated to lead to the discovery of admissible

1 evidence.

2                   That being said, if you can answer that,  
3 Father, go ahead.

4           A.    I was sorry to hear it.

5           Q.    Sorry to hear that it had happened?

6           A.    Sorry to hear that it happened and sorry to  
7 hear he was involved.

8           Q.    If he had told you about those incidents when  
9 he arrived at Ascension, would you have reported that to  
10 anyone?

11                   MR. MATIASIC:  Lacks foundation, vague  
12 and ambiguous, incomplete hypothetical.

13           A.    There's an Oregon -- Oregon law has reporting  
14 law, but that's an observation, not...

15           Q.    If I'm understanding your answer correctly, so  
16 you would not have reported that to anyone if he had  
17 told you that when he arrived as Ascension?

18                   MR. MATIASIC:  That misstates his  
19 testimony.

20           Q.    Okay.  Please, and correct my testimony.  Not  
21 my testimony.

22           A.    Your question.

23           Q.    I don't want to misstate your testimony,  
24 Father, so please clarify it.

25           A.    Where are we?

1 Q. When he arrived at Ascension, if he had told  
2 you those things, would you have reported to that anyone  
3 in the province? In the parish?

4 A. I would have told him to report it.

5 Q. But would you personally have told anyone?

6 MR. MATIASIC: Same objections.

7 A. I probably -- this is hypothetical.

8 Q. Yes.

9 A. So I can't say, but I probably would have  
10 handled it some way. I can't say.

11 Q. Would you have told the provincial?

12 A. Yes.

13 Q. I forget, were you serving as pastor at that  
14 time?

15 A. I was in residence.

16 Q. Who was the pastor at that time?

17 A. He was.

18 Q. Father Krumm was.

19 A. I wasn't there when he came as pastor. I came  
20 later.

21 Q. If when he arrived -- so he was there when you  
22 got there, in other words.

23 A. Yes. So the question -- the whole thesis  
24 or...

25 Q. Got it.

1           When he did tell you -- So was that around  
2 2000 that he told you, or 2001 that he left, I think it  
3 was?

4           A.    Somewhere in there. He was -- he was leaving.

5           Q.    Did you tell anyone about what he had told  
6 you?

7           A.    God, I don't remember.

8           Q.    Do you --

9           A.    I don't think so.

10          Q.    Did you talk to anyone else who said that they  
11 had discussed with Father Krumm these past allegations  
12 against him?

13                   MR. MATIASIC: Other than any attorney.

14                   MR. HALE: Right.

15          A.    I'm not sure. Maybe [REDACTED] or something.

16          Q.    Is Brother [REDACTED] still at Ascension?

17          A.    Yes.

18          Q.    Do you have contact with him very often?

19          A.    No.

20          Q.    Does he have some kind of a health issue with  
21 his --

22          A.    He has a cyst in his brain.

23          Q.    And can you tell me what his current condition  
24 is with regards to that?

25          A.    I guess it's being treated.

1 Q. Is it life-threatening?

2 MR. MATIASIC: Calls for a medical  
3 opinion.

4 Q. If you know.

5 A. I don't know specifically.

6 Q. Do you know how often he's being treated for  
7 the cyst in the brain?

8 A. No.

9 Q. Does he have a shunt for draining the cyst?

10 A. He had a shunt. It's plugged.

11 Q. Do you know if he's been hospitalized for that  
12 cyst?

13 A. He's been to the hospital, but I don't know if  
14 he's been hospitalized, quote/unquote.

15 Q. Okay.

16 Did you ever discuss with the pastor at  
17 Ascension what Father Krumm told you before he left?

18 A. The pastor?

19 Q. Yes.

20 A. He was pastor.

21 Q. But did somebody come in and replace Father  
22 Krumm?

23 A. I left about the same time.

24 Q. And the incident with the child crawling into  
25 bed, did Father Krumm tell you whether or not there had

1 been any kind of criminal investigation regarding that  
2 conduct?

3 A. No.

4 Q. Do you know whether there had been any  
5 criminal investigation regarding that conduct?

6 A. No.

7 Q. Did he describe for you what happened with the  
8 child in the bed?

9 A. No.

10 MR. MATIASIC: Asked and answered.

11 Q. Was there anyone else present with you during  
12 that conversation with Father Krumm?

13 A. No.

14 Q. Did he deny that the incident with the child  
15 crawling into bed involved sexual abuse?

16 A. He just said the child crawled into bed, or  
17 teenage or whatever, crawled -- kid crawled into bed.

18 Q. Did he tell you if he told the child to get  
19 out of the bed or --

20 A. He didn't elaborate.

21 Q. Did he tell you whether he thought the  
22 St. Anthony's incident was sexual abuse?

23 A. He didn't say.

24 Q. Did he give you any details about what  
25 happened in the St. Anthony's incident?

1 MR. MATIASIC: Other than what he already  
2 testified to?

3 MR. HALE: Right.

4 Q. Have you ever supervised Father Krumm?

5 A. No.

6 Q. Ever disciplined him?

7 A. No.

8 Q. Ever heard anyone has disciplined him?

9 A. No.

10 Q. Did you ever evaluate his performance?

11 A. No.

12 Q. Is he still a Franciscan? Do you know?

13 A. I think he's being laicized. I'm not certain.

14 Q. What makes you think he's being laicized?

15 A. Scuttlebutt. Again...

16 Q. Are you familiar with the Board of Inquiry?

17 A. Yes.

18 Q. Do you know if he was identified as a  
19 perpetrator in the Board of Inquiry report?

20 A. I have no knowledge.

21 Q. Did you ever hear that Father [REDACTED] -- well,  
22 when Father [REDACTED] came up to Portland, did you ever  
23 hear him discuss the fact that he filed reports with the  
24 Oakland Police Department regarding sexual abuse by  
25 Father Krumm?

1 A. No.

2 Q. Have you ever heard that Father [REDACTED] filed  
3 police reports with the Oakland Police Department  
4 regarding sexual abuse by Father Krumm?

5 A. No.

6 Q. Were you ever involved in any discussions  
7 regarding the appropriateness of filing reports with the  
8 Oakland Police Department regarding sexual abuse by  
9 Father Krumm?

10 MR. MATIASIC: Vague and ambiguous.

11 A. No.

12 Q. Have you ever been aware of reports being  
13 filed with any law enforcement agency regarding  
14 childhood sexual abuse by a Franciscan friar?

15 A. No.

16 Q. Have you ever heard --

17 MR. MATIASIC: Counsel, other than  
18 Van Handel that he already said he was aware of criminal  
19 prosecution, I thought.

20 MR. HALE: I don't think they filed a  
21 report. I think that was just a matter of prosecution.

22 MR. MATIASIC: Okay.

23 BY MR. HALE: (Continuing)

24 Q. Have you ever been aware of a Franciscan friar  
25 filing a report with law enforcement regarding an act of



1 childhood sexual abuse?

2 A. No.

3 Q. And I take it you've never filed a report with  
4 law enforcement regarding child sexual abuse?

5 A. No.

6 Q. Do you know [REDACTED], [REDACTED]?

7 A. Repeat that, please.

8 Q. Father [REDACTED]?

9 A. I know of him. I don't know him.

10 Q. How do you know of him?

11 A. He was at Tigard for a time. I was not there.  
12 And then I believe he was into Byzantine liturgy.

13 Q. What is Byzantine liturgy?

14 A. Eastern Orthodox liturgy.

15 Q. Does that mean he's not a Franciscan any  
16 longer?

17 A. No, he's still -- this it going back about so  
18 many years.

19 Q. And what is orthodox liturgy?

20 A. It's the Greek Orthodox liturgy, Eastern  
21 church.

22 Q. But he would have still been a Franciscan  
23 friar?

24 A. Yes.

25 Q. Can you recall what years he was at Tigard?

1 Just approximately. You don't have to give me the  
2 exact. Is it '70s or the '80s or '90s?

3 A. I don't remember.

4 Q. Do you think it was recent?

5 A. No.

6 Q. It was a while ago.

7 A. It was a while ago.

8 Q. Do you think it was after the board of inquiry  
9 report came out?

10 A. I can't place it.

11 Q. Have you ever been assigned anywhere with him?

12 A. No.

13 Q. Have you ever heard he's been accused of  
14 childhood sexual abuse?

15 MR. MATIASIC: Other than from your  
16 attorneys.

17 Q. Other than from your attorneys.

18 A. Other than just now, no.

19 Q. And excluding whatever you've heard today.

20 What about Phil -- did you know Philip Wolfe,  
21 W-O-L-F-E?

22 A. No.

23 Q. Were you ever assigned anywhere with him?

24 A. No.

25 Q. Have you ever heard he was accused of

1 childhood sexual abuse?

2 MR. MATIASIC: Other than from counsel.

3 MR. HALE: Right.

4 A. I think I heard scuttlebutt back when that he  
5 had committed suicide, if I got the right person.

6 Q. Did you ever know a novice or a pre -- Was  
7 there something called a pre-novice candidate, a  
8 pre-novitiate candidate?

9 A. Yes.

10 Q. What's the difference between a novice and a  
11 pre-novice?

12 A. Pre-novitiate is kind of a year where they see  
13 or experience kind of Franciscan living, and also while  
14 they're experiencing Franciscan living in the living  
15 community, they hold jobs or go to school. And also  
16 during that same year they're being evaluated.

17 Q. And then the novice is --

18 A. That was the pre-novitiate.

19 Q. And what happens that year?

20 A. I lost track. I have no -- I think they go to  
21 San Luis Rey, but I don't know.

22 Q. Did you ever know a pre-novice, a novitiate  
23 candidate named Ed Byrom, B-Y-R-O-M?

24 A. No recollection.

25 Q. How about a pre-novitiate candidate name Tom

1 Thing?

2 A. Tom Thing? I heard the name, but that's all  
3 I -- I thought he was a friar. I'm not sure.

4 Q. Were you ever assigned anywhere with Father  
5 Martin McKeon, M-C-K-E-O-N?

6 A. Yes. He was in the fifth year at Santa  
7 Barbara.

8 Q. Is that your only contact with Father McKeon?

9 A. Yes.

10 Q. Was he the Prefect of Discipline that year?

11 A. I don't know.

12 Q. Have you ever heard he's been accused of  
13 childhood sexual abuse?

14 MR. MATIASIC: Other than from counsel.

15 MR. HALE: Right.

16 A. No.

17 Q. What about Chris Verbana, V-E-R-B-A-N-A? Did  
18 you know him?

19 A. No. I know the name, but I don't know him.

20 Q. Never assigned anywhere with him?

21 A. No.

22 Q. How about Berard Connolly, B-E-R-A-R-D,  
23 C-O-N-N-O-L-L-Y?

24 A. I knew him.

25 Q. How did you know Brother Berard?

1           A.    He had gone to the same grammar school, was  
2 ahead of me, and I didn't remember that. And he was  
3 previously assigned to Ascension before I got there and  
4 had left before I got there. And I believe he was  
5 stationed in Seattle -- excuse me -- Spokane for a time.

6           Q.    Were you ever assigned anywhere with him?

7           A.    No.

8           Q.    Did you ever hear there were allegations of  
9 sexual abuse by him in Spokane?

10                   MR. MATIASIC: Other than from counsel.

11           A.    I heard something, but I don't know what it  
12 exactly was.

13           Q.    Did you ever hear that the province had  
14 settled lawsuits or at least a lawsuit against --  
15 involving abuse by him in Spokane?

16                   MR. MATIASIC: Other than from counsel.

17           A.    No, I never heard.

18           Q.    Have you ever heard allegations of childhood  
19 sexual abuse by him at a location other than Spokane?

20                   MR. MATIASIC: Other --

21           A.    No.

22                   MR. MATIASIC: Excluding anything from  
23 counsel.

24                   THE WITNESS: Excuse me.

25                   MR. MATIASIC: Did you answer it?

1 THE WITNESS: No, I have not.

2 BY MR. HALE: (Continuing)

3 Q. What about, did you know Father Paul Conn,  
4 C-O-N-N?

5 A. No, I don't think so.

6 Q. How about Brother Gerald Chumick,  
7 C-H-U-M-I-C-K?

8 A. No, I don't think so.

9 Q. Have you ever heard that name before?

10 A. Gerald Chumick. It was a brother? Father?

11 Q. Brother.

12 A. Brother. Back in the '50s there was a Brother  
13 Gerald, but I don't know his last name.

14 Q. How about [REDACTED], [REDACTED]?

15 A. I know Father [REDACTED].

16 Q. Have you ever been assigned anywhere with him?

17 A. No.

18 Q. Have you heard he's been accused of childhood  
19 sexual abuse?

20 MR. MATIASIC: Other than from counsel.

21 MR. HALE: Right.

22 A. Some incident took place here when he was  
23 exclaustrated, he was out of the order, that I had heard  
24 about that.

25 Q. And now he's back in the order, correct?

1 A. Right.

2 Q. Was that in the '70s?

3 MR. MATIASIC: Was what in the '70s,  
4 Counsel?

5 Q. The alleged abuse when he was ex -- is it  
6 "exclaustrated"?

7 A. Yes.

8 Q. How do you spell that?

9 A. E-X-claus -- I'm presuming, too.  
10 C-L-O-U-S-I -- S A T E. That's presumption.

11 Q. Okay.

12 When did you hear about that abuse by Father  
13 [REDACTED]?

14 A. If I had to place it in time, it would be the  
15 '80s, I believe.

16 Q. Were you assigned with Father -- you've never  
17 been assigned anywhere with Father [REDACTED]?

18 A. No.

19 Q. Do you know Joseph Prochnow, P-R-O-C-H-N-O-W?

20 A. Yes.

21 Q. How do you know Father Prochnow?

22 A. We were in class at novitiate together.

23 Q. And then did you go your separate ways when  
24 you got to San Luis Rey?

25 A. Yes.

1 Q. Were you ever assigned anywhere else with him?

2 A. No.

3 Q. Did you ever observe any conduct by Father  
4 Prochnow when he was your classmate that you thought was  
5 inappropriate?

6 MR. MATIASIC: Vague and ambiguous.

7 A. No.

8 Q. Have you ever heard he's been accused of  
9 childhood sexual abuse?

10 MR. MATIASIC: Other than from counsel.

11 MR. HALE: Right.

12 A. I heard something was going on. I don't know  
13 quite what it was.

14 Q. When did you hear that?

15 A. I'm not sure.

16 Q. Did you ever attend a meeting at San Juan  
17 Batiste where he stood up and talked about acts of  
18 childhood sexual abuse?

19 A. No, I don't -- I think -- no.

20 Q. Did you ever hear about a meeting where he  
21 stood up and talked about acts of childhood abuse?

22 A. I think I heard something about it, yeah.

23 Q. Do you recall who you heard that from?

24 A. No.

25 Q. Have you ever been aware of any member of the



1 province warning a member or members of a parish or  
2 community that a Franciscan who had been accused of  
3 childhood sexual abuse was assigned or in residence at  
4 that location?

5 MR. MATIASIC: Lacks foundation, vague  
6 and ambiguous.

7 A. No.

8 Q. Have you ever heard any discussions within the  
9 province regarding taking such actions, i.e., the  
10 warnings?

11 MR. MATIASIC: Same objections.

12 A. Repeat the whole thing again, please.

13 Q. Sure.

14 Have you ever heard any discussions within the  
15 province of taking such actions? And by actions I mean  
16 warning a member or members of a parish or a community  
17 that a Franciscan who had been accused of sexual abuse  
18 was being assigned or was going to be in residence  
19 within that community?

20 MR. MATIASIC: Same objections and  
21 incomplete hypothetical.

22 A. No.

23 Q. Have you ever seen any written communications  
24 within the province regarding taking such action? In  
25 other words, the warnings.

1 A. No. To my recollection again.

2 Q. We've talked about the Paraclete center and  
3 House of Affirmation.

4 Do you recall at any other time becoming aware  
5 of other treatment centers for priests other than those  
6 institutes?

7 A. No.

8 Q. Have you ever heard of St. Luke?

9 A. I heard of one in New Mexico, is the one I  
10 heard of, and I didn't remember the name.

11 Q. Do you recall -- I know we've talked briefly  
12 about the Board of Inquiry. Do you recall when the  
13 Board of Inquiry was created in the 1990's?

14 A. Specifically, no.

15 Q. Were you -- did you have -- were you aware of  
16 any discussions regarding whether or not a board should  
17 be created to look into --

18 A. I wasn't involved in those discussions.

19 Q. Have you ever spoken to anyone who was  
20 involved in discussions regarding the creation of the  
21 Board of Inquiry?

22 A. I spoke with [REDACTED], but not about that.

23 Q. Did Father [REDACTED] ask you about your  
24 experiences at St. Anthony's Seminary?

25 A. No. I don't think -- I don't think so. I

1 don't remember.

2 Q. Did you discuss with Father [REDACTED] anything  
3 about childhood sexual abuse by a Franciscan priest?

4 A. Never discussed it.

5 MR. MATIASIC: Wait. At any time?

6 MR. HALE: Yes.

7 A. I never discussed anything with him, to my  
8 knowledge or recollection.

9 Q. Are you aware that the Board of Inquiry  
10 produced a report regarding its investigation?

11 A. No.

12 Q. Do you recall ever hearing about there being  
13 debate within the province as to whether the Board of  
14 Inquiry should even be created?

15 MR. MATIASIC: Lacks foundation, vague  
16 and ambiguous.

17 A. I heard no -- nothing about that.

18 Q. Did anyone from the Board of Inquiry ever  
19 contact you to interview you about their investigation?

20 A. No.

21 Q. Or the context of their investigation?

22 A. No.

23 Q. Has anyone ever interviewed you from the  
24 province about your time on the faculty at St. Anthony's  
25 Seminary?

1 A. No.

2 Q. Now that you're aware of allegations against  
3 some of your former classmates, is there any conduct  
4 that, in hindsight, by them, would have raised -- raises  
5 a red flag to you? And again, in hindsight.

6 MR. MATIASIC: Vague and ambiguous.

7 A. No.

8 Q. Were you aware that the Board of Inquiry  
9 investigation was focused on conduct at St. Anthony's  
10 from the '60s up until the '80s?

11 A. The specifics, no, other than that they were  
12 going to handle it.

13 Q. But were you aware the time period included --

14 A. No, I was not aware of exact time period.

15 Q. Were you aware that the time period included  
16 the two years while you were on the faculty?

17 A. I never gave it a thought.

18 Q. Did you ever discuss with any of your fellow  
19 faculty members, whether [REDACTED] or Father [REDACTED]  
20 or any of your fellow faculty members, whether they  
21 observed anything inappropriate during their time on the  
22 St. Anthony's faculty?

23 A. Never discussed it.

24 Q. Have you had any contact with Father [REDACTED]  
25 since he left the seminary?

1 A. No.

2 Q. You know who that is, though, right?

3 A. Yes.

4 Q. When was the first time you ever heard of a  
5 Franciscan friar being sent for treatment for -- related  
6 to allegations of childhood sexual abuse?

7 MR. MATIASIC: Lacks foundation.

8 A. I don't know. I don't know.

9 Q. Have you ever been in residence or assigned  
10 with any Franciscan friar who had restrictions on his  
11 ministry with regards to his having contact with  
12 children?

13 MR. MATIASIC: That he knew of, right?

14 MR. HALE: Yes. Right.

15 A. That I was in residence with somebody?

16 Q. Yes.

17 A. No. With restrictions already in place?

18 Q. Yes.

19 A. No.

20 Q. What about after he or you arrived, that there  
21 were restrictions that subsequently were put in place?

22 A. Gus Krumm left.

23 Q. Yes. Okay.

24 Have you ever had any discussions with anyone  
25 regarding whether or not Franciscans accused of sexual

1 abuse should be criminally prosecuted?

2 A. No. I had no discussion.

3 Q. Have you ever been assigned the responsibility  
4 of monitoring a Franciscan who's been accused of  
5 childhood sexual abuse?

6 A. No.

7 MR. HALE: Why don't we stop here. I've  
8 probably got less than an hour more.

9 (Off the record, 12:36 to 1:31 p.m.)

10 MR. HALE: Back on the record.

11 BY MR. HALE: (Continuing)

12 Q. We talked briefly about the circumstance with  
13 Father Prochnow, and I know you didn't attend the  
14 San Juan Batiste conference or whatever it was when he  
15 talked about the abuse he was involved in, but have you  
16 ever been anywhere else where a Franciscan friar openly  
17 discussed sexual abuse by him?

18 A. By Father Prochnow.

19 Q. No, by that friar.

20 A. I don't think so.

21 Q. Have you ever heard of anything like that  
22 happening other than the incident with Father Prochnow?

23 A. No, I don't think so.

24 Q. And going back to the incident with Father  
25 Krumm, I want to make sure I understand the location of

1 where we're talking about. You said that there were two  
2 incidents he discussed. One was the St. Anthony's  
3 incident, but you said there was the other one where the  
4 child crawled into -- the adolescent crawled into bed  
5 with him, and I didn't quite understand your testimony  
6 in that regard.

7 Was it that that allegation came out while he  
8 was at Huntington Beach or was it that incident occurred  
9 in Huntington Beach?

10 A. I don't know where it occurred. It was  
11 something he mentioned.

12 Q. And he said it was around 1985 that that  
13 happened?

14 A. He said -- no. That nothing had happened  
15 since 1985.

16 Q. And you weren't sure about how old the child  
17 was who crawled into bed with him?

18 A. No.

19 Q. And did he tell you whether he kicked the  
20 child out of bed or --

21 A. No. No particulars.

22 Q. Have you ever heard of a Jesuit named Eugene  
23 Maio, M-A-I-O?

24 A. Maio. No. I don't -- I'm not sure.

25 Q. While you were at St. Anthony's Seminary,

1 either as a student or as a faculty member, do you  
2 recall students being disciplined in any way? And when  
3 I say disciplined, maybe detention, maybe extra  
4 assignments, maybe the old-fashioned rapping of the  
5 knuckles; I don't know what went on, but do you recall  
6 any kind of discipline while you were there?

7 MR. MATIASIC: Vague and ambiguous,  
8 overbroad.

9 A. No.

10 Q. Neither as a student or faculty member.

11 A. No.

12 Q. Have you ever heard anyone say that they  
13 observed conduct by Mario Cimmarrusti that they thought  
14 was inappropriate?

15 MR. MATIASIC: Vague and ambiguous.

16 A. No.

17 Q. Has anyone ever told you that they received  
18 complaints of misconduct by Father Cimmarrusti?

19 MR. MATIASIC: Same objection.

20 A. No.

21 Q. We talked about students being expelled and it  
22 sounds like that didn't happen, was not a common event  
23 while you were at the seminary, but what about, was it  
24 common or uncommon while you were on the faculty at  
25 St. Anthony's Seminary for students suddenly just to



1 quit?

2 A. God, it's -- I think it happened. I have no  
3 recollection.

4 Q. Do you have a recollection of how many times  
5 it happened?

6 A. Again, no recollection. No.

7 Q. Did you know a student named [REDACTED]  
8 [REDACTED], [REDACTED]?

9 A. No.

10 Q. Did you ever hear stories of a student who ran  
11 away from the school and stowed away on an airplane?

12 A. No.

13 Q. Did Father Cimmarrusti remain Prefect of  
14 Discipline during your two years on the faculty?

15 A. If he was when I came, he was when I left.

16 Q. Did any Franciscan ever tell you that a  
17 student had told them that they were being abused by  
18 Father Cimmarrusti?

19 A. No.

20 Q. Have you ever been aware that Father  
21 Cimmarrusti was transferred to Guimas in 1971, other  
22 than from your attorneys?

23 MR. MATIASIC: Sorry to interrupt you  
24 Counsel. Lacks foundation.

25 Go ahead?

1           A.    I think I have some recollection, but I didn't  
2 pay much attention.

3           Q.    Do you remember how you heard about that?

4           A.    No.

5           Q.    Do you recall hearing about Father Cimmarrusti  
6 being transferred from Guimas?

7                   MR. MATIASIC:  Same objection, lacks  
8 foundation.

9           A.    I don't have any recollection.

10          Q.    Have you ever heard that the province was  
11 forced to transfer him from Guimas because he was  
12 accused of childhood sexual abuse?

13          A.    No.

14          Q.    Did you know [REDACTED] while you were on the  
15 faculty, [REDACTED]?

16          A.    I knew him when I was there in fifth year.  I  
17 think he was retired, and I think he received an award  
18 from the mission, but I'm not quite sure what the year  
19 was.

20          Q.    Do you know if Father Cimmarrusti had any  
21 medical training?

22          A.    I don't know anything -- no.

23          Q.    Did you ever see Father Cimmarrusti in the  
24 infirmary?

25          A.    No.

1 Q. Do you remember where Father Cimmarrusti's  
2 office was?

3 A. No. I don't recall.

4 Q. Do you recall knowing whether his office also  
5 was his living quarters?

6 A. I have no recollection of that information.

7 Q. Do you recall ever hearing screaming or  
8 yelling while you were on the campus at St. Anthony's  
9 Seminary?

10 MR. MATIASIC: Lacks foundation.

11 Q. Aside from at a sporting event.

12 MR. MATIASIC: Lacks foundation, vague  
13 and ambiguous, incomplete hypothetical.

14 A. I don't remember yelling.

15 Q. Would that have been unusual if you had heard  
16 that from the hallways of the seminary?

17 MR. MATIASIC: Same objection.

18 A. Would have wondered what was going on.

19 Q. Would you have gone to investigate if you  
20 heard loud voices like that?

21 MR. MATIASIC: Same objections.

22 A. It's hypothetical. I presume so.

23 Q. Did anyone ever tell you that they heard  
24 screaming or yelling coming from Father Cimmarrusti's  
25 living quarters?

1 MR. MATIASIC: Vague and ambiguous.

2 A. No.

3 Q. Did you ever see Father Cimmarrusti walking  
4 with a student into the casa?

5 A. No.

6 Q. You know what I'm referring to?

7 A. Yes. The casa.

8 Q. Was the casa being used for any purpose while  
9 you were on the faculty?

10 A. I'm not sure if it was at that time or earlier  
11 that it was used sort of as a library or extended  
12 library.

13 Q. Do you know if there were any rooms in the  
14 casa with beds?

15 A. No.

16 Q. And I should rephrase that.

17 Are you saying you don't know or that you  
18 have --

19 A. I don't recall any.

20 Q. Okay.

21 Did you ever observe any students with  
22 bruising or injury to their buttocks or upper thigh?

23 A. No.

24 Q. Did you ever hear someone say they'd observed  
25 students with injury or bruising to their buttocks or

1 upper thigh?

2 A. No.

3 Q. Have you ever visited an orphanage run by the  
4 province?

5 MR. MATIASIC: Lacks foundation.

6 A. I don't believe we have an orphanage.

7 Q. Did you have an understanding of the duties of  
8 the Prefect of Discipline while you were on the faculty?

9 A. I didn't give it a thought.

10 Q. Did you ever personally have to punish a  
11 student while you were on the faculty at St. Anthony's?

12 MR. MATIASIC: Vague and ambiguous as to  
13 "punish."

14 Go ahead, Father.

15 A. No.

16 Q. Were you aware of any other faculty members  
17 having to punish a student while you were on the faculty  
18 at St. Anthony's?

19 MR. MATIASIC: Same objection.

20 A. No.

21 Q. Do you know if there were any approved or  
22 disapproved methods of punishment at St. Anthony's  
23 Seminary while you were on the faculty?

24 MR. MATIASIC: Vague and ambiguous.

25 A. I never heard ever of any approved or

1 disapproved punishment. I never heard of punishments.

2 Q. Never heard of any corporal punishment while  
3 you were at St. Anthony's Seminary?

4 A. (Witness shakes head.)

5 Q. Was Father Gander on the faculty while you  
6 were a student at St. Anthony's?

7 A. Donald Gander?

8 Q. Yes.

9 A. No.

10 Q. Did you ever hear a story of Father  
11 Cimmarrusti punishing a class for cheating by making the  
12 entire class retake the exam in their underwear?

13 A. Not those particulars.

14 Q. Did you hear something similar to that?

15 A. I heard --

16 MR. MATIASIC: Vague and ambiguous.

17 A. I heard that he had some people parade around  
18 in their BVD's.

19 Q. Just so I understand, you heard that Father  
20 Cimmarrusti had a class that was caught cheating on an  
21 exam walk around the school in their underwear?

22 MR. MATIASIC: Misstates his testimony,  
23 Counsel. He didn't say why.

24 But go ahead, Father.

25 A. I don't know -- I don't think it was around

1 the school. I don't know the reason for it. I know he  
2 publicly announced that he had people walk around in  
3 their BVD's.

4 Q. Did he announce it at a faculty meeting or in  
5 the rec room or --

6 A. Rec room.

7 Q. And you didn't personally see the students  
8 walking around?

9 A. No.

10 Q. And he when you say -- BVD's?

11 A. Well, underwear.

12 Q. Underwear. Okay.

13 Do you recall who else was present when he  
14 announced this in the rec room?

15 A. There were a number of people present, I  
16 believe, but I don't know who.

17 Q. Do you recall if Father Harris was one of  
18 those people present?

19 A. I don't think so, but I can't -- I'm not  
20 certain.

21 Q. And did he announce this -- this was something  
22 that happened while you were on the faculty or did it  
23 happen before you arrived at the faculty?

24 MR. MATIASIC: Hold on. The announcement  
25 or when that may have occurred?

1 Q. That the kids walked around in their  
2 underwear.

3 A. It was while I was on the faculty.

4 Q. Did anyone else -- what was the -- were people  
5 laughing about it when it was announced?

6 A. I don't know.

7 MR. MATIASIC: Calls for speculation and  
8 I think it's overbroad.

9 Q. Well, did you hear anyone laughing in the room  
10 when it was announced?

11 A. No recollection.

12 Q. But you recall there were other faculty  
13 members in the room when he announced this?

14 A. I -- as a general impression, yes.

15 Q. And you don't recall if it was in relation to  
16 these students being caught cheating on an exam?

17 A. I have no idea.

18 Q. Did he describe it in terms of it being as a  
19 punishment for misconduct by the students?

20 A. I would presume -- well, it's presumption.

21 Q. Was that your impression from the way he had  
22 described it?

23 A. It was my impression, yes.

24 Q. In your time as a faculty member on the -- at  
25 the various schools that you've been assigned to, have



1 you ever encountered a similar circumstance where  
2 students were punished for some sort of misconduct by  
3 being ordered by a faculty member to walk around the  
4 school in their underwear?

5 MR. MATIASIC: Vague and ambiguous,  
6 overbroad.

7 A. It was public -- or it was a different type of  
8 high school, no.

9 Q. At the time, did you consider that to be  
10 appropriate, an appropriate form of punishment?

11 MR. MATIASIC: I'm just going to object.  
12 It's vague and ambiguous as to the term "appropriate  
13 form of punishment."

14 Go ahead and answer, Father.

15 A. It was kind of, Oh?

16 Q. Did you consider reporting that to Father  
17 Harris?

18 A. It didn't enter my mind.

19 Q. Were you aware of anyone else saying, "Hey, we  
20 need to report this to Father Harris"?

21 A. I don't know about anybody else.

22 Q. When Father Cimmarrusti announced this, did he  
23 announce he was going to do this or did he announce he  
24 had done this, as far as making the students walk around  
25 in their underwear?

1           A.    I think, as I recollect, it was he had done  
2 it.

3           Q.    He had done it?

4           A.    (Witness nods head.) As my recollection -- as  
5 vague as it is.

6           Q.    Did he tell you it was the entire class that  
7 had to do this?

8           A.    I don't remember any particulars.

9           Q.    Did he tell you who in the class was  
10 required -- that was required to do this?

11          A.    No.

12          Q.    Did you ever hear any students talking about  
13 having to do this?

14          A.    No.

15          Q.    Did you ever observe Father Cimmarrusti take  
16 students into his office?

17          A.    No.

18          Q.    Did you ever -- have you spent -- did you  
19 spend in time in Father Cimmarrusti's office?

20          A.    Not to my recollection.

21          Q.    Do you recall there being a fish tank in  
22 Father Cimmarrusti's office or living quarters?

23          A.    I don't recall.

24          Q.    When Father Cimmarrusti made his announcement,  
25 do you recall any faculty members speaking up and

1 objecting to this method of punishment?

2 A. It's, again, vague in my recollection, but I  
3 don't remember. No.

4 Q. Were you ever aware of any faculty member  
5 stating that they had walked in on Father Cimmarrusti  
6 with another student in Father Cimmarrusti's room?

7 A. No.

8 Q. Do you know Father [REDACTED]?

9 A. Yes.

10 Q. Have you ever discussed with him your time on  
11 the faculty at St. Anthony's?

12 A. No.

13 Q. Have you ever heard that he walked in on  
14 Father Cimmarrusti sexually assaulting a student in  
15 Father Cimmarrusti's room?

16 A. No.

17 Q. When Father Cimmarrusti announced he was going  
18 to punish the students regarding the underwear  
19 situation, involving the underwear situation, did he  
20 tell you what time of day or night that was going to  
21 happen?

22 MR. MATIASIC: Counsel, I think that  
23 misstates the evidence. He testified that --

24 MR. HALE: You're right. That was a  
25 poorly phrased question.

1 BY MR. HALE: (Continuing)

2 Q. When Father Cimmarrusti announced the fact  
3 that he had instructed the students to walk through the  
4 halls in their underwear, did he tell you what time of  
5 day that happened?

6 A. No.

7 MR. MATIASIC: I'm just going to object  
8 in that it misstates his testimony. He didn't say they  
9 had to walk through the halls. He said he doesn't have  
10 a recollection as to the specifics.

11 You can answer, Father.

12 A. As I recollect, it was a room, and no time of  
13 day.

14 Q. So, with regards to punishment, it's your  
15 recollection that he talked about the students being in  
16 a room in their underwear?

17 A. As I recollect, he said he had the students  
18 parade around in their underwear around the room.

19 Q. In the classroom.

20 A. I don't know. I presume. Again, presumption.

21 Q. But you don't have a recollection of him  
22 saying that he had the students walk through the  
23 hallways of the school in their underwear.

24 A. I did not hear that.

25 Q. Did he say anything about other students

1 observing these students in their underwear?

2 A. No.

3 Q. Was he laughing?

4 A. It was sort of in a kind of humorous vein.

5 Q. So when he announced this, he thought he  
6 was -- he was -- it was apparent to you that he found it  
7 humorous?

8 A. It came across that way, yes.

9 Q. Did you ever supervise study hall?

10 MR. MATIASIC: This is while he was on  
11 the faculty at St. Anthony's?

12 MR. HALE: Yes.

13 A. I think Sunday morning. I'm not certain. I  
14 think -- general study hall, I have a vague recollection  
15 of.

16 Q. On Sunday mornings?

17 A. I think so. Again, I -- it's so long, I  
18 don't...

19 Q. Okay. But you do have a recollection of at  
20 some point supervising study hall?

21 A. Sitting while they studied, yes.

22 Q. Do you have a recollection of faculty members  
23 coming in to study hall and pulling students out?

24 A. I don't have a recollection.

25 Q. Do you have a recollection of faculty members

1 sending for a student to come out of study hall?

2 A. No.

3 Q. And when I say faculty members, you understand  
4 I'm including Father Cimmarrusti, obviously.

5 A. Yes.

6 Q. Would that have been unusual for a faculty  
7 member, in your experience at study hall, to call for a  
8 student out of study hall?

9 MR. MATIASIC: Lacks foundation,  
10 incomplete hypothetical, vague and ambiguous.

11 A. I -- who's to say?

12 Q. So you just don't have any recollection of  
13 that happening.

14 A. I have no recollection of that happening.

15 Q. Safe to say that students were not allowed to  
16 come and go as they wanted in study hall, they would  
17 have to check out with you when you were supervising  
18 before they could leave study hall?

19 A. Again, I don't remember.

20 Q. Have you ever heard of something called  
21 "faculty confrontation"?

22 A. I think I understand the term, but no.

23 Q. But as far as it being something that took  
24 place while you were on the faculty at St. Anthony's, do  
25 you have any recollection of that?

1 A. No.

2 Q. During your time as a Franciscan, have you  
3 ever heard a Franciscan priest candidate's sexual  
4 maturity being questioned?

5 MR. MATIASIC: Vague and ambiguous, lacks  
6 foundation.

7 A. No. I don't think so.

8 Q. Have you ever heard that criteria used for  
9 evaluating priest candidates included -- one criteria  
10 was referred to as sexual immaturity?

11 MR. MATIASIC: Same objection.

12 A. No.

13 Q. When Father Cimmarrusti announced the exam --  
14 the underwear incident, did he announce it as a  
15 precursor to the students having to retake an exam?

16 A. He just came in the rec room and announced  
17 that he had done it.

18 Q. Do you have any recollection of him talking  
19 about an exam during the course of that conversation?

20 A. No.

21 Q. Did you ever hear -- were you ever aware of  
22 any faculty member saying they had observed a student on  
23 Father Cimmarrusti's bed?

24 A. No.

25 Q. Did you ever know a student name Benny Silva,

1 S-I-L-V-A?

2 A. No recollection at all.

3 Q. Do you have any recollection of students  
4 putting on a play parodying faculty members?

5 A. I don't think so. I don't remember.

6 Q. Did you ever hear about students putting on a  
7 play parodying faculty members where there was a skit  
8 that included a parody of Father Cimmarrusti spanking  
9 students?

10 A. No.

11 Q. Did you ever hear anything about Father  
12 Cimmarrusti spanking students?

13 A. No.

14 Q. Did you ever hear Father Cimmarrusti announce,  
15 aside from the underwear circumstance, that he was going  
16 to punish a student?

17 A. No.

18 Q. Did you ever hear anyone talk about Father  
19 Cimmarrusti punishing a student?

20 A. No.

21 Q. During your time on the faculty at  
22 St. Anthony's Seminary, did you ever observe or were you  
23 ever aware of a Franciscan friar bringing a student to  
24 the campus for an overnight visit?

25 A. No recollection.



1 Q. Did you ever hear about Father Cimmarrusti  
2 examining a student's genitals for treatment for poison  
3 oak.

4 A. No.

5 Q. Can you think of any circumstance where it  
6 would have been appropriate for a faculty member to  
7 examine a student's genitals?

8 MR. MATIASIC: Vague and ambiguous, lacks  
9 foundation, calls for speculation, incomplete  
10 hypothetical.

11 A. I don't think so.

12 Q. While you were on the faculty, was Father  
13 [REDACTED], [REDACTED], the guardian?

14 A. He might have been. He was there only one  
15 year.

16 Q. And who was the guardian? Do you recall who  
17 the guardian was after him?

18 A. No. No.

19 Q. During your two years at St. Anthony's  
20 Seminary on the faculty, do you recall any Franciscan  
21 friars being disciplined by the guardian?

22 MR. MATIASIC: Vague and ambiguous.

23 A. No.

24 Q. Have you ever heard of a treatment facility in  
25 Minnesota called Hazeldon, H-A-Z-E-L-D-O-N, or maybe

1 D-E-N?

2 A. No.

3 Q. Did you say Father Temple was your novice  
4 master?

5 A. No. Reginald.

6 Q. Did you know Father David Temple?

7 A. Yes.

8 Q. Were you aware that he was working with the  
9 Servants of the Paracletes in the 1960s?

10 A. No.

11 Q. Have you ever heard that he was working with  
12 the Servants of the Paracletes in the 1960s?

13 A. No.

14 Q. Were you ever assigned anywhere with  
15 Owen da Silva: D-A, next word is S-I-L-V-A?

16 A. No.

17 Q. Do you know who he is?

18 A. No.

19 Q. Have you ever heard allegations of sexual  
20 abuse against Father da Silva?

21 MR. MATIASIC: Other than from counsel.

22 Q. Other than from counsel.

23 A. No. That's the best of my recollection.

24 Q. Let me see if I can refresh it. Have you ever  
25 heard that Father da Silva was examining student's

1 genitals to determine if they could be on the choirs he  
2 supervised?

3 A. No.

4 MR. HALE: All right. That's all I have.

5 MR. MATIASIC: Okay.

6 THE WITNESS: Thank you.

7 MR. HALE: We'll stipulate the reporter  
8 will be relieved of the duties in the code. We'll send  
9 the original to your office, Paul, and then you can just  
10 forward that over to Father, and then you'll maintain  
11 custody of the original as well. Once you forward it  
12 over to the Father, if he could have --

13 Is 30 days enough time for you to review  
14 the transcript?

15 THE WITNESS: (Nods head.)

16 MR. HALE: Okay. We'll give Father  
17 [REDACTED] 30 days to review the transcript. You make any  
18 changes you feel are necessary, then sign it under  
19 penalty of perjury, give it back to your counsel.

20 And then if you could just make any  
21 changes known to us as soon as that happens, Paul, that  
22 would be great. And if the signed original is not  
23 available for trial, an unsigned, certified copy can be  
24 used for all purposes.

25 MR. MATIASIC: So stipulated.

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MR. HALE: Great.

Thank you, Father.

THE WITNESS: Thank you.

(Deposition concluded, 2:02 p.m.)

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## CERTIFICATE

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3  
4 I, D. Iwalani Carr, a certified Shorthand  
5 Reporter for Oregon, hereby certify that, pursuant to  
6 Oregon Rules of Civil Procedure, FATHER [REDACTED]  
7 personally appeared before me at the time and place set  
8 forth in the caption hereof; that at said time and place  
9 I reported in Stenotype all testimony adduced and other  
10 oral proceedings had in the foregoing matter; that  
11 thereafter my notes were reduced to typewriting under my  
12 direction, and that the foregoing transcript, pages 1 to  
13 128, both inclusive, constitutes a full, true and  
14 accurate record of all such testimony adduced and oral  
15 proceedings had, and of the whole thereof.

16  
17  
18 Witness my hand and CSR seal at Portland,  
19 Oregon, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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21  
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23 \_\_\_\_\_  
24 D. Iwalani Carr  
25 Certified Shorthand Reporter  
Certificate No. 90-0220