

SUPERIOR COURT IN THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA, NORTHERN DIVISION

Coordinated Proceeding     )  
Special Title                )  
(Rule 1550(b))                )  
                                  )  
                                  )  
THE CLERGY CASES III        )  
                                  )  
                                  ) JCCP No.4359  
                                  )  
JOHN DOE 39,                 ) CASE NO. RG03 134157  
                                  )  
        Plaintiff,            )  
                                  )  
        v.                     )  
                                  )  
FRANCISCAN FRIARS OF        )  
CALIFORNIA, INC.;            )  
JAMES ROE 2; and             )  
ROES 3 through 10,            )  
inclusive,                    )  
                                  )  
        Defendants.            )  
                                  )

DEPOSITION OF

**[REDACTED]**

PALM SPRINGS, CALIFORNIA

MARCH 8, 2006

ATKINSON-BAKER, INC.  
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REPORTED BY: CARRIE L. FERGUSON, RPR/CSR NO. 4293

FILE NO.: A001F23

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Plaintiff,	)
	)
v.	)
	)
FRANCISCAN FRIARS OF	)
CALIFORNIA, INC.;	)
JAMES ROE 2; and	)
ROES 3 through 10,	)
inclusive,	)
	)
Defendants.	)
	)

Deposition of [REDACTED], taken on  
 behalf of Defendants, at 1300 East Tahquitz Canyon  
 Way, Palm Springs, California, commencing at  
 3:03 p.m., Wednesday, March 8, 2006, before  
 Carrie L. Ferguson, RPR/CSR No. 4293.

A P P E A R A N C E S:

FOR THE PLAINTIFF:

LAW OFFICES OF NYE, PEABODY & STIRLING

BY: Tim Hale

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FOR THE DEFENDANT FRANCISCAN FRIARS OF CALIFORNIA:

LAW OFFICES OF LEWIS, BRISBOIS, BISGAARD & SMITH

BY: Paul A. Matiasic

Attorney at Law

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San Francisco, California 94104

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I N D E X

WITNESS: [REDACTED]

EXAMINATION: PAGE

By Mr. Matiasic 6

EXHIBIT INDEX

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Defendants' exhibits:

A 12-page document entitled: Notice of taking deposition of [REDACTED] 127

B 13-page documents of letter dated February 3, 1993 and Resource Packet from the Independent Board of Inquiry 183

C 4-page document entitled: A Comprehensive Approach to Provincial Policy and a Pastoral Response to instances of sexual abuse of minors at St. Anthony's Seminary 183

D Letter from Israel B. Rosales, PhD. , dated 5/19/94 and a Request for therapy dated 5/24/94 184

E Miscellaneous letters 184

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

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INFORMATION TO BE SUPPLIED:  
(None)

1	THE VIDEO OPERATOR: Good afternoon. My	03:04:50
2	name is Joann Yager, I represent Atkinson-Baker,	03:04:50
3	Inc, of Glendale, California. I'm a notary	03:04:50
4	public. I am not financially interested in this	03:04:50
5	action, nor am I a relative or employee of any	
6	attorney of any of the parties. Today's date is	03:04:50
7	March 8, 2006, and the time is 3:03 p.m.	03:04:50
8	This deposition is being taken place at 1300	03:04:54
9	East Tahquitz Canyon Way, Palm Springs,	03:04:57
10	California. JCCP number 4359, entitled John Doe 39	03:05:00
11	versus Franciscan Friars of California, Inc.	03:05:02
12	The deponent is [REDACTED]. The deposition	03:05:04
13	is being taken on behalf of the defendant.	03:05:07
14	May we please have introductions beginning	03:05:09
15	with the witness.	03:05:13
16	Your name, sir.	03:05:17
17	THE WITNESS: [REDACTED],	03:05:17
18	[REDACTED].	03:05:18
19	MR. HALE: Tim Hale, for plaintiff.	03:05:22
20	MR. MATIASIC: Paul Matiasic, for the	03:05:23
21	defendant, Franciscan Friars of California.	03:05:25
22	THE VIDEO OPERATOR: And the witness may	03:05:26
23	be sworn in.	03:05:26
24		03:05:26
25		03:05:27

1 [REDACTED], 03:05:29

2 having first been duly sworn, was 03:05:31

3 examined and testified as follows: 03:05:34

4 EXAMINATION 03:05:35

5 03:05:35

6 BY MR. MATIASIC: 03:05:38

7 Q. Good afternoon, Mr. [REDACTED], my name is 03:05:40

8 Paul Matiasic. We had an opportunity to meet 03:05:48

9 before the deposition. And I represent the 03:05:50

10 Franciscan Friars, in a case pending up in Northern 03:05:52

11 California which you heard the videographer 03:05:55

12 announce the caption as John Doe 39. 03:05:58

13 Can you give me your date of birth, please? 03:05:59

14 A. [REDACTED]. 03:05:59

15 Q. And, Mr. [REDACTED], am I pronouncing that 03:06:00

16 right? 03:06:00

17 A. Yes, you are. 03:06:03

18 Q. I may screw it up, so please feel free to 03:06:04

19 correct me throughout the deposition. 03:06:08

20 Have you ever had your deposition taken 03:06:11

21 before? 03:06:13

22 A. Yes, I have. 03:06:13

23 Q. How many times? 03:06:13

24 A. Once. 03:06:17

25 Q. When was that? 03:06:20

1 A. February 6, 2000. 03:06:22

2 Q. And was that in connection with a clergy 03:06:25  
3 abuse case? 03:06:28

4 A. Yes, it was. 03:06:30

5 Q. Do you recall the name of the case? 03:06:30

6 A. Yes, I do. Van Handel versus 03:06:32

7 Franciscan -- versus -- I don't recall. Right now 03:06:35

8 I can't remember that. The individual. But it was 03:06:37

9 Robert Van Handel. 03:06:39

10 Q. Fair enough. Just because a few years has 03:06:42

11 past since your last deposition, I'm going to go 03:06:44

12 over a few ground rules -- 03:06:46

13 A. Okay. 03:06:48

14 Q. -- just to make sure the depo goes a 03:06:49

15 little smoother. 03:06:51

16 One, a deposition is oral questioning under 03:06:54

17 oath. So, despite the fact that we are in this 03:06:58

18 rather informal sitting here today, your testimony 03:07:00

19 has the same force and effect, as if you were 03:07:01

20 testifying in a court of law; do you understand 03:07:04

21 that? 03:07:07

22 A. Yes, I do. 03:07:10

23 Q. And we all have a natural inclination to 03:07:11

24 answer with nods of the head or uh-uh or uh-huh -- 03:07:16

25 it makes it difficult for the court reporter to 03:07:16

1 make a clean record when we do that. So, you can 03:07:16  
2 do your best to answer audibly, as opposed to 03:07:17  
3 nodding or shaking of the head; okay? 03:07:20

4 A. Yes, sir. 03:07:22

5 Q. And another natural inclination is to 03:07:23  
6 finish someone's sentence. Throughout the 03:07:29  
7 deposition you will be able to see where I'm going 03:07:31  
8 with the question, so you may be able to anticipate 03:07:32  
9 the rest of my question. Please let me finish my 03:07:42  
10 question, and I'll do the same for you because 03:07:52  
11 otherwise the court reporter can't take us down at 03:07:54  
12 the same time; all right? 03:08:00

13 A. Yes, sir. 03:08:03

14 Q. At the end of the deposition the court 03:08:03  
15 reporter will type up your testimony in a booklet 03:08:04  
16 form and send the booklet to you. You will have an 03:08:11  
17 opportunity to review it and make any changes you 03:08:15  
18 deem necessary. But I must caution you that any 03:08:16  
19 changes you make, may be commented upon at trial, 03:08:18  
20 by any attorney in the case, and that may 03:08:19  
21 negatively affect your credibility; okay? 03:08:21

22 A. I understand. 03:08:22

23 Q. Have you consumed any drugs or alcohol in 03:08:24  
24 the last 24 hours that would impair your ability to 03:08:24  
25 testify today? 03:08:34



1 A. No, I have not. 03:08:44

2 Q. Is there any reason why you can't give 03:08:48

3 your best testimony today? 03:08:50

4 A. No. 03:08:54

5 Q. And where do you currently reside? 03:08:57

6 A. I reside in [REDACTED], California. 03:08:58

7 Q. And what's your address? 03:09:00

8 A. My address is [REDACTED], 03:09:03

9 [REDACTED], California [REDACTED]. 03:09:03

10 Q. How long have you lived at that address? 03:09:05

11 A. I have lived at that address for 11 years. 03:09:08

12 Q. Are you currently married? 03:09:10

13 A. Yes, I am. 03:09:13

14 Q. To whom? 03:09:15

15 A. [REDACTED]. 03:09:17

16 Q. How long have you been married to [REDACTED]? 03:09:21

17 A. 29 years. 03:09:24

18 Q. Do you have any children? 03:09:27

19 A. Yes, we do. 03:09:33

20 Q. How many children do you have? 03:09:37

21 A. Three sons. 03:09:42

22 Q. Can you give me their names and ages, 03:09:45

23 please? 03:09:58

24 A. [REDACTED], 03:10:01

25 [REDACTED]. 03:10:01

1 Q. And Mr. [REDACTED] I should have told you 03:10:07  
2 this at the beginning of this deposition. This is 03:10:12  
3 not intended to be a marathon session. Anytime you 03:10:17  
4 need to take a break or use the restroom or you 03:10:21  
5 want to get a drink of water, or you just want to 03:10:24  
6 get up and stretch your legs -- let me know and we 03:10:29  
7 can take a break anytime you like; okay? 03:10:32  
8 A. Yes, sir. 03:10:36  
9 Q. I would like to start by going over your 03:10:41  
10 educational history a little bit. 03:10:42  
11 First of all, what was your date of birth? 03:10:45  
12 A. [REDACTED]. 03:10:48  
13 Q. And where were you born? 03:10:53  
14 A. Los Angeles, California. 03:10:57  
15 Q. And what grammar school did you attend? 03:11:01  
16 A. I attended Bless Sacrament Prorochial 03:11:04  
17 school in Twentynine Palms, California. Between 03:11:06  
18 the years 1959, and 1964. 03:11:10  
19 1964 to 1966 I attended Immaculate Heart of 03:11:10  
20 Mary Catholic School, in Santa Ana, California. 03:11:12  
21 1966 to 1970 I attended St. Anthony's 03:11:12  
22 Seminary, in Santa Barbara, California. 03:11:15  
23 Q. And where did you attend after 03:11:17  
24 St. Anthony's? 03:11:17  
25 A. I spent one year at Shabow Junior College, 03:11:18

1 1970 through June 1971. 03:11:21

2 I returned to college in 1978 and attended 03:11:22

3 Copper Mountain College or -- College Of The 03:11:24

4 Desert, in Palm Desert, California. Between the 03:11:26

5 years 1978 and 1999 I graduated with two degrees. 03:11:27

6 Both Associate of Science or -- excuse me -- first 03:11:28

7 one was an Associate of Science and Fire Science 03:11:30

8 and the second one in 1999, Associate of Arts and 03:11:34

9 Liberal Arts. 03:11:34

10 I attended California State University 03:11:34

11 San Bernardino, between the years of 2000 and 03:11:37

12 2003. I received my Bachelor of Arts in Liberal 03:11:41

13 Studies in 2001 and my California Professional 03:11:41

14 Clear Multiple Subjects Credential in multiple 03:11:44

15 subjects in 2003. 03:11:47

16 Q. Okay. So just so I have this straight, 03:11:48

17 the first degree you received was an A.S. and that 03:11:52

18 was -- 03:11:56

19 A. 1980. 03:11:58

20 Q. 1980 -- 03:12:03

21 A. In Fire Science. 03:12:06

22 Q. That was at the College of the 03:12:06

23 Desert? 03:12:11

24 A. Yes, sir. 03:12:13

25 Q. And the second degree you received was an 03:12:17

1 A.A. and that was in '99? 03:12:19

2 A. In '99, yes. 03:12:23

3 Q. And was that also from College of the 03:12:28

4 Desert? 03:12:34

5 A. Yes. That was also College of the 03:12:39

6 Desert/Copper Mountain Campus. 03:12:41

7 Q. And then from 2000, 2003 you attended Cal 03:12:44

8 State San Bernardino? 03:12:44

9 A. Yes, sir. 03:12:47

10 Q. Receiving a B.S. in '03? 03:12:51

11 A. A, B.A. 03:12:53

12 Q. B.A. I'm sorry. A, B.A. in '03 -- 03:12:59

13 A. Excuse me -- a B.A. in '01 and then my 03:13:03

14 credential -- California Teaching Credential in 03:13:07

15 '03. 03:13:11

16 Q. So to get your B.A. at Cal State 03:13:15

17 San Bernardino, you attended there from 2000 to 03:13:20

18 2001; is that right? 03:13:24

19 A. I did my preliminary work, 1999. They had 03:13:25

20 a two-year transfer degree to get because they 03:13:32

21 would not -- anyway I did a two-year transfer 03:13:38

22 degree and then I completed my junior and senior 03:13:43

23 years at Cal State San Bernardino. 03:13:45

24 Q. What did you do from 1971 when you left 03:13:49

25 Shabow until 1978? 03:13:50

1           A.    1971 and 1978 I was a bachelor until --   03:13:55  
2       excuse me. I traveled and played in various rock-   03:13:59  
3       and-roll bands in the west coast. I did theater in   03:13:59  
4       Santa Barbara. I basically did a lot of different   03:14:03  
5       things. I didn't really have a goal in life at   03:14:06  
6       that time. I meandered.   03:14:09  
7           Q.    What did you play?   03:14:13  
8           A.    I played guitar.   03:14:24  
9           Q.    So, did you have any type of employment --   03:14:29  
10       any full-time employment during that period?   03:14:33  
11          A.    Just part-time jobs between 1971 and   03:14:40  
12       1973. Really no steady employment.   03:14:44  
13                1973 to 1975 I was living in Santa Barbara. I   03:14:48  
14       worked at various restaurants. I believe I spent a   03:14:49  
15       year and a half at J.K. Temples, which is a   03:14:53  
16       breakfast restaurant. I cooked there.   03:14:56  
17                1974, I got into construction -- started doing   03:14:56  
18       construction work.   03:15:00  
19                In 1974, through 1976, I went through a   03:15:01  
20       carpenter apprentice program. I worked for various   03:15:04  
21       contractors in Santa Barbara, until I met my future   03:15:07  
22       wife and her father was an architect and he   03:15:11  
23       basically put me to work building their home in   03:15:14  
24       Santa Barbara.   03:15:15  
25           Q.    And in 1978 when you enrolled at the   03:15:19

1 College of the Desert were you enrolled full-time 03:15:23  
2 or were you working at that point? 03:15:23

3 A. I was -- in 1976, in December, my wife and 03:15:27  
4 I got married. I moved -- we moved to Twentynine 03:15:32  
5 Palms. I got employment working for various 03:15:35  
6 contractors in the construction business. Between 03:15:36  
7 1977 and 1979 I joined the San Bernardino County 03:15:40  
8 Fire Department as a Pay-call Volunteer. I worked 03:15:43  
9 with them as a volunteer. I was working with 03:15:43  
10 various contractors until July of 1979 when I got a 03:15:51  
11 full-time job at the Combat Center Fire Department 03:15:53  
12 on the Marine Base in Twentynine Palms. I work -- 03:15:56  
13 I'm sorry. 03:16:01

14 Q. You're making my job very easy. I 03:16:06  
15 appreciate it. So, let's take it up with July 03:16:09  
16 1979. 03:16:13

17 You were working full-time at the Combat 03:16:18  
18 Center? 03:16:26

19 A. Combat Center -- it's a Marine Crp Base at 03:16:31  
20 Twentynine Palms. I worked there from July 1979 03:16:31  
21 until October of 1997. 03:16:35

22 Q. Were you full-time from '79 to '97? 03:16:38

23 A. Yes, I was. 03:16:44

24 Q. And you are also attending College of the 03:16:47  
25 Desert on a part-time basis through '78 through 03:16:51

1 '99? 03:16:53

2 A. I went to school full-time at night. 03:16:59

3 Between 1978 and 1980 and that is when I received 03:17:00

4 my first degree in 1980. The two-year degree in 03:17:02

5 1980. 03:17:05

6 Q. So just so I understand your testimony, 03:17:06

7 you started going full-time at night in 1978? 03:17:10

8 A. Yes, sir. 03:17:12

9 Q. And then what did you do in -- after 03:17:14

10 October of '97? 03:17:19

11 A. After October of '97 I worked for the 03:17:23

12 Moron go Unified School District as a Substitute 03:17:27

13 Custodian. And I was interested in becoming a 03:17:30

14 School Teacher, so I then transferred and became an 03:17:31

15 Instructional Assistant in a classroom. I worked 03:17:34

16 for Moron go Unified as an Instructional Assistant 03:17:35

17 from 1997 until January 2000. 03:17:39

18 Q. How long did you serve as a Custodian for 03:17:45

19 at the Moron go Unified School District? 03:17:49

20 A. I served in a dual purpose. I was an 03:17:51

21 Instruction Assistant and a custodian. I was 03:17:54

22 working sometimes -- yeah, I was doing almost full- 03:17:55

23 time work. I was waiting for -- I was also going 03:17:57

24 back to school at this time. I was going to school 03:18:00

25 full-time working as an Instructional Assistant, 03:18:02

1 until I could get my transfer to Cal State 03:18:06

2 San Bernardino. 03:18:10

3 Q. So your were an Instructional Assistant 03:18:14

4 until '97 to January of '01; correct? 03:18:16

5 A. Of 2000. 03:18:17

6 Q. 2000 okay. And what did you do in your 03:18:21

7 capacity as an Instructional Assistant? 03:18:24

8 A. Instructional Assistant I was a title-one 03:18:28

9 California Reading Tutor. I tutored children in 03:18:29

10 the third and fourth grade. I also -- I worked 03:18:31

11 part-time -- it was not a full-time job. I worked 03:18:33

12 three hours a day at various classes at Oasis 03:18:37

13 Elementary School. 03:18:40

14 Q. What is the significance of a title-one 03:18:45

15 reading tutor? 03:18:48

16 A. A title-one tutor -- what that means is 03:18:53

17 that I am funded by title-one. I help disadvantage 03:18:55

18 children, lower income children, become more 03:19:01

19 proficient in reading. 03:19:03

20 Q. And you said you were working full-time as 03:19:09

21 a reading tutor? 03:19:18

22 A. I was working three hours a day. 03:19:23

23 Q. Were you doing anything else at that 03:19:24

24 point, other than going to school, obviously? 03:19:27

25 A. That is also when I was doing custodial 03:19:30



1 work also. Some days I would work 11 and 12 03:19:32  
2 hours. I was working almost every day. Eight-hour 03:19:36  
3 shifts, as a Custodian and doing three hours as an 03:19:41  
4 Instructional Assistant and going to school. 03:19:46

5 Q. So, the dual tasks that you performed, one 03:19:47  
6 as a Custodian and, two, as a Reading Tutor, that 03:19:50  
7 occurred concurrently from the entire time from '97 03:19:54  
8 to '01? 03:19:57

9 A. From '97 to 2000. 03:20:03

10 Q. To 2000 -- I keep trying to say you were 03:20:07  
11 there until '01. What did you do, after you left 03:20:11  
12 the Morongo Unified School District in 2000? 03:20:17

13 A. In 2000 I transferred to Cal State 03:20:23  
14 San Bernardino until such time as I received my 03:20:23  
15 diploma. When I received my diploma I went back to 03:20:24  
16 work with Morongo Unified as a substitute teacher. 03:20:26  
17 I passed my examine -- basic skill test that 03:20:36  
18 California puts on new teachers. I went through 03:20:39  
19 the process of becoming a full-time teacher. I 03:20:41  
20 worked from 2001 until 2004 with Morongo Unified 03:20:44  
21 School District as a substitute teacher. 03:20:49

22 Q. I think you may have partially answered it 03:20:52  
23 with your last answer, but at what point did you 03:20:58  
24 start becoming a substitute teacher? Was that the 03:21:03  
25 later part of the year of '01? 03:21:04

1 A. As soon as I graduated from college in 03:21:16

2 June of 2001. 03:21:19

3 Q. At some point did you become full-time at 03:21:19

4 Morongo Unified School District? 03:21:25

5 A. I was never any full-time status at 03:21:27

6 Morongo. I was basically a full-time -- I worked 90 03:21:27

7 to 100 percent of the year as a substitute. 03:21:28

8 Q. And then after '04 what did you do next? 03:21:31

9 A. In July of 2004 I was offered a contract 03:21:34

10 with the Palm Springs Unified School District. And 03:21:41

11 I currently teach ninth grade English, Health and 03:21:45

12 Music at Mt. San Jacinto Continuation High School 03:21:50

13 in Palm Springs. 03:21:52

14 Q. Can you spell that for me, please? 03:21:53

15 A. Yes. It's San Jacinto, S-a-n 03:21:55

16 J-a-c-i-n-t-o, Continuation High School. 03:22:13

17 Q. I'm sorry. You said you teach English, 03:22:17

18 Health and what else? 03:22:20

19 A. Music. Introductory Guitar. 03:22:26

20 Q. Are these all to ninth graders? 03:22:28

21 A. I teach English to ninth grade 03:22:31

22 exclusively. I teach Health to ninth grade and I 03:22:34

23 teach Guitar and Social Studies to 10th, 11th and 03:22:37

24 12th graders. 03:22:38

25 Q. And you testified that you attended 03:22:40

1 St. Anthony's Seminary from 1966 through '70; is 03:22:42

2 that correct? 03:22:45

3 A. August 28, 1966 to June 6, 1970. 03:22:45

4 Q. And did you receive any type of diploma 03:22:48

5 from St. Anthony's? 03:22:49

6 A. Yes, I did. 03:22:49

7 Q. Was that a general high school diploma? 03:22:52

8 A. Yes, it was a high school diploma. 03:22:55

9 Q. Mr. [REDACTED], at anytime while you were at 03:22:58

10 St. Anthony's Seminary, from 1966 through June of 03:23:01

11 1970, were you sexually abused by anyone on the 03:23:03

12 faculty or the staff there? 03:23:07

13 A. Yes. 03:23:14

14 Q. And by whom were you abused? 03:23:21

15 A. Father Mario Cimmarusti. 03:23:29

16 Q. Mr. [REDACTED], approximately how many times 03:23:36

17 were you abused by Father Cimmarusti -- sexually 03:23:40

18 abused by Father Cimmarusti? 03:23:43

19 MR. HALE: I think Paul may have already 03:23:46

20 told you this. We don't want you to guess at any 03:23:48

21 questions he asks you today. He is entitled to 03:23:50

22 your best estimates, so to the extent you can give 03:23:53

23 him, at least, an approximation of how many 03:23:58

24 times -- go for it. 03:23:58

25 THE WITNESS: I would like to know your 03:24:01

1       diffinition of sexual abuse. 03:24:03

2       BY MR. MATIASIC: 03:24:07

3           Q.   Well, why don't we take it -- your 03:24:11

4       definition of sexual abuse -- 03:24:11

5           A.   Okay. 03:24:16

6           Q.   -- whatever you felt was done to you that 03:24:18

7       constituted abuse and was of a sexual nature, shall 03:24:24

8       we say. How many times did that occur while you 03:24:30

9       were at St. Anthony's? 03:24:35

10          A.   Okay. I will categorize it into two 03:24:37

11       levels of abuse. Major and minor. 03:24:41

12           Minor abuse would constitute fondling, hernia 03:24:47

13       checks, improper touching. 03:24:52

14           Major offenses would be the sexual related 03:24:58

15       beatings that I received from Father Mario. 03:25:01

16          Q.   And Mr. [REDACTED], before I continue my 03:25:07

17       questioning, I appreciate that it's a sensitive 03:25:09

18       area to talk about and I understand I'm sure it's 03:25:10

19       difficult for you to talk about it. 03:25:13

20           Unfortunately, it's obviously relevant to the 03:25:16

21       case we have pending in Northern California. I 03:25:17

22       apologize in advance for having to ask these 03:25:19

23       questions of a deeply personal nature. 03:25:23

24           Let's start off with the second category that 03:25:26

25       you identified. The minor abuse. 03:25:30

1           You indicated that fondling occurred. 03:25:34

2           Specifically, what type of fondling occurred at the 03:25:36  
3           hands of Father Cimmarusti? 03:25:39

4           A.    Father Mario performed hernia checks on 03:25:42  
5           us.   He was checking -- from the first week that we 03:25:45  
6           were at the Seminary we underwent examinations by 03:25:48  
7           him.   These continued on a monthly basis, 03:25:54  
8           throughout my freshman year -- excuse me -- 1966, 03:25:55  
9           1967. 03:25:56

10          There were other occasions where Father Mario 03:25:57  
11          inspected our genitalia when we were at the 03:26:00  
12          swimming pool.   And he would watch us undress and 03:26:01  
13          he would make sure that we were wearing the right 03:26:05  
14          type of clothes.   And then there was one time where 03:26:05  
15          he did a hernia check on me when I was at the pool. 03:26:06

16          Q.    Okay.   Just so I understand your 03:26:11  
17          testimony. 03:26:18

18          Was the fondling and the hernia checks -- was 03:26:21  
19          that basically the same thing or were those two 03:26:25  
20          separate issues? 03:26:28

21          A.    They were basically the same thing. And I 03:26:31  
22          am not a doctor.   When I say "hernia checks" this 03:26:35  
23          is what he did to me.   He -- he would fondle my -- 03:26:35  
24          my testicles and he would make sure that there was 03:26:36  
25          no sores on them.   He would make sure that he -- he 03:26:39

1 was making sure that I was growing -- he used the 03:26:43  
2 words, that I was developing normally. 03:26:46

3 Q. And when was the first time that this type 03:26:47  
4 of hernia check occurred? 03:26:51

5 A. In the first week that I was there. We 03:26:56  
6 all had to go up and wait and stand in line and go 03:26:57  
7 in his room and undergo this. 03:27:00

8 Q. And when you say, "we all," are you 03:27:04  
9 speaking of the freshman class in the -- 03:27:07

10 A. Yes, sir, the entire freshman class, yes. 03:27:08

11 Q. And you testified these continued -- these 03:27:11  
12 hernia checks continued on a monthly basis during 03:27:14  
13 your freshman year? 03:27:16

14 A. On a monthly basis -- the first one was -- 03:27:16  
15 was a -- where we all lined up and we all went in 03:27:23  
16 there and he looked at us. And the next time they 03:27:26  
17 become -- where he would call you up to his room. 03:27:29

18 Q. And do you know did -- was everyone in the 03:27:34  
19 freshman class during the year, 1966, '67, called 03:27:37  
20 up to his room for a subsequent hernia check? 03:27:37

21 A. We all had to line up outside his door in 03:27:41  
22 the hallway, yes, sir. 03:27:44

23 Q. Well, I am talking about after -- during 03:27:44  
24 the first week when you indicated everyone lined 03:27:47  
25 up. Subsequent there to do you know when the whole 03:27:50

1 class was called up individually for hernia checks 03:27:53  
2 during this freshman year? 03:27:55

3 A. During the freshman year we were all 03:28:00  
4 called up at various times to go up and see 03:28:03  
5 Father Mario. 03:28:05

6 I can't tell you if everybody during that time 03:28:09  
7 went up there, but it seemed that we were going up 03:28:09  
8 there and some of us were going up more than 03:28:10  
9 others. 03:28:16

10 Q. And did these hernia checks continue after 03:28:19  
11 your freshman year as well? 03:28:23

12 A. No, they didn't. What -- what -- no, they 03:28:27  
13 didn't. 03:28:28

14 Q. And under minor abuse you also indicated 03:28:31  
15 that there was improper touching. 03:28:33

16 How many instances of improper touching 03:28:42  
17 occurred at the hands of Father Cimmarusti? 03:28:48

18 And I guess maybe I can back it up to try to 03:28:52  
19 clarify your testimony. 03:28:57

20 Is the improper touching differentiated, in 03:29:00  
21 your mind, from the hernia checks, or is it the 03:29:03  
22 same thing? 03:29:07

23 A. What -- what I'm -- what I'm looking at as 03:29:11  
24 improper touching it would be, you know, maybe, you 03:29:15  
25 know, "give me a hug," this type of thing. 03:29:16

1       Where -- where there was -- there was a little bit       03:29:23  
2       more -- and he didn't do this with everybody. He       03:29:24  
3       was -- he was trying -- well, he gave me a couple       03:29:28  
4       of hugs during the year.       03:29:31

5           Q.    And was this your freshman year of 1966 to       03:29:33  
6       '67?       03:29:34

7           A.    Yes.       03:29:37

8           Q.    Other than these hugs that you identified       03:29:47  
9       during the freshman year, at anytime during your       03:29:51  
10      four years at St. Anthony's, was there any other       03:29:54  
11      type of improper touching that occurred with       03:29:57  
12      Father Cimmarusti?       03:30:04

13          Again, talking about the category two, the       03:30:09  
14      minor touching, as you identified it.       03:30:13

15          A.    Those are what I recall.       03:30:23

16          Q.    Do you have any knowledge as to why the       03:30:25  
17      hernia exams discontinued after your freshman year?       03:30:30

18          A.    No, I don't. No.       03:30:33

19          Q.    Turning to the second category that you       03:30:36  
20      identified for us, as the major levels of abuse.       03:30:38

21          You indicated that there were sexually related       03:30:40  
22      beatings by Father Cimmarusti. On how many       03:30:43  
23      occasions were you beaten in a sexual manner by       03:30:46  
24      Father Cimmarusti?       03:30:53

25          A.    Twice in my freshman year and once in my       03:30:58



1       sophomore year. 03:31:02

2           Q.   When was the first time that you were 03:31:06

3       beaten, sexually, by Father Cimmarusti, in your 03:31:10

4       freshman year? 03:31:13

5           A.   I do not have the exact date. 03:31:17

6           Q.   Can you give me your best estimates? 03:31:21

7           A.   It was sometime in the Fall of 1966. 03:31:21

8           Q.   Is there some type of landmark, in your 03:31:21

9       mind, that makes you believe it was in the Fall of 03:31:23

10       1966? 03:31:25

11          A.   I'm -- the reason -- there was two in my 03:31:25

12       freshman year. The first time it was in the 03:31:29

13       evening. And the reason that I remember it was the 03:31:32

14       Fall it was -- it was still twilight outside so 03:31:36

15       it -- yes, sir. 03:31:38

16          Q.   And describe for me, if you can, what the 03:31:40

17       circumstances were related to this first instance 03:31:41

18       when you were beaten in a sexual manner by 03:31:46

19       Father Cimmarusti. 03:31:48

20          Was this as a result of some type of 03:31:48

21       misbehavior on your part or -- 03:31:50

22          A.   Yes, I had spoken in a period of silence 03:31:50

23       and we weren't allowed to speak. And I spoke and I 03:31:55

24       was told to report by senior -- I was up -- up in 03:31:57

25       the freshman dormitory and I reported to 03:31:57

1 Father Mario's office and he -- it was in the 03:32:02  
2 morning -- and he basically -- not basically, he 03:32:06  
3 told me to come back to his room that evening. 03:32:12

4 Q. Okay. So you were in the freshman 03:32:14  
5 dormitory and there was some period of silence; is 03:32:18  
6 that right? 03:32:20

7 A. Yes, sir. 03:32:22

8 Q. And was this in the morning time -- this 03:32:22  
9 period of silence -- or was it the evening -- 03:32:23

10 A. Yes, it was. Both of the times -- Well, 03:32:23  
11 I'll get to the other time. 03:32:26

12 Yes, it was a period of silence where we could 03:32:32  
13 not speak while we were cleaning the dormitories. 03:32:36

14 Q. And this period of silence that you broke 03:32:40  
15 was that in the evening or in the morning? 03:32:43

16 A. In the morning. 03:32:49

17 Q. You said that you were told to report to 03:32:51  
18 Father Cimmarusti by seniors; is that right? 03:32:53

19 A. Yes. 03:32:53

20 Q. And by whom were you told -- who told you 03:32:56  
21 to report to Father Cimmarusti? 03:32:58

22 A. Pat Ward. 03:33:01

23 Q. Is that W-a-r-d? 03:33:04

24 A. Yes. 03:33:07

25 Q. And you said he was a senior? 03:33:09

1 A. Yes. He was called a R.A. of the dorm. 03:33:14

2 Q. So did he bunk in the same area where the 03:33:20  
3 freshman did as well or -- 03:33:23

4 A. Yes, they did. They had their own space 03:33:27  
5 down on the other end of the dormitory, yes. 03:33:32

6 Q. You said they had their space on the other 03:33:36  
7 end of the dormitory. 03:33:40

8 So, they didn't bunk in the same place that 03:33:41  
9 the freshman -- 03:33:42

10 A. The freshman -- we had a common area where 03:33:44  
11 we slept. The seniors that were -- they watched 03:33:45  
12 over us to make sure we were following the rules. 03:33:46  
13 They had their racks over -- they didn't sleep next 03:33:49  
14 to us. They were on the other side of the wall up 03:33:49  
15 on the -- top of the -- top floor of the Seminary. 03:33:54

16 Q. But they were close enough to supervise 03:33:54  
17 what was going on? 03:33:56

18 A. Yes. 03:34:00

19 Q. And did Pat Ward hear you break the 03:34:03  
20 silence or did someone else report to -- 03:34:06

21 A. Yes, what I did I yelled down. There was 03:34:07  
22 a place -- you could not speak in certain locations 03:34:08  
23 of the dormitory. And I stepped outside of the 03:34:11  
24 wall -- or outside of the area where you could 03:34:12  
25 speak and I yelled down to one of my classmates. 03:34:14

1 And he basically said I was talking in -- where I 03:34:15  
2 wasn't supposed to be talking and told me to 03:34:18  
3 report. I asked him not to make me report because 03:34:19  
4 I had been warn a couple of times before that my 03:34:20  
5 behavior was not what it should be and the next 03:34:20  
6 time I reported I was going to get a spanking. 03:34:26

7 Q. You told that to Pat Ward? 03:34:26

8 A. Yes, I did. 03:34:26

9 Q. What did he say in response? 03:34:26

10 A. He said well -- 03:34:26

11 Q. If he responded at all. 03:34:26

12 A. He told me that he had to enforce the 03:34:34  
13 rules. 03:34:37

14 Q. Did you immediately then report to 03:34:40  
15 Father Cimmarusti? 03:34:41

16 A. There was a specific time you went down 03:34:45  
17 and you let him know at lunchtime. 03:34:46

18 Q. So, you broke this period of silence in 03:34:49  
19 the morning some time. This was before class, 03:34:53  
20 presumably? 03:34:54

21 A. Yes. 03:34:59

22 Q. And then at lunchtime you went down and 03:35:03  
23 notified Father Cimmarusti that you were instructed 03:35:03  
24 to go see him by Pat Ward? 03:35:07

25 A. Right. And then he makes -- sets up an 03:35:09

1 appointment for me to go see him at evening study 03:35:10

2 hall. 03:35:14

3 Q. That same day? 03:35:17

4 A. Yes. 03:35:19

5 Q. What time was evening study hall -- 03:35:22

6 A. 5:00. 03:35:24

7 Q. -- in your freshman year? 03:35:26

8 THE REPORTER: One at a time. 03:35:28

9 THE WITNESS: 5:00. 03:35:32

10 BY MR. MATIASIC: 03:35:37

11 Q. So did you, in fact, report to 03:35:42

12 Father Cimmarusti -- where did you report to see 03:35:47

13 Father Cimmarusti during study hall? 03:35:48

14 A. To his room. 03:35:54

15 Q. Was his room -- where is his room located 03:35:57

16 during your freshman year? 03:36:03

17 A. Freshman study hall was located on the 03:36:09

18 bottom floor of the main administration wing of 03:36:09

19 St. Anthony's Seminary. Father Mario's room was 03:36:09

20 located directly above the study hall in the main 03:36:17

21 wing of the administration building of 03:36:21

22 St. Anthony's Seminary. 03:36:28

23 Q. Directly above study hall. So on a 03:36:28

24 different floor, but in the same location? 03:36:31

25 A. Yes, sir. 03:36:31

1 Q. And when you say Father Cimmarusti's room, 03:36:31  
2 was that his living quarters or was it his office? 03:36:33

3 A. It was both. 03:36:37

4 Q. Can you describe for me what his office 03:36:37  
5 and room looked like? 03:36:40

6 A. Yes. 03:36:43

7 Q. And this is on that occasion when you went 03:36:45  
8 to see him during the Fall of 1966. 03:36:47

9 A. Yes, he had -- his room was approximately 03:36:51  
10 12 or 13 feet by 16 or 18 feet. And there was a 03:36:53  
11 partition and his bed was on the other side of the 03:36:56  
12 partition. 03:36:58

13 His desk with an aquarium was next -- was when 03:37:01  
14 you walked in. There was a chair when you walked 03:37:04  
15 in the room. There was also a chair outside of the 03:37:04  
16 room. 03:37:06

17 There was a bed on the other side of the 03:37:08  
18 partition. There was a couple of windows. Along 03:37:11  
19 the -- the room faced the front of the Seminary -- 03:37:14  
20 the administration building. So you could look out 03:37:16  
21 and see the entire expanse of the Vista of Santa 03:37:19  
22 Barbara. 03:37:20

23 Q. So basically looking out towards the 03:37:23  
24 ocean? 03:37:27

25 A. Yes, sir. 03:37:27

1           Q.    You said there was a partition between his   03:37:29  
2   office and his living quarters.  What type of           03:37:31  
3   partition?   03:37:38

4           A.    It could have been bookcases or maybe some   03:37:42  
5   type of wooden partition.                               03:37:46

6           Q.    And --                                       03:37:50

7           A.    It did not go all the way to the ceiling.   03:37:53  
8   It was like a divider so you could not actually see   03:37:56  
9   his bed when you walked in.                             03:37:57

10          Q.    Approximately how tall was it?           03:38:01

11          A.    Maybe five feet.                         03:38:03

12          Q.    And did it cover the -- obviously it       03:38:07  
13   didn't cover the entire length of the room because   03:38:10  
14   you needed a way to traverse around it.  But how       03:38:13  
15   much of the room did it cover?                         03:38:16

16          A.    Probably about two thirds to three       03:38:16  
17   quarters of the width of the room.                     03:38:19

18          Q.    And you said when you walked in there was   03:38:25  
19   a desk.  Where was that located?                       03:38:26

20          A.    The desk was located immediately to the   03:38:27  
21   left when you walked into the room.                    03:38:31

22          Q.    Was it up against the wall or --           03:38:36

23          A.    The desk was -- no, it was not up against   03:38:37  
24   the wall.   03:38:40

25          Q.    Where was it located?                     03:38:43

1           A.    You walked in there was a chair, the desk   03:38:45  
2           was right there, the -- for example, if this was --   03:38:46  
3           if you walked in, his desk would be right here.   03:38:49  
4           His chair would be behind, and the wall right there   03:38:51  
5           and the aquarium was there, and he would sit there,   03:38:52  
6           probably -- you know, it's a typical desk. This is   03:38:55  
7           the wall, this would have been the door right here   03:38:59  
8           where you walked in.   03:39:03  
9           Q.    And was the aquarium on the top of the   03:39:09  
10          desk, or was it a free-standing aquarium?   03:39:14  
11          A.    It was standing behind him. I remember   03:39:16  
12          looking at an aquarium.   03:39:20  
13          Q.    You don't recall whether it was from the   03:39:24  
14          floor all the way up, or sitting on top of the   03:39:30  
15          desk?   03:39:32  
16          A.    Probably -- no, I can't.   03:39:39  
17          Q.    Can you recall, approximately, how wide   03:39:44  
18          the aquarium was?   03:39:44  
19          A.    No.   03:39:50  
20          Q.    Did the aquarium have anything in it?   03:39:52  
21          A.    Had fish. I can't -- I just remember   03:39:58  
22          seeing the aquarium.   03:40:01  
23          Q.    And I can appreciate that this is a long   03:40:06  
24          time ago, so you can give me your best   03:40:09  
25          recollection, but it's okay, if you don't   03:40:13



1 remember. 03:40:13

2 Do you recall whether there was one fish or 03:40:14

3 whether there was a school of fish or what was in 03:40:16

4 the aquarium? 03:40:18

5 A. There was probably a school of fish in 03:40:21

6 there. I think I remember some gold fish and maybe 03:40:24

7 some guppies. 03:40:26

8 Q. And you said there was a door. What type 03:40:29

9 of door was it leading into Father Mario's office 03:40:30

10 -- back slash -- living quarters? 03:40:33

11 A. It was a typical -- probably a 2,6 door, a 03:40:37

12 wooden door with a brass handle with a frosted 03:40:41

13 glass that went about -- you know, one third of the 03:40:43

14 door all the way down. Had his name on the front 03:40:46

15 of it, Prefected Discipline. 03:40:55

16 Q. Could you see through the frosted glass at 03:41:00

17 all? 03:41:06

18 A. No, it was opaque. You could see shadows 03:41:09

19 on the other side of it, but you could not 03:41:13

20 discern -- excuse me -- actual features. 03:41:15

21 Q. How well could you see the shadow? For 03:41:19

22 example, if someone were moving their hand, would 03:41:22

23 you be able to see that, or would you be able to 03:41:24

24 see there was some type of dark object behind the 03:41:27

25 glass? 03:41:29

1           A.    The windows were there so it was back lit   03:41:34  
2   so you could make out that there were people in the   03:41:34  
3   room, if there was somebody in there.                   03:41:37

4           Q.    Okay.  But not necessarily what may have   03:41:40  
5   been going on in the room.  For example, if someone   03:41:42  
6   was feeding the fish, you wouldn't necessarily be   03:41:45  
7   able to see that someone was shaking a bottle to   03:41:50  
8   feed the fish?   03:41:50

9           A.    Exactly.  You could just see shadows.   03:41:52

10          Q.    So when you reported to Father Mario's   03:41:55  
11   office on this day, when you broke the period of   03:41:59  
12   silence, what happened?                               03:42:02

13          A.    We had had previous conversations.  I was   03:42:02  
14   a -- shall I say -- a discipline problem.  I   03:42:02  
15   protested that I felt that I was innocent, as   03:42:02  
16   usual, you know, and he -- he said, well, we are --   03:42:05  
17   I am going to have to give you a spanking.           03:42:08

18          Q.    Did he ask you about what had occurred in   03:42:14  
19   the freshman dormitory that morning?               03:42:16

20          A.    It was my final warning.  So it was   03:42:18  
21   basically the senior told me to report.  So that   03:42:21  
22   was, you know -- it was basically I was already   03:42:25  
23   well on the way of getting my spanking.           03:42:30

24          Q.    But did he specifically ask you what rule   03:42:35  
25   did you break this morning to force the senior to   03:42:38

1 report you? 03:42:40

2 A. There was a certain area -- yeah, they 03:42:43

3 told us we couldn't talk and I talked. So I knew 03:42:45

4 that I -- that -- and I told him that I wasn't in 03:42:47

5 the area where I could or couldn't talk. I was on 03:42:50

6 the outside of the stairwell of the dormitory and 03:42:53

7 that didn't work. 03:42:58

8 Q. So, you described the nature of the 03:43:02

9 offense, if you will, to Father Cimmarusti? 03:43:07

10 A. Yes, I did. 03:43:10

11 Q. And he indicated that you had been warn 03:43:12

12 before so -- 03:43:15

13 A. Yes. 03:43:16

14 Q. -- you were going to get a spanking? 03:43:17

15 A. Yes. I had -- I had been up for various, 03:43:20

16 you know, being a -- being an adolescent young 03:43:21

17 man, I was -- I always -- yes, I had been warn and 03:43:23

18 I knew I was going to get a spanking. 03:43:26

19 Q. Approximately how many times had you been 03:43:29

20 to Father Cimmarusti's office for disciplinary 03:43:35

21 reasons, prior to this first spanking occasion? 03:43:37

22 A. Probably two or three times. 03:43:39

23 Q. Would you say those two or three times 03:43:42

24 previously that you had to go to 03:43:47

25 Father Cimmarusti's office, for disciplinary 03:43:53

1 reasons, was that for breaking some type of rule at 03:43:54  
2 the Seminary? 03:43:56

3 A. Just for being me. You know, just one of 03:43:58  
4 those things. We all got in trouble. It was just 03:44:01  
5 one of those things where he told us, you know, he 03:44:03  
6 was acting in the absence of our parents and, you 03:44:08  
7 know, we made -- you know, it was very strict. It 03:44:11  
8 was a strict involvement. I had been up a couple 03:44:14  
9 of times already, for various infractions of the 03:44:19  
10 rules. I don't recall those various infractions, 03:44:22  
11 but I knew the next time I went in there I was 03:44:25  
12 getting a spanking. 03:44:27

13 Q. Okay. And so on this occasion did 03:44:28  
14 Father Cimmarusti, in fact, spank you? 03:44:31

15 A. Yes, he did. 03:44:32

16 Q. How long did the spanking last for? 03:44:34

17 A. The whole time frame could have been under 03:44:38  
18 a half an hour. 03:44:39

19 Q. Were there periods of -- were there 03:44:43  
20 intermittent periods between the spanking or was it 03:44:44  
21 continuance for under a half an hour? 03:44:47

22 A. No. The whole event maybe 20 minutes to 03:44:48  
23 30 minutes. It was over and done with. 03:44:53

24 Q. And how were you spanked? Was it with 03:44:55  
25 Father Cimmarusti's hand or some type of object? 03:44:59

1           A.    Yes, he spanked me with his -- excuse           03:45:03

2           me -- he spanked me with his hand.           03:45:07

3           Q.    And where did he spank you with his hand?       03:45:07

4           A.    On my bare buttocks.           03:45:08

5           Q.    And did he -- were you completely           03:45:10

6           unclothed at the time or --           03:45:14

7           A.    Yes. He told me to take my clothes off       03:45:14

8           when I went into the room and he told me that I was   03:45:18

9           going to get a spanking. He then told me to go in   03:45:22

10          the other room and take my clothes off and wait for   03:45:26

11          him.           03:45:30

12          Q.    Did he tell you to take all your clothes       03:45:33

13          off or --           03:45:37

14          A.    Yes, he did.           03:45:42

15          Q.    When you say, "the other room," are you       03:45:49

16          talking about his personal area, as opposed to the   03:45:55

17          office area?           03:45:59

18          A.    Yes. He told me to walk over to his bed       03:46:03

19          and take my clothes off.           03:46:07

20          Q.    When he told you to do that did you say       03:46:09

21          anything to Father Cimmarusti?           03:46:12

22          A.    I said, "why?" I protested. I started       03:46:14

23          shaking. I was -- I was pretty scared.           03:46:15

24          Q.    And then Father Cimmarusti proceeded to       03:46:16

25          the area where he lived -- the living part of his   03:46:19

1 office and he spanked you for 20 to 30 minutes; is 03:46:22  
2 that right? 03:46:29

3 A. No. 03:46:37

4 Q. Okay. What occurred when Father 03:46:37  
5 Cimmarusti entered the room -- that part of the 03:46:38  
6 room? 03:46:42

7 A. He was already in the room when -- I 03:46:44  
8 waited for him. He came over -- he sat on the edge 03:46:48  
9 of the bed and I knew I was going to get a spanking 03:46:49  
10 because I'd already heard them before and I knew 03:46:52  
11 that this was not going to be pleasant. I didn't 03:46:55  
12 know you took your clothes off. I said -- I 03:47:01  
13 thought, you know -- can I just put my arms on -- 03:47:06  
14 there was like a -- like a bookcase or something, 03:47:06  
15 where the mullion of the window. I asked him, if I 03:47:10  
16 could, you know, rest my hands there. I didn't want 03:47:13  
17 to get close because I've been spanked before by my 03:47:16  
18 parents and I never -- not since I was a little 03:47:18  
19 boy -- had to get on someone's knee. He sat down 03:47:18  
20 on the bed and he said, "get across my knee." 03:47:20

21 Q. Then did he proceed to spank you? 03:47:25

22 A. Yes, he did. 03:47:27

23 Q. And do you recall, approximately, how many 03:47:31  
24 times he spanked you? 03:47:34

25 A. I wasn't counting when it was actually 03:47:38

1       going on. But at the end he was counting up to 33       03:47:40  
2       and I thought that was a strange number. And       03:47:40  
3       was --       03:47:44  
4           Q. Was he counting out loud?       03:47:44  
5           A. Yes, he was. And he spanked me at the       03:47:45  
6       same place with -- the same spot.       03:47:49  
7           Q. And at the end you recall him saying 33       03:47:52  
8       and then it stopped?       03:47:52  
9           A. Well, I was screaming. I was screaming       03:47:57  
10      because I was in a lot of pain. I wanted him to       03:48:00  
11      stop after -- you know, I had seen the movies,       03:48:03  
12      Billy Bud -- or whatever -- the flogging movie -- I       03:48:07  
13      don't know why I'm thinking that now -- but I       03:48:15  
14      screamed and I wanted him to stop. And it was just       03:48:19  
15      like that -- it was that -- that hit and then it       03:48:22  
16      would stop and you didn't know when the next one       03:48:25  
17      was going to happen. Then he would do it again on       03:48:26  
18      the same spot.       03:48:26  
19           Q. Did he tell you why he stopped?       03:48:29  
20           A. No, he was -- he counted out the lathings       03:48:33  
21      or whatever, you know, the beatings -- the       03:48:35  
22      striking. He said, "once for each year of our       03:48:40  
23      Lord's life." And I asked him to stop I said, "if       03:48:45  
24      you don't stop, I'm going to pee on you."       03:48:47  
25           Q. Mr. [REDACTED], if I could just back up for       03:48:50

1 a second. 03:48:54

2 When did he say, "one for each year of the 03:48:55  
3 Lord's life"? 03:48:56

4 A. At the end. 03:48:58

5 Q. So when he hit you the 33rd time he said, 03:49:02  
6 that was for the year -- 03:49:07

7 A. Yes, sir. 03:49:11

8 Q. Okay. And then you indicated you then 03:49:14  
9 told him that you were going to urinate on him? 03:49:16

10 A. About halfway through. I begged him to 03:49:19  
11 stop. He had -- he had his robe pulled up so that 03:49:26  
12 I was on his bare legs and I asked him to stop and 03:49:31  
13 he wouldn't stop. He was going and going and 03:49:35  
14 going. And I said, "please stop. I'm going to 03:49:37  
15 urinate on you, if you don't stop." 03:49:39

16 Q. What did he say in response -- 03:49:43

17 A. He kept going -- 03:49:49

18 Q. -- if he responded? 03:49:49

19 A. He said, "don't do that, don't do that." 03:49:49

20 Q. Did you, in fact, urinate on him? 03:49:50

21 A. I dribbled, yes. I was -- I was in such 03:49:50  
22 fear and, you know, I -- I was embarrassed, I 03:49:50  
23 was -- 03:49:50

24 Q. Mr. [REDACTED], at what point did you 03:49:54  
25 urinate on Father Cimmarusti, during the course of 03:49:57



1 the beating? Was it in the middle or was it at the 03:49:58  
2 end? 03:50:01

3 A. It was almost at the end. I couldn't hold 03:50:01  
4 it anymore. I asked him to stop and it was 03:50:08  
5 probably a little bit and then he finished, he got 03:50:11  
6 me a towel and he told me to clean up. 03:50:17

7 Q. Did he say anything to you after you 03:50:22  
8 urinated on him? 03:50:24

9 A. No -- I cannot recall. 03:50:26

10 Q. Did anything else happen, after Father 03:50:31  
11 Cimmarusti spanked you 33 times? 03:50:37

12 A. He was aroused when I was spanking him -- 03:50:43  
13 or when he was spanking me. 03:50:47

14 Q. How did you know that? 03:50:48

15 A. Because I could feel his erection. 03:50:53

16 Q. Did he say anything to you, indicating 03:50:57  
17 that he was aroused? 03:50:58

18 A. No. 03:51:01

19 MR. HALE: Paul, could you inquire about 03:51:05  
20 the towel clean up -- 03:51:09

21 THE REPORTER: I can't hear you, counsel. 03:51:11

22 MR. HALE: Could you inquire about the 03:51:13  
23 towel. There was reference to a towel. 03:51:15

24 I can if you want, but -- 03:51:19

25 MR. MATIASIC: Counsel, you are free to 03:51:20

1 ask him whatever questions you like. 03:51:21

2 BY MR. MATIASIC: 03:51:25

3 Q. And then after -- after he finished 03:51:28

4 spanking you, did anything else occur? 03:51:32

5 A. He told me to get dressed and he cleaned 03:51:36

6 up or whatever -- there wasn't that much urine. It 03:51:39

7 was one of those things where I, you know, I 03:51:41

8 basically dribbled. I was embarrassed about that, 03:51:45

9 you know, he -- there was a towel or something, and 03:51:46

10 he went over to his desk and then he asked me to 03:51:47

11 come over to him and he blessed me. 03:51:54

12 Q. And in what way did Father Cimmarusti 03:51:59

13 bless you? 03:52:01

14 A. He pulled me into him. He was sitting in 03:52:04

15 his chair, he pulled me into him and basically told 03:52:08

16 me that I was under penalty of mortal sin. He 03:52:08

17 blessed me. It was almost like a confessional type 03:52:12

18 of experience, where if I had said -- if I said 03:52:15

19 anything to anybody about this then I would be 03:52:16

20 faced with eternal damnation. 03:52:20

21 Q. Did Father Cimmarusti specifically say 03:52:24

22 that to you, that if you said anything about this, 03:52:27

23 that you would be faced with eternal damnation? 03:52:33

24 A. Yes, he did. 03:52:37

25 Q. When did he say that to you? 03:52:40

1           A.     When he was blessing me.                                 03:52:44

2 Q. So, do you recall the words that 03:52:47

3 Father Cimmarusti used in the blessing, other than 03:52:50

4       you would be damn eternally?                                 03:52:52

5           A. I cannot recall the exact words, but it                 03:52:52

6 was something to that effect. 03:52:55

7 Q. Was there any other component of the 03:53:00

8 blessing, other than the words you have just 03:53:00

9 described? 03:53:05

10           A.    He -- he spoke to me in a conciliatory           03:53:07

11 tone of voice saying that we all make mistakes. 03:53:08

12 And, you know, he was telling me, you know, not to 03:53:11

13 go out -- he was giving me like a pep talk at the 03:53:16

14 end. It seemed, you know, it was like good cop, 03:53:19

15 bad cop. 03:53:22

16 Q. In your mind, was that because of -- was 03:53:26

17 he telling you that because of your previous 03:53:29

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18      misbehavior?                                03:53:34
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19           A.    He didn't want to see me up there again.           03:53:34

20 He said, "I don't want to have to do this again." 03:53:37

21 And I didn't want to do it again either. 03:53:39

22 Q. Did -- you said it was almost like a 03:53:42

23 confession. Did you give a confession to 03:53:45

24 Father Cimmarusti, after you were spanked? 03:53:49

25           A.    No, no, but he blessed me.  He blessed                   03:53:51

1 me. He put his arms around me and goes, "I bless 03:53:55  
2 you." At the end of the confession you get a 03:54:00  
3 blessing from the priest. 03:54:03

4 Q. Right. 03:54:09

5 A. The priest will bless you and tell you to 03:54:12  
6 go out and not sin anymore. That is what I recall, 03:54:14  
7 at the end of the spanking. That is what it was. 03:54:15  
8 The reason that he told me that was for whatever -- 03:54:20  
9 you know, I didn't want to come back up there 03:54:23  
10 again. 03:54:27

11 Q. So, just so I am clear on what your 03:54:30  
12 testimony is, did he absolve you, if you will, of 03:54:31  
13 whatever misbehavior you had been involved with, 03:54:34  
14 that warranted you to coming to his office? 03:54:38

15 A. Not absolve in the absolve. He was 03:54:42  
16 blessing to bless me. It wasn't -- it wasn't -- I 03:54:44  
17 use that as a generic term. He was blessing me to 03:54:46  
18 bless me. 03:54:49

19 Q. And when he told -- when he said speak no 03:54:54  
20 more of this and told you to go on your way, had 03:54:56  
21 you heard that, in any other context before? 03:54:58

22 A. It reminded me of confession. 03:55:02

23 Q. On previous occasions when you have -- how 03:55:04  
24 did it remind you of confession? 03:55:05

25 A. Well, we went to confession two or three 03:55:10

1 times a week. And in the Catholic ceremony we're 03:55:10  
2 told to, you know, we confess our sins and then we 03:55:12  
3 get an absolution and we get a penance and we go 03:55:12  
4 out and do the penance and we try not to do our bad 03:55:15  
5 behavior anymore. 03:55:18

6 Q. And have you been told to go on your way, 03:55:18  
7 in the context of any of your previous confessions? 03:55:22

8 A. In various ways. 03:55:23

9 Q. And I'm just trying to establish how it 03:55:27  
10 reminded you of previous occasions where you went 03:55:32  
11 to confession. 03:55:37

12 A. It reminded me of confession, because at 03:55:40  
13 the end I received a blessing. I was thinking to 03:55:41  
14 myself that this reminds me of confession. 03:55:55

15 Q. When you left Father Cimmarusti's office, 03:55:58  
16 where did you go? 03:55:59

17 A. During this -- I went up to the 03:55:59  
18 dormitory. One of the things that had happened 03:56:01  
19 when I received this beating was that I was 03:56:04  
20 bleeding. 03:56:06

21 Q. Okay. Did you tell anybody about what had 03:56:09  
22 just occurred when you went back up to the 03:56:13  
23 dormitory? 03:56:18

24 A. I did not have to tell anybody. Everybody 03:56:20  
25 knew. 03:56:22

1 Q. I'm going to move to strike as 03:56:32  
2 non-responsive. 03:56:36

3 Mr. [REDACTED], my specific question was, did 03:56:39  
4 you tell anybody when you went back to the 03:56:42  
5 dormitory? 03:56:52

6 A. No, because I went up and took a shower by 03:56:52  
7 myself. 03:56:54

8 Q. And you indicated previously that there 03:56:55  
9 were -- under the category of major levels of 03:56:56  
10 sexual abuse, that you were sexually beaten twice 03:56:59  
11 by Father Cimmarusti in your freshman year. When 03:57:00  
12 was the second occasion? 03:57:00

13 A. Second occasion was in the Spring and -- 03:57:03  
14 and I received another spanking. This one was 03:57:06  
15 not -- I just had to pull my pants down for this 03:57:08  
16 one. 03:57:12

17 Q. Mr. [REDACTED], do you have any type of 03:57:15  
18 landmark, in your mind, as to -- that reminds you 03:57:19  
19 that it was in the Spring? 03:57:22

20 A. No, particular landmark. I know it was 03:57:24  
21 after -- it was before -- it could have been in 03:57:33  
22 February, March or April. I'm not exactly sure, 03:57:37  
23 you know, I didn't -- 03:57:37

24 Q. Is there something in your mind that makes 03:57:39  
25 you believe it was February, March or April? 03:57:40

1 A. It was sometime during those three months. 03:57:41

2 Q. And what I'm asking you, is there 03:57:43

3 something in your mind that makes you think it was 03:57:43

4 in one of those three months? 03:57:45

5 A. No. 03:57:48

6 Q. And where did this second beating take 03:57:50

7 place? 03:57:55

8 A. Up in his room. 03:57:59

9 Q. Was this the same location where the first 03:58:02

10 one occurred? 03:58:05

11 A. Yes, it was. 03:58:08

12 Q. What were the circumstances surrounding 03:58:11

13 why you were in Father Cimmarusti's room on the 03:58:15

14 second occasion? 03:58:16

15 A. Disciplinary reasons. 03:58:18

16 Q. Do you remember was there any type of 03:58:21

17 specific infraction, as you describe the first time 03:58:26

18 when you broke the silence period? 03:58:36

19 A. I can't remember the exact thing that I 03:58:39

20 did. I wanted it over. I was -- I was -- I didn't 03:58:42

21 want that to happen to me again. And I knew it was 03:58:45

22 going to happen to me. 03:58:49

23 Q. But you do have some type of recollection 03:58:51

24 that you were up there for some type of 03:58:54

25 disciplinary reasons? 03:58:59

1           A.    Yes.  It wasn't -- yes, it was for           03:59:02  
2   disciplinary reasons that I was up there.           03:59:04

3           Q.    Do you recall whether you were reported or   03:59:07  
4   you were told to report to Father Cimmarusti on the   03:59:11  
5   second occasion?           03:59:12

6           A.    No, it was -- it was -- I believe it was a   03:59:17  
7   priest issue -- where a priest told me to report.   03:59:19  
8   I had done something wrong.  You know, it was   03:59:21  
9   something -- all I know is that I ended up there   03:59:22  
10  again and I knew I was going to get a spanking.   03:59:24

11          Q.    What makes you believe that it may have   03:59:26  
12  been a priest who told you that you had to report   03:59:29  
13  to Father Cimmarusti?   03:59:32

14          A.    Because I broke some type of a rule.  I   03:59:37  
15  don't know what the rule was.   03:59:44

16          A lot of this is really painful for me to talk   03:59:47  
17  about.  And I ended up there and I got the spanking   03:59:49  
18  and I remember that the second and the third ones   03:59:51  
19  weren't as bad as the first one.   03:59:51

20          Q.    And, Mr. [REDACTED], I certainly can   03:59:53  
21  appreciate that this is a difficult area to talk   03:59:58  
22  about and I renew my apology again for having to   04:00:02  
23  ask these type of questions.   04:00:06

24          But on the second occasion, do you recall -- I   04:00:08  
25  know you said you don't remember what specific rule   04:00:11



1       you broke -- do you remember whether you were in       04:00:13  
2       class, or it was in the ball field or do you       04:00:17  
3       remember anything else that may have led you to       04:00:17  
4       having to report to Father Cimmarusti?       04:00:24

5           A.     Prefected discipline. You had to go up       04:00:24  
6       there. I did something. I don't know what it was.       04:00:24

7           Q.     Okay. When you had to report to       04:00:24  
8       Father Cimmarusti, on the second occasion, was       04:00:25  
9       it -- what time of day was it?       04:00:27

10          A.     5:00.       04:00:30

11          Q.     Again, during the study hall period?       04:00:33

12          A.     Yes. All the spankings that occurred to       04:00:33  
13       students usually occurred during that time.       04:00:36

14          Q.     Was that a set time, if you will, where       04:00:39  
15       the prefect of discipline would take care of       04:00:43  
16       disciplinary issues?       04:00:44

17           MR. HALE: Speculation.       04:00:46

18           MR. MATIASIC: If you know.       04:00:49

19           THE WITNESS: We had two study halls. We       04:00:52  
20       were at his mercy. He would call us either at the       04:00:53  
21       5:00 study hall or the 7:15 study hall.       04:00:55

22          Q.     Based upon your experience of attending       04:00:55  
23       St. Anthony's for four years, were students called       04:00:59  
24       to see Father Cimmarusti during study hall for       04:01:03  
25       disciplinary reasons?       04:01:07

1           A.    Both the afternoon study hall and the       04:01:10  
2   evening study hall, yes.                               04:01:14

3           Q.    Do you recall other students being called   04:01:17  
4   to Father Cimmarusti's room, during the study hall   04:01:21  
5   period?   04:01:23

6           A.    Yes.                                       04:01:25

7           Q.    And it was -- and you assumed that it was   04:01:27  
8   for disciplinary reasons?                           04:01:32

9           A.    Not assumed. We knew that the reason they   04:01:35  
10   were going up there was because they were in       04:01:38  
11   trouble.   04:01:43

12          Q.    So it really wasn't an unusual thing for   04:01:47  
13   someone to have to go to Father Cimmarusti -- for   04:01:51  
14   example, when you were called to                   04:01:57  
15   Father Cimmarusti's office, during study hall, for   04:02:00  
16   disciplinary reasons, that wasn't an usual thing   04:02:03  
17   because students were called there, if they were   04:02:07  
18   engaging in misbehavior; is that right?           04:02:09

19          A.    Correct.                                   04:02:13

20               MR. HALE:  Misstates prior testimony.       04:02:19

21   BY MR. MATIASIC:                                       04:02:26

22          Q.    So when you reported to Father Cimmarusti,   04:02:27  
23   on the second occasion, did you discuss why you   04:02:29  
24   were there with Father Cimmarusti?               04:02:31

25          A.    It was something along the lines that I   04:02:32

1 had a disciplinary problem and we were working 04:02:35

2 through it. 04:02:38

3 Q. And do you recall anything, specifically, 04:02:40

4 that was said to you? 04:02:44

5 A. No. I remember getting the spanking then 04:02:46

6 the blessing at the end. 04:02:49

7 Q. And on the second occasion, you said it 04:02:55

8 wasn't as bad as the first time. 04:02:56

9 Do you recall how long that spanking lasted? 04:03:04

10 A. Probably only between five and 10 swats. 04:03:05

11 Q. And were you unclothed? 04:03:07

12 A. I just had to pull my pants and my 04:03:07

13 underwear down. 04:03:12

14 Let me answer it correctly. I was not necked 04:03:14

15 for the second. 04:03:16

16 Q. Did Father Cimmarusti say anything to you, 04:03:20

17 during the second occasion when you were spanked? 04:03:25

18 A. No, it was almost businesslike. It was 04:03:28

19 over and -- he gave me a blessing at the end and 04:03:32

20 basically I was done with it. Probably less than 04:03:36

21 10 or 15 minutes. 04:03:40

22 Q. Do you recall what he said during this 04:03:42

23 blessing on the second occasion? 04:03:45

24 A. No, I don't. 04:03:46

25 Q. Did you say anything to Father Cimmarusti, 04:03:48

1 on the second occasion, where you had to report to 04:03:50  
2 his office? 04:03:52

3 A. Other than probably that I was sorry. I 04:03:54  
4 can't recall exactly what I said. 04:03:54

5 Q. The normal type of discussions that go on 04:03:58  
6 when you had to report to -- to someone at 04:04:00  
7 school -- contacts for misbehavior? 04:04:02

8 MR. HALE: Vague and ambiguous. 04:04:05

9 THE WITNESS: I can't recall what he said 04:04:06  
10 exactly to me. 04:04:07

11 BY MR. MATIASIC: 04:04:21

12 Q. Can you recall, other than what you 04:04:22  
13 already testified to, anything else that you said 04:04:24  
14 to him? 04:04:24

15 A. No. 04:04:27

16 Q. Do you know why you only received between 04:04:30  
17 five and 10 swats, on the second occasion? 04:04:32

18 A. I was in fear of this man. I did not 04:04:36  
19 question anything that he did or did not do to me. 04:04:39

20 Q. For example, was the disciplinary reason 04:04:40  
21 why you were there, on the second occasion, was it 04:04:40  
22 less severe than the first one, if you remember 04:04:44  
23 or -- 04:04:47

24 MR. HALE: Objection. Assumes facts not in 04:04:49  
25 evidence. Misstates his testimony. He already 04:04:55

1       stated he can't recall what the disciplinary reason       04:04:55  
2       was for him being there.       04:05:00

3       BY MR. MATIASIC:       04:05:02

4           Q.   Irrespective of whether or not you can       04:05:07  
5       recall what, specifically, what the disciplinary       04:05:08  
6       reason was while you were there, do you recall       04:05:10  
7       whether or not it was as severe a disciplinary       04:05:13  
8       infraction as the first occasion that sent you to       04:05:14  
9       Father Cimmarusti's office?       04:05:17

10           MR. HALE:   Same objections.       04:05:20

11           THE WITNESS:   Could you rephrase the       04:05:23  
12       question, please.       04:05:27

13       BY MR. MATIASIC:       04:05:30

14           Q.   What I'm wondering is, this second       04:05:35  
15       occasion that you had to report to       04:05:39  
16       Father Cimmarusti's office for, do you recall       04:05:43  
17       whether it was for a less severe disciplinary       04:05:43  
18       reason than the first occasion?       04:05:48

19           MR. HALE:   Same objection.       04:05:53

20           THE WITNESS:   It didn't --       04:05:56

21           MR. HALE:   Hang on.   Same objections.       04:05:58

22           THE WITNESS:   It did not matter why we       04:05:58  
23       went up there for what -- the reason we reported       04:06:00  
24       was so that we could receive our discipline.       04:06:02

25       BY MR. MATIASIC:       04:06:05

1           Q.    I'm just trying to -- trying to find out       04:06:08  
2           whether you remember one way or another whether the   04:06:11  
3           second occasion -- whatever you did -- was as bad,   04:06:16  
4           quote, unquote, as the first occasion.               04:06:19

5           MR. HALE:  Same objection. He's already           04:06:19  
6           testified he doesn't recall what the basis for the   04:06:22  
7           purported discipline was.                             04:06:26

8           THE WITNESS:  I basically got in trouble,           04:06:30  
9           they -- from my point of view, the first time       04:06:32  
10          wasn't that severe either.  So I got in trouble.     04:06:34  
11          There was rules for everything.  We lived by the     04:06:37  
12          rules.  If we did not live, according to the rules,   04:06:40  
13          then there was a set discipline regimen that was     04:06:42  
14          administered by Father Mario.  We did not question   04:06:46  
15          what that was.  Whatever happened, happened to us.   04:06:50

16         BY MR. MATIASIC:                                       04:06:54

17          Q.    You also indicated that you received a       04:06:56  
18          spanking for a sexually related beating one time     04:06:59  
19          during your sophomore year; is that correct?       04:07:02

20          A.    Yes.  In the beginning.  It was in the       04:07:05  
21          Fall again.   04:07:08

22          Q.    How do you recall that it was in the Fall?   04:07:14

23          A.    Because it happened in the beginning of       04:07:17  
24          the school year.  I believe it was in October.     04:07:20

25          Q.    So would this be October of 1967?           04:07:28

1 A. Yes, sir. 04:07:31

2 Q. And what were the circumstances that led 04:07:34  
3 you to being in Father Cimmarusti's room, on this 04:07:34  
4 third occasion? 04:07:38

5 A. On the third example -- or the third 04:07:42  
6 occasion it was because I was not being a good 04:07:43  
7 influence on the freshman class. 04:07:46

8 Q. Were you told to report to 04:07:49  
9 Father Cimmarusti's office on this third occasion? 04:07:49

10 A. By Father Mario, yes. 04:07:51

11 Q. And when did he tell you that? Was it 04:07:54  
12 during the course of a day or -- 04:07:54

13 A. Yes, it was on a Saturday. And the reason 04:07:56  
14 I know it was a Saturday was because it was only 04:08:00  
15 half a day of school. Saturday we had afternoon 04:08:03  
16 sports and activities. 04:08:06

17 Q. Did he indicate why he thought you weren't 04:08:09  
18 being a good influence on the freshmen? 04:08:12

19 A. I had done something wrong. I believe I 04:08:15  
20 did some sort of a prank. I don't know what it 04:08:20  
21 was. I really -- I remember that there were three 04:08:22  
22 times that I got spanked. One worse than the other 04:08:26  
23 two. And they were sexual in nature because I was 04:08:30  
24 naked and I was a 15-year old young man and that is 04:08:33  
25 why it was -- it sticks out in my mind. 04:08:33

1 Q. And on this third occasion, how many times 04:08:37  
2 were you spanked? 04:08:39

3 A. Less than then 10. In other words, I went 04:08:42  
4 in there received my punishment, got the blessing 04:08:46  
5 and left the room. 04:08:49

6 Q. When you say, "less than 10," are you 04:08:49  
7 talking about less than 10 swats or less than 10 04:08:49  
8 minutes? 04:08:51

9 A. 10 swats. 04:08:55

10 Q. Would it also be fair to say that it was 04:08:56  
11 also probably less than 10 minutes? 04:09:01

12 A. Probably 10 minutes, yes, sir. 04:09:06

13 Q. And you indicated you received a 04:09:11  
14 blessing. Did the blessing differ at all from the 04:09:16  
15 blessing you received on the first two occasions? 04:09:21

16 A. No, it didn't. On the first three 04:09:25  
17 occasions all ended the same way. I kneeled down, 04:09:27  
18 in front of him, he put his arms around me and he 04:09:29  
19 would basically console me with this blessing, 04:09:32  
20 absolution. 04:09:39

21 Q. And going back to the second occasion, for 04:09:42  
22 a minute, what part of the room did -- did that 04:09:45  
23 spanking occur in? The office part or the personal 04:09:48  
24 part? 04:09:56

25 A. The bedroom, on the bed. It was always in 04:10:01



1 the same general location. 04:10:05

2 Q. And on the second occasion were you 04:10:12

3 spanked in the same -- mechanically the same way, 04:10:15

4 in the sense you were over Father Cimmarusti's 04:10:18

5 knee? 04:10:22

6 A. Yes. 04:10:25

7 Q. And do you have reason to believe that 04:10:25

8 this spanking on the second occasion was sexual in 04:10:27

9 nature? 04:10:30

10 A. It was -- to me it was sexual in nature 04:10:34

11 because he lifted up his legs and I was on his bare 04:10:37

12 thigh and I was leaned over on -- on him -- bent 04:10:39

13 over. Even though I just had my butt exposed, that 04:10:42

14 was, you know, that's not a normal -- to me that 04:10:45

15 is, you know, that is not a normal way to get 04:10:47

16 spanked when you are 14 or 15 years old. 04:10:48

17 Q. On the second occasion, did he say 04:10:53

18 anything else to indicate to you that it was a 04:10:57

19 spanking sexually -- of a sexual nature? 04:11:00

20 A. By sexual nature I'm -- I'm telling you 04:11:00

21 that -- that my version -- or my understanding of 04:11:03

22 what -- what I'm describing to you as sex -- sexual 04:11:03

23 is that I was -- I had my pants down so that the 04:11:05

24 front of my body was on his bare skin, okay. 04:11:08

25 And -- and that is to me -- I was uncomfortable in 04:11:11

1       that -- I'm uncomfortable -- I didn't never even       04:11:11

2       show my father. You know, he never saw me naked.       04:11:14

3           Q.     Okay. And on this third occasion, in       04:11:14

4       terms of how you were spanked, was it in the same       04:11:14

5       fashion as the first two that you've already       04:11:16

6       described?       04:11:20

7           A.     Yes. All of his spankings were the same       04:11:23

8       as the delivery. This, you know -- I remember the       04:11:29

9       lashings and the movies we used to watch at the       04:11:30

10      Seminary. We always watched the ship movies,       04:11:31

11      prison movies. You know, he was in charge of       04:11:35

12      bringing us the movies.       04:11:35

13           Q.     And did the third occasion of the spanking       04:11:37

14      occur on the bed as well?       04:11:39

15           A.     Yes, it did.       04:11:42

16           Q.     Mr. [REDACTED], did anybody witness the       04:11:42

17      first spanking during your freshman year?       04:11:45

18           MR. HALE: Speculation. Foundation.       04:11:45

19      BY MR. MATIASIC:       04:11:45

20           Q.     Are you aware if -- whether anybody       04:11:47

21      witnessed the spanking on the first occasion of       04:11:50

22      your freshman year?       04:11:51

23           A.     Nobody was in the room with me.       04:11:53

24           Q.     Was anyone outside of the room --       04:11:55

25           A.     Yes.       04:11:58

1 Q. -- when you were spanked on the first 04:11:58  
2 occasion? 04:12:01

3 A. Yes. 04:12:01

4 Q. And who was outside? 04:12:01

5 A. There was a adjoining room. And when I 04:12:02  
6 was getting spanked I remember the door opening and 04:12:07  
7 closing, in the adjoining room. There was -- the 04:12:11  
8 Assistant Prefected Discipline was next door. 04:12:19

9 Q. And the Assistant Prefected Discipline's 04:12:19  
10 room was connected to the Prefected Discipline's 04:12:22  
11 room? 04:12:23

12 A. Not connected there was like -- you know, 04:12:25  
13 a hotel room -- there was one room and there is 04:12:28  
14 another room. Okay. His room is right next to 04:12:29  
15 Father Mario's. 04:12:32

16 Q. But connected in the sense that there was 04:12:33  
17 a door? 04:12:37

18 A. No. 04:12:40

19 Q. Oh, there wasn't? 04:12:43

20 A. No. But you could hear the door opening 04:12:43  
21 and closing. 04:12:45

22 Q. And on this first occasion, do you have 04:12:49  
23 reason to believe that someone was outside of 04:12:53  
24 Father Cimmarusti's office while you were being 04:12:53  
25 spanked? 04:12:55

[illegible]

3 Q. And what's the basis for your belief that 04:13:01  
4 someone was in the adjoining room? 04:13:01

A. Because I knew waiting outside that  
Father [REDACTED] was inside of the room next door. And  
during the course of the beating I heard the door  
close.

9 Q. And how do you know Father [REDACTED] was in 04:13:20  
10 the room next door? 04:13:24

11           A.     Because the lights were on.                                 04:13:29

12 Q. But did you see Father [REDACTED] in the room 04:13:32

13 next door? 04:13:33

[illegible]

16 Q. Did you hear Father [REDACTED] say anything? 04:13:40

17           A.     No, I didn't hear him.                                 04:13:40

18 Q. And at what point, during this spanking, 04:13:45  
19 on this first occasion, did you hear the door in 04:13:46  
20 the adjoining room open and close? 04:13:52

[illegible]

24 Q. And you have a specific recollection of 04:14:00

25 while he was spanking you hearing a door opening -- 04:14:03

1 A. Yes. 04:14:07

2 Q. -- and closing next door? 04:14:08

3 A. Yes. 04:14:11

4 Q. Was there any room on the other side of 04:14:16

5 Father Cimmarusti's office? 04:14:22

6 A. The -- there was -- yes, there was. 04:14:26

7 Q. And what room was that? 04:14:27

8 A. I don't know. I know there was another 04:14:27

9 room over there, but I don't know. 04:14:31

10 Q. Who was the Assistant Prefected Discipline 04:14:34

11 during your four years at St. Anthony's? 04:14:36

12 A. It changed. 04:14:37

13 Q. Do you recall the names of any 04:14:38

14 individuals? 04:14:39

15 A. First two years was Father [REDACTED]. 04:14:41

16 Q. What about your junior year? 04:14:46

17 A. [REDACTED]. 04:14:48

18 Q. And your senior year? 04:14:48

19 A. Father [REDACTED]. 04:14:51

20 Q. Do you recall anyone else witnessed the 04:14:54

21 second occasion in which you were spanked by 04:14:56

22 Father Cimmarusti? 04:14:57

23 A. No. 04:15:01

24 Q. Are you aware of whether anyone witnessed 04:15:04

25 the third occasion during which you were spanked by 04:15:08

1 Father Cimmarusti? 04:15:13

2 MR. HALE: Asked and answered. 04:15:16

3 THE WITNESS: No, because they knew -- the 04:15:20

4 Seminary was so small -- the student body was so 04:15:25

5 small -- when we were told to go up there we knew 04:15:25

6 what was going to happen to us. 04:15:27

7 BY MR. MATIASIC: 04:15:30

8 Q. But specifically, on the second or third 04:15:32

9 occasion, do you recall whether there were any 04:15:36

10 witnesses to your spanking? 04:15:40

11 MR. HALE: Same objection -- 04:15:42

12 THE WITNESS: Not during -- 04:15:46

13 MR. HALE: -- foundation. Speculation. 04:15:50

14 THE WITNESS: Not during the actual 04:15:52

15 spanking, but in the aftermath when we were all 04:15:56

16 taking our showers up in the dorm room. 04:15:58

17 BY MR. MATIASIC: 04:16:02

18 Q. Okay. After which occasion was someone 04:16:07

19 aware that you had been spanked when you were 04:16:08

20 taking showers in the dorm room? 04:16:11

21 A. All three times. 04:16:11

22 Q. Do you recall which particular seminarians 04:16:13

23 were aware that you had been spanked? 04:16:13

24 A. We had a group shower time when we came 04:16:15

25 back up it was -- I remember the first time I 04:16:20

1 showered by myself, but the next morning when I was 04:16:22  
2 taking a shower everybody could see the bruising 04:16:25  
3 and the welts and the open wounds that were on my 04:16:29  
4 butt. 04:16:30

5 Q. Did anybody ask you about those bruises or 04:16:34  
6 welts, after this first occasion? 04:16:35

7 A. They made comments as to "Wow, those 04:16:41  
8 were -- he really got you this time." Stuff like 04:16:45  
9 that, you know. It was -- when we received our 04:16:46  
10 spankings like that we -- and there was a 04:16:46  
11 certain -- there was a club of us that had gotten 04:16:49  
12 the spankings -- we basically, you know, we 04:16:51  
13 commiserated with each other. 04:16:53

14 Q. Do you recall who said, gee, that he 04:16:56  
15 really got you good, after this first occasion? 04:17:00

16 A. Somebody in the shower. It was a set 04:17:02  
17 shower time, we -- there were probably 10, 15 guys 04:17:06  
18 in the shower. 04:17:12

19 Q. Did you shower by class -- 04:17:15

20 A. We lived -- 04:17:16

21 Q. -- for example, did all the freshman 04:17:19  
22 shower together? 04:17:23

23 A. We lived together by class, yes. The 04:17:24  
24 freshman showered together. They had their own 04:17:26  
25 specific dorm and shower. 04:17:30

1 Q. What was the shower room like? Were there 04:17:33  
2 any partitions between the shower heads or was it 04:17:35  
3 just a general room with spigots around? 04:17:39

4 A. It was a general room with spigots, you 04:17:43  
5 know, around the room, yes. 04:17:46

6 Q. So, you could clearly see the entire body 04:17:51  
7 of your fellow seminarians, as they were taking 04:17:52  
8 their showers? 04:17:54

9 A. Yes. 04:17:55

10 Q. Do you recall how many people commented to 04:17:57  
11 you, after you were spanked on this first occasion? 04:18:00

12 A. A lot. I can't recall the exact amount. 04:18:01

13 Q. Were there any comments made -- were you 04:18:04  
14 aware whether anyone saw any marks, after you were 04:18:05  
15 spanked on the second occasion? 04:18:08

16 A. They -- they weren't as severe, but we 04:18:11  
17 made comments. We observed each other, okay. When 04:18:12  
18 other seminarians got spanked we would have -- we 04:18:15  
19 would see them. 04:18:17

20 Q. Mr. [REDACTED], I understand the general 04:18:20  
21 nature of what you're describing. What I'm asking 04:18:22  
22 is a little bit more specific. 04:18:24

23 After the second occasion on which you were 04:18:29  
24 spanked, do you recall whether anyone made any 04:18:29  
25 comments in the shower or any other areas regarding 04:18:32



1 marks that you had as a result of that spanking? 04:18:32

2 A. They asked to see them. We would 04:18:33

3 basically show them. I showed what he did to me. 04:18:35

4 To exactly who, I don't know. There were other 04:18:36

5 people that were there. We were curious when we 04:18:39

6 all got spankings. 04:18:43

7 Q. Again, I move to strike as 04:18:45

8 non-responsive. 04:18:48

9 So, after this second occasion, do you recall 04:18:53

10 showing the marks on your body to someone else in 04:18:56

11 the shower; is that correct? 04:19:00

12 A. I took a shower with a group of other 04:19:03

13 young men and they could see. 04:19:06

14 Q. Do you recall, specifically, showing the 04:19:08

15 marks to someone else at the shower, after the 04:19:11

16 second occasion? 04:19:13

17 A. They could see me taking a shower. 04:19:14

18 Q. But do you remember anyone saying 04:19:17

19 anything, after the second occasion specifically? 04:19:17

20 Like I said, I understand generally that you guys 04:19:21

21 talked about this type of thing. 04:19:21

22 A. General remarks were made by those that 04:19:24

23 were in the shower with me. 04:19:28

24 Q. After the second occasion -- 04:19:30

25 A. After the second one, yes. 04:19:33

1 Q. But you don't recall whether you 04:19:39  
2 specifically showed anyone the marks? 04:19:39

3 A. They could be seen. 04:19:41

4 Q. Right. But in terms of someone saying, 04:19:41  
5 oh, I see that type of mark. There was no type of 04:19:42  
6 interaction like that -- it was more general -- 04:19:43

7 A. You know I was embarrassed about it, but 04:19:43  
8 it was the type of thing where we -- there was no 04:19:44  
9 privacy, in other words. I took a shower. 04:19:47  
10 Everyone that was in the shower room -- the six or 04:19:51  
11 seven, eight stalls -- or nozzles that were 04:19:55  
12 sticking out of the room you could see them. You 04:19:57  
13 could see each other. It wasn't like I was 04:20:00  
14 going -- "Here's my -- here's my, you know, my 04:20:03  
15 spanking I just got. Everybody take a look." No, 04:20:04  
16 it wasn't like that. 04:20:06

17 Q. How about after your third occasion when 04:20:09  
18 you were spanked during your sophomore year, do you 04:20:15  
19 know whether anyone was aware that you had been 04:20:18  
20 spanked? 04:20:21

21 A. They were aware I had been spanked because 04:20:21  
22 they knew that it -- not they -- my fellow 04:20:24  
23 classmates knew because -- not in the shower at 04:20:25  
24 this time, but when I changed up in the dormitory. 04:20:28  
25 The sophomore dormitory was located above the 04:20:30

1 kitchen. 04:20:33

2 Q. Did anyone make any comment to you while 04:20:35

3 you were changing, after this occasion where you 04:20:38

4 were spanked -- 04:20:41

5 A. They wanted to know -- 04:20:45

6 Q. -- the third time? 04:20:49

7 A. -- if I had gotten -- I am sorry -- they 04:20:57

8 wanted to know if I had gotten a spanking and I 04:20:59

9 said, "Yes, and it wasn't as bad as the other 04:21:01

10 two." and we commented that it was rare for 04:21:03

11 sophomores to get spanked. 04:21:05

12 Q. Do you recall specifically who may have 04:21:06

13 inquired as to whether or not you received a 04:21:07

14 spanking? 04:21:13

15 A. My friends that were there. 04:21:15

16 Q. Do you recall which friends? 04:21:18

17 A. [REDACTED], [REDACTED]. And that would 04:21:19

18 have been in the sophomore year. 04:21:21

19 Q. Is [REDACTED] spelt, [REDACTED]? 04:21:23

20 A. Yes. 04:21:23

21 Q. And he was your same year? 04:21:26

22 A. Yes. 04:21:28

23 Q. And [REDACTED] was also in your class? 04:21:33

24 A. Yes, he was. 04:21:34

25 Q. And you believe that those individuals may 04:21:36

1 have asked you regarding whether or not you 04:21:39  
2 received a spanking from Father Cimmarusti when you 04:21:42  
3 were changing in your sophomore year? 04:21:47  
4 A. They knew that I received a spanking. 04:21:53  
5 Q. During your sophomore year? 04:21:58  
6 A. Yes. 04:22:02  
7 Q. Did you tell anyone on the faculty or 04:22:04  
8 staff at St. Anthony's -- while you were at 04:22:06  
9 St. Anthony's -- that you had been spanked in a 04:22:07  
10 sexual manner by Father Cimmarusti? 04:22:08  
11 A. Yes. 04:22:13  
12 Q. Who did you tell? 04:22:14  
13 A. Brother [REDACTED], in my senior year, 04:22:17  
14 1970. 04:22:19  
15 Q. When in your senior year did you tell 04:22:22  
16 Brother [REDACTED]? 04:22:25  
17 A. I believe it was in May. 04:22:26  
18 Q. So that would be right before you 04:22:29  
19 graduated -- 04:22:33  
20 A. Right before I graduated. I had a pretty 04:22:37  
21 rough time the last couple of weeks before I 04:22:39  
22 graduated and I spoke with Brother [REDACTED]. He was 04:22:45  
23 our moderator. 04:22:50  
24 Q. Okay. What did you specifically tell him? 04:22:51  
25 A. I said I was a little concerned about, you 04:22:55

1 know, about the beatings and what -- you know, was 04:22:58  
2 that normal? I was 17-years old. I said, you 04:23:01  
3 know, is this a normal type of a thing to have 04:23:02  
4 undergone? What do I -- you know, how can I do 04:23:05  
5 this. And Brother [REDACTED] basically told me that was 04:23:10  
6 just part of growing up. 04:23:14

7 Q. Did you tell him how many times you had 04:23:19  
8 been spanked? 04:23:24

9 A. No. 04:23:28

10 Q. Did you tell him what Father Cimmarusti 04:23:32  
11 had said to you while he spanked you? 04:23:34

12 A. That was part of the concern I had because 04:23:41  
13 I didn't want to go to Hell. 04:23:41

14 Q. But my question was did you tell 04:23:46  
15 Brother Dunne what Father Cimmarusti had told you 04:23:49  
16 while you were spanked? 04:23:52

17 A. I told him -- no -- I told -- no, I did 04:23:59  
18 not tell him what Father Mario had told me. 04:24:03

19 I said I got spanked. I wanted to be as brief 04:24:06  
20 as possible, you know. I was having some 04:24:10  
21 difficulties with growing up. And I just -- I felt 04:24:13  
22 that I just needed to let someone know that this 04:24:18  
23 had happened to me. 04:24:25

24 Q. So, if I'm understanding your testimony 04:24:27  
25 correctly, you were embarrassed about it and didn't 04:24:32

1 really go into detail with Brother [REDACTED] about the 04:24:36  
2 spankings by Father Cimmarusti? 04:24:37

3 A. Yes, because of what Father Mario had told 04:24:39  
4 me. That I could not disclose anything about what 04:24:44  
5 had actually happened to me during the event. But 04:24:46  
6 everyone -- I'd just like to say that everybody 04:24:47  
7 knew when you were getting a spanking there. And 04:24:50  
8 the whole thing that I -- I wanted to leave there 04:24:52  
9 knowing, in my senior year, that Brother [REDACTED] -- 04:24:56  
10 at least somebody knew about it that -- you know, 04:25:00  
11 that I wasn't scarred because I was the only one 04:25:04  
12 that made it. 04:25:07

13 Q. Did you tell Brother [REDACTED] that you were 04:25:11  
14 spanked by Father Cimmarusti with his hand? 04:25:14

15 A. I just said I got a spanking, yeah, I 04:25:17  
16 didn't relate any of the specifics of the spanking. 04:25:22

17 Q. Other than -- and what did Brother [REDACTED] 04:25:25  
18 say in response to you telling him that? 04:25:25

19 A. He was very conciliatory with me. He 04:25:27  
20 wanted me to understand that they had a job to do. 04:25:32  
21 That this was -- the reason I was also going to see 04:25:35  
22 him was because they wanted me to go to Mexico with 04:25:39  
23 Father Mario, in my senior year -- the summer of my 04:25:42  
24 senior year. And that's why I told Brother [REDACTED] 04:25:43  
25 about the spankings because I did not want to end 04:25:49

1 up in Mexico with this man. 04:25:52

2 Q. Again, move to strike as non responsive. 04:25:54

3 When -- what else did Brother [REDACTED] say to 04:25:54

4 you, after you told him about the spanking in May 04:25:57

5 of 1970? 04:26:01

6 A. He said he would work with me to make sure 04:26:04

7 that I didn't have to go to Mexico. 04:26:08

8 Q. And when Brother [REDACTED] said that they had 04:26:11

9 a job to do, what did you understand that to mean? 04:26:14

10 A. I understood that to be that they have 04:26:17

11 there -- the way that they were running the 04:26:19

12 school. And by going to the Seminary we had to 04:26:22

13 adhere to those rules and regulations. 04:26:25

14 Q. So did you understand Brother [REDACTED] to say 04:26:30

15 that they had a job to do, in the sense of enacting 04:26:32

16 discipline and enforcing the rules at 04:26:34

17 St. Anthony's? 04:26:39

18 A. That's the way I understood it. 04:26:42

19 Q. Other than Brother [REDACTED], in May of 1970, 04:26:46

20 did you tell anyone else while you were at 04:26:47

21 St. Anthony's on the faculty or staff that you were 04:26:51

22 receiving these spankings by Father Cimmarusti? 04:26:55

23 A. No, I didn't. 04:26:56

24 Q. Other than [REDACTED] and [REDACTED], did 04:26:58

25 you discuss your spankings with anyone else -- any 04:27:02

1 other seminarians while you were there? 04:27:03

2 A. Yes. 04:27:08

3 Q. Who else did you discuss that with? 04:27:10

4 A. Various members of my freshman class, my 04:27:11

5 sophomore class, my junior class and my senior 04:27:12

6 class. You know, we would talk over the times -- 04:27:12

7 names -- there would have been various people. My 04:27:12

8 closest friends at the Seminary were [REDACTED] and 04:27:17

9 [REDACTED] and -- 04:27:20

10 Q. Do you recall, specifically, discussing 04:27:24

11 the spankings with any other seminarians? 04:27:31

12 A. Just members of my class. And on one 04:27:34

13 occasion, in my freshman year, I spoke with a 04:27:38

14 sophomore. 04:27:43

15 Q. What other members of your class did you 04:27:49

16 discuss the spankings with? 04:27:53

17 A. Everyone that saw me when I was taking a 04:27:57

18 shower. I don't know the names. We would all talk 04:28:01

19 together about it. 04:28:05

20 Q. As you sit here today, you can't recall 04:28:08

21 the specific names? 04:28:11

22 A. Right. I mean, if I had the names in 04:28:16

23 front of me, I would say, oh, yeah, that name, and 04:28:17

24 that name and that name. There was 80 of us in our 04:28:20

25 freshman year. 04:28:22



1 Q. And you said you remember that during your 04:28:23  
2 freshman year you discussed the spankings with a 04:28:25  
3 sophomore? 04:28:27

4 A. Yes. 04:28:30

5 Q. What sophomore was that you discussed the 04:28:32  
6 spankings with? 04:28:34

7 A. [REDACTED], [REDACTED]. 04:28:37

8 Q. What were the circumstances surrounding 04:28:37  
9 you discussing the spankings with [REDACTED]? 04:28:40

10 A. We were up in one of the music rooms and 04:28:40  
11 [REDACTED] -- we were tuning guitars. [REDACTED] was 04:28:44  
12 teaching me guitar. I was doing something with my 04:28:49  
13 guitar and [REDACTED] basically started talking to me. 04:28:53  
14 Saying I better start towing the line, getting with 04:28:56  
15 the program. [REDACTED] indicated to me that 04:29:01  
16 Father Mario was looking at all of us and he wanted 04:29:01  
17 me to get with the program. 04:29:03

18 Q. When you say, [REDACTED] told you that 04:29:07  
19 Father Mario was looking at all of you, are you 04:29:08  
20 talking about -- did you understand [REDACTED] 04:29:12  
21 to mean that Cimmarusti was overseeing you as in a 04:29:12  
22 discipline sense? 04:29:14

23 A. Yes, from a disciplinary point of view, yes. 04:29:17

24 Q. And maybe there is a concern of 04:29:17  
25 misbehavior? 04:29:18

1 MR. HALE: Speculation. Foundation. 04:29:21

2 THE WITNESS: While he was talking with me 04:29:22

3 about getting with the program he took his clothes 04:29:25

4 off and attempted to rape me. 04:29:28

5 Q. He being [REDACTED]? 04:29:30

6 A. [REDACTED], yes, in my sophomore year -- 04:29:33

7 in freshman year, yes. 04:29:34

8 Q. How did he take your clothes off, 04:29:37

9 Mr. [REDACTED]? 04:29:38

10 A. He pulled his pants down, he tried to pull 04:29:42

11 my pants down, and he was basically trying to put 04:29:45

12 his penis on me -- around me -- any way he could, 04:29:47

13 and that I better get with the program. 04:29:50

14 Q. So he would be the class of 1969; is that 04:29:51

15 correct? 04:29:54

16 A. Yes. 04:29:55

17 Q. Did he forcibly pull your pants down? 04:29:57

18 A. Yes. 04:29:59

19 Q. And was he successful in pulling the pants 04:30:01

20 down? 04:30:02

21 A. Almost. I hit him. 04:30:04

22 Q. When you say, you hit him, did you punch 04:30:05

23 him or -- 04:30:12

24 A. Yes. 04:30:15

25 Q. Did you connect with his body when you 04:30:17

1 punched him? 04:30:24

2 A. Yes, I hit him in the face and he stopped. 04:30:25

3 Q. Had he, in fact, pulled his penis out? 04:30:26

4 A. He had his pants down. 04:30:32

5 Q. Did his penis make contact with your body? 04:30:37

6 A. Yes. 04:30:41

7 Q. And where, specifically, did his penis 04:30:47

8 make contact with your body? 04:30:50

9 A. My legs. He was trying to turn me over. 04:30:53

10 He was trying to put me in a position where he 04:30:55

11 might rape me. 04:30:55

12 Q. Did you say anything to Mr. [REDACTED] while 04:30:57

13 this was occurring? 04:30:57

14 A. Told him to get off of me. Yes, I did. 04:31:00

15 Q. Did he comply? 04:31:01

16 A. Not at first. 04:31:03

17 Q. After you punched him in the face -- 04:31:06

18 A. After I hit him in the face he complied. 04:31:10

19 Q. -- did he comply? 04:31:12

20 Did he say anything else after you hit him in 04:31:16

21 the face? 04:31:18

22 A. No, he -- it was an embarrassing 04:31:19

23 situation. I -- I was uncomfortable. I wanted to 04:31:22

24 get out of there. I was thinking to myself this 04:31:26

25 is -- this is -- this is messed up, for this to 04:31:26

1       happen to me. 04:31:27

2           Q.     Where did this occur? 04:31:31

3           A.     In the -- on the second floor of the -- 04:31:36

4       there is a wing of music rooms, off of the -- it's 04:31:37

5       in the main administration building. It was in the 04:44:41

6       largest of the music rooms, closest to the central 04:44:41

7       staircase that goes to the tower. 04:44:41

8           Q.     Was anyone else in the room at the time 04:44:41

9       Mr. [REDACTED] attempted to rape you? 04:44:41

10          A.     No. 04:44:41

11          Q.     Was the door closed? 04:44:41

12          A.     Yes. 04:44:46

13          Q.     Do you recall what time of day this 04:44:49

14       occurred? 04:44:52

15          A.     It was in the morning, we were -- I 04:44:54

16       believe it was a Saturday morning. We were 04:44:54

17       practicing for Sunday Services the next day -- or 04:44:54

18       later that evening -- I'm sorry. 04:46:12

19          Q.     When you say, "we were practicing," 04:46:12

20       obviously you are referring to you and Mr. [REDACTED]? 04:46:16

21          A.     Yes. 04:46:20

22          Q.     Were you part of a choir or anything else 04:46:21

23       that was performing for Sunday Services? 04:46:27

24          A.     Yes. 04:46:31

25          Q.     What type of group were you part of? 04:46:39

1           A.     All the seminaries were in the choir. It     04:46:40  
2     was a mandatory subject. We took music and we were     04:46:42  
3     taught music by Father [REDACTED] and Father     04:46:44  
4     Cimmarusti.     04:46:44

5           MR. MATIASIC: Looks like we're about to     04:46:49  
6     run out of tape. Let's go off the record.     04:46:49

7           THE VIDEO OPERATOR: This completes video     04:46:53  
8     tape number one. We are going off the record. The     04:46:53  
9     time is 4:31 p.m.     04:46:55

10           (Pause in proceedings.)     04:46:55

11           THE VIDEO OPERATOR: Please stand by.     04:47:00

12           This is the beginning of video tape number     04:47:00  
13     two. We are back on the record. The time is     04:47:04  
14     4:44 p.m.     04:47:08

15           MR. MATIASIC: Madam Court Reporter, could     04:47:10  
16     you read back the last question and answer, please?     04:47:13

17           (Record read.)     04:47:16

18     BY MR. MATIASIC:     04:47:18

19           Q.     Mr. [REDACTED], was this part of a class or     04:47:20  
20     was this kind of an extra curricular -- or what     04:47:25  
21     type of group was this?     04:47:28

22           A.     The class was part of the score, the     04:47:33  
23     practice was for Sunday Services and also for an     04:47:36  
24     annual Spring Festival, music festival that the     04:47:36  
25     seminaries would put on.     04:47:39

1 Q. So, this course -- was it an elective 04:47:42  
2 course or was it required -- 04:47:48  
3 A. It was a required course. 04:47:50  
4 Q. And the instructor was [REDACTED]? 04:47:51  
5 A. He was the assistant. 04:47:54  
6 Q. Who was the primary instructor? 04:47:58  
7 A. [REDACTED]. 04:48:00  
8 Q. Okay, I'm sorry. And who was the 04:48:03  
9 assistant under him? 04:48:07  
10 A. Mario Cimmarusti was the assistant of 04:48:09  
11 Father [REDACTED]. 04:48:14  
12 Q. And were there other members of your 04:48:15  
13 class, other than you and [REDACTED], or were 04:48:15  
14 you the only ones in class? 04:48:18  
15 A. No. Everybody in the class sang. 04:48:19  
16 Everybody -- in other words, that was one of your 04:48:20  
17 jobs. Everybody sang. There were other people 04:48:22  
18 that were better singers than others. I happened 04:48:24  
19 to be both, in the choristers -- the Seminary 04:48:27  
20 Choristers and I was also in my sophomore -- in my 04:48:30  
21 freshman year, I just sang. In my sophomore year, I 04:48:31  
22 began playing guitar with them and singing. 04:48:36  
23 Q. Was that actually -- was there a group 04:48:36  
24 called the Seminary Choristers? 04:48:40  
25 A. It was -- yes, there was. 04:48:41

1 Q. And was that comprised of freshmen and 04:48:46  
2 sophomores or was it all four years? 04:48:47

3 A. All four years. 04:48:50

4 Q. And that -- was that an elective? Was it 04:48:54  
5 elected participation in the choristers or was that 04:48:59  
6 as a result of the music course as well? 04:48:59

7 A. The music course was one of the classes 04:49:01  
8 that we took. The actual singing and the practice, 04:49:01  
9 yes, that was an elective that we chose. 04:49:04

10 Q. You said it was a Saturday morning that 04:49:07  
11 Mr. [REDACTED] attempted to rape you; is that correct? 04:49:11

12 A. Yes. 04:49:13

13 Q. How was it that you and Mr. [REDACTED] were in 04:49:18  
14 the room alone, on that Saturday morning, if you 04:49:19  
15 know? 04:49:20

16 A. We were practicing. He was -- I was 04:49:23  
17 learning to play the guitar. 04:49:24

18 Q. Was it a set time or did you two just 04:49:30  
19 decide to meet up in the room or were you there -- 04:49:36

20 A. I was -- 04:49:37

21 Q. I'm trying to found out what brought the 04:49:39  
22 two of you together in that room, on that morning. 04:49:40

23 A. I was already practicing and [REDACTED] knocked 04:49:43  
24 on the door and came in. 04:49:43

25 Q. How long did this encounter with Mr. [REDACTED] 04:49:47

1 last? 04:49:49

2 A. 15, 20 minutes. Excuse me. 04:49:54

3 Q. Did he bleed or did he have any signs of 04:49:56

4 bruising, as a result of you punching him in the 04:49:57

5 face? 04:49:59

6 A. Not that I could see. But it was enough 04:50:05

7 to get his attention. 04:50:05

8 Q. Did he say anything, after you punched him 04:50:07

9 in the face? 04:50:09

10 A. No. He started dressing again and then he 04:50:09

11 made a rather quick exit. 04:50:11

12 Q. And you said that he dropped his pants and 04:50:15

13 his underwear; is that correct? 04:50:15

14 A. Yes. 04:50:18

15 Q. Did he remain clothed otherwise? 04:50:22

16 A. Yes. 04:50:23

17 Q. You said he made a rather quick exit. How 04:50:26

18 long after you punched him did he leave the room? 04:50:28

19 A. Immediately. 04:50:32

20 Q. Did you know where he went after that? 04:50:34

21 A. No. 04:50:37

22 Q. What did you do after Mr. [REDACTED] left the 04:50:38

23 room? 04:50:41

24 A. I was really shaken. I was upset. And I 04:50:48

25 continued playing my guitar. 04:50:54



1 Q. Did you ever report Mr. [REDACTED] attempted 04:50:57  
2 rape of you to anyone? 04:51:00  
3 A. No. 04:51:04  
4 Q. Did you ever tell any other fellow 04:51:08  
5 seminarians about Mr. [REDACTED] attempting to rape you? 04:51:10  
6 A. No. 04:51:10  
7 Q. Ever tell anyone associated law 04:51:13  
8 enforcement? 04:51:14  
9 A. No. 04:51:16  
10 Q. Ever tell anyone associated with the 04:51:17  
11 faculty or staff at St. Anthony's? 04:51:20  
12 A. No. 04:51:22  
13 Q. Anytime after you left the Seminary, did 04:51:26  
14 you ever tell anyone that you -- that Mr. [REDACTED] 04:51:29  
15 attempted to rape you? 04:51:32  
16 A. Only in the course of the original 04:51:36  
17 deposition that I gave and in the course -- I'm 04:51:36  
18 sorry -- yes, I did. 04:51:38  
19 Q. And where did you identify and to whom did 04:51:41  
20 you tell that you had been -- that Mr. [REDACTED] had 04:51:45  
21 attempted to rape you? 04:51:56  
22 A. In the course of therapy that I went to, 04:52:00  
23 in 1991 and 1992. Again in the course of therapy 04:52:01  
24 in 1993, '94. And again in the course of therapy in 04:52:05  
25 2004, 2005. 04:52:07

1 Q. So, just so I have this straight, you 04:52:07  
2 discussed Mr. [REDACTED] attempted rape of you three 04:52:10  
3 times during the course of therapy, '91, '92, '93, 04:52:12  
4 '94, '04 and '05; is that correct? 04:52:15  
5 A. Yes. 04:52:18  
6 Q. What therapist did you disclose that to in 04:52:20  
7 1991? 04:52:23  
8 A. John Viola. 04:52:26  
9 Q. And can you spell that for me, please? 04:52:30  
10 A. V-i-o-l-a. 04:52:32  
11 Q. Where is John located? 04:52:35  
12 A. Yucca Valley, California. 04:52:38  
13 Q. Is he a psychiatrist or psychologist? 04:52:38  
14 A. He's a license clinical social worker. 04:52:41  
15 Q. How long did you treat with him for? 04:52:44  
16 A. Two years. 04:52:47  
17 Q. '91, '92? 04:52:50  
18 A. Yes. And -- I'm sorry -- yes. 04:52:50  
19 Q. And what were you seeing Mr. Viola for? 04:52:51  
20 A. As a -- I originally had wanted to go see 04:52:52  
21 him because of some personal issues that I was 04:52:53  
22 dealing with. 04:52:54  
23 Q. Did these personal issues relate to your 04:52:55  
24 time at the Seminary in any way? 04:52:58  
25 A. It was more -- 04:53:00

1 MR. HALE: Hold on. [REDACTED] you got a 04:53:01  
2 therapist/patient privilege which -- because you 04:53:02  
3 are not placing your psychological condition at 04:53:06  
4 issue in any lawsuit. You got a right to protect 04:53:08  
5 that privilege, if you want. If you would like to 04:53:11  
6 testify to what you discussed with your therapist 04:53:14  
7 that's your right, but you also got a right not to 04:53:17  
8 disclose that information. It's your call. 04:53:22

9 THE WITNESS: At this particular time I'm 04:53:25  
10 going to exercise my option not to discuss -- or 04:53:28  
11 disclose what I discussed with Mr. Viola. 04:53:32

12 BY MR. MATIASIC: 04:53:35

13 Q. Okay. Other than -- that's fine. You 04:53:36  
14 don't have to discuss, specifically, what you 04:53:37  
15 discussed with Mr. Viola. Can you tell me what the 04:53:39  
16 reasons were of why you were seeing him, as opposed 04:53:39  
17 to what you discussed with him? 04:53:42

18 A. In 1991? 04:53:45

19 Q. That's right. '90, '91 -- 04:53:48

20 A. Personal. 04:53:50

21 Q. -- '91 '92. 04:53:50

22 A. Personal. 04:53:52

23 Q. Did those reasons have to do with your 04:53:53  
24 time at St. Anthony's in any way? 04:53:55

25 A. They eventually went around -- went -- 04:53:59

1 evolved into that. 04:54:03

2 Q. What type of personal issues related to 04:54:05

3 St. Anthony's were you seeing him for? 04:54:08

4 A. Not at the beginning. It was just in the 04:54:11

5 course of discussion this came out. In other 04:54:12

6 words, I was not -- the Seminary had not -- was 04:54:14

7 not -- or the Franciscans of Santa Barbara were not 04:54:17

8 paying for the treatment as of yet. 04:54:17

9 Q. Okay. I'm just trying to ascertain what 04:54:19

10 you were seeing the therapist for in '91, and '92, 04:54:20

11 as opposed to what you were specifically 04:54:20

12 discussing. 04:54:24

13 A. Personal reasons. 04:54:27

14 Q. Can you identify those reasons for me? 04:54:31

15 MR. HALE: Same situation -- 04:54:33

16 THE WITNESS: Personal marriage, personal 04:54:35

17 reasons -- I went to see him because I thought it 04:54:37

18 would be -- my wife and I thought it would be a 04:54:40

19 good thing for us to go to. 04:54:44

20 BY MR. MATIASIC: 04:54:49

21 Q. Did you attend the therapy with your wife? 04:54:51

22 A. Yes. 04:54:54

23 Q. For both '91 and '92? 04:54:57

24 A. '91, and then my wife went to a separate 04:55:00

25 counselor -- or a therapist -- and I continued 04:55:02

1       seeing Mr. Viola. 04:55:05

2           Q.    When you saw Mr. Viola in '91, '92, did 04:55:09

3   you discuss the spankings that you received at 04:55:10

4   St. Anthony's? 04:55:10

5           MR. HALE:  Again, this is your call, [REDACTED]. 04:55:13

6   There is a privilege there.  You got a right not to 04:55:16

7   disclose this.  It is up to you. 04:55:16

8           THE WITNESS:  Not for this particular set 04:55:17

9   of years. 04:55:20

10   BY MR. MATIASIC: 04:55:26

11          Q.    And then you indicated that you told the 04:55:33

12   therapist again in '93 and '94 about the attempted 04:55:40

13   rape by Mr. [REDACTED].  Was that a different therapist? 04:55:45

14          A.    No, it was Mr. Viola again. 04:55:49

15          Q.    So you discussed it on two separate -- 04:55:52

16   during two separate time periods? 04:55:54

17          A.    I may have discussed it in '91, but I 04:55:57

18   definitely discussed it in '93, after the 04:55:57

19   Franciscans were paying.  That was part of the 04:55:57

20   agreement that we had. 04:56:00

21          Q.    How long did you see Mr. Viola for? 04:56:02

22          A.    Two years. 04:56:04

23          Q.    So it would be '91 to '93? 04:56:07

24          A.    '91, and then I didn't see him for 04:56:09

25   awhile.  Then '93, 94.  So -- 04:56:11

1 Q. So, on and off -- would it be fair to say 04:56:14  
2 from '91 to 94? 04:56:20  
3 A. Yes. 04:56:23  
4 Q. At some point did the Franciscans start 04:56:24  
5 paying for your treatment with Mr. Viola? 04:56:24  
6 A. Yes. 04:56:26  
7 Q. When did that start? 04:56:29  
8 A. I can't give you an exact date. I didn't 04:56:31  
9 bring those records with me. They started paying 04:56:39  
10 after the Independent Response Team met in 1993 -- 04:56:39  
11 in January of 1993. They said that I could seek 04:56:39  
12 out therapy and I did. 04:56:39  
13 Q. So, you sought out therapy with the same 04:56:39  
14 therapist that you had already been seeing? 04:56:39  
15 A. Yes, I was comfortable with Mr. Viola. 04:56:39  
16 Q. And then the Friars just started paying 04:56:41  
17 the bills; is that correct? 04:56:42  
18 A. Yes. 04:56:47  
19 Q. Did the Friars also pay the bills for your 04:56:49  
20 wife's therapy sessions as well? 04:56:52  
21 A. Yes, they did. 04:56:53  
22 Q. How long did the Friars pay for your 04:56:56  
23 therapy sessions? 04:56:59  
24 A. Until my settlement was settled. 04:57:01  
25 Q. When did you enter into your settlement? 04:57:04

1 A. October of 1993, I think. 04:57:04

2 Q. Had you filed a lawsuit against the 04:57:05

3 Franciscans? 04:57:06

4 A. Yes, I did. 04:57:09

5 Q. What county did you file the lawsuit? 04:57:13

6 A. Alameda. 04:57:17

7 Q. Who was your attorney in that lawsuit? 04:57:20

8 A. Lyle Cavin. 04:57:22

9 THE REPORTER: Say again, please. 04:57:24

10 THE WITNESS: Lyle Cavin, I believe. I'm 04:57:24

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11      not too sure.                                04:57:24
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12 MR. MATIASIC: C-a-v-i-n? 04:57:27

13 THE WITNESS: Yes, sir. 04:57:29

14 BY MR. MATIASIC: 04:57:29

15 Q. Is he in Oakland? 04:57:29

16 A. Yes, he is. 04:57:31

17 Q. And what was the disposition of that 04:57:33

18 case? There was a settlement? 04:57:38

19 A. There was a settlement. A cash 04:57:40

20 settlement. 04:57:40

21           O.     What was the amount of that settlement?           04:57:40

22           A.     Am I allowed to tell you?                                 04:57:41

23 Q. It's up to you. 04:57:44

24 A. I'm not supposed to tell anybody what it 04:57:48

25 was. 04:57:51

1 MR. HALE: Confidentiality -- 04:57:53

2 THE WITNESS: There was a 04:57:53

3 confidentiality -- I can talk that I went to it. 04:57:58

4 But I can say that I received some compensation 04:58:00

5 from the Franciscan Providence. But I was told -- 04:58:00

6 I could talk about it, but I could not discuss how 04:58:03

7 much I was given. 04:58:07

8 Q. Okay. So it was a confidential 04:58:07

9 settlement? 04:58:09

10 A. Yes. 04:58:14

11 Q. I think we probably would be okay talking 04:58:17

12 about it given the fact that I'm the lawyer for the 04:58:22

13 Friars and you are the other party -- 04:58:26

14 A. Yeah. 04:58:30

15 Q. -- frankly, it doesn't matter. You don't 04:58:32

16 have to tell me. We can just move on. 04:58:33

17 MR. HALE: I don't think they are going to 04:58:34

18 sue you, if you disclose the number. 04:58:41

19 THE WITNESS: It was -- 04:58:44

20 BY MR. MATIASIC: 04:58:48

21 Q. I can represent -- and you don't have to 04:58:52

22 tell me, Mr. [REDACTED], it's okay. We can just move 04:58:56

23 on. I definitely can represent that we wouldn't 04:58:57

24 sue you. 04:59:04

25 Okay. And then you said you disclosed the 04:59:04



1 attempted rape -- 04:59:04

2 MR. HALE: Maybe you should make a call to 04:59:07

3 Father Mario first to be sure about that. 04:59:08

4 BY MR. MATIASIC: 04:59:09

5 Q. You said you also disclosed the attempted 04:59:14

6 rape by [REDACTED] in '04 and '05? 04:59:14

7 A. Yes. 04:59:17

8 Q. To whom did you disclose that? 04:59:20

9 A. I cannot remember her name. If I had my 04:59:21

10 computer with me, I can know it. But I can provide 04:59:24

11 that name. She no longer is practicing in Palm 04:59:26

12 Springs. She moved to Washington State. But the 04:59:29

13 Franciscans would know her name. 04:59:33

14 Q. So it was therapist here in Palm Springs? 04:59:39

15 A. Yes, it was. 04:59:42

16 Q. Now, was she a psychiatrist or a -- 04:59:49

17 A. No, she was a licensed Family Therapist. 04:59:55

18 Q. Marriage and Family Therapy? 05:00:00

19 A. Yes. Trying to remember the acronym. 05:00:03

20 Q. Did you also discuss this -- did you also 05:00:06

21 tell here that you were spanked at St. Anthony's? 05:00:07

22 A. Yes. 05:00:08

23 Q. Were the Friars paying for this therapy in 05:00:11

24 '04 and '05? 05:00:16

25 A. Yes. 05:00:21

1 Q. Was this separate and apart from the cash 05:00:26  
2 settlement that you received? 05:00:30

3 A. Yes, it was because -- yes. 05:00:32

4 Q. So are you still seeing a therapist? 05:00:35

5 A. No. 05:00:35

6 Q. When did you stop seeing a therapist? 05:00:38

7 A. There was a one-year cap on it from the 05:00:40  
8 Franciscans. 05:00:42

9 Q. So you used that during the '04, '05 05:00:45  
10 years; is that correct? 05:00:48

11 A. Yes. I had spoken with -- the Independent 05:00:48  
12 Response Team had set up a some -- and I can't 05:00:49  
13 remember the name -- Angelica -- I can't remember 05:00:50  
14 the name of the people that were associated with 05:00:52  
15 the Independent Response Team. Had initially setup 05:00:56  
16 therapy for us in 1992, 1993. And then again they 05:00:58  
17 all of a sudden came back and said I could have 05:00:58  
18 more therapy in 2004 and I took them up on it. 05:01:03

19 Q. How were you told that you could have more 05:01:04  
20 therapy? 05:01:07

21 A. I went to a meeting of the -- and I 05:01:08  
22 can't -- I have it somewhere. The meeting of 05:01:11  
23 the -- the Independent Response Team had setup a 05:01:13  
24 counselling session to mediate between the 05:01:14  
25 Franciscans and some of us abused victims. 05:01:19

1 Q. And you said that this therapist -- if we 05:01:26  
2 asked you to find it -- you could find the name of 05:01:30  
3 the person that you disclosed the attempted rape by 05:01:33  
4 Mr. [REDACTED] in '04, '05 to? 05:01:37

5 A. Yes, I discussed it with her and the 05:01:40  
6 Franciscan's should know who it was also. So if 05:01:40  
7 I -- you know, you can ask them. 05:01:42

8 Q. If I ask you to look for that name, can 05:01:44  
9 you provide that to Mr. Hale? 05:01:44

10 A. Yes, I could. 05:01:46

11 Q. Will you do so? 05:01:46

12 A. Yes, I will. 05:01:49

13 Q. Okay, thank you. 05:01:49

14 And I understand you saw Mr. Viola from '91 to 05:01:50  
15 '94, on and off? 05:01:54

16 A. Yes. 05:01:57

17 Q. And then you saw another therapist in '04, 05:02:02  
18 '05. During those intervening periods from '94 to 05:02:02  
19 '04 did you see any therapists? 05:02:05

20 A. No, I didn't. 05:02:07

21 Q. What about prior to 1991? 05:02:09

22 A. No. I'm sorry. 05:02:13

23 Q. Sure, go ahead. 05:02:18

24 A. Not therapy but -- I was a volunteer in an 05:02:20  
25 insane asylum in Santa Barbara County in 1973 and 05:02:22

1 '74. And I would speak with psychiatrists there 05:02:25  
2 about -- you know, because I was a psychology major 05:02:30  
3 in college and it always interested me. 05:02:33

4 Q. During that time that you were a volunteer 05:02:37  
5 in the insane asylum, in Santa Barbara, did you 05:02:42  
6 discuss the attempted rape -- 05:02:42

7 A. No. 05:02:42

8 THE REPORTER: One at a time, please. 05:02:42

9 THE WITNESS: No, I didn't. 05:02:42

10 BY MR. MATIASIC: 05:02:44

11 Q. You didn't discuss the attempted rape with 05:02:46  
12 Mr. [REDACTED]? 05:02:47

13 A. No, I didn't. 05:02:47

14 Q. Other than the three therapists have you 05:02:56  
15 told anyone else that Mr. [REDACTED] attempted to rape 05:02:56  
16 you -- and the prior depositions that you 05:02:56  
17 indicated? 05:02:56

18 A. The prior deposition and I've spoken with 05:02:56  
19 Mr. [REDACTED] himself. 05:02:56

20 Q. When did you speak with Mr. [REDACTED]? 05:02:56

21 A. At a meeting of the Independent Response 05:03:10  
22 Team in 2004. 05:03:10

23 Q. Where did this meeting take place? 05:03:15

24 A. Santa Barbara. 05:03:19

25 Q. Where in Santa Barbara? 05:03:19

1           A.    At Radhule's -- I can't remember her           05:03:20  
2           name. I got it out in the car. She was the doctor   05:03:23  
3           that was in charge of Angelica.                   05:03:26  
4           MR. HALE: Radhule Weininger.                   05:03:27  
5           THE REPORTER: I didn't hear you, Counsel.       05:03:31  
6           MR. HALE: Radhule Weininger.                   05:03:32  
7           THE REPORTER: Could I have the spelling,       05:03:33  
8           please?   05:03:34  
9           MR. HALE: Good luck. I believe it's --       05:03:37  
10          THE WITNESS: I have an envelope out in my       05:03:37  
11          car and I can give it to her.                   05:03:38  
12          MR. HALE: I think it's R-a-d-h-u-l-e, and       05:03:41  
13          W-e-i-n-i-n-g-e-r.                               05:03:44  
14          MR. MATIASIC: And who is Radhule               05:03:48  
15          Weininger?                                       05:03:49  
16          MR. HALE: She's with the I.R.T.               05:03:51  
17          MR. MATIASIC: Okay.                             05:03:53  
18          MR. HALE: Or she was with the I.R.T.           05:03:55  
19          BY MR. MATIASIC:                               05:04:00  
20          Q.    And Mr. [REDACTED], you said you met at her   05:04:02  
21          home; is that correct?                       05:04:04  
22          A.    No, in her office. Adjacent to the Santa   05:04:04  
23          Barbara Natural History Museum. Right behind the   05:04:07  
24          Seminary.                                       05:04:09  
25          Q.    How many people were present?           05:04:11

1	A.	20.	05:04:15
2	Q.	Was Mr. Hale present?	05:04:18
3	A.	No.	05:04:22
4	Q.	Do you know who David Nye is?	05:04:25
5	A.	Yes, I do.	05:04:25
6	Q.	Was he present?	05:04:28
7	A.	No.	05:04:28
8	Q.	Do you know Ray Higgins?	05:04:30
9	A.	Yes, I do.	05:04:32
10	Q.	Was he present?	05:04:33
11	A.	No.	05:04:34
12	Q.	Do you have an understanding of whether it	05:04:37
13		was exclusive for those that had been abused by	05:04:39
14		priests?	05:04:40
15	A.	It was an exclusive meeting.	05:04:42
16	Q.	What was the nature of your conversation	05:04:44
17		with Mr. [REDACTED] at this meeting in 2004?	05:04:49
18	A.	I told him that I forgave him. Yes, and	05:04:53
19		it was --	05:04:56
20	Q.	Did you initiate the conversation or did	05:04:58
21		he?	05:05:02
22	A.	Yes, I did. I initiated the conversation	05:05:06
23		at the end of our meeting.	05:05:06
24	Q.	What specifically did you say?	05:05:06
25	A.	I said, "I know this is really hard, after	05:05:09

1 all these years. I want you to know that I forgive 05:05:09  
2 you. That we were going through a lot of things 05:05:12  
3 during those times and we can move on with our 05:05:15  
4 lives." 05:05:18

5 Q. Did you tell him what you were forgiving 05:05:19  
6 him for? 05:05:22

7 A. Yes. He knew what -- he knew what I was 05:05:23  
8 talking about and I told him for the time in the 05:05:26  
9 music room. And I used those terms -- the time in 05:05:30  
10 the music room. 05:05:31

11 Q. And did you have an understanding that he 05:05:35  
12 knew what you were talking about? 05:05:39

13 A. Yes, I did. 05:05:40

14 Q. What's the basis for your understanding 05:05:42  
15 that he knew what you were talking about? 05:05:45

16 A. He gave me a hug and he said thank you. 05:05:48

17 Q. Based upon that exchange, do you believe 05:05:51  
18 that he did acknowledge that he did attempt to rape 05:05:55  
19 you? 05:05:59

20 A. Yes. 05:06:04

21 Q. By thanking you for your forgiveness for 05:06:07  
22 that? 05:06:16

23 A. Yes. 05:06:28

24 Q. Did he say anything else, other than thank 05:06:33  
25 you? 05:06:35

1           A.    We had been talking in the course of the       05:06:40  
2           meeting.  We didn't bring that up in the course of   05:06:42  
3           the earlier meeting.  It was only outside that we   05:06:42  
4           brought this up.                                       05:06:44

5           Q.    Did Mr. [REDACTED] say anything else, after you   05:06:47  
6           forgave him?   05:06:50

7           A.    We talked about where our lives have been       05:06:55  
8           and what we were doing.  It was more of a personal   05:06:57  
9           nature after the meeting inside.                     05:07:00

10          Q.    Did he say anything to you -- say anything    05:07:03  
11          else specifically about that attempted rape in the   05:07:07  
12          music room?   05:07:07

13          A.    Other than he was going through a lot of       05:07:07  
14          pain himself, with Father Mario.                     05:07:09

15          Q.    Did he tell you anything else regarding       05:07:11  
16          why he attempted to rape you in the music room?       05:07:14

17          A.    No, other than that he was undergoing         05:07:14  
18          abuse at the hands of Father Mario himself.           05:07:18

19          Q.    Was anyone else present when you discussed    05:07:21  
20          this attempted rape in the music room?               05:07:25

21          A.    No.  I had asked Angelica Jocum (phonetic)    05:07:29  
22          who is the intern for Dr. Weininger -- and I said,    05:07:33  
23          "I'm glad that [REDACTED] is here because I need to talk   05:07:38  
24          to him about some things that had happened."         05:07:39

25          Q.    Did you tell Angelica, specifically, what       05:07:42



1 had happened with [REDACTED]? 05:07:44

2 A. Yes, I did. 05:07:46

3 Q. When did you tell her that? 05:07:50

4 A. In the course of the meeting when he was 05:07:53

5 there. When I walked in and I saw him there I 05:07:58

6 was -- wow. It was like destiny. I said, "I'm 05:07:58

7 going to end this today." 05:07:58

8 Q. So, you went and told Angelica that you 05:08:01

9 were glad [REDACTED] was there because you 05:08:01

10 wanted to talk to him about his attempted rape of 05:08:01

11 you? 05:08:01

12 A. Yes. 05:08:01

13 Q. What did she say? 05:08:03

14 A. She said that would be wonderful. 05:08:06

15 Q. Did she facilitate the two of you talking 05:08:06

16 after the meeting? 05:08:08

17 A. No. I took it upon myself. We were 05:08:10

18 leaving and it was like a break time. It had been 05:08:10

19 an all day type of thing. My wife was there. 05:08:15

20 Husbands and Wives -- people could come in and sit 05:08:19

21 in. And my wife knew, of course, and I went and 05:08:22

22 talked to him. It was a very fulfilling moment in 05:08:35

23 my life. 05:08:39

24 Q. So, you told your wife about [REDACTED]'s 05:08:44

25 actions back at St. Anthony's? 05:08:45

1           A.    Yes, I did. I'm sorry -- being married           05:08:48  
2           I -- I -- please indicate that I have spoken with           05:08:50  
3           my wife about all of the incidences --           05:08:53  
4           MR. HALE: [REDACTED] -- [REDACTED], there is also a           05:08:56  
5           marital privilege --           05:08:59  
6           THE WITNESS: Oh, oh.           05:09:09  
7           MR. HALE: -- that protects communications           05:09:13  
8           between you and your wife.           05:09:17  
9           So, again --           05:09:17  
10          THE WITNESS: Okay.           05:09:18  
11          MR. HALE: -- if you want to waive that           05:09:22  
12          privilege and talk about what you discussed you got           05:09:24  
13          a right to. You are not obligated to. It's your           05:09:25  
14          call.           05:09:26  
15          THE WITNESS: Okay.           05:09:29  
16          I spoke with my wife.           05:09:33  
17          BY MR. MATIASIC:           05:09:34  
18          Q.    And so other than these three therapists           05:09:37  
19          and your wife have you told -- and Angelica,           05:09:46  
20          obviously -- have you told anyone else about           05:09:52  
21          [REDACTED] ' attempted rape of you?           05:09:56  
22          A.    I may have told [REDACTED].           05:09:57  
23          Q.    When do you believe you may have told           05:10:01  
24          [REDACTED]?           05:10:06  
25          A.    In the course of the last 10 years. I'm           05:10:10

1 not sure when I spoke with him. 05:10:14

2 Q. What's the basis for your belief that you 05:10:15  
3 may have told [REDACTED] about it? 05:10:21

4 A. [REDACTED] and I shared a lot of information 05:10:25  
5 together. 05:10:26

6 Q. Did you also talk about the spankings that 05:10:29  
7 you suffered by Father Mario Cimmarusti with 05:10:32  
8 [REDACTED]? 05:10:34

9 A. Yes, I did. 05:10:36

10 Q. You indicated that you had told him about 05:10:40  
11 that when you were at the Seminary; is that 05:10:41  
12 correct? 05:10:43

13 A. Other -- yes. 05:10:45

14 Q. How many times after you left the Seminary 05:10:46  
15 did you and [REDACTED] talk about what happened 05:10:48  
16 with Father Cimmarusti? 05:10:48

17 A. During our high school class reunions. 05:10:48  
18 That would have been in 1980 and 1985 and 1990, 05:10:51  
19 1995, 2000. He did not attend the one in 2005. 05:10:51

20 Q. So, did you attend the one in 2005? 05:10:51

21 A. Yes, I did. 05:10:55

22 Q. How many people, other than your 05:10:57  
23 therapist, your wife, and anybody associated with 05:11:02  
24 the Independent Response Team, who else have you 05:11:06  
25 disclosed the spankings that you received at 05:11:08

1 St. Anthony's to?

05:11:10

2 A. With my best friend, [REDACTED].

05:11:16

3 Q. And when did you discuss that with

05:11:20

4 [REDACTED]?

05:11:20

5 A. Over the time in high school.

05:11:21

6 Q. While you were still at St. Anthony's?

05:11:23

7 A. Yes. Not the number of times and the

05:11:23

8 things like that in high school. It was only later

05:11:25

9 that I disclosed the amount of times and the actual

05:11:30

10 specifics.

05:11:36

11 Q. After you left St. Anthony's, you

05:11:38

12 discussed the specifics of the spankings with

05:11:39

13 [REDACTED]?

05:11:43

14 A. Yes.

05:11:43

15 Q. Are you still finds with [REDACTED]?

05:11:48

16 A. Yes.

05:11:49

17 Q. Do you know where he lives?

05:11:52

18 A. Yes, I do.

05:11:55

19 Q. Where does he live?

05:11:59

20 A. [REDACTED].

05:11:59

21 Q. Do you know what he does for a living?

05:12:01

22 A. Yes. He is a Facilities Manager for

05:12:04

23 Reyvion (phonetic) in Santa Barbara.

05:12:10

24 Q. Do you know his address?

05:12:13

25 A. I can provide it for you.

05:12:15

1 Q. If we need it, we can ask Mr. Hale. I'm 05:12:15  
2 sure you can provide it to him, if you agree to do 05:12:16  
3 so. 05:12:17

4 A. Yes. 05:12:18

5 Q. Is [REDACTED] married? 05:12:22

6 A. Yes. 05:12:24

7 Q. To whom is he married? 05:12:27

8 A. [REDACTED] -- or [REDACTED]. 05:12:28

9 Q. Do you know was [REDACTED] ever sexually 05:12:32  
10 abused while he was at the Seminary? 05:12:32

11 A. No, he wasn't. 05:12:35

12 MR. HALE: Speculation, foundation. 05:12:39

13 BY MR. MATIASIC: 05:12:42

14 Q. Other than [REDACTED], did you ever tell 05:12:44  
15 anyone else about the spankings you received by 05:12:46  
16 Father Cimmarusti, after you left the Seminary and 05:12:47  
17 other than the therapist, and people associated 05:12:51  
18 with Independent Response Team that you've already 05:12:56  
19 identified? 05:12:58

20 A. My wife. 05:12:58

21 Q. Other than your wife, Independent Response 05:13:01  
22 Team people, the therapist -- perhaps [REDACTED], 05:13:04  
23 and [REDACTED], anyone else that you discussed the 05:13:05  
24 spankings that you received with? 05:13:08

25 A. Yes. 05:13:09

1	Q.	Who else?	05:13:15
2	A.	The newspaper.	05:13:25
3	Q.	Which newspaper?	05:13:31
4	A.	The Santa Barbara News Press.	05:13:35
5	Q.	When did you discuss this with the Santa	05:13:37
6		Barbara News Press?	05:13:38
7	A.	Last month.	05:13:47
8	Q.	Do you recall who at the Santa Barbara	05:13:50
9		News Press?	05:13:53
10	A.	Yes, Melissa Evans.	05:13:57
11	Q.	What did you tell Melissa Evans?	05:14:00
12	A.	What had happened to me with the	05:14:02
13		spankings.	05:14:04
14		I can provide you the newspaper article, if	05:14:08
15		you would like it.	05:14:10
16	Q.	Do you know when the article came out?	05:14:14
17	A.	February 26, Sunday.	05:14:16
18	Q.	February 26 of this year?	05:14:18
19	A.	Yes, sir.	05:14:22
20	Q.	And did you describe the specifics of the	05:14:23
21		abuse to Ms. Evans?	05:14:25
22	A.	Yes, I did.	05:14:29
23	Q.	How did you come into contact with	05:14:33
24		Ms. Evans?	05:14:36
25	A.	I was -- I found out about it on a couple	05:14:38

1 of places. On a private Seminary web site, that  
2 is -- there were -- it's a Yahoo group site of  
3 St. Anthony's Seminary members.

4 Q. You said you found out about it in a  
5 couple of ways. What was the other way?

6 A. The other way -- I spoke with [REDACTED].

7 Q. What did [REDACTED] tell you about it?

8 A. When I spoke to him he said -- she  
9 contacted me, okay. There was a contact by her and  
10 I said I agree that I would talk with her.

11 Q. She used your name in the article?

12 A. Yes, she did.

13 Q. How did she get your name, if you know?

14 A. I don't know.

15 Q. What did -- what did you and [REDACTED]  
16 talk about, in that respect?

17 A. No, I told him -- I called him up on  
18 Sunday when I found out that the article was  
19 published.

20 Q. What did you tell him?

21 A. He already knew. I mean -- "what do you  
22 think about the article?" Stuff like that.

23 Q. You were discussing the article with him?

24 A. Just that one day. I haven't spoken with  
25 him in over a year.

1 Q. And what, specifically, did you talk about 05:15:42  
2 with respect to the article? 05:15:46

3 A. About what it said, you know. It was in 05:15:50  
4 the paper and this was -- all of this was coming, 05:15:52  
5 you know -- it was a good time for it to come out. 05:15:52

6 Q. And did Mr. [REDACTED] tell you -- what did 05:15:54  
7 Mr. [REDACTED] tell you about the article? 05:15:54

8 A. Only what we could access on-line. We 05:15:55  
9 spoke on the Internet. We spoke and we were able 05:15:58  
10 to download the article on-line. 05:16:04

11 Q. You talked about a private Seminary web 05:16:05  
12 site? 05:16:09

13 A. Uh-huh. 05:16:11

14 Q. Do you know what the URL address is for 05:16:16  
15 that web site? 05:16:17

16 A. You can go there, but they are not going 05:16:20  
17 to let you in. 05:16:21

18 Q. Who is "they"? 05:16:24

19 A. The Seminary people. The only way you 05:16:25  
20 can -- nobody is allowed in it, unless you 05:16:30  
21 graduated from St. Anthony's. Nobody. 05:16:35

22 Q. Okay. So, this is a Yahoo group? 05:16:40

23 A. Yes. 05:16:43

24 Q. There is a specific web site as well or is 05:16:48  
25 it just an on-line forum? 05:16:53



1           A.    It's St. Anthony's Yahoo Group.           05:16:56

2           Q.    And who maintains the -- who is the       05:16:56

3 gatekeeper, if you will, of this Yahoo group?       05:16:59

4           A.    Gatekeeper is --           05:17:03

5               MR. HALE: Speculation. Foundation.       05:17:06

6 BY MR. MATIASIC:           05:17:10

7           Q.    If you know.           05:17:15

8           A.    I don't know. All I know he's a retired   05:17:16

9 professor from Washington State. His name is Ed.       05:17:18

10 That's all I know.           05:17:20

11          Q.    Do you know what his last name is?       05:17:21

12          A.    No.           05:17:23

13          Q.    How do you know he is a Retired Professor   05:17:26

14 from Washington State?       05:17:31

15          A.    Because he has a web site from his old     05:17:35

16 college.           05:17:36

17          Q.    What web site does he have for his old     05:17:40

18 college?           05:17:41

19          A.    Okay. If you go to the web site -- the     05:17:45

20 Yahoo.com. I'm not sure what his last name --       05:17:45

21 begins with a "S" -- reminds me of Steven -- I'm       05:17:49

22 not sure exactly what it is. But if you go to his       05:17:53

23 web site -- if you go to the Seminary -- punch in       05:17:55

24 St. Anthony's Seminary -- do a Google search --       05:17:58

25 that's one of the top search returns that you'll       05:18:04

1 get. Is that search engine. You can go to it -- 05:18:11  
2 There is a page that you can go to, that you can 05:18:13  
3 observe everything about St. Anthony's Seminary. I 05:18:15  
4 don't know what the URL is. You are allowed to go 05:18:18  
5 to that URL. Okay, you are allowed to access that 05:18:18  
6 site. But if you want to join the Yahoo group, you 05:18:19  
7 have to have been a graduate of St. Anthony's 05:18:20  
8 Seminary to join that one. But you're welcome to 05:18:24  
9 go look at the Yahoo group site. 05:18:30

10 Q. I think I might be a little bit confused. 05:18:32  
11 Let me just try to clarify. 05:18:35

12 You said, if you type in St. Anthony's 05:18:39  
13 Seminary and do a search engine like Google, a web 05:18:40  
14 site would come in that talks about St. Anthony's 05:18:41  
15 Seminary. Do you know who maintains that web site? 05:18:43

16 A. I think his name is Steven or Stephen or 05:18:43  
17 something like that. 05:18:46

18 Q. What is your best idea of how that is 05:18:48  
19 spelt? 05:18:50

20 A. Like Stephen -- with a P-H. 05:18:54

21 Q. You believe that he is a Retired Professor 05:18:54  
22 who lives in Washington State? 05:18:57

23 A. When you go to the web site, one of the 05:19:02  
24 clicks that you can click on -- one of the embedded 05:19:02  
25 sites is his old faculty page from his college. 05:19:03

1 Western Washington University -- or something like 05:19:05  
 2 that. I'm not sure. 05:19:05

3 Q. Do you know -- did he attend 05:19:09  
 4 St. Anthony's? 05:19:09

5 A. Yes, he did. 05:19:13

6 Q. Do you know when? 05:19:13

7 A. He graduated in 1957. Because we all have 05:19:20  
 8 to put our class year after -- you know, we have to 05:19:25  
 9 prove when we graduated. 05:19:30

10 Q. And so it's your understanding that he 05:19:35  
 11 maintains this publicly accessible web site that 05:19:39  
 12 talks about St. Anthony's? 05:19:42

13 A. Yes. 05:19:45

14 MR. HALE: Misstates prior testimony. 05:19:48

15 BY MR. MATIASIC: 05:19:53

16 Q. Am I stating your testimony correctly? 05:20:00

17 A. Yes, you are. 05:20:00

18 MR. HALE: Same objection regarding 05:20:02  
 19 publicly accessible web site. 05:20:04

20 BY MR. MATIASIC: 05:20:09

21 Q. On this web site that anyone can access, 05:20:09  
 22 does it talk about sexual abuse at St. Anthony's 05:20:13  
 23 Seminary? 05:20:15

24 MR. HALE: Same objection. 05:20:19

25 THE WITNESS: I don't know. 05:20:19

1 BY MR. MATIASIC:

05:20:19

2 Q. Have you ever been to that web site?

05:20:20

3 A. Yes.

05:20:21

4 Q. What type of things are on that web site,  
5 if you know?

05:20:25

05:20:27

6 A. History of the Seminary. There's a lot of

05:20:33

7 pictures of class reunions and annual reunions that

05:20:39

8 the Seminary puts out. They've taken pictures and

05:20:40

9 there is about 300 people that I know of that are

05:20:44

10 in that -- the group itself -- unknown as -- you

05:20:46

11 know, he's the moderator of this. But you can

05:20:47

12 found out information about the Franciscans. You

05:20:51

13 can found out information about anything to do with

05:20:51

14 the Catholic church. You can found out information

05:20:52

15 about the Seminary -- about the curriculum that was

05:20:54

16 taught there.

05:20:57

17 Q. But you don't know if there is any

05:21:01

18 information regarding sexual abuse on there?

05:21:03

19 A. There may be a clickable site for safe

05:21:06

20 net.

05:21:08

21 Q. All right. So there is this one web site

05:21:08

22 that you can access all this information. Then

05:21:11

23 there is a separate Yahoo group for former

05:21:11

24 seminarians; is that right?

05:21:14

25 A. Uh-huh.

05:21:15

1 Q. And is that a discussion forum? 05:21:17

2 A. Yes. 05:21:19

3 Q. Is that a specific -- is there a specific 05:21:20

4 web site for the Yahoo group, as well? 05:21:21

5 A. Groups.yahoo.com -- www.groups.yahoo.com. 05:21:21

6 I believe it would be backslash St. Anthony's -- 05:21:22

7 all one word. No periods. Once you get there it 05:21:24

8 says, do you want to join? You would say, yes, I 05:21:27

9 want to join. But then they come back -- there's a 05:21:30

10 screener -- they screen you. 05:21:30

11 Q. What's your understanding of who "they" 05:21:34

12 is? 05:21:34

13 A. The moderators. There's two moderators. 05:21:37

14 Q. Okay. Who are the two moderators? 05:21:37

15 A. Ed and another gentleman. I don't know 05:21:40

16 what his name is. But you have to basically prove 05:21:45

17 that you went to the Seminary. 05:21:47

18 Q. Do you know anything else about this other 05:21:50

19 gentleman who is the moderator? 05:21:52

20 A. No. 05:21:56

21 Q. Do you know what his occupation is? 05:21:57

22 A. No. 05:21:58

23 Q. Do you know whether he is a former 05:22:01

24 seminarian? 05:22:03

25 A. He has to be a former seminarian. 05:22:05

1 Q. Do you know what year he graduated? 05:22:08

2 A. No. 05:22:08

3 Q. Do you know his first name? 05:22:11

4 A. No. 05:22:11

5 Q. No other information about him? 05:22:14

6 A. No other information. 05:22:16

7 Q. And to join this you have to give your 05:22:19

8 name and the year you graduated; is that correct? 05:22:19

9 A. Yes. 05:22:22

10 Q. And then do the moderators run some type 05:22:22

11 of search, if you know? 05:22:24

12 A. They announce it to the rest of the group. 05:22:24

13 The rest of the group goes, oh, yeah, I remember 05:22:24

14 that person. Or, you know, you have enough history 05:22:24

15 of your own that, you know -- you come on there and 05:22:24

16 say that you went to the Seminary they are going to 05:22:30

17 take you at your word that you went to the 05:22:30

18 Seminary. But there is enough people there -- they 05:22:32

19 have members that date all the way back to '49 -- 05:22:33

20 Q. They -- I'm sorry. I didn't mean to cut 05:22:34

21 you off. 05:22:36

22 A. -- and they will say, yes or no, as to 05:22:39

23 whether or not you can join. 05:22:44

24 Q. It's your understanding that there are 05:22:47

25 about 300 members of this group? 05:22:50

1 A. Yes. 05:22:54

2 Q. And are any attorneys involved? 05:22:55

3 A. No. 05:22:55

4 MR. HALE: Speculation. Foundation. 05:22:58

5 THE WITNESS: We know there aren't because 05:23:00

6 we do not allow them in. 05:23:02

7 BY MR. MATIASIC: 05:23:05

8 Q. Do you know if they have tried to get in? 05:23:05

9 A. Yes, they have tried to get in. 05:23:07

10 Q. Which attorneys have tried to get in? 05:23:08

11 A. Unknown but -- 05:23:11

12 MR. HALE: Same objection. 05:23:12

13 THE WITNESS: -- but they have talked 05:23:13

14 about it on-line. And they go -- you know what this 05:23:16

15 guy we -- you know -- 05:23:21

16 BY MR. MATIASIC: 05:23:25

17 Q. What attorneys have you seen mentioned 05:23:31

18 on-line? 05:23:34

19 MR. HALE: Same objection. 05:23:37

20 THE WITNESS: Unknown, unknown, unknown. 05:23:40

21 But we know there have been people that attempted 05:23:41

22 to join the group. Even saying that they went to a 05:23:44

23 Seminary -- not St. Anthony's. And 05:23:44

24 unfortunately -- we are very polite with them. We 05:23:44

25 have a group consensus and they put it out and we 05:23:48

1 say yea or ne. 05:23:53

2 Q. Has anyone from the Nye, Peabody & 05:23:57

3 Stirling firm, to your knowledge, ever tried to 05:24:04

4 gain access to that site? 05:24:08

5 A. No, no, I don't know. 05:24:09

6 Q. You don't know what attorney has tried to 05:24:13

7 get on that site? 05:24:17

8 A. I don't know what attorneys. 05:24:20

9 Q. Who would know, would that be Ed 05:24:22

10 Stephens? 05:24:25

11 MR. HALE: Same objection. 05:24:27

12 THE WITNESS: I don't -- he's the 05:24:30

13 moderator. All I know is that I belong this group 05:24:33

14 and it's a viable sense -- or I -- it's an outlet 05:24:34

15 for me. I'm able to speak with other people there, 05:24:37

16 and it's a bond. It's one of the few Seminary bonds 05:24:38

17 that I still actively pursue. 05:24:41

18 Q. So is this discussion group -- are there 05:24:43

19 postings and there are discussions -- 05:24:47

20 A. Yes. 05:24:50

21 Q. -- email back and forth about certain 05:24:54

22 topics? 05:24:58

23 A. Yes. 05:25:00

24 Q. Does anything else go on? For example, 05:25:02

25 pictures posted to this particular group site or -- 05:25:06



1           A.    It's a group and, yes, there's pictures on   05:25:09  
2   it, yes, there's postings on it.  It's a political   05:25:11  
3   venue.  We talk about politics.  We talk about   05:25:15  
4   anything and everything.   05:25:19

5           Q.    Does this group meet up in person?   05:25:20

6           A.    Members can.  They can setup meetings.   05:25:23  
7   Yes, there have been restaurant meetings where   05:25:26  
8   classmates will get together from a certain time.   05:25:26  
9   Say members of the class of '57 to '60 will meet in   05:25:27  
10   L.A. at a restaurant.  For example, there was a   05:25:33  
11   couple of meetings where they met in   05:25:36  
12   San Francisco.  A lot of them went to San Francisco   05:25:41  
13   State in the early 60s'.   05:25:42

14          Q.    Have you attended any of those face-to-   05:25:46  
15   face meetings?   05:25:51

16          A.    No, I haven't.  Other than the Seminary   05:25:56  
17   reunions, which we talked about on-line.   05:26:01

18          Q.    That was specific to your class; correct?   05:26:02

19          A.    No, specific -- every year the Seminary   05:26:05  
20   puts off -- Father [REDACTED] puts off a Seminary   05:26:07  
21   reunion for anybody that went to the Seminary.  And   05:26:11  
22   I try to attend those every year.   05:26:14

23          Q.    So those other years that you told me   05:26:18  
24   before when you were possibly speaking to   05:26:27  
25   [REDACTED] about the previous spankings, those   05:26:27

1       were all-year reunions? 05:26:29

2           A.    No. Those were specific Falcons 1970 class 05:26:32

3       reunions. We try to meet every five years. 05:26:33

4           Q.    What's Falcons? 05:26:34

5           A.    That was our class mascot. 05:26:35

6           Q.    Did every class have a mascot, if you 05:26:39

7       know? 05:26:41

8           A.    Yes. 05:26:46

9           Q.    So there are two separate reunions. There 05:26:48

10       is one every year for all classes. And then there 05:26:53

11       is every five years you have a reunion for the 05:26:57

12       Falcons? 05:27:04

13           A.    Yes. 05:27:08

14           Q.    Did I accurately describe what goes on in 05:27:12

15       the Yahoo group? Is a subject posted and then 05:27:13

16       members weigh in one way or another or how does 05:27:16

17       that process work? 05:27:18

18           A.    You can put information on there for the 05:27:18

19       general good of The Order. They can talk about 05:27:22

20       it. You can put things on there. Different people 05:27:27

21       post different things. I'm not going to tell you 05:27:32

22       who posts what, but different members where we 05:27:32

23       speak freely about things relating to politics, 05:27:32

24       religion and things in the world. It's a general 05:27:36

25       forum. 05:27:38

1 Q. Has there ever been any posing regarding 05:27:43  
2 sexual abuse at the Seminary? 05:27:47

3 A. Yes. 05:27:47

4 Q. Let me back up. 05:27:48  
5 When did you first join the group? 05:27:50

6 A. I can give you a detailed answer. I 05:27:51  
7 believe in 2002, or 2003. 05:27:54

8 Q. How did you hear about the group? 05:27:57

9 A. I went on-line -- I did a Yahoo -- I did a 05:28:01  
10 Google search for St. Anthony's Seminary back in 05:28:06  
11 1999. And I got on that web site and I found out 05:28:11  
12 he was starting a group. So I petitioned to join 05:28:14  
13 the group and I was accepted -- 2002, 2003 -- 05:28:17  
14 somewhere around there. 05:28:21

15 Q. So the initial web site was created around 05:28:23  
16 1999 and you found that to be a search engine? 05:28:28

17 A. Yes. 05:28:40

18 Q. And then subsequently a Yahoo group was 05:28:52  
19 started and you became apart of that in '02 or '03? 05:28:59

20 A. Yes. The group started in '02 or '03, I'm 05:29:00  
21 not sure of the exact year. 05:29:05

22 Q. And since this group has started in '02 or 05:29:08  
23 '03, how frequently do you access this group site? 05:29:10

24 A. Every day. 05:29:10

25 Q. Since '02 or '03 how many times has the 05:29:12

1       topic, clergy sexual abuse at St. Anthony's been       05:29:14  
2       brought up?       05:29:17

3       A.     I don't know.       05:29:21

4       Q.     What's your best estimate?       05:29:22

5       A.     Frequently.       05:29:24

6       Q.     Can you give me a numeric estimate?       05:29:25

7       A.     When I joined I let people know what --       05:29:27  
8       you know, that I was a survivor and that is all I       05:29:27  
9       told them. In 2003 when other people joined that       05:29:28  
10      were survivors they let the people know they were       05:29:30  
11      survivors. Whenever any type of news that was       05:29:32  
12      going on involving the Franciscans on the west       05:29:36  
13      coast we would talk about that. And in the last       05:29:39  
14      three years there has been some information that       05:29:41  
15      has gone down. And also with the trial that is       05:29:41  
16      coming up in Oakland and we also wrote and sent to       05:29:43  
17      the provincial a letter of solidarity to -- it's       05:29:45  
18      the -- whoever the current provincial is.       05:29:45  
19      Provincial is the leader.       05:29:49

20      Q.     So, since this group has started, have       05:29:52  
21      individual members of the group discussed the       05:29:52  
22      details of their sexual abuse?       05:29:55

23      A.     Yes.       05:30:00

24      Q.     Which individuals have discussed the       05:30:00  
25      details of their sexual abuse?       05:30:01

1           A.    I'm not going to tell you. I have. I'm       05:30:02  
2           not going to speak for anybody else because it's a   05:30:02  
3           private group.                                       05:30:05

4           MR. HALE: Well, not only is it a private       05:30:09  
5           group, but there are third party privacy rights at   05:30:18  
6           issue too. So, I think he has got a right not to   05:30:20  
7           talk about it.                                       05:30:21

8           THE WITNESS: I'm going to tell you that       05:30:23  
9           I've spoken on it, okay.                           05:30:25

10          MR. MATIASIC: That is fine. I'll go down       05:30:29  
11          some specific names and clearly the privacy rights   05:30:33  
12          of those parties would be waived by virtue of --   05:30:38

13          MR. HALE: You're talking about               05:30:38  
14          plaintiffs?                                       05:30:39

15          MR. MATIASIC: Sure. Other parties -- I       05:30:49  
16          think that is a different story.               05:30:55

17          BY MR. MATIASIC:                               05:30:55

18          Q.    Has [REDACTED] ever discussed the --   05:30:57  
19          his abuse -- Do you know if he is a member of the   05:31:00  
20          group?   05:31:02

21          MR. HALE: He is a plaintiff. He has put       05:31:04  
22          the abuse at issue. So the privacy right there has   05:31:13  
23          been waived.                                       05:31:15

24          THE WITNESS: Yes, he's a member of the       05:31:16  
25          group.   05:31:19

1 BY MR. MATIASIC:

05:31:19

2 Q. Has he discussed the details of the abuse?

05:31:23

3 A. Not details. Only that he is a survivor.

05:31:25

4 Q. Is [REDACTED] a member of the group?

05:31:31

5 A. No.

05:31:36

6 Q. No, he's not, or you don't know?

05:31:40

7 A. I don't know. I don't know.

05:31:44

8 Q. Is [REDACTED], [REDACTED], a

05:31:49

9 member of the group?

05:31:49

10 A. I don't know.

05:31:50

11 Q. Is [REDACTED], [REDACTED], a member of

05:31:54

12 the group?

05:31:56

13 A. I don't know.

05:32:01

14 Q. Is any of the [REDACTED] boys a member of the

05:32:07

15 group? [REDACTED]? [REDACTED]

05:32:12

16 [REDACTED].

05:32:18

17 A. I don't think so, no.

05:32:19

18 Q. What about [REDACTED]?

05:32:22

19 [REDACTED].

05:32:23

20 A. He was, but quit.

05:32:25

21 Q. When did he quit?

05:32:27

22 A. About a year ago, or maybe a year and a

05:32:29

23 half ago.

05:32:33

24 Q. Do you have an understanding as to why he

05:32:37

25 quit?

05:32:39

1           A.    There was issues dealing with the -- and           05:32:40  
2   I'm not -- there was something that happened with a           05:32:40  
3   couple of other members on the Yahoo site that [REDACTED]       05:32:43  
4   felt that he couldn't be understood or trusted and           05:32:46  
5   I'm not going to speak for [REDACTED], but he decided it       05:32:47  
6   was in his best interest to leave the group.           05:32:49

7           Q.    Did Mr. [REDACTED] communicate these issues       05:32:55  
8   to you?           05:32:55

9           A.    Yes, he did.           05:32:58

10          Q.    And what members did he have issues with?       05:33:00

11          A.    I don't know the members that he had           05:33:03  
12   issues with. He put some postings on and basically       05:33:04  
13   they -- there is a group within a group of           05:33:07  
14   seminarians that are in that group that were not as       05:33:09  
15   responsive to the plythe of sexual survivors as the       05:33:11  
16   others.           05:33:14

17          Q.    Let me get this straight. There is a           05:33:17  
18   group within the Yahoo group that is not as           05:33:21  
19   sympathetic as --           05:33:26

20          A.    Some of the members are within a group --       05:33:30  
21   it's not a group, group, but it's members. Some of       05:33:33  
22   the members have made it clear that these things       05:33:34  
23   didn't happen and we shouldn't be spending our time       05:33:37  
24   talking about these things on the web site.           05:33:39

25          Q.    Which members have said that these things       05:33:41

1 didn't happen?

05:33:45

2 A. Certain members. I'm not going to say.

05:33:46

3 Q. Mr. [REDACTED], I don't think there is any

05:33:47

4 basis in the law for --

05:33:49

5 A. Okay. I don't -- I don't know.

05:33:52

6 Q. Well, first of all, Mr. [REDACTED], let me

05:33:54

7 remind you you are under penalty of perjury here

05:33:55

8 today. Secondly, previously you indicated that

05:33:56

9 there were certain members of the group and that

05:33:58

10 you wouldn't tell me and then you followed that up

05:33:59

11 by saying you didn't know.

05:33:59

12 Is it your testimony here today that you don't

05:33:59

13 know which members of the group Mr. [REDACTED] was

05:34:01

14 referring to?

05:34:04

15 A. I don't know which members he was

05:34:06

16 referring to. There were some things that happened

05:34:09

17 with -- when he was talking about certain things

05:34:11

18 pertaining -- and he felt that they were not open

05:34:13

19 to him and he was hurt by what they said. So he

05:34:16

20 left. I don't know those names. All right. I'm

05:34:16

21 not trying to hide anything.

05:34:16

22 Q. I understand. So Mr. [REDACTED] -- it's your

05:34:19

23 understanding that Mr. [REDACTED] posted some things

05:34:23

24 on the web site and that certain members -- whom

05:34:26

25 you don't know -- were not receptive to what

05:34:29



1 Mr. [REDACTED] posted? 05:34:31

2 A. Yes. 05:34:33

3 Q. In the sense they didn't believe that 05:34:34

4 Mr. [REDACTED] had been abused; is that correct? 05:34:36

5 MR. HALE: Calls for speculation. Lacks 05:34:37

6 foundation. Misstates prior testimony. Assumes 05:34:37

7 facts not in evidence. 05:34:41

8 THE WITNESS: I'm going to say -- what 05:34:44

9 about me -- 05:34:48

10 BY MR.MATIASIC: 05:34:51

11 Q. Right -- 05:34:53

12 A. There are things that I put on there that 05:34:53

13 people have come back to me, you know, members -- I 05:34:57

14 don't know what members it would be -- if I went 05:34:59

15 there and they are like, you know, well, you know 05:35:01

16 why are you doing this? What is -- what's your 05:35:04

17 mission? 05:35:06

18 Q. Are there anonymous postings on this 05:35:08

19 group? 05:35:09

20 A. No. 05:35:13

21 Q. So there would be a way to find out who 05:35:18

22 posted each and every entry; is that correct? 05:35:20

23 A. Yes. 05:35:22

24 Q. Do you know what members have disputed 05:35:26

25 things that you put on the web site or that you put 05:35:32

1 on the forum? 05:35:35

2 MR. HALE: Same objection. Regarding 05:35:41

3 disputed things. 05:35:45

4 THE WITNESS: I don't know. 05:35:46

5 BY MR. MATIASIC: 05:36:03

6 Q. But there have been members who have, in 05:36:03

7 your belief, disputed what you put on the web site? 05:36:03

8 MR. HALE: Same objections. As to 05:36:03

9 characterization -- disputed -- what you put on the 05:36:03

10 web site. 05:36:06

11 BY MR. MATIASIC: 05:36:09

12 Q. If that is not accurate, Mr. [REDACTED], 05:36:13

13 please correct me. 05:36:13

14 A. Restate the question. 05:36:18

15 Q. Have you posted things on the web site 05:36:21

16 that members of the group have indicated to you 05:36:28

17 that they didn't believe were true? 05:36:30

18 A. No. 05:36:35

19 Q. Have you posted things on the web site 05:36:35

20 that have drawn a response -- a negative response, 05:36:35

21 in your mind, from other members of the group? 05:36:38

22 A. Not in the last two years. It seems that 05:36:43

23 first there was some, you know, disagreement with 05:36:46

24 where we were going. There was a denial of these 05:36:50

25 things, but as more and more information that has 05:36:50

1       come out there's a sympathy which led to this       05:36:53  
2       letter of solidarity with everybody in the group       05:36:57  
3       that it was given to. I believe it was       05:37:00  
4       Father [REDACTED], I am not sure.       05:37:03

5               THE REPORTER: Father who --       05:37:06

6               THE WITNESS: [REDACTED] --       05:37:10

7               MR. MATIASIC: [REDACTED].       05:37:13

8       BY MR. MATIASIC:       05:37:13

9               Q. And what members of the group indicated --       05:37:13  
10       well, you talked about deniability -- which members       05:37:16  
11       of the group denied something prior to two years       05:37:20  
12       ago?       05:37:21

13              A. Their's some -- I don't know their names       05:37:24  
14       specifically, you know. I guess you guys would be       05:37:25  
15       able to find out. But, you know, I'm like, okay.       05:37:27

16              MR. HALE: And belated objection as to       05:37:31  
17       denied something -- I think that misstates his       05:37:35  
18       testimony.       05:37:39

19       BY MR. MATIASIC:       05:37:44

20              Q. You can finish your answer, Mr. [REDACTED].       05:37:45

21              A. There was some postings by people there       05:37:48  
22       that were on there that basically said it didn't       05:37:49  
23       happen to me so, you know, I don't think it ever       05:37:54  
24       happened.       05:37:58

25              Q. Did people specifically, in response to       05:37:59

1 the posting by you, say they didn't believe you? 05:38:02

2 A. No. 05:38:05

3 Q. Do you recall the names of any individuals 05:38:06

4 who have posted things on the web site who said 05:38:10

5 that things didn't happen to them, so therefore 05:38:10

6 they were suspicious of other things that were 05:38:11

7 posted? 05:38:17

8 A. No. 05:38:20

9 Q. Do you recall anybody posting anything on 05:38:25

10 the web site saying that nothing happened to them? 05:38:28

11 A. People have indicated whether or not they 05:38:29

12 are a survivor or not. 05:38:30

13 Q. Do you recall who -- the names of people 05:38:32

14 who have posted things indicating that they are not 05:38:35

15 survivors? 05:38:37

16 A. I can't remember all their names. People 05:38:40

17 would either say yes or no that they are 05:38:41

18 survivors. And they -- a lot of them may still 05:38:44

19 not admit. 05:38:46

20 Q. Can you remember any names? 05:38:50

21 A. That -- 05:38:52

22 Q. Posted things -- posted some type of 05:38:54

23 message saying they were not a survivor and things 05:38:55

24 did not happen to them? 05:38:57

25 A. Yes. I can't remember names, though. But 05:39:00

1 people have posted saying that did not happen to me 05:39:00  
2 when I went to the Seminary. 05:39:03

3 Q. Mr. [REDACTED], is there a way to check past 05:39:06  
4 postings? 05:39:09

5 A. Yes, there is. 05:39:12

6 Q. So, if I asked you to provide the names of 05:39:15  
7 people who had posted on this web site previously, 05:39:20  
8 would you be willing to provide that to counsel? 05:39:21

9 A. I'm not going -- I can't -- I'm going to 05:39:23  
10 say no, because -- 05:39:26

11 MR. HALE: Couple of things there. 05:39:30

12 First of all you may be -- this is -- 05:39:32  
13 undoubtedly you are going to be crossing into 05:39:35  
14 people who are not plaintiffs -- who are victims -- 05:39:36  
15 you are going to crossing into privacy rights of 05:39:37  
16 third parties. 05:39:42

17 Second thing, we have no idea how many names 05:39:44  
18 are on -- how many people are on that group. So 05:39:48  
19 you could be asking for an incredibly overly 05:39:52  
20 burdensome task of one person. 05:39:57

21 I don't know the answer to that question. I'm 05:40:02  
22 just saying -- 05:40:06

23 MR. MATIASIC: Let me see if I can try to 05:40:07  
24 narrow the perspective scope. 05:40:10

25 BY MR. MATIASIC: 05:40:14

1           Q.    Mr. [REDACTED], do you remember anyone           05:40:16  
2           posting any type of message saying they had not           05:40:16  
3           been abused by Father Cimmarusti?           05:40:16

4           A.    I can't remember the names, but there's           05:40:16  
5           people that went to the Seminary in the period of           05:40:18  
6           time that he was there that said, "no, that didn't           05:40:19  
7           happen to me on there."           05:40:20

8           Q.    To the best of your recollection did           05:40:23  
9           anyone ever post a message saying they've gone to           05:40:31  
10          the Seminary and that nothing had ever happened           05:40:32  
11          with them regarding Cimmarusti and they didn't           05:40:34  
12          believe some of the other things that were being           05:40:37  
13          posted?           05:40:39

14               MR. HALE:   Compound.           05:40:41

15           THE WITNESS:  I don't know.  There's           05:40:45  
16           thousands of postings on the web site.  On that web           05:40:47  
17           site over the past three years.  I have no access           05:40:47  
18           to recall them.  I'm really not allowed to, you           05:40:49  
19           know, to bring anybody else into this, other than           05:40:52  
20           what I've done to post on there.  And I will tell           05:40:55  
21           you what I posted on there, okay.  I told them           05:40:58  
22           everything that happened.           05:40:58

23           Q.    This probably would be a good time -- I'm           05:40:58  
24           going to mark this deposition notice with request           05:41:04  
25           for production of documents, as exhibit A.           05:41:24

1	(Defendants' Exhibit A was marked for	05:41:27
2	identification.)	05:41:30
3	BY MR. MATIASIC:	05:41:30
4	Q. Mr. [REDACTED] did you receive the	05:41:31
5	deposition notice?	05:41:34
6	A. Yes, I did.	05:41:38
7	Q. Did you have an opportunity to review	05:41:38
8	exhibit A where it lists the documents?	05:41:39
9	A. Yes.	05:41:51
10	Q. Okay. Let's start with number 1.	05:41:55
11	A. Talking emails.	05:41:59
12	Q. Number 1 says, any and all documents	05:42:03
13	regarding knowledge concerning --	05:42:05
14	MR. HALE: I think the bag is blocking the	05:42:07
15	mike. There you go.	05:42:11
16	BY MR. MATIASIC:	05:42:13
17	Q. Request number 1, any and all documents	05:42:13
18	concerning unlawful sexual conduct perpetrated by	05:42:13
19	Mario Cimmarusti.	05:42:22
20	Did you bring any documents responsive to that	05:42:24
21	request?	05:42:27
22	A. Yes.	05:42:29
23	Q. Which documents did you bring?	05:42:31
24	A. Letters. I brought letters and year books	05:42:32
25	and newspaper articles.	05:42:37

1 Q. And these are all in response to request 05:42:37  
2 number 1? 05:42:40  
3 A. Yes. 05:42:42  
4 Q. Okay. Can you identify -- let's go 05:42:50  
5 through some of -- why don't we start with the 05:42:54  
6 letters. 05:42:58  
7 A. Okay. 05:43:01  
8 Q. Okay. How many letters did you bring? 05:43:03  
9 A. Let's go through them and see what we have 05:43:04  
10 here. Let's start with [REDACTED]. 05:43:05  
11 Probably a dozen or so. 05:43:08  
12 Q. And who are these letters from? 05:43:12  
13 A. [REDACTED]. 05:43:13  
14 Q. Are they all from [REDACTED]? 05:43:13  
15 A. No, I have some from Norb Waldron. 05:43:20  
16 Q. Can you spell that for the court reporter, 05:43:24  
17 please. 05:43:29  
18 A. N-o-r-b, W-a-l-d-r-o-n. 05:43:41  
19 Q. Who's Norb Waldron? 05:43:41  
20 A. Fellow classmate. Class of 1970. 05:43:41  
21 Q. To the best of your knowledge, was he 05:43:47  
22 abused by Father Cimmarusti? 05:43:49  
23 A. No. 05:43:54  
24 Q. Okay. And what does the letter from 05:43:54  
25 Norb Waldron say? You don't have to read it 05:43:56



1       verbatim, just the general subject matter.

2           A.     That he's in full corporation with the       05:50:32

3     Board of Inquiries. It's dated January 6, 1993.

4     Basically he's agreeing with us that they support       05:50:32

5     our efforts of bringing the secrets into the open.       05:50:38

6     And to remove the men from positions where they       05:50:41

7     might and probably abuse others.       05:50:41

8           Q.     May I see that?       05:50:44

9           A.     This is in -- should I do that in       05:50:46

10    chronological order?       05:50:50

11          Q.     Sure. That would be the easiest way to go       05:50:53

12    about it.       05:50:55

13          A.     I should have done this in chronological       05:50:58

14    order. Let me get them sort of in order here.       05:51:01

15          There is a letter from St. Anthony's Seminary       05:51:04

16    saying that I graduated from the Seminary. Gives       05:51:05

17    my class ranking -- it's 1980 -- let's see.       05:51:09

18                 THE REPORTER: I can't hear.       05:51:10

19          A.     I'm sorry. I'm mumbling.       05:51:11

20    I'm putting the letters in order.       05:51:14

21                 MR. MATIASIC: Go off the record for a       05:51:14

22    second and back on when you have them all in       05:51:15

23    chronological order.       05:51:20

24                 THE VIDEO OPERATOR: Off the record.       05:51:20

25    The time is 5:43 p.m.       05:51:23

05:51:24

05:51:27

05:51:27

05:51:29

05:51:30

05:51:37

05:51:40

05:51:45

05:51:47

05:51:49

05:51:51

05:51:53

05:51:53

05:51:56

05:52:00

05:52:02

05:52:03

05:52:06

05:52:07

05:52:09

05:52:10

05:52:12

05:52:13

05:52:15

05:52:16

(Pause in proceedings.)

THE VIDEO OPERATOR: Please stand by.

Back on the record. The time is 5:50 p.m.

BY MR. MATIASIC:

Q. Mr. [REDACTED], we went off the record so you could kinda of organize the documents you brought. And first of all, what I'll do, is I'll go through each document request. We'll find out which ones you have documents responsive to and then we will go through the documents, okay.

You already indicated you have a few different categories of documents responsive to request number 1. "That's any and all documents regarding knowledge concerning unlawful sexual conduct perpetrated by Mario Cimmarusti."

A. Yes.

Q. Do you have any documents responsive to number 2?

A. No, I don't.

Q. For the record that's "any and all correspondence, writings, notes, emails, messages, recordings or communications of any kind with John Doe 39."

1 Do you know who John Doe 39 is? 05:52:19

2 A. Yes. 05:52:20

3 Q. What's your understanding of who Jonh Doe 05:52:23

4 39 is? 05:52:27

5 A. [REDACTED]. 05:52:30

6 Q. And how do you have that understanding? 05:52:32

7 A. Because I -- I asked. 05:52:37

8 Q. Who did you ask? 05:52:41

9 MR. HALE: Well, if it's from a 05:52:43

10 communication with your attorneys, you don't have 05:52:43

11 to answer that question. 05:52:45

12 BY MR. MATIASIC: 05:52:45

13 Q. Mr. [REDACTED], so I'm clear, who are your 05:52:53

14 attorneys? Are you currently represented by a law 05:52:55

15 firm? 05:52:57

16 A. Yes, I am. 05:52:58

17 Q. And who is that? 05:53:00

18 A. Mr. Hale. 05:53:05

19 Q. Okay, so Mr. Hale is representing you? 05:53:06

20 A. Yes. 05:53:06

21 Q. For the purposes of this deposition? 05:53:08

22 A. Yes. 05:53:12

23 Q. Has he represented you in any other 05:53:14

24 capacity? 05:53:17

25 A. His law firm has, yes. 05:53:20

1 Q. In what capacity? 05:53:22

2 A. They were in charge of the deposition that 05:53:26

3 I went to in 2000. David Nye. 05:53:30

4 Q. Other than that other deposition, have 05:53:31

5 they represented you in any other capacity? 05:53:31

6 A. No. I had asked them what were my chances 05:53:34

7 of -- I was considering filing a civil suit, yes. 05:53:34

8 Q. So you consulted them -- 05:53:40

9 A. Yes. 05:53:40

10 Q. -- within the last few years? 05:53:43

11 A. Yes. 05:53:48

12 Q. And when did you agree to -- when did the 05:53:50

13 representation -- when did Mr. Hale's 05:53:51

14 representation of you begin with respect to this 05:53:56

15 deposition? 05:54:05

16 MR. HALE: Well, that may call for a legal 05:54:07

17 conclusion that this witness is not qualified to 05:54:07

18 give. 05:54:09

19 BY MR. MATIASIC: 05:54:13

20 Q. You can answer the question. 05:54:17

21 A. I'm -- I don't understand the question. 05:54:21

22 Q. Okay. When did you have an understanding 05:54:24

23 that Mr. Hale was going to be representing you for 05:54:24

24 purposes of this deposition today? 05:54:26

25 MR. HALE: Same objection. 05:54:27

1 THE WITNESS: Yeah, I -- he was going to 05:54:27  
2 work with me on what we're doing right now. So I 05:54:27  
3 guess that is representation. 05:54:30  
4 BY MR. MATIASIC: 05:54:34  
5 Q. Right. And when did you have that 05:54:37  
6 understanding? 05:54:41  
7 MR. HALE: Same objection. 05:54:42  
8 BY MR. MATIASIC: 05:54:45  
9 Q. What I'm asking, Mr. [REDACTED], is Mr. Hale 05:54:48  
10 and his firm do they represent you year round or 05:54:48  
11 when did the representation start, with respect to 05:54:50  
12 this deposition? 05:54:52  
13 MR. HALE: Same objection. 05:54:53  
14 THE WITNESS: When -- what are you asking 05:54:55  
15 me? 05:54:57  
16 BY MR. MATIASIC: 05:54:57  
17 Q. Do you not understand the question? 05:55:00  
18 A. I'm being deposed by the Franciscans'-- 05:55:02  
19 MR. HALE: You're asking this witness when 05:55:05  
20 the attorney/client relationship was formed. This 05:55:08  
21 witness is not an attorney. So, again, it's for a 05:55:08  
22 legal conclusion beyond the scope of this witness' 05:55:10  
23 ability to give testimony. 05:55:10  
24 THE WITNESS: I can't answer that 05:55:10  
25 question. 05:55:14

1 BY MR. MATIASIC: 05:55:19

2 Q. Let me try to rephrase it for you. 05:55:20

3 When did you first believe that Mr. Hale was 05:55:22

4 going to be representing you, with respect to this 05:55:22

5 deposition? 05:55:24

6 MR. HALE: Same objection. 05:55:24

7 THE WITNESS: Well, by representing -- I 05:55:27

8 mean, he's here with me right now, true? I mean -- 05:55:29

9 BY MR. MATIASIC: 05:55:32

10 Q. I'm asking you. Do you have an 05:55:35

11 understanding -- is Mr. Hale representing you in 05:55:40

12 this deposition today? 05:55:40

13 MR. HALE: Asked and answered. 05:55:41

14 THE WITNESS: I answered that. 05:55:44

15 BY MR. MATIASIC: 05:55:49

16 Q. Okay. I was just following up because of 05:55:50

17 your answer. 05:55:52

18 Based upon your understanding when did this 05:55:55

19 representation start with respect to this 05:55:55

20 deposition? 05:55:59

21 MR. HALE: Ask and answer. Same 05:55:59

22 objection. 05:56:02

23 BY MR. MATIASIC: 05:56:02

24 Q. Was this a month ago? Was it today? When 05:56:02

25 did the Nye, Peabody and Stirling firm undertake 05:56:02

1 representing you, for purposes of this case? 05:56:02

2 MR. HALE: Same objection. Asked and 05:56:02

3 answered. 05:56:04

4 THE WITNESS: I've already answered that. 05:56:07

5 BY MR. MATIASIC: 05:56:12

6 Q. I'm entitled to your answer. I don't 05:56:16

7 think you have answered it. 05:56:16

8 MR. HALE: Same objections. 05:56:16

9 THE WITNESS: I believe that by Mr. Hale 05:56:17

10 sitting here next to me he's representing me. 05:56:19

11 BY MR. MATIASIC: 05:56:27

12 Q. That's fine. I'm not trying to be 05:56:27

13 argumentative with you at all. I'm just asking you 05:56:27

14 when did Mr. Hale first contact you regarding this 05:56:27

15 particular case? 05:56:29

16 MR. HALE: Same objection. Assumes facts 05:56:29

17 not in evidence regarding me contacting him. 05:56:30

18 BY MR. MATIASIC: 05:56:31

19 Q. When did anybody from Nye, Peabody and 05:56:32

20 Stirling -- 05:56:32

21 MR. HALE: Same objections -- 05:56:33

22 BY MR. MATIASIC: 05:56:34

23 Q. -- contact you -- 05:56:35

24 THE REPORTER: One at a time, please. 05:56:35

25 MR. MATIASIC: Same objections. 05:56:40

1	BY MR. MATIASIC:	05:56:42
2	Q. You can answer the question.	05:56:45
3	A. They didn't contact me.	05:56:48
4	Q. Okay. How did you become apprised of our	05:56:50
5	intention to depose you, in connection with this	05:56:53
6	case?	05:56:53
7	MR. HALE: And, again, if it involved	05:56:55
8	communications -- if you learned that from my	05:56:56
9	office, he's not entitled to that, that is an	05:56:59
10	attorney/client privilege communication.	05:57:02
11	THE WITNESS: Yeah --	05:57:05
12	MR. MATIASIC: Okay.	05:57:09
13	THE REPORTER: I didn't get his answer.	05:57:13
14	MR. HALE: There was no answer.	05:57:13
15	BY MR. MATIASIC:	05:57:17
16	Q. What's your answer?	05:57:21
17	MR. HALE: No, there was no answer. He's	05:57:23
18	been instructed not to answer. That is	05:57:24
19	attorney/client privilege communication --	05:57:27
20	MR. MATIASIC: Are you accepting that	05:57:27
21	instruction?	05:57:27
22	THE WITNESS: Yes, I am.	05:57:30
23	BY MR. MATIASIC:	05:57:34
24	Q. When did -- I'm not trying to ask you any	05:57:37
25	trick questions. I'm not trying to be	05:57:38



1 argumentative with you. I'm just trying to find 05:57:42  
2 out when did Mr. Hale's law firm start representing 05:57:44  
3 you, with respect to this case? 05:57:47

4 MR. HALE: Same objection -- 05:57:48

5 THE REPORTER: One at a time, please. 05:57:48

6 MR. HALE: Same objection. 05:57:49

7 Regarding -- calls for a legal conclusion. This is 05:57:51  
8 a lay witness and you're asking for when the 05:57:55  
9 attorney/client relationship was established. This 05:57:58  
10 is a lay witness, he can't -- he doesn't have the 05:58:01  
11 ability to answer regarding your question as to -- 05:58:02  
12 it clearly calls for a legal conclusion. 05:58:03

13 BY MR. MATIASIC: 05:58:08

14 Q. Mr. [REDACTED]? 05:58:10

15 A. I'm totally confused right now. 05:58:12

16 Q. What are you confused about? 05:58:14

17 MR. HALE: Paul, I represent to you that 05:58:15  
18 in the 2000 deposition we represented 05:58:16  
19 Mr. [REDACTED]. 05:58:19

20 MR. MATIASIC: Right. 05:58:20

21 MR. HALE: We represented him in 2003 when 05:58:22  
22 he asked us to consider -- when we were looking 05:58:23  
23 into whether there was a basis for a lawsuit and we 05:58:28  
24 are representing him now. And whether there has 05:58:28  
25 been any interruption of that representation, is 05:58:30

1 absolutely attorney/client privilege information. 05:58:32

2 I'm not clear where you are going -- what are 05:58:33

3 you trying to establish? 05:58:35

4 MR. MATIASIC: I -- I -- 05:58:38

5 MR. HALE: There is no question that we 05:58:40

6 have represented him in the past and we represent 05:58:41

7 him now and we may represent him again. That is 05:58:46

8 not in dispute. No one is trying to hide that. 05:58:46

9 MR. MATIASIC: All I'm trying to ascertain 05:58:46

10 is when the representation started. Visa via the 05:58:48

11 39 case. That's all. And that is pretty simple 05:58:48

12 and straightforward. I'm not asking what you talked 05:58:51

13 about, if you are representing him. I'm just 05:58:56

14 asking when that representation started with 05:59:02

15 respect to this case. 05:59:06

16 MR. HALE: Well, again -- 05:59:10

17 MR. MATIASIC: It's a straightforward 05:59:13

18 question and that doesn't call for a legal 05:59:13

19 conclusion when it -- 05:59:15

20 MR. HALE: I absolutely disagree. A lay 05:59:18

21 person is not -- you and I both know that a client 05:59:20

22 can walk into your office and an attorney/client 05:59:21

23 relationship can be formed just by that client 05:59:25

24 walking into your office. But it's not something 05:59:28

25 that a lay witness is going to be able to testify 05:59:32

1 to. 05:59:34

2 MR. MATIASIC: Right. And I'm asking what 05:59:38  
3 his understanding is, as to when that relationship 05:59:41  
4 started, with respect to in case. That doesn't 05:59:41  
5 call for a legal conclusion. 05:59:44

6 MR. HALE: Because he's a lay witness he 05:59:45  
7 may not understand when that relationship 05:59:46  
8 commenced. 05:59:53

9 MR. MATIASIC: Okay. I think you're 05:59:56  
10 coaching him now, Tim, but I'm going to ask -- 06:00:00

11 THE WITNESS: No, I talked to him in 2000 06:00:06  
12 and I talked to him 2003. I was interested in 06:00:12  
13 pursuing this. I've been talking with Mr. [REDACTED] 06:00:15  
14 and -- whatever this loophole was that opened up -- 06:00:16  
15 I said, you know, and I decided I wasn't going to 06:00:16  
16 file a civil case on it. 06:00:19

17 BY MR. MATIASIC: 06:00:22

18 Q. I understand and you don't have to tell me 06:00:25  
19 about the past times you contacted them. 06:00:27

20 Mr. [REDACTED], my question is a pretty specific 06:00:28  
21 one. 06:00:29

22 I'm just asking when you first had an 06:00:30  
23 understanding that the Hale firm was going to 06:00:33  
24 represent you for purposes of us deposing you, in 06:00:34  
25 connection with this case in Northern California? 06:00:37

1 MR. HALE: Same objections. 06:00:42

2 THE WITNESS: I don't know. I'm -- 06:00:42

3 BY MR. MATIASIC: 06:00:45

4 Q. Let's see if I can refresh your 06:00:47  
5 recollection. 06:00:51

6 Was it over a month ago? 06:00:55

7 MR. HALE: Same objections. 06:00:57

8 THE WITNESS: I don't know, I -- It 06:01:00

9 started with this newspaper thing and working with 06:01:04

10 Melissa Evans at the news press and the next thing 06:01:06

11 I knew I was going to get deposed and so, you know, 06:01:10

12 that is how I found out about it. I found out 06:01:13

13 about it through Mr. Hale. 06:01:17

14 BY MR. MATIASIC: 06:01:21

15 Q. That's fine. So it's your understanding 06:01:25

16 that Mr. Hale and his firm are representing you in 06:01:28

17 this case; is that correct? 06:01:29

18 A. I'm not -- I'm not --I don't have a case. 06:01:29

19 Q. Okay. Well -- 06:01:29

20 A. I'm -- 06:01:32

21 Q. That is what I'm wondering -- 06:01:34

22 A. I'm being deposed and you are asking me do 06:01:35

23 I have a case. 06:01:37

24 Q. I'm not -- but, Mr. [REDACTED], you're 06:01:41

25 confusion is the same one as mine. I can guarantee 06:01:41

1       you that.

06:01:42

2           What I'm wondering is, for example, we have a  
3       trial in this matter, is it your understanding that  
4       the Nye, Peabody and Stirling firm is representing  
5       you as a witness at the trial in this matter?

06:01:45

06:01:48

06:01:51

06:01:54

6           MR. HALE: Calls for speculation. Assumes  
7       facts not in evidence. Assumes that it's even been  
8       discussed and the witness would even know that.

06:01:54

06:01:54

06:01:59

9           THE WITNESS: I don't know anything other  
10      than what, you know, is being going on right here.

06:02:00

06:02:03

11          I received this from Mr. Hale and it was  
12      better than -- you know, I didn't want to be  
13      deposed or served the last time I was served by the  
14      Franciscans. I didn't want that to happen to me  
15      again. And Mr. Hale -- that is how I found out  
16      about it is through Mr. Hale giving me the  
17      information.

06:02:05

06:02:05

06:02:06

06:02:09

06:02:10

06:02:11

06:02:14

18      BY MR. MATIASIC:

06:02:17

19          Q. And I appreciate your confusion on the  
20      issue, as well, because like I said, I have the  
21      same one.

06:02:21

06:02:25

06:02:29

22          Mr. [REDACTED], have you been asked to testify  
23      at the trial of the John Doe 39 matter?

06:02:31

06:02:33

24          A. No --

06:02:34

25          MR. HALE: Hang on, hang on, hang on. To

06:02:41

1 the extent that there has been any kind of request 06:02:42  
 2 by your attorneys, do not disclose that 06:02:45  
 3 information. If anyone else has, you need to 06:02:50  
 4 answer that question. 06:02:53

5 THE WITNESS: No. 06:02:54

6 BY MR. MATIASIC: 06:02:54

7 Q. Okay. Let's move onto the next request 06:02:54  
 8 for production. 06:03:02

9 Number 3 says, "any and all documents 06:03:04  
 10 involving communication of any kind with the 06:03:09  
 11 Franciscan Friars." 06:03:11

12 Do you have documents today responsive to that 06:03:13  
 13 request? 06:03:18

14 A. Yes. 06:03:20

15 Q. Okay. What about number 4? 06:03:21

16 A. Yes. I couldn't find all of them, but I 06:03:23  
 17 have enough to let you know I was involved with the 06:03:25  
 18 Independent -- this is about all we got. 06:03:25

19 Q. Trust me, I'm impressed of how many you 06:03:28  
 20 produced. It's a lot more than I would save. 06:03:31

21 Number 5, do you have any documents responsive 06:03:35  
 22 to that request? 06:03:37

23 A. No. 06:03:40

24 Q. Okay. How about number 6? 06:03:43

25 A. No. 06:03:46

1 Q. How about number 7? 06:03:47

2 A. Yes, as many as I could find. 06:03:50

3 Q. And number 7 -- just so the record is 06:03:55

4 clear -- "any and all correspondence, writings, 06:03:57

5 notes, emails, messages, recordings or 06:03:59

6 communications of any kind with former St Anthony's 06:04:01

7 seminarians." 06:04:01

8 A. With the exception noted of the emails of 06:04:02

9 which I feel it's my right not to produce those. 06:04:06

10 Q. You're able to read my next question. 06:04:06

11 That's what I was going to ask. 06:04:12

12 Do you believe that you cannot produce those? 06:04:15

13 And what's the basis for the belief that you can't 06:04:17

14 produce those? 06:04:20

15 MR. HALE: Again we are in the same 06:04:20

16 situation where there is a privacy right of a third 06:04:24

17 party involved who is not a party to this law 06:04:25

18 suit. It's certainly protected. The question 06:04:28

19 is -- maybe you can ask the question like you did 06:04:29

20 before. Were any of those email included -- 06:04:29

21 MR. MATIASIC: Tim, I understand the legal 06:04:29

22 objection you are raising. I'm asking what his 06:04:29

23 understanding is. 06:04:31

24 THE WITNESS: My understanding is -- 06:04:36

25 MR. HALE: Hold on. [REDACTED], again, you are 06:04:36

1 not required to identify any third parties. So, if 06:04:39  
2 you got email from non-third parties, feel free to 06:04:39  
3 answer the question. Third parties that are not 06:04:40  
4 victims who are not parties to this case -- 06:04:45

5 THE WITNESS: I don't have any emails. 06:04:48

6 MR. HALE: All right. 06:04:49

7 THE WITNESS: I have notes, writings 06:04:51  
8 correspondence. I don't have any recordings. 06:04:52

9 BY MR. MATIASIC: 06:04:53

10 Q. Okay. But, obviously, you said you are 06:04:58  
11 able to access past postings on this Yahoo group on 06:05:03  
12 your computer? 06:05:03

13 A. I'm not, not allowed to produce those to 06:05:06  
14 you. 06:05:08

15 Q. What is your basis for believing that you 06:05:12  
16 are not allowed to produce those? 06:05:16

17 A. Because it's none -- 06:05:21

18 MR. HALE: Asked and answered. 06:05:22

19 THE WITNESS: -- of my business. 06:05:24

20 THE REPORTER: One at a time, please. 06:05:24

21 MR. HALE: Asked and answered. 06:05:25

22 And, again, there are privacy rights of third 06:05:26  
23 party victims. If they are not parties of current 06:05:28  
24 litigation you are not obligated to -- 06:05:32

25 THE WITNESS: I have -- 06:05:36



1 MR. HALE: -- discuss that. 06:05:40

2 THE WITNESS: I have entered into an 06:05:45

3 agreement with the Yahoo group that I will not 06:05:47

4 disclose anything to anybody about what goes on 06:05:49

5 inside of that group. 06:05:50

6 Q. Okay. And is that agreement in writing 06:05:53

7 somewhere or -- 06:05:57

8 A. No. 06:06:00

9 Q. Is it just type of -- is that a condition 06:06:04

10 to joining the group, if you know? 06:06:05

11 A. No, it's my own belief, and I'll go to 06:06:08

12 jail for that. 06:06:11

13 Q. Okay. I'm just going to make a record 06:06:14

14 that I believe we are entitled to any and all 06:06:16

15 information on that posting related to individuals 06:06:16

16 who have pending lawsuits in Clergy 1,2 or 3 or any 06:06:18

17 other state -- 06:06:20

18 MR. HALE: What you're looking at is -- 06:06:22

19 MR. MATIASIC: -- for that matter. 06:06:25

20 MR. HALE: If I have -- 06:06:28

21 MR. MATIASIC: No, no, no -- Tim, I'm just 06:06:30

22 laying out my legal objection, for the record. I 06:06:31

23 believe we have a right to -- to those documents 06:06:31

24 and I'm going to reserve our right to bring a 06:06:32

25 motion to compel, in court, to have those documents 06:06:33

1 produced. So, as to whether that would be directed 06:06:36  
2 to Mr. [REDACTED], or the operator of the group, 06:06:39  
3 that's a different story. 06:06:40

4 MR. HALE: I haven't heard any testimony 06:06:42  
5 from him that he actually has those emails or 06:06:44  
6 whatever form the transmission is conveyed in. 06:06:46  
7 Certainly there must be something on the group -- 06:06:50  
8 on the Yahoo group site. You know, with these 06:06:54  
9 Yahoo groups, some people receive emails. Some 06:06:54  
10 people go on to the site and read the postings and 06:06:54  
11 some people receive digests. And I haven't heard 06:06:54  
12 from him what a -- so we don't know if he has 06:06:58  
13 anything at this point. 06:07:00

14 BY MR. MATIASIC: 06:07:00

15 Q. Right. Mr. [REDACTED], correct me if I'm 06:07:03  
16 wrong, but I believe you indicated you can go -- 06:07:06  
17 when you go on to this group you can access 06:07:08  
18 previous postings on-line? 06:07:09

19 A. I can do that. But am I going to do that 06:07:14  
20 for you? No. 06:07:17

21 Q. I understand you are taking the position 06:07:20  
22 that you are not going to do it -- 06:07:21

23 A. I'm sorry. I'm not going to tell you. 06:07:23

24 Q. I understand. 06:07:26

25 A. I'm going to reserve that right and 06:07:29

1       respect the privacy of the other members of the       06:07:31  
2       group --       06:07:34

3               MR. HALE:   The other thing is again I       06:07:38  
4       think that -- again, if he was receiving email -- I   06:07:40  
5       think you got an argument.   But if it's going on   06:07:49  
6       and observing postings, I think, those postings are   06:07:54  
7       the property of the web master. And if you are       06:07:57  
8       going to do something --       06:08:00

9               MR. MATIASIC:   Well, now we are going into   06:08:23  
10       intellectual property law, that we don't need to   06:08:49  
11       right now of whose property it is.   You know, I       06:09:16  
12       think we can save that for another time.       06:09:21

13       BY MR. MATIASIC:       06:09:23

14              Q.    What I want to know is a person logging-in   06:09:26  
15       to that yahoo group can access past postings       06:09:27  
16       on-line; is that correct?       06:09:27

17              A.    I can.       06:09:49

18              Q.    You -- do you have any type of special   06:09:52  
19       privilege, in that regard, or can any member, to   06:09:53  
20       the best of your knowledge, do that?       06:09:55

21              A.    Any member can.       06:09:59

22              Q.    Okay.   So, we have gone through the   06:09:59  
23       category of documents -- why don't you go through   06:09:59  
24       what you have.   Let's identify -- the first       06:10:06  
25       group -- those are letters?       06:10:11

1 A. Letters from [REDACTED] -- [REDACTED] 06:10:14

2 [REDACTED]. [REDACTED]. 06:10:18

3 Q. Okay. And how many letters from 06:10:22

4 [REDACTED] do you have? 06:10:27

5 A. 7 letters. 7. 06:10:30

6 Q. Okay. And why don't we go through the 06:10:33

7 dates of each letter, 06:10:36

8 A. 27, June, 1985; 2, January, 1990; 15, 06:10:41

9 March, 1990; 22, May, 1990; 10, December, 1992; 2, 06:10:43

10 January, 1993. 06:10:49

11 Those are the ones from [REDACTED] that I'm 06:10:53

12 going to present. 06:10:59

13 Q. Do any of those letters deal with sexual 06:11:00

14 abuse at St. Anthony's? 06:11:03

15 A. Yes. 06:11:03

16 Q. How many? 06:11:28

17 A. Mentioned in passing or -- could you 06:11:29

18 rephrase the question? 06:11:45

19 Q. Let's go through each one of them. 06:11:46

20 How about 6/27/85. Does that mention sexual 06:12:02

21 abuse? 06:12:04

22 A. No. 06:12:27

23 Q. What does that letter concern? 06:12:28

24 A. I was in charge of putting the class 06:12:44

25 reunion together, in 1985. So what I done was -- 06:12:47

1 say that I -- he received my letter. They are 06:12:51  
2 going to try to attend. They have a new member in 06:12:53  
3 their family. They went to New York. We 06:12:56  
4 commiserated that there was five members of our old 06:12:56  
5 class that dropped out of site -- we couldn't find 06:12:59  
6 them. He was just letting me know that he was 06:13:03  
7 going to try to get to the reunion in 1985. 06:13:06

8 Q. Okay. 06:13:06

9 A. It's this one. 06:13:09

10 Q. You can -- 06:13:13

11 A. This one deals with it. January 2nd, 06:13:14  
12 1990, deals with it. 06:13:15

13 Q. Okay. That deals with sexual abuse? 06:13:18

14 A. Yes. 06:13:20

15 Q. How about the 3/15/90? 06:13:24

16 A. Yes. 06:13:26

17 Q. How about the 5/22/90? 06:13:28

18 A. Yes. 06:13:33

19 Q. And December 10th, '92? 06:13:37

20 A. Yes. 06:13:39

21 Q. And the 1/2/93? 06:13:39

22 A. Yes. 06:13:39

23 Q. Mr. [REDACTED], the 5 letters that deal with 06:13:43  
24 sexual abuse, why don't we put that off to the side 06:13:47  
25 here and we'll take a break in a little bit and 06:13:47

1 I'll glance at those real quickly to find out If I 06:13:50  
2 have any questions. And Tim, what we can do is -- 06:13:53  
3 with your permission, Mr. [REDACTED] -- we can give 06:13:56  
4 them to the court reporter who will make copies for 06:13:58  
5 each counsel and then she will send you back the 06:13:59  
6 originals, so we get them back to you as soon as 06:14:04  
7 possible. 06:14:08

8 The letter here that doesn't concern sexual 06:14:09  
9 abuse -- we don't need to see that. So, you can 06:14:11  
10 take that one back. 06:14:12

11 A. Okay. 06:14:14

12 Q. Do you have any other letters? What is 06:14:15  
13 the next category here? 06:14:15

14 A. I have a letter from [REDACTED] stating 06:14:15  
15 about what had happened to him. 06:14:17

16 Q. Okay. What's this letter dated? 06:14:22

17 A. It's not dated. It's a letter he sent 06:14:22  
18 me. I believe it's -- it would be Summer of 1992. 06:14:22

19 Q. And it concerns sexual abuse? 06:14:22

20 A. Yes -- 06:14:32

21 Q. Okay -- 06:14:37

22 A. About the same time that I wrote my 06:14:40  
23 letter. We both wrote letters to the provincial. 06:14:44

24 Q. All right. 06:14:45

25 A. This is not a letter. This is a 06:14:45

1 reflection that he wrote me. Okay. It's like a 06:15:10  
2 short story. 06:15:12

3 Q. Put that in the same category that we will 06:15:12  
4 have copied. 06:15:12

5 A. Yes. I believe that -- I don't have his 06:15:13  
6 particular letter that he wrote to -- 06:15:16

7 MR. HALE: They got it. Don't worry about 06:15:18  
8 it. It was the letter that was questioned -- 06:15:19

9 MR. MATIASIC: Okay. 06:15:19

10 MR. HALE: -- it's in the confidential 06:15:21  
11 file. 06:15:22

12 MR. MATIASIC: I know which one it is. 06:15:25

13 MR. HALE: It's in the confidential file. 06:15:30

14 THE WITNESS: I have my letter that I 06:15:32  
15 wrote to [REDACTED]. Oh, we are going to go 06:15:38  
16 in chronological order -- 06:15:42

17 MR. MATIASIC: Okay. 06:15:45

18 THE WITNESS: Right now we are about 06:15:47  
19 December 1992. I wrote a letter to Father [REDACTED] 06:15:52

20 [REDACTED], the Provincial of the Santa Barbara 06:16:06  
21 Province. And I wrote a -- 06:16:07

22 MR. HALE: It's a letter that I gave -- I 06:16:09  
23 used at the [REDACTED] deposition. 06:16:13

24 MR. MATIASIC: Let me take a quick look at 06:16:18  
25 this. 06:16:21

1           This is the same one. I mean, it looks the           06:16:21  
2           same.           06:16:23

3           MR. HALE: It's the same one.           06:16:25

4           MR. MATIASIC: I'll take your           06:16:28  
5           representation, Tim, that if -- yeah -- I'll take           06:16:28  
6           your representation that it is.           06:16:28

7           We already have that one.           06:16:30

8           BY MR. MATIASIC:           06:16:33

9           Q. What'S the next letter?           06:16:38

10          A. You don't need this?           06:16:40

11          Q. No, that's okay. Here is the other           06:16:44  
12          non-sexual abuse -- you can put that away, if you           06:16:45  
13          want to.           06:16:46

14          A. I have a letter that [REDACTED], [REDACTED] and           06:16:48  
15          myself wrote on January 3rd, 1993 and we sent this           06:16:54  
16          to the members of our class.           06:16:58

17          Q. May I see that?           06:17:01

18          A. Explaining to them what was going on with           06:17:02  
19          us.           06:17:02

20          MR. HALE: I'll represent to you that was           06:17:05  
21          turned over by your clients. I just can't recall           06:17:07  
22          if it was in this litigation or the litigation in           06:17:10  
23          2000, but it was turned over. We got a date-           06:17:11  
24          stamped copy back in the office.           06:17:15

25          MR. MATIASIC: Okay. What we can do,           06:17:16



1 Tim is -- this is on the back. 06:17:20

2 THE WITNESS: That's the way we send it 06:17:22

3 out. That is an actual letter. 06:17:22

4 MR. HALE: I don't recall seeing the back 06:17:25

5 side. 06:17:26

6 MR. MATIASIC: What we'll do -- we will 06:17:27

7 have this one copied too. This letter doesn't 06:17:30

8 represent -- oh, it does represent -- does discuss 06:17:37

9 Father Cimmarusti -- 06:17:37

10 MR. HALE: I don't recall. 06:17:42

11 MR. MATIASIC: We will have this one 06:17:46

12 copied as well. 06:17:52

13 THE WITNESS: I have a letter from 06:17:53

14 classmate, Norb Waldron. Thank you, for your 06:17:53

15 letter, dated January 6, 1993. I have many 06:17:54

16 different feelings since reading your letter -- 06:17:55

17 MR. HALE: This would qualify as 06:17:57

18 something you want copied. 06:18:17

19 THE WITNESS: -- I am disturbed by the 06:18:26

20 news but yet not really surprised by it. I was not 06:18:28

21 and am not a victim. The knowledge that Mario 06:18:48

22 physically abused students always lingered in the 06:18:52

23 back of my mind. I guess I did not want to admit 06:18:56

24 it happened. I was naive to think that there was 06:19:07

25 no sexual abuse. 06:19:10

1 MR. MATIASIC: May I see that letter, 06:19:16  
2 please? 06:19:24  
3 THE WITNESS: Most of all I want you -- 06:19:28  
4 MR. MATIASIC: I didn't ask you to read 06:19:32  
5 it. 06:19:34  
6 MR. HALE: We'll be here far later than we 06:19:39  
7 want to be here. 06:19:43  
8 BY MR. MATIASIC: 06:19:53  
9 Q. And Mr. [REDACTED], we don't -- I know this 06:19:54  
10 is an inconvenience anyway, but we don't want to 06:19:55  
11 disrupt your work schedule and type of thing -- I'd 06:19:59  
12 like to finish up tonight, if we can , but if there 06:20:05  
13 is some type of -- you know, different type of 06:20:07  
14 circumstances, that I need to be aware of, just let 06:20:08  
15 my know. 06:20:14  
16 A. I planned for this. 06:20:20  
17 Q. Okay. And in this letter who is [REDACTED] that 06:20:23  
18 he is referring to? Is that [REDACTED]? 06:20:25  
19 A. Yes. This is in reference to this letter 06:20:25  
20 of January 3rd, 1993. 06:20:26  
21 Q. All right. We'll have this one copied. 06:20:26  
22 And that is Norb -- 06:20:29  
23 A. Waldron, W-a-l-d-r-o-n. 06:20:30  
24 Q. Next letter. 06:20:31  
25 A. The letter from -- dated January 5th, 06:20:34

1 1993, from Father Mil -- excuse me -- Father [REDACTED] 06:20:34  
2 [REDACTED], O.F.M., in response to the letter I wrote 06:20:36  
3 of 26, December of 1992. 06:20:38  
4 MR. HALE: I think this one is in -- in 06:20:38  
5 Mario's file, but for some reason [REDACTED] letter and 06:20:39  
6 [REDACTED]'s letter are not. 06:20:42  
7 MR. MATIASIC: Tim, you said you don't 06:20:43  
8 believe that isn't -- 06:20:47  
9 MR. HALE: No, I think that that one is, 06:20:50  
10 but for some reason the [REDACTED] letter and [REDACTED] 06:20:52  
11 letter didn't make it in. 06:20:52  
12 MR. MATIASIC: Have this one copied too. 06:20:55  
13 THE WITNESS: I have a letter dated 06:20:55  
14 January 20th, 1993, from [REDACTED]. 06:20:56  
15 MR. HALE: This is the letter I questioned 06:21:05  
16 Father [REDACTED] about at the deposition. 06:21:06  
17 THE WITNESS: It's not the original. It's 06:21:06  
18 a two-sided copy that I made. I lost the original 06:21:08  
19 copy. 06:21:09  
20 BY MR. MATIASIC: 06:22:44  
21 Q. Where did you make the two-sided copy 06:22:44  
22 from? 06:22:51  
23 A. From the original letter. 06:22:53  
24 Q. You just happened to have a copy in your 06:22:56  
25 possession? 06:22:56

2 Q. You mean a copy the year you got it, but 06:23:03

3       you subsequently lost the original? 06:23:07

4 A. Yes. 06:23:10

5 Q. And then there is some notations here at 06:23:12

6 the top. What is that? 06:23:13

7 A. I was making notes. I have -- nothing to 06:23:44

8 do -- those are my notes. That is why I initialed 06:23:47

9 it as nothing to do. I was using it for scratch 06:23:49

10 paper. 06:23:57

11 Q. Nothing to do with anything related to 06:24:02

12      this? 06:24:05

13                      A.     No.    06:24:13

14 Q. Okay. We have that one too. 06:24:17

15 MR. MATIASIC: Looks like we are changing 06:24:19

16 the tape. 06:24:19

17 MR. HALE: Okay. 06:24:21

18 THE VIDEO OPERATOR: Going off the record 06:24:25

19 The time is 6:21 p.m. 06:24:27

20 (Pause in proceedings.) 06:24:31

21 THE VIDEO OPERATOR: Please stand by. 06:24:34

22 This is the beginning of video tape number 3. We 06:24:36

23 are back on the record. The time 6:22 p.m. 06:24:38

24 BY MR. MATIASIC: 06:24:41

25 Q. Okay. Mr. [REDACTED] what is the next 06:24:45

1 document that you have? 06:24:50

2 A. Next letter is a letter from [REDACTED], 06:24:56  
3 dated August 1st, 1993. 06:25:00

4 Q. Does that concern sexual abuse? 06:25:03

5 A. Yes. 06:25:04

6 Q. May I see it? 06:25:06

7 We can have this copied. I don't need to ask 06:25:09  
8 you questions about it. 06:25:09

9 A. Okay. In between this time of January and 06:25:12  
10 August, the Independent -- It was in January of 06:25:14  
11 1993 is when the Independent Response Team met and 06:25:17  
12 I gave a deposition -- or I gave information to 06:25:21  
13 that Board of Inquiry. 06:25:26

14 Q. Okay. So -- 06:25:30

15 A. And you -- 06:25:32

16 Q. Is that different? You mentioned 06:25:33  
17 Independent Response Team. Have you spoken with 06:25:38  
18 both the Independent Response Team and the Board of 06:25:41  
19 Inquiry or are you interchanging the two? 06:25:42

20 A. The Board of Inquiry wasn't started until 06:25:44  
21 after the Independent Response Team. So the -- the 06:25:47  
22 Independent Response Team wasn't started until 06:25:49  
23 after the Board of Inquiry. I went to the Board of 06:25:54  
24 Inquiry in January, then they -- after the report 06:25:57  
25 was released in November of 1993, we started 06:26:00

1 getting bulletins and information from Israel 06:26:03  
2 Rosales -- Dr. Rosales, who is part of the 06:26:08  
3 Independent Response Team. 06:26:09  
4 Q. Okay. Let me back up and ask you a few 06:26:14  
5 questions about the Board of Inquiry. 06:26:18  
6 How did you find out that a Board of Inquiry 06:26:19  
7 had been convened? 06:26:23  
8 A. Through Ray Munana, he had called me up. 06:26:25  
9 Q. Who is Ray Munana? 06:26:28  
10 A. Ray Munana is a friend of the Seminary. 06:26:31  
11 They are a family -- the Menana's are a family that 06:26:33  
12 went to the Seminary every Sunday for services. 06:26:36  
13 There was a community of Santa Barbara families 06:26:38  
14 that attended our services every Sunday. 06:26:41  
15 Q. Can you spell that for the court reporter? 06:26:44  
16 A. Munana, M-u-n-a-n-a. 06:26:47  
17 Q. And do you know -- did they have a son who 06:26:48  
18 attended St. Anthony's? 06:26:52  
19 A. No, they didn't. 06:26:55  
20 Q. And what was the nature of your 06:26:59  
21 relationship with the Munana's? 06:27:00  
22 A. They were family friends with our senior 06:27:03  
23 class. There was a couple of families that took us 06:27:07  
24 in, gave us meals, when we needed to get away from 06:27:11  
25 the Seminary in our senior year. 06:27:12

1 Q. Did you keep in contact with the Munana's 06:27:14  
2 after you left the Seminary? 06:27:16

3 A. It was in conjunction -- no, I didn't. 06:27:18

4 Q. And so how did they contact you regarding 06:27:20  
5 the Board of Inquiry? 06:27:20

6 A. Through [REDACTED]. [REDACTED] and I had been 06:27:22  
7 discussing -- I think that is in one of our 06:27:23  
8 letters -- Bob initially told me that there was 06:27:23  
9 going to be a Board of Inquiry. The Munana's -- 06:27:25  
10 and I don't have that letter -- wrote me a letter 06:27:27  
11 saying that they -- I was looking for it -- that 06:27:30  
12 they were going to have a Board of Inquiry and 06:27:32  
13 would I mind coming up and participating in it. 06:27:32

14 Q. Do you have an understanding as to why the 06:27:33  
15 Munana's contacted you to talk to the Board of 06:27:36  
16 Inquiry? 06:27:38

17 A. Because [REDACTED] had given them my name. [REDACTED] 06:27:42  
18 and I were in contact. It was my belief that the 06:27:47  
19 Munana's were helping to do the leg work to get all 06:27:54  
20 the parties together. 06:27:57

21 Q. Do you know whether or not Mr. [REDACTED] 06:28:03  
22 disclosed the specifics of the spankings you 06:28:06  
23 suffered at the Seminary to the Munana's? 06:28:09

24 A. No, I don't. 06:28:09

25 Q. You don't know one way or the other? 06:28:18

1 A. I don't know one way or the other. 06:28:20

2 Q. Did the Munana's ever indicate to you they 06:28:20

3 knew the specifics of what you had suffered at the 06:28:24

4 Seminary? 06:28:27

5 A. Not at the beginning, no. 06:28:28

6 Q. At some point they did? 06:28:29

7 A. Yes. 06:28:31

8 Q. When was that? 06:28:32

9 A. When they read the report. 06:28:32

10 Q. When they read the report they knew 06:28:35

11 specifically which part of the report referred to 06:28:36

12 you? 06:28:37

13 A. Yes. 06:28:41

14 Q. How -- do you have an understanding as to 06:28:41

15 how they knew that? 06:28:42

16 A. Because on the day the report -- the Board 06:28:46

17 of Inquiry was ended -- television crews came up 06:28:49

18 from Los Angeles and we went over to the Higgins' 06:28:51

19 house -- Ray Higgins' house -- and there was an 06:28:51

20 interview setup with the television crews and we 06:28:54

21 basically -- I gave an interview. 06:28:58

22 Q. To what T.V. station did you give an 06:29:01

23 interview? 06:29:05

24 A. I believe it was KEYT in Santa Barbara. 06:29:10

25 I think those are the call letters -- channel 3. 06:29:11



1 I also gave an interview with CNN. 06:29:16

2 I also gave an interview with channel 9. 06:29:17

3 Q. And it's your understanding that 06:29:19

4 Ray Higgin set up those interviews? 06:29:22

5 A. Yes. 06:29:23

6 Q. Did he ask you to participate in those 06:29:24

7 interviews? 06:29:27

8 A. Yes, he did. 06:29:29

9 Q. Did the Munana's also participate in those 06:29:34

10 interviews? 06:29:36

11 A. I don't know. I don't think so. 06:29:38

12 Q. But they were there when the interviews 06:29:40

13 occurred? 06:29:45

14 A. I can't remember. 06:29:51

15 Q. So, they learned that some of the 06:29:51

16 information of the Board of Inquiry referred to you 06:29:51

17 as a result of the interviews you gave; is that 06:29:54

18 correct? 06:29:56

19 A. We also had meetings. They were 06:29:57

20 participating in the Board of Inquiry. And we had 06:29:57

21 meetings that were going on during that whole week 06:30:00

22 and all of this information came out during the 06:30:02

23 times that we were together that -- the course of 06:30:05

24 that week. 06:30:08

25 Q. Did you talk to or testify at the Board Of 06:30:11

1 Inquiry? 06:30:13

2 A. Yes, I did. 06:30:13

3 Q. Was that in a public forum or was it 06:30:15

4 privately? 06:30:17

5 MR. HALE: Speculation. 06:30:21

6 THE WITNESS: I don't -- It's all in 06:30:25

7 here -- everything that needs to be understood, in 06:30:29

8 the Independent Board of Inquiry -- right here. I, 06:30:31

9 you know, I can read it. 06:30:34

10 Q. I'm not asking you to read it. What I'm 06:30:36

11 asking is, when you gave the information that 06:30:36

12 ultimately ended up in that report, how was that 06:30:40

13 given? Did You meet one-on-one or were you in a 06:30:42

14 room? 06:30:47

15 A. I was interviewed by a group of men. 06:30:52

16 Q. Was there anyone else, other than the 06:30:55

17 members of the Board of inquiry and you in the 06:30:59

18 room? 06:31:02

19 A. No. 06:31:02

20 Q. Where did this meeting take place? 06:31:04

21 A. St. Anthony's Seminary. 06:31:06

22 Q. At any other time, did you discuss the 06:31:08

23 specifics of what occurred to you in a public 06:31:10

24 setting? For example, in a group meeting where the 06:31:13

25 Munana's or other people could attend? 06:31:16

06:31:21

06:31:24

06:31:28

06:31:30

06:31:31

06:31:34

06:31:35

06:31:35

06:31:40

06:31:41

06:31:44

06:31:48

06:32:01

06:32:05

06:32:05

06:32:08

06:32:16

06:32:26

06:32:31

06:32:34

06:32:37

06:32:40

06:32:41

06:32:43

25           A.    It was given to us.  I asked for it.

1 Q. By whom?

06:32:45

2 A. All of the members that participated were  
3 given this when it was published.

06:32:47

06:32:51

4 Q. So everybody who gave information to the  
5 Board of Inquiry the --

06:32:57

06:33:04

6 A. It was mailed to me. It was mailed to me  
7 by the Province.

06:33:10

06:33:14

8 Q. Got you.

06:33:16

9 A. When they were asking me to set up a  
10 request for therapy.

06:33:25

06:33:29

11 Q. Okay. You can -- I don't need to go  
12 through it. Let me take a real quick look of the  
13 report that you have.

06:33:33

06:33:35

06:33:40

14 Okay. You can -- we don't need to copy that  
15 one.

06:33:43

06:33:45

16 A. I'm sorry. I have one other letter from  
17 Diane Munana, dated 6, December 1992, it was on the  
18 bottom of the file from Mrs. Munana.

06:33:45

06:33:49

06:33:49

19 Q. All right.

06:33:53

20 A. Those are notes that I took at a meeting.

06:33:53

21 Q. What meeting was this --

06:33:54

22 A. Can I look at them so I can see what  
23 meeting it was?

06:33:57

06:34:01

24 Q. Sure.

06:34:04

25 A. This was a meeting -- this is when the

06:34:08

1 interviews were given -- I'm sorry about that -- 06:34:11  
2 let me rephrase that -- on March 18th. We were -- 06:34:14  
3 this is who contacted us. This is who had -- it's a 06:34:17  
4 listing of -- it was at [REDACTED]'s house -- [REDACTED] 06:34:22  
5 and [REDACTED]. And I believe they had a child 06:34:24  
6 that was molested sometime during the years of the 06:34:26  
7 Seminary. 06:34:30

8 I basically took notes saying, you know, what 06:34:34  
9 I felt and this is what was discussed at the 06:34:39  
10 meeting. I took notes saying that -- there was no 06:34:41  
11 representative at this particular meeting in March 06:34:45  
12 from the Los Angeles Archdiocese. 06:34:51

13 Q. Mr. [REDACTED], can I take a look at it? 06:34:53

14 A. You can read my notes and ask me 06:35:00  
15 questions -- 06:35:03

16 Q. I may or may not. I'm just trying to 06:35:06  
17 speed it up. That's all. 06:35:09

18 Was there any attorney at this meeting, if you 06:35:10  
19 remember? 06:35:12

20 A. I don't know. 06:35:15

21 Q. Do you recall whether at this meeting at 06:35:19  
22 the Smith's house there was any discussion about 06:35:22  
23 filing a lawsuit against the Franciscans? 06:35:27

24 A. We were involved in litigation. I was 06:35:30  
25 involved at this time. That's when I was going to 06:35:31

1 Lyle Cavin, in Oakland, California. He's an 06:35:34  
2 attorney that represented me. 06:35:38

3 Q. So you had a pending suit at the time of 06:35:39  
4 the Board of Inquiry; is that correct? 06:35:43

5 A. It was afterwards. 06:35:48

6 Q. And 1 through 6 there are some -- you have 06:35:50  
7 some notations here regarding various media 06:35:54  
8 outlets. For example, L.A. Daily News, KEYT. 06:36:00

9 What does that refer to? 06:36:03

10 A. Those are the news media that had been 06:36:11  
11 contacted by the Munana's and over the course of -- 06:36:17  
12 waiting for this report to come out -- there was 06:36:18  
13 some concern by the family members of lagging by 06:36:21  
14 the Franciscans. Because we were told that the 06:36:24  
15 report was going to come out immediately and the 06:36:27  
16 recommendations were going to be made and nothing 06:36:31  
17 was done until November. 06:36:36

18 Q. Do you have an understanding of why the 06:36:39  
19 Munana's were contacting the media? 06:36:42

20 A. They had taken upon themselves at the 06:36:46  
21 close of the Independent Board of Inquiry to be a 06:36:48  
22 go between the Province and the members of the 06:36:49  
23 group that had participated in the Board of 06:36:51  
24 Inquiry. 06:36:53

25 Q. Okay. There is an indication here that 06:36:55

1       there was some type of alumni letter that was sent       06:36:58  
2       out. Do you recall discussion --       06:37:03

3           A.     That could be the letter that I'm dealing       06:37:05  
4       with -- January 3rd, 1993. There was also a letter       06:37:10  
5       sent out by the Province -- which I don't have --       06:37:13  
6       asking us if we had been abused and if we had we       06:37:14  
7       could participate in -- oh, the resource packet --       06:37:17  
8       this was the resource packet that was given to us       06:37:18  
9       at the closure of the Independent Response at the       06:37:27  
10      end of the Board of Inquiry and --       06:37:29

11          Q.     Okay. Was this --       06:37:33

12          A.     Here is a letter February 3rd, 1993,       06:37:36  
13      stating -- this is the original letter from       06:37:38  
14      Geoffrey Stearns stating that they were going to       06:37:39  
15      form an Independent Response Team and they gave me       06:37:42  
16      that packet from Geoffrey Stearns. So, I guess,       06:37:46  
17      he's a lawyer, isn't he? Yeah, so he was --so,       06:37:49  
18      yes, so let me go back -- he was present at the       06:37:51  
19      meeting. Geoffrey Stearns, yes, he is a lawyer.       06:37:58

20          Q.     But he wasn't there for purpose of       06:38:15  
21      representing anyone of the group?       06:38:18

22          A.     No, he's part of the Independent -- yes.       06:38:22

23          Q.     I know, I'm just asking the questions for       06:38:25  
24      the record, Mr. [REDACTED].       06:38:31

25          Why don't we -- this one here I would like to       06:38:34

1 have a copied made, if we can. 06:38:37

2 This resource packet that you handed me, was 06:38:40

3 this also annexed to the report at all or did you 06:38:41

4 receive this separately? 06:38:44

5 A. This came with this. 06:38:45

6 Q. Why don't we have that -- put that in the 06:38:47

7 copying pile. 06:38:48

8 A. This is together. 06:38:52

9 Q. And then going back to your notes here of 06:38:54

10 that meeting of March 18th at the Smith's house, 06:38:59

11 specifically, drawing your attention to alumni 06:39:01

12 letter that was going to be sent out. 06:39:04

13 A. Yes. 06:39:05

14 Q. Number 5 here of your notes indicates, 06:39:09

15 says, "redo letter to eliminate last paragraph." 06:39:10

16 Do you recall what was eliminated? 06:39:13

17 A. Can I see my notes, please? 06:39:14

18 Q. Sure. 06:39:15

19 A. This was a letter that Father [REDACTED] 06:39:17

20 [REDACTED] was going to write. 06:39:21

21 What he was going to provide was a mailing 06:39:25

22 list of all seminarians that attended St. Anthony's 06:39:28

23 from 1964 to 1987 and should it go to faculty and 06:39:31

24 we made a recommendation that he might want to redo 06:39:35

25 the letter. And I don't have that letter. So, 06:39:36



1       it's in reference to the letter that Father [REDACTED] 06:39:39  
2       was going to write. 06:39:43

3           Q.    Do you recall -- I know you don't have the 06:39:44  
4       letter -- but do you recall what you were asking 06:39:47  
5       him to redo? 06:39:49

6           A.    No, those were the notes that everybody 06:39:55  
7       was saying, Well, why don't we redo this. This was 06:39:59  
8       a forum, there were probably 30 of us in the 06:40:00  
9       refectory and I'm taking these notes and [REDACTED] is 06:40:03  
10      speaking and this might even have been [REDACTED] 06:40:04  
11      saying, I'm going to redo the letter to -- 06:40:07

12          Q.    You don't have any specific recollection 06:40:13  
13      about what was to be redone about the letter? 06:40:16

14          A.    I don't. 06:40:21

15          Q.    Fair enough. We can put that in the 06:40:23  
16      copying pile. 06:40:26

17          And this here -- this letter, Mr. [REDACTED], 06:40:30  
18      is -- 06:40:34

19          A.    I believe this is a copy. It's entitled, 06:40:36  
20      "A Comprehensive Approach to Provincial Policy." 06:40:39

21          I believe it came with the Independent 06:40:43  
22      Response Team Packet and it appears to have been 06:40:46  
23      written by the Franciscans. And it's dealing with 06:40:47  
24      the religious fraternity, the presenting issues, 06:40:49  
25      comprehensive province policies. What they are 06:40:51

1 going to do in relationship to this. 06:40:54

2 It's provincial policy and pastoral response 06:40:55

3 that Father [REDACTED] wrote in December of '92. 06:40:57

4 Q. Did you receive this in the mail? 06:41:04

5 A. I received that prior to going to the 06:41:05

6 Independent Board of Inquiry. Because it's in 06:41:09

7 December of '92. 06:41:16

8 Q. So this is a letter that you received from 06:41:22

9 Father [REDACTED]? 06:41:22

10 A. Yes -- I don't know how I received that, 06:41:27

11 but I received it at the meeting. It wasn't mailed 06:41:29

12 to me. This is what the province was mailing out 06:41:35

13 to members of -- to let everybody know that the 06:41:42

14 Independent Response Team was going to get 06:41:45

15 together -- or The Board of Inquiry was going to 06:41:47

16 get together. That was their pastoral response 06:41:48

17 because there was this outcry that had happened. 06:41:52

18 And so this is what -- I believe I may have gotten 06:41:53

19 than from the Munana's or when I showed up for the 06:41:56

20 Independent -- or for the Board of Inquiry. 06:41:58

21 Q. Do you have an understanding as to who 06:42:03

22 generated this document? 06:42:05

23 A. The province did. And they were providing 06:42:08

24 it to the people when they showed up. That was 06:42:12

25 their response. I believe you can get that on-line 06:42:15

1 too. 06:42:15

2 Q. Put that in the copying pile. 06:42:27

3 A. Okay. 06:42:28

4 Q. Next document? 06:42:32

5 A. Okay. I went through -- I don't have any 06:42:33

6 of my stuff from Lyle Cavin. I misplaced it. 06:42:36

7 During this time in '93, I went up to Oakland I -- 06:42:37

8 MR. HALE: Your stuff with Lyle would be 06:42:39

9 privileged anyway. 06:42:39

10 THE WITNESS: -- I did this and then my 06:42:44

11 next thing is I received a letter on the 19th of 06:42:52

12 May, 1994, telling us that if we wanted therapy, we 06:42:52

13 needed to request it. That province was going to 06:43:00

14 provide that for us. 06:43:05

15 Q. And you follow up on this? 06:43:12

16 A. Yes. And here's my response. I made a 06:43:16

17 copy of it. 06:43:24

18 Q. We'll put that in the copy pile. 06:43:24

19 A. This one also -- my request for therapy? 06:43:26

20 Q. Yes, please. 06:43:30

21 A. At the same time I received this note -- 06:43:33

22 and there is a handwritten note by Ray Higgins -- 06:43:37

23 telling me to fill it out. He had sent me one too. 06:43:39

24 Q. We can put that in the copying file. 06:43:44

25 A. This one? 06:43:47

1 Q. Yes, please. This one we don't need. 06:43:51  
2 Next? 06:44:05  
3 A. You got my letter, so that doesn't need to 06:44:09  
4 go. 06:44:13  
5 Q. Is that the one you showed me? 06:44:13  
6 A. This is the one from -- 06:44:16  
7 Q. No, no, no. I'm talking about the next 06:44:19  
8 one. 06:44:32  
9 A. This is the one stating that I went to the 06:44:35  
10 Seminary signed by -- 06:44:37  
11 Q. Don't need that one. 06:44:52  
12 A. This is a letter from Tim Lannan -- one of 06:44:55  
13 my classmates. Basically his life story, after he 06:44:59  
14 left the Seminary and he had enclosed a copy of the 06:45:02  
15 New York Times with Michael Higgins and the 06:45:05  
16 national reports -- so, here's a copy from the New 06:45:06  
17 York Times. 06:45:11  
18 Q. May I have the letter from -- 06:45:18  
19 A. Yes. 06:45:25  
20 Q. I'm sorry -- Tim Lannan again is? 06:45:28  
21 A. One of our members of the class of 1970. 06:45:30  
22 Q. And what does this letter detail? 06:45:34  
23 A. He had read about -- he had seen that in 06:45:37  
24 the New York Times and he mailed it to us. 06:45:37  
25 So, I haven't read the letter in a long time. 06:45:41

1 It has something to do with Ray Higgins' son. 06:45:42

2 Q. Do you know whether Tim Lannan was 06:45:42

3 sexually abused while he was at St. Anthony's? 06:45:43

4 A. I don't know. 06:45:47

5 Q. Do you recall offhand if this letter 06:45:51

6 mentions Father Mario Cimmarusti at all? 06:45:53

7 A. No, I can't. 06:45:57

8 Q. Put this in the copying file. I don't 06:46:01

9 think I will ask any questions on that. 06:46:05

10 Next letter? 06:46:09

11 A. Those are the letters right there. I have 06:46:12

12 letters that I wrote when I graduated from college, 06:46:14

13 but, you know, you wanted me to bring them. 06:46:20

14 Q. Okay. Let's -- do you have -- what's this 06:46:22

15 next category? 06:46:24

16 A. Next category of letters is letters 06:46:26

17 from -- that -- I sent graduation invitations to 06:46:28

18 Father Xavier, Brother [REDACTED] and Father [REDACTED]. Three 06:46:31

19 of the priests that were, you know -- and brothers 06:46:35

20 that were with me. And -- 06:46:40

21 Q. Let's go over these real quick. 06:46:44

22 How about the one to Father Xavier? 06:46:44

23 Let me see that one. 06:46:47

24 A. I don't have -- it's a letter from 06:46:49

25 Father Xavier. 06:46:50

1 Q. Oh, okay -- 06:46:51

2 A. These are letters from him communicating 06:47:09

3 with me -- congratulating for graduating from 06:47:11

4 college. Nothing is mentioned of abuse or 06:47:14

5 anything. He is just thanking me for -- just an 06:47:16

6 inside thing -- Father Xavier -- on the week that I 06:47:19

7 graduated from St. Anthony's I was almost expelled 06:47:23

8 because I refused to wear a tie to the graduation. 06:47:25

9 They had a faculty meeting and I was allowed to 06:47:29

10 graduate by a vote of 7 to 6. At the time of the 06:47:33

11 vote of 7 to 6 he told me that I would not amount 06:47:36

12 to anything much in my life. And so I wrote him a 06:47:41

13 letter and basically said it took me 35 years, but 06:47:45

14 I graduated from college. 06:47:50

15 Q. And you said you invited him to your 06:47:51

16 graduation from college? 06:48:01

17 A. Yeah, and I was proud of what I had done 06:48:07

18 and I wanted to invite these men to my graduation. 06:48:09

19 Q. Brother [REDACTED] -- are the letters all the 06:48:10

20 same or did you tailor them, specifically, to 06:48:11

21 each -- 06:48:18

22 A. No, no. It was actually on the official, 06:48:20

23 you know, my -- my -- 06:48:23

24 Q. May I see one of them? 06:48:26

25 A. Sure. Here is a letter from 06:48:30

1 Father Xavier. 06:48:35

2 Q. We don't need these. 06:48:41

3 So you don't have the invitations you actually 06:48:44  
4 sent to these individuals? 06:48:48

5 A. No, I don't. It was just a generic one 06:48:52  
6 that I got from the campus book store -- 06:48:55

7 Q. Sorry. This one is from -- 06:48:55

8 A. Brother [REDACTED]. 06:48:56

9 Q. Okay. And what was the reason that you 06:49:00  
10 invited Brother [REDACTED]? 06:49:02

11 A. He was my senior moderator at the Seminary 06:49:05  
12 and I had attempted to see him over the years and 06:49:10  
13 never really made any -- had not seen him since 06:49:10  
14 the -- 06:49:11

15 Q. Okay. And do you know Father [REDACTED]? 06:49:16

16 A. [REDACTED] is the first name, [REDACTED]. 06:49:18

17 Q. Do you know Father [REDACTED]? 06:49:19

18 A. Oh, yes. 06:49:20

19 Q. How do you know Father [REDACTED]? 06:49:23

20 A. He was my junior class moderator. He was 06:49:25  
21 also the first person that I found out that I was 06:49:32  
22 adopted. I mean, there are things that will 06:49:35  
23 happen -- anyway. 06:49:38

24 Q. And why did you invite Father [REDACTED]? 06:49:42

25 A. Because I felt very close to him, as I did 06:49:45

1 with Brother [REDACTED]. They had helped me mature and,  
2 even though he did not know anything about the  
3 abuse, I was able to confide in him. In the time  
4 period between my junior and senior year he  
5 arranged for me to live with a family in the bay  
6 area.

7 Q. This is Father [REDACTED]?

8 A. Father [REDACTED], yes. And the reason I wrote  
9 Father [REDACTED] -- I couldn't remember the name of the  
10 family that I stayed with, and I was asking Father  
11 [REDACTED], if he could tell me the name of the family  
12 that I stayed with, and I was asking Father [REDACTED],  
13 if he could tell me the name of that family, so I  
14 could write them a thank you note and invite them  
15 to -- to -- you know, what I had been, doing with  
16 my life.

17 I didn't invite him to -- I invited him to  
18 graduation, but I never had a response from him  
19 until two years later.

20 Q. When you said you confided to Father [REDACTED]  
21 at the Seminary, what did you confide to him about?

22 A. He and I had talked about circumstances  
23 that were going on in my family. And I had found  
24 out through him that I was adopted. I didn't find  
25 out until I was 16-years old that I was adopted.



1 Q. Was Father [REDACTED] supportive? 06:50:47

2 A. Yes, he was. In fact, all the priests 06:50:53

3 knew I was adopted, except for me -- until my 06:50:56

4 junior year. They knew when I joined the 06:51:00

5 Seminary. My mom had told them. 06:51:04

6 Q. And obviously, when you were at the 06:51:07

7 St. Anthony's Seminary, you had occasion to deal 06:51:11

8 with Father [REDACTED], on a number of occasions? 06:51:16

9 A. Only in my junior year. He showed up -- 06:51:17

10 his first year of teaching was in 1968. 06:51:19

11 Q. And is it your impression of Father [REDACTED] 06:51:23

12 that he's an honest person? 06:51:27

13 A. Yes. 06:51:30

14 MR. HALE: Calls for speculation. 06:51:35

15 THE WITNESS: I mean -- 06:51:35

16 MR. MATIASIC: Asking what his impression 06:51:37

17 is. 06:51:40

18 THE WITNESS: He had asked me about things 06:51:46

19 that had happened with a certain incident that had 06:51:48

20 happened in our freshman year. He wanted to make 06:51:52

21 sure that he heard it correctly. 06:51:54

22 BY MR. MATIASIC: 06:51:59

23 Q. What type of incident are you talking 06:52:04

24 about? 06:52:06

25 A. Incident where we had to March in our 06:52:11

1 underwear and I basically -- I didn't want to 06:52:16  
2 spend -- my father was a career officer in the 06:52:25  
3 Marine Corp -- I did not want to spend the summer 06:52:27  
4 in North Carolina -- so Father [REDACTED] had said well, 06:52:33  
5 you go up and spend time up in the bay area. And I 06:52:34  
6 just, you know -- the only thing I did tell him 06:52:37  
7 about was the incident of marching in our 06:52:39  
8 underwear. To take our sacred doctrine test. 06:52:42  
9 Q. What did Father [REDACTED] say in response? 06:52:45  
10 A. He said that, you know, he said that was 06:52:54  
11 unfortunate that that had happened. I did get some 06:52:59  
12 kind of response with that. Because it was very 06:53:02  
13 humiliating to march through the Seminary in our 06:53:06  
14 underwear. 06:53:10  
15 Q. When did that occur? 06:53:13  
16 A. It occurred at the end of our freshman 06:53:14  
17 year. We were accused of cheating on a sacred 06:53:20  
18 doctrine exam and Father Mario -- 06:53:22  
19 Q. Was this the final examination? 06:53:25  
20 A. No, just a test that was given to us, 06:53:28  
21 so -- I'm sorry -- it was a Spanish test. Not a 06:53:31  
22 sacred doctrine test, it was a Spanish test. We 06:53:36  
23 were asked to strip to our underwear -- just our 06:53:40  
24 underwear --no T-shirt, no shoes, no shirts. And 06:53:40  
25 we were sophomores at the time and we had to walk 06:53:42

1 from the sophomore dorm through the cloister and  
2 from one end to the Seminary to the other -- the  
3 entire class in our underwear and take a test in  
4 our underwear proctored by Father Mario.

5 Q. This was in the year of '67, '68?

6 A. Yes.

7 Q. Which semester would it be? Was it in '67  
8 or '68? Fall or the Spring?

9 A. I believe it was in the Fall.

10 Q. Mr. [REDACTED], at the time when you were  
11 asked to march in your underwear to take the  
12 examination, did you believe that there was any  
13 sexual reason why you were being asked to do that  
14 or any sexual motive?

15 MR. HALE: Calls for speculation. Lacks  
16 foundation. May call for an expert opinion.

17 THE WITNESS: We were told to take our  
18 clothes off with the exception of our underwear  
19 because we had been caught cheating -- accused of  
20 cheating. So, Father Mario was telling us that the  
21 only way he can insure that we would not cheat  
22 would be for us to take the test in our underwear.

23 BY MR. MATIASIC:

24 Q. You had an understanding that it was -- as  
25 a result of being caught cheating?

1           A.    We had cheated as a class, yes, yes.  And   06:54:54  
2   we told him -- the test had been proctored by a       06:54:58  
3   priest.  Another priest, I believe, was               06:55:01  
4   Father [REDACTED] had proctored the exam and we       06:55:04  
5   were basically cross-talking and stuff, you know,   06:55:05  
6   we didn't think anything of it.                       06:55:06

7           Q.    Did the class, in fact, cheat on the       06:55:06  
8   exam?   06:55:10

9           A.    Yes.                                       06:56:17

10          Q.    So, was it your --                       06:56:17

11               MR. HALE:  Objection.  Lacks foundation.   06:56:17

12               MR. MATIASIC:  I didn't get the question   06:56:17  
13   out.   06:56:17

14               MR. HALE:  That was for the last question.  07:08:36

15   BY MR. MATIASIC:                                       07:08:36

16          Q.    So was it your understanding that       07:08:42  
17   Father Cimmarusti forced you to do that so you       07:08:45  
18   couldn't cheat again?                               07:08:45

19               MR. HALE:  Same objection.               07:08:47

20               THE WITNESS:  We were asked to take the   07:08:50  
21   test in our underwear, as a punishment.  He told us   07:08:50  
22   he was going to punish us.  And that's how he       07:08:53  
23   punished us.  We had to March in front of the       07:08:56  
24   entire student body.                               07:08:59

25   BY MR. MATIASIC:                                       07:09:04

1 Q. Right. And, Mr. [REDACTED], it was your 07:09:08  
2 understanding you were being asked to do that, as a 07:09:12  
3 result of the class cheating on the exam? 07:09:16

4 MR. HALE: Same objection. 07:09:19

5 THE WITNESS: Yes. 07:09:19

6 BY MR. MATIASIC: 07:09:22

7 Q. I will give you that -- that's the 07:09:25  
8 envelope for that one. You can keep those. 07:09:25

9 Is that it? 07:09:29

10 A. That's it. 07:09:33

11 MR. MATIASIC: Let's go off the record. 07:09:37

12 THE VIDEO OPERATOR: Going off the 07:09:44  
13 record. The time is 6:56 p.m. 07:09:49

14 (Pause in proceedings.) 07:09:52

15 THE VIDEO OPERATOR: Stand by. Back on the 07:09:55  
16 record. The time is 7:08 p.m. 07:09:56

17 BY MR. MATIASIC: 07:09:58

18 Q. Okay, Mr. [REDACTED], before we went off the 07:10:03  
19 record, we were finishing up with your documents. 07:10:03

20 What I would like to do at this time is 07:10:06  
21 mark them, for the record. So, actually, I think I 07:10:07  
22 might have already marked this one. The depo 07:10:08  
23 notice with Request for production would be exhibit 07:10:08  
24 number A. 07:10:10

25 With respect to the letters you received from 07:10:15

1 the Board of Inquiry, this first one here -- 07:10:18  
2 February 3rd, 1993, from Jeff Stearns, the 07:10:22  
3 chairperson of the Board of Inquiry -- 07:10:23  
4 A. Yes. 07:10:27  
5 Q. This is the letter you received from them 07:11:00  
6 in the month of February 1993, correct? 07:11:00  
7 A. Yes. 07:11:00  
8 Q. Did you receive this Comprehensive 07:11:03  
9 Approach to Provincial Policy with this letter? 07:11:07  
10 A. I don't know. I believe they were handing 07:11:09  
11 those out at the beginning of the -- at the 07:11:12  
12 beginning of -- my mind is going here -- of the -- 07:11:15  
13 not the Response Team, but the Board of Inquiry. 07:11:15  
14 Q. When you actually physically showed up 07:11:27  
15 they were handing them out? 07:11:27  
16 A. Yes. Because this was the provincial 07:11:27  
17 response to the accusations that were going on in 07:11:30  
18 the end of December. 07:11:31  
19 Q. And what about this resource packet that 07:11:37  
20 you handed me from the Board of Inquiry? That was 07:11:43  
21 with the initial letter? 07:11:46  
22 A. Yes. 07:11:48  
23 MR. MATIASIC: What we will do we will 07:11:51  
24 mark the letter and the resource packet that you 07:11:52  
25 received in February 1993 as exhibit B. Do you 07:11:56

1 want to take a look -- those are the two documents  
2 that you received from the Board of Inquiry in  
3 February of 1993?

4 THE WITNESS: Yes.

5 (Defendants' Exhibit B was marked for  
6 identification.)

7 MR. MATIASIC: Mark as exhibit C -- this  
8 is the Comprehensive Approach to Provincial Policy  
9 regarding the incidents of sexual abuse.

10 This is the document you received when you  
11 physically went to the Board of Inquiry?

12 THE WITNESS: Yes.

13 MR. MATIASIC: That would be C.

14 (Defendants' Exhibit C was marked for  
15 identification.)

16 MR. MATIASIC: Next document I have here  
17 is a letter from the Independent Response Team,  
18 dated May 19, 1994, from Isreal Rosales, PhD.  
19 Addressed to you, Mr. [REDACTED], regarding the  
20 Friars offer to pay for therapy.

21 Is that the letter you received?

22 THE WITNESS: Yes, it is.

23 MR. MATIASIC: And the next document I'm  
24 holding here is a sheet that was filled out, I  
25 believe, by you on May 24th, 1994, indicating that

1       you will take the Friars up on their offer for       07:15:19  
2       therapy; is that correct?       07:15:19

3               THE WITNESS:   Yes, it is.       07:15:39

4               MR. MATIASIC:   And that's the document you       07:15:50  
5       signed?       07:15:56

6               THE WITNESS:   Yes.       07:16:01

7               MR. MATIASIC:   Why don't we mark these two       07:16:08  
8       as exhibit D.       07:16:13

9               (Defendants' Exhibit D was marked for       07:16:15  
10       identification.)       07:16:16

11               MR. MATIASIC:   Finally, the remainder of       07:16:22  
12       the documents are all the letters that you provided       07:16:24  
13       either from [REDACTED] or from Norb Waldron or       07:16:25  
14       from Tim Lannan is the remainder of the pile of       07:16:27  
15       documents that you submitted before.   So we will       07:16:47  
16       mark that as a group exhibit next in order -- which       07:16:51  
17       is E.       07:16:53

18               (Defendants' Exhibit E was marked for       07:16:54  
19       identification.)       07:16:58

20       BY MR. MATIASIC:       07:17:01

21               Q.   Any other documents that you brought in       07:17:05  
22       response to the request?       07:17:08

23               A.   I have some year books.       07:17:09

24               Q.   Are those from your years at       07:17:11  
25       St. Anthony's?       07:17:13



25 Q. You should take those out of the --

1           A.    Family pictures.  I went to a reunion.           07:18:21  
2       These are personal notations that were made by           07:18:24  
3       seminarians when we signed our yearbook at the end       07:18:26  
4       of the year.   07:18:26  
5           Q.    No reference to sexual abuse?                   07:18:30  
6           A.    No.   07:18:33  
7           Q.    Any reference to spankings?                   07:18:37  
8           A.    No.   07:18:37  
9           Q.    Any reference to Father Cimmarusti in           07:18:39  
10       here?   07:18:48  
11          A.    He signed it.  In fact, that's the year       07:18:53  
12       that it's dedicated to him.                               07:18:55  
13          Q.    When you say, "it's dedicated to him,"       07:18:55  
14       what do you mean?   07:19:00  
15          A.    The senior class every year dedicates a       07:19:24  
16       yearbook to one of the faculty members they really     07:19:25  
17       like.   07:19:26  
18          Q.    So this would be the senior class --           07:19:28  
19          A.    The class of 1968.                               07:19:30  
20          Q.    1968, okay.  They dedicated the yearbook       07:19:36  
21       to Father Mario.   07:19:46  
22          A.    Right.    07:19:48  
23          Q.    This is senior -- this is --                   07:19:53  
24          A.    Junior.    07:19:58  
25          Q.    Junior yearbook -- again, just notations       07:20:01

1 from your fellow seminarians?

07:20:04

2 A. I don't even know if that one has

07:20:07

3 notations in it.

07:20:08

4 Q. Because this is your grandmother's copy?

07:20:08

5 A. Grandmother's copy, right.

07:20:11

6 Q. This is your senior year. Any notations

07:20:14

7 in this one?

07:20:17

8 A. No notations.

07:20:21

9 Q. Okay. Thank you. Any other documents?

07:20:21

10 A. I have -- no. I got my -- the year my

07:20:21

11 commencement exercise thing. But there is

07:20:24

12 document -- there is no notations on it. Just

07:20:30

13 lists our graduating class and that is it.

07:20:31

14 Q. May I see that one real quickly? Okay.

07:20:33

15 Thank you.

07:20:34

16 A. Uh-huh.

07:20:37

17 Q. Is that the last document?

07:20:37

18 A. That is the last document.

07:20:38

19 Q. All right. I'll give you a chance to put

07:20:38

20 those away and we can move on.

07:20:42

21 MR. MATIASIC: Just for the record, we are

07:20:45

22 going to reserve our rights on number 7 regarding

07:20:45

23 correspondence by other former St. Anthony's

07:20:49

24 seminarians, with respect to the Yahoo group site.

07:20:49

25 MR. HALE: I think he already testified he

07:20:50

1 goes to the site -- he doesn't receive emails. I 07:20:53  
2 don't think he is going to be obligated -- I don't 07:20:57  
3 know how he could -- he's not going to be obligated 07:21:02  
4 to go to the site and copy whatever is there. If 07:21:02  
5 he had received it, then I think you would have a 07:21:02  
6 leg to stand on. But I think your recourse is to 07:21:03  
7 go to the site itself and demand it from them --not 07:21:08  
8 from this witness. 07:21:12

9 BY MR. MATIASIC: 07:21:14

10 Q. Mr. [REDACTED], did you ever receive any 07:21:17  
11 emails from former St. Anthony's seminarians? 07:21:19

12 A. Yes. 07:21:24

13 Q. Did any of those -- 07:21:25

14 MR. HALE: Are you talking about emails 07:21:28  
15 from the site or emails in general? 07:21:29

16 MR. MATIASIC: Emails in general. 07:21:33

17 THE WITNESS: Emails, in general, yes. 07:21:35

18 BY MR. MATIASIC: 07:21:38

19 Q. Did any of those emails discuss clergy 07:21:44  
20 sexual abuse at St. Anthony's? 07:21:45

21 A. Yes. 07:21:45

22 Q. From whom did you receive those emails? 07:21:53

23 A. [REDACTED]. 07:21:54

24 Q. Anyone else? 07:22:03

25 A. No. 07:22:05

1 Q. Did you send any emails to any former 07:22:07  
2 St. Anthony's seminarians regarding sexual abuse at 07:22:11  
3 the Seminary? 07:22:13

4 A. Yes. 07:22:17

5 Q. To whom did you send those to? 07:22:17

6 A. To the group -- to the Yahoo group. I 07:22:18  
7 made them aware of the article that was published 07:22:22  
8 on the 26th. 07:22:24

9 Q. Do you still have the emails that you 07:22:24  
10 received from [REDACTED]? 07:22:27

11 A. No, I don't. And the reason is my hard 07:22:31  
12 drive crashed. 07:22:34

13 Q. When did you hard drive crash? 07:22:36

14 A. Last month. 07:22:39

15 Q. Did you -- what email address did you 07:22:43  
16 receive those emails to? 07:22:46

17 A. That would have been at my -- that would 07:22:46  
18 have been two of them -- [REDACTED]. 07:22:48

19 Q. Can you spell that, for the record, 07:22:50  
20 please? 07:22:52

21 A. [REDACTED] 07:22:52

22 Q. Any other? 07:22:57

23 A. Couple of years ago, at [REDACTED] 07:23:01  
24 [REDACTED]. 07:23:01

25 MR. MATIASIC: And, counsel, I think, 07:23:03

1 based upon the witness' testimony, that he sent 07:23:04  
2 emails to the group that certainly would be 07:23:07  
3 discoverable. We would have a right to obtain that 07:23:08  
4 information. 07:23:11

5 MR. HALE: Well, the question is, though, 07:23:13  
6 is it a situation where you actually send an email 07:23:15  
7 or do you go to the web site and post on the web 07:23:18  
8 site -- 07:23:21

9 Q. I think -- I think anything that this 07:23:24  
10 witness has sent to the web site -- whether it's an 07:23:24  
11 email or posting or anything else -- that he can 07:23:27  
12 retrieve or can be retrieved on his computer is 07:23:30  
13 discoverable in this case. So, I'm going to 07:23:31  
14 reserve our right in that regard. And, you know, 07:23:31  
15 we can take it up at a later time whether or not we 07:23:34  
16 want to seek a motion to compel -- 07:23:35

17 MR. HALE: I don't know about how this 07:23:38  
18 group works -- I've seen groups where you don't 07:23:40  
19 actually send emails, you just post to the site. I 07:23:40  
20 think if you post to the site -- again, I think 07:23:40  
21 your recourse would be to go to the site. If he 07:23:40  
22 actually sent an email, you are probably right, I 07:23:43  
23 think you probably would have recourse -- 07:23:45

24 MR. MATIASIC: Counsel, I'm just basing it 07:23:46  
25 on what he testified to. 07:23:51

1 MR. HALE: [REDACTED] was it a situation -- 07:23:57  
2 maybe you want to clear that up -- was it a 07:23:59  
3 situation where you sent emails to the site or did 07:24:01  
4 you post on the web site? 07:24:03  
5 THE WITNESS: I posted on the web site. 07:24:05  
6 In other words, you post a message on the web 07:24:09  
7 site. I linked to the article that was published 07:24:10  
8 on January -- February 26. 07:24:10  
9 BY MR. MATIASIC: 07:24:13  
10 Q. How did you post on the web site? Did you 07:24:16  
11 click on a link and then there was -- a box would 07:24:19  
12 appear and your -- 07:24:24  
13 A. Yes. 07:24:27  
14 Q. So it was from your email address that the 07:24:29  
15 posting would go to? 07:24:32  
16 A. No. 07:24:34  
17 MR. HALE: That assumes facts not -- 07:24:38  
18 THE WITNESS: No, I was on a group -- 07:24:43  
19 THE REPORTER: One at a time. 07:24:46  
20 MR. HALE: -- that assumes facts not in 07:24:50  
21 evidence. Misstates his testimony. Maybe you can 07:24:52  
22 clear that up, [REDACTED]. 07:24:52  
23 THE WITNESS: I was on the group site and 07:24:52  
24 I posted a message on the group -- the Yahoo group 07:24:52  
25 site. Leaking the article dated February 26, 19 -- 07:24:52

1 or 2006. 07:24:56

2 MR. MATIASIC: Counsel, I'm still going to 07:24:58

3 reserve my right in that regard. I think any 07:25:00

4 postings is fair game as well. But, why don't we 07:25:00

5 move on. I think you made the record clear and so 07:25:02

6 have I. 07:25:05

7 BY MR. MATIASIC: 07:25:06

8 Q. Regarding this Yahoo group site -- before 07:25:09

9 I was asking you about some specific individuals 07:25:09

10 and whether or not they had ever posted any 07:25:12

11 material to the group that you are aware of 07:25:13

12 regarding their sexual abuse. 07:25:23

13 Did you ever see any postings from [REDACTED] 07:25:28

14 [REDACTED]? [REDACTED]. 07:25:30

15 A. No. 07:25:33

16 Q. What about from a man by the name of 07:25:37

17 [REDACTED]? [REDACTED]. 07:25:43

18 MR. HALE: I think -- isn't he a Pacheco 07:25:48

19 victim which means he wasn't part of the 07:25:55

20 St. Anthony's group. So he wouldn't have -- this 07:25:57

21 is a St. Anthony's group -- 07:26:02

22 MR. MATIASIC: Is he your client? 07:26:06

23 MR. HALE: No. 07:26:13

24 MR. MATIASIC: No, okay. 07:26:17

25 MR. HALE: I think he's Kevin's. But I'm 07:26:20



1       pretty sure he's not a Seminary person so he       07:26:22  
2       wouldn't -- they wouldn't let him on.       07:26:25

3       BY MR. MATIASIC:       07:26:28

4             Q.     Well, let's ask the question.       07:26:32

5             Does that name ring a bell, Archanbo?       07:26:33

6             A.     No.       07:26:35

7             Q.     What about [REDACTED]?       07:26:38

8             A.     No.       07:26:39

9             Q.     Are you aware he posted any material on       07:26:39  
10       this group?       07:26:39

11            A.     No, I've never seen his name on there.       07:26:40

12            Q.     You indicated that there would be messages       07:26:40  
13       regarding news that was going on. What type of       07:26:41  
14       news?       07:26:44

15            A.     The news involving -- we all crafted a       07:26:51  
16       letter of solidarity. Stating that everybody that       07:26:54  
17       was a member of that group, for purposes of the       07:26:58  
18       group consensus, sent a letter of understanding to       07:27:02  
19       Farther [REDACTED], saying that, you know, they       07:27:04  
20       wanted the matter resolved. You know, in a speedy       07:27:09  
21       as way as possible. And they were going to present       07:27:09  
22       the letter and it was given to them, but there was       07:27:14  
23       no action taken on them by the Franciscans.       07:27:16

24            Q.     You also indicated that there had been       07:27:16  
25       discussions regarding settlement.       07:27:19

1           What discussions have there been in that           07:27:22  
2   regard as part of this Yahoo group site?           07:27:22

3           A.   No settlement. Did you misunderstand me?           07:27:24

4           MR. HALE: I don't recall hearing that           07:27:24  
5   testimony either. Maybe I missed it.           07:27:26

6           MR. MATIASIC: I wrote down settlement.           07:27:30  
7   I'm pretty sure I heard that word, but I could be           07:27:33  
8   mistaken.           07:27:34

9           At any time --           07:27:35

10           THE WITNESS: Only --           07:27:38

11   BY MR. MATIASIC:           07:27:42

12           Q.   Go ahead, I'm sorry.           07:27:46

13           A.   -- in the concourse that I said I had           07:27:46  
14   previously settled with the Franciscans, but not           07:27:50  
15   allowed to say what I settled with. It was just,           07:27:52  
16   you know, here's my personal story. This is what           07:27:52  
17   happened to me. I'd say what I wrote, you know. I           07:27:57  
18   mean, you know, this is what happened to me. You           07:28:03  
19   know, I'm over it -- it's done. And this is my           07:28:06  
20   story.           07:28:09

21           Q.   So you spelt out the specifics of the           07:28:13  
22   spankings that you received at St. Anthony's?           07:28:17

23           A.   Yes.           07:28:21

24           Q.   And you also spelt out the settlement that           07:28:23  
25   you entered into?           07:28:28

1            A.     No.

07:28:30

2 Q. Did you mention that you had settled with 07:28:33

3 the Franciscans? 07:28:34

4           A.     Only that I had settled with them and I           07:28:36

5       could not discuss the outcome of that.

07:28:39

6 Q. Other than your settlement, which you 07:28:40

7 already testified to -- 07:28:43

8 A. Uh-huh. 07:28:48

9 Q. -- was there any other type of postings or 07:28:50

10 discussions regarding settlement of any clergy 07:28:53

11 abuse cases involving the Franciscans? 07:28:56

12 A. No. 07:29:01

13 Q. You indicated that another area of 07:29:04

14 discussion was the upcoming trial? 07:29:05

15           A.     Yes.

07:29:07

16 Q. What has been posted in that regard? 07:29:08

17 A. Where you can go -- a lot of people live 07:29:14

18 in the bay area -- they want to be able to access 07:29:20

19 it so -- apparently people that live up in the bay 07:29:24

20 area have posted the way -- how you can access the 07:29:30

21 Alameda -- wherever the trial is being held you can 07:29:32

22 access and find out what room it's going to be in 07:29:35

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23      and stuff like that -- no names on it because --      07:29:36
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24 it's the same names that -- I believe it's John Doe 07:29:38

25       and Robert Roe or Joe or something like that.                     07:29:42

1           Q.    When you say, "no names are on it," what       07:29:45  
2           are you speaking of -- of the postings on your       07:29:49  
3           group site or --                                       07:29:53

4           A.    No names of any trial -- nobody knows who       07:29:53  
5           they are talking about.                               07:29:56

6           Q.    Have you seen postings related to John       07:30:00  
7           Doe -- the case of John Doe 39?                       07:30:00

8           A.    I believe that's the case that they are       07:30:04  
9           posting about. And only that they can go and see       07:30:08  
10          this, okay. If they want to find out when it was       07:30:09  
11          going to start, then they could go to the web site       07:30:09  
12          and find out when the particular case was going to       07:30:09  
13          be held.   07:30:13

14          Q.    What other information was posted               07:30:17  
15          regarding the upcoming trial?                       07:30:20

16          A.    Just that they had read the article and       07:30:24  
17          they knew that the article had something to do with       07:30:29  
18          Father Mario and some people had expressed well, I       07:30:29  
19          want to go show our solidarity, so we are going to       07:30:29  
20          try to get into the trial.                               07:30:29

21          Q.    Who expressed that they are going to try       07:30:31  
22          to get into the trial?                               07:30:34

23          A.    Various members. When I say -- when you       07:30:37  
24          say that -- there would be people that have           07:30:40  
25          responded and -- it's posted in the general way       07:30:41

1 of -- this is general information, okay. I don't 07:30:44  
2 know who posted it. I don't have those records in 07:30:45  
3 front of me. 07:30:48

4 Q. When you see that type of posting does it 07:30:50  
5 indicate who posted it on the web site? 07:30:55

6 A. Yes. 07:30:57

7 Q. So if you were to go and access that site, 07:31:00  
8 you can find out who posted that information about 07:31:00  
9 the upcoming trial? 07:31:08

10 A. Yes. 07:31:14

11 Q. As you sit here today, you don't know who 07:31:17  
12 did that and you believe there was some type of 07:31:21  
13 responses to those postings regarding the upcoming 07:31:21  
14 trial. I'm just trying to understand your 07:31:25  
15 testimony. I think previously you said that some 07:31:26  
16 people had posted things saying -- they were 07:31:27  
17 expressing support and wanted to go and attend and 07:31:30  
18 that type of thing. 07:31:32

19 A. If you want -- the person was saying, I 07:31:38  
20 have information, when it's going to be. I don't 07:31:38  
21 know who those persons are. You can go and do 07:31:41  
22 that, if that's what you want to do. If this is 07:31:45  
23 what you want to do. This is how you can access the 07:31:46  
24 information. 07:31:49

25 Q. But you don't know whether or not people 07:31:53

1       responded to that posting?

07:31:56

2           A.     No. All it is -- it's a posting, okay,

07:31:59

3       and I don't know if people -- you know, I read

07:32:04

4       it -- I have a daily digest that comes in, and I

07:32:05

5       look through and I -- you know, I'll delete it and

07:32:09

6       stuff. That is how I like to receive my

07:32:12

7       information from that group.

07:32:13

8           Q.     Has there been any discussions on the

07:32:15

9       group -- the Yahoo group regarding global mediation

07:32:20

10      of these cases?

07:32:24

11           A.     Involving every instance of sexual abuse

07:32:27

12      in the Roman Catholic Church?

07:32:27

13           Q.     No, involving the Franciscans Friars.

07:32:32

14           A.     Involving the Franciscans -- define

07:32:35

15      global.

07:32:38

16           Q.     Well, let me try to make it even easier.

07:32:41

17           Has there been any discussion regarding

07:32:43

18      mediation efforts with the Franciscans Friars?

07:32:47

19           A.     No.

07:32:50

20           Q.     Has there been any discussion regarding

07:32:54

21      depositions that have been ongoing?

07:32:56

22           A.     No. In other words, the only information

07:33:00

23      that's on there is where you can go to the

07:33:03

24      courtroom. That's all -- and that's all it is.

07:33:07

25           No -- from what I understand, nobody else has

07:33:13

1 any information about any of the clients that are 07:33:14  
2 represented by anybody -- in other words, nobody is 07:33:17  
3 standing on there and going, hey, this is what is 07:33:22  
4 going on. That's not what's going on. 07:33:26

5 Q. Have there been any attorney names posted 07:33:33  
6 on this site? 07:33:34

7 A. No. 07:33:37

8 Q. Has there been any other type of update 07:33:40  
9 regarding any of these cases, including the case 07:33:43  
10 that's going to trial -- I know you have already 07:33:46  
11 talked about that one a little bit -- 07:33:52

12 A. I have not looked at the Seminary Yahoo 07:33:56  
13 web site in three or four days. The last I heard 07:33:59  
14 was -- I guess a trial on the 6th. Okay. So I 07:34:02  
15 don't know, if that was when the trial was supposed 07:34:02  
16 to start -- that's my understanding it was the 6th. 07:34:05

17 Q. And has there been any other postings 07:34:08  
18 related to any of the other cases regarding, you 07:34:13  
19 know, what stage they're in, what the status is? 07:34:17

20 A. No. The big one is with Father Mario. The 07:34:17  
21 one that generated the recent news article. 07:34:22

22 Q. Is there any type of posting regarding 07:34:23  
23 media articles related to -- I know you said that 07:34:27  
24 you posted one that you were interviewed for -- but 07:34:34  
25 is there some of posting related to the general 07:34:38

1 media articles about the Friars?

07:34:42

2 A. No. Other than -- other than the last  
3 article that was posted in the news press. There  
4 has also been -- no, to the best of my knowledge,  
5 no.

07:34:45

07:34:50

07:34:52

07:34:55

6 Q. So, to the best of your knowledge, the  
7 only media article is the one that you posted?

07:35:00

07:35:03

8 A. And it was also posted by another person,  
9 I think. And I -- there was somebody else that did  
10 it and referenced it and -- I was the first one to  
11 post that article on the Seminary site. I'll tell  
12 you that. I did. I put it on the web site because  
13 it was important information that needed to get  
14 out.

07:35:07

07:35:12

07:35:15

07:35:19

07:35:23

07:35:26

07:35:27

15 Q. Are you aware of whether any prior media  
16 articles were ever posted to the web site?

07:35:29

07:35:32

17 A. The cases -- not with the Franciscans, but  
18 with the litigation that occurred in Boston a  
19 couple of years ago.

07:35:34

07:35:38

07:35:44

20 Q. What about with the Archdiocese of  
21 Los Angeles?

07:35:47

07:35:51

22 A. Yes, there was some information that had  
23 been passed when -- there was some information --  
24 what's his name? There was another priest that was  
25 brought up a couple of years ago.

07:35:54

07:35:57

07:36:00

07:36:03



1 Q. Any other type of general subject matters 07:36:04  
2 that's on this Yahoo group site? 07:36:07

3 MR. HALE: Over broad. 07:36:12

4 THE WITNESS: It's politics. Politics, 07:36:14  
5 religion. It's what we would call a liberal -- and 07:36:18  
6 that's my interpretation. It's a liberal web 07:36:18  
7 site. We discuss anything and everything dealing 07:36:22  
8 with politics. Situations in the world. 07:36:26

9 Q. Is there any other type of general subject 07:36:30  
10 matters regarding the Franciscan Friars? I mean, 07:36:30  
11 we've talked about a few. News, the upcoming 07:36:34  
12 trial -- what other type of subject areas are 07:36:34  
13 there? 07:36:37

14 A. We'll talk about something -- maybe 07:36:42  
15 something that happened that we'll reminisce 07:36:44  
16 about -- hey, this is -- this is the way life was. 07:36:49  
17 And I'll hear things that went on at St. Anthony's 07:36:53  
18 and San Louie Rey -- back in the '50's and 60's and 07:36:54  
19 kind of wish I would have liked to have done that. 07:36:57  
20 It's an interesting -- you get a snapshot into the 07:37:00  
21 way the Seminary was before I went. There are not 07:37:00  
22 too many members, after the 70's. 07:37:00

23 Q. So there is -- is this under kind of a 07:37:11  
24 miscellaneous or general posting? What is the kind 07:37:11  
25 of subject area -- 07:37:13

1           A.    Just post.  And people -- you know,  you           07:37:16  
2   just post and people -- if it strikes a core with           07:37:18  
3   somebody, then they will comment on it.           07:37:21

4           Q.    Are these topics that are posted           07:37:24  
5   categorized in any way?           07:37:27

6           A.    Only in a daily digest.  And of course           07:37:27  
7   Yahoo, you know, links it to each other, so you can           07:37:29  
8   type in search words and stuff and link it that           07:37:33  
9   way.           07:37:35

10          Q.    Does the daily digest categorize the           07:37:38  
11   postings or does it just list what postings --           07:37:39

12          A.    It list what posting occurred in the --           07:37:41  
13   since the last 25.  It does it in a series of 25.           07:37:44

14          Q.    Is there anything else that is contained           07:37:46  
15   in this group Yahoo web site, other than postings           07:37:49  
16   for members?           07:37:51

17          A.    There are letters that people have           07:37:59  
18   received from Friars that are on there.  For           07:38:01  
19   example, Father --           07:38:06

20                THE REPORTER:  Father who?           07:38:08

21                THE WITNESS:  Father [REDACTED],           07:38:08  
22   [REDACTED], who is a Biology and Chemistry           07:38:10  
23   Professor when we were there.           07:38:11

24          Q.    He wrote a letter to whom?           07:38:19

25          A.    He wrote to -- he wrote me a letter, he           07:38:20

1 wrote -- it was the same letter, but he wrote five 07:38:22  
2 or six different individuals about what he's 07:38:26  
3 doing. And it was a couple of months ago that he 07:38:29  
4 wrote that and that letter has been posted on the 07:38:31  
5 web site. 07:38:35

6 Q. Who posted that? 07:38:36

7 A. Somebody else did. I'm not sure who did. 07:38:40

8 Q. Do you know whether -- 07:38:41

9 A. I think I have the letter here, if you 07:38:45  
10 wanted to see it? 07:38:45

11 Q. Sure, yeah, I would like to see it. I 07:38:47  
12 thought we had gone over all the documents. If you 07:38:48  
13 have other ones -- 07:38:53

14 A. I mean, I didn't -- you know it's -- 07:38:57

15 MR. HALE: Is that the handwritten 07:39:01  
16 letter? The one on the table. 07:39:02

17 THE WITNESS: This is elder care, this 07:39:04  
18 is -- it's hard to read his writing. Yeah, one was 07:39:07  
19 on -- I think he sent it back. 07:39:10

20 BY MR. MATIASIC: 07:39:11

21 Q. This letter is just discussing what's 07:39:11  
22 going on with him? 07:39:13

23 A. Yeah, dated 29, July 2005. 07:39:16

24 Q. Postmarked? 07:39:18

25 A. Postmarked. I'm sorry. 07:39:20

1 Q. Letter here dated July 16, '05. 07:39:23

2 A. He wrote it in reference to the upcoming 07:39:27  
3 reunion. 07:39:27

4 Q. Did he attend -- when is the upcoming 07:39:31  
5 reunion? 07:39:35

6 A. It's always the last weekend of July. 07:39:35

7 Q. Okay. Did he attend it? 07:39:41

8 A. No, he's in a retirement home. Continuing 07:39:44  
9 care center. 07:39:47

10 Q. Do you know how many people this letter 07:39:51  
11 went to? 07:39:56

12 A. From what I -- I'm going to say, no. But 07:39:56  
13 in a rough estimate maybe ten. 07:39:57

14 Q. Have you kept in contact with 07:40:00  
15 Father [REDACTED] over the years? 07:40:00

16 A. I don't know how he got my address. It was 07:40:00  
17 amazing. It just appeared to me one day. 07:40:02

18 Q. Do you have -- do you know who posted the 07:40:03  
19 letter? 07:40:03

20 A. No. 07:40:06

21 Q. But that's something you would be able to 07:40:06  
22 find out about on the web site? 07:40:08

23 A. In fact, I made comment on it because we 07:40:10  
24 were all trying to figure out what he was saying, 07:40:11  
25 and so people, you know -- because he's always 07:40:11

1 written like that. Even 35 years ago he wrote like 07:40:15  
2 that. 07:40:16

3 Q. Did the person who posted this say whether 07:40:16  
4 or not Father [REDACTED] had given them permission to 07:40:18  
5 post this on the web site? 07:40:21

6 A. No. Normally -- I think he indicated that 07:40:25  
7 he wanted people to know how he was doing. 07:40:26

8 Q. Okay. That's here in the letter? 07:40:29

9 A. Some place, if I recall correctly. 07:40:30

10 Q. And you didn't post this letter on the web 07:40:34  
11 site? 07:40:39

12 MR. HALE: Asked and answered. 07:40:45

13 THE WITNESS: I said that I may have made 07:40:54  
14 some references to it. 07:40:57

15 BY MR. MATIASIC: 07:41:00

16 Q. But you didn't post -- 07:41:06

17 MR. HALE: Asked and answered. 07:41:09

18 BY MR. MATIASIC: 07:41:10

19 Q. Is there a reason why you didn't post the 07:41:14  
20 letter? 07:41:18

21 MR. HALE: Argumentative. 07:41:20

22 THE WITNESS: No, it had already been 07:41:23  
23 posted. 07:41:25

24 BY MR. MATIASIC: 07:41:30

25 Q. Had it not been posted would you had 07:41:33

1 posted it? 07:41:37

2 A. Yes. 07:41:42

3 Q. What other letters -- 07:41:45

4 A. He was really loved by everybody at the 07:41:49

5 Seminary. If there was a true Franciscan, it was 07:41:50

6 Father [REDACTED]. 07:41:52

7 Q. Are there any other letters that are 07:41:59

8 posted? 07:42:02

9 A. There's instances that have occurred over 07:42:03

10 the years at the Seminary that have gone down as 07:42:08

11 folklore. There are letters about one of the care 07:42:09

12 takers in the late 50's that blue part of the -- 07:42:15

13 part of the Seminary was involved in an explosion. 07:42:21

14 We also talked about the individual that blue his 07:42:25

15 hand off in my sophomore year -- making a pipe bomb 07:42:28

16 at the bottom of the Seminary. 07:42:29

17 Q. What individual was that? 07:42:33

18 A. I can't remember his name. But that was 07:42:36

19 the big thing that happened in our sophomore year. 07:42:36

20 Things come up -- oh, yeah, I remember that. 07:42:40

21 Q. Are there any other letters, specifically, 07:42:43

22 that were posted to this web site? 07:42:46

23 A. I don't know. I believe there are. 07:42:50

24 Dealing with correspondence that they have received 07:42:54

25 to share the good news of, hey, I got ahold of this 07:42:57

1 person. I'm, you know -- I'm in charge -- I'm -- I 07:43:00  
2 found out about this so they do this. 07:43:03

3 Q. Any other letters regarding sexual abuse 07:43:05  
4 issues? 07:43:08

5 A. I already answered that, no. 07:43:11

6 Q. And has anybody ever posted that they have 07:43:11  
7 been deposed, in connection with these cases? 07:43:14

8 A. No. 07:43:19

9 Q. Any other general subject matters that are 07:43:24  
10 on this web site? 07:43:29

11 A. Education, politics, religion, family 07:43:31  
12 life. You know, how things are going. The usual. 07:43:32

13 Q. Any other types of postings relating to 07:43:34  
14 the sexual abuse issue? 07:43:38

15 A. Already answered, no. 07:43:46

16 Q. Any other postings related to the 07:43:47  
17 Franciscan Friars, not involving sexual abuse 07:43:51  
18 issues? 07:43:53

19 A. Every body brings up the times where they 07:43:56  
20 went -- I went to this person, I remember this 07:44:00  
21 friar, I remember this brother. You know, yeah, I 07:44:01  
22 remember, for example, Brother Jan, or, you know, 07:44:02  
23 any of the brothers that cooked -- we talked about 07:44:05  
24 the food. We reminisce about things that happened 07:44:08  
25 at the Seminary. It's a good outlet for me. 07:44:12

1 Q. Is there a way that members can post 07:44:15  
2 things anonymously? 07:44:23

3 A. No. The way the group is setup 07:44:25  
4 everybody -- you know who everybody is. 07:44:26

5 Q. Uh-huh. 07:44:32

6 A. If there is a way you can post 07:44:36  
7 anonymously, you would be removed from the group. 07:44:39

8 Q. Have you ever received any notices from 07:44:49  
9 the people who are running the web site -- 07:44:53  
10 moderators -- for example, someone violated the 07:44:55  
11 protocol? 07:45:01

12 A. No. 07:45:06

13 Q. Have you -- have there been any postings 07:45:08  
14 relating to SNAP? 07:45:10

15 A. Yes. 07:45:10

16 Q. What type of postings -- 07:45:12

17 A. Other than it's an organization where 07:45:15  
18 people can, you know, you can get ahold of. 07:45:16

19 Q. Just basically here's a phone number, this 07:45:19  
20 is a resource -- 07:45:19

21 A. Addresses and stuff like that. 07:45:23

22 Q. Any other groups? Victims related groups? 07:45:24

23 A. Safe net. 07:45:27

24 Q. Any other groups? 07:45:32

25 A. Those are the two that come to mind. 07:45:35



1 Q. Have there been any postings regarding the 07:45:39  
2 Munana's on this web site? 07:45:45

3 A. I don't know. 07:45:48

4 Q. What about Ray Higgens? 07:45:49

5 A. Only in what may have -- no, no. 07:45:51

6 Q. You were starting to say, only in what -- 07:45:54

7 A. Well, when -- I can't put my finger on it 07:45:59  
8 exactly, okay. He may have been put in passing 07:46:02  
9 saying, you know, that he was one of the members of 07:46:07  
10 the board and things like that -- of the transition 07:46:11  
11 team or whatever they called it in 1992 and '93. 07:46:11

12 Q. There have been postings regarding the 07:46:14  
13 Board of Inquiry then? 07:46:17

14 A. Yes. 07:46:18

15 Q. And what did the posting say? 07:46:21

16 A. They posted the document, okay. They 07:46:24  
17 posted the document -- 07:46:25

18 Q. By, the document, you mean the report you 07:46:25  
19 have? 07:46:27

20 A. Not that report, no. The one that is 07:46:31  
21 available on-line. 07:46:35

22 If you do a web search, you can get the 07:46:37  
23 Independent Response Team and they got a copy of a 07:46:41  
24 couple of magazines that have already been 07:46:46  
25 published that you can link to the published 07:46:46

1 report, of the response -- such as the letter from  
2 Joseph [REDACTED]. There is a letter that he wrote  
3 in response.

4 Q. Do you have a belief that the report that  
5 you produced today is different from that that's  
6 posted on the web site?

7 A. No, it's -- I wish I -- I wish I could go  
8 on-line and show you where you can just do a Google  
9 search and those things are, I believe, on the web  
10 site.

11 MR. HALE: But is the report on the site  
12 different from the one you got today -- is it a  
13 different report?

14 THE WITNESS: It's the response -- the  
15 bound one is not the one that is on the web site,  
16 no.

17 BY MR. MATIASIC:

18 Q. Which one is on the web site?

19 A. There's a condensed version that was  
20 available -- you know, it doesn't name the people  
21 or the case numbers or anything like that. But  
22 there is condensed versions on it that you can get  
23 on-line and I'm speaking on the web as a whole.

24 Q. Let me see, if I can understand you  
25 correctly. There are some postings that indicate

1 the type of public references that you, for 07:48:01  
2 example -- search engines of what you need to do to 07:48:04  
3 pull up the public report; is that it? 07:48:09

4 A. No. We just link to it. If we put 07:48:12  
5 anything in there, protocol indicates the way you 07:48:17  
6 do it correctly is you provide the link right 07:48:20  
7 there. You let them do it. In other words, you 07:48:23  
8 link to it -- 07:48:25

9 Q. Right. 07:48:26

10 A. -- when you post it, so that you can 07:48:30  
11 access it immediately. 07:48:34

12 Q. As opposed to linking to it, has the 07:48:37  
13 report itself actually been posted? 07:48:41

14 A. You mean the bound document? 07:48:41

15 Q. Any version of the Board of Inquiry report 07:48:44  
16 has that actually been posted to your site? 07:48:47

17 A. Ways to get to it have been, but I don't 07:48:50  
18 believe -- I don't know. 07:48:53

19 Q. But you believe there is some type of 07:48:58  
20 shorter condensed version, other than what you have 07:49:05  
21 there, other than what you produced today? 07:49:11

22 A. People make reference. I don't think it 07:49:17  
23 has been cut and pasted and put in the thing -- I 07:49:22  
24 don't know. I'm -- I'm -- I'm -- I want to say, 07:49:24  
25 you know, when I was on-line I could go oh, yeah, I 07:49:25

1 can access it and go there. Am I interested in 07:49:29  
2 this? Yes. Do I look for it? Yes. I still look 07:49:29  
3 for -- if there is anything that is coming out 07:49:31  
4 where -- where this abuse has led me. 07:49:31

5 Q. And as you sit here today, can you 07:49:32  
6 differentiate between this condensed version that 07:49:39  
7 we've talked about, and the one that you produced 07:49:40  
8 today at your deposition? 07:49:45

9 A. I believe it's just a letter from Father 07:49:45  
10 [REDACTED]. He wrote a pastoral response letter. I 07:49:49  
11 believe that is what is available on the web site. 07:49:51

12 Q. And then links to the general availability 07:49:54  
13 report -- 07:49:58

14 A. I think there is a general available one 07:49:59  
15 that is available on-line where you can look that 07:50:00  
16 up. But that's -- it's so large that people aren't 07:50:01  
17 going to want to put that on. I believe there is a 07:50:03  
18 web site with one of the Catholic magazines that 07:50:06  
19 has access to that large report. 07:50:08

20 Q. Okay. Any other postings related to the 07:50:10  
21 Franciscans Friars? 07:50:12

22 A. In any web site or anything? 07:50:14

23 Q. Any other postings relating to the 07:50:15  
24 Franciscans? 07:50:16

25 A. No -- On this web site? 07:50:18

1 Q. Right. 07:50:23

2 A. Yahoo web site? 07:50:31

3 Q. Right. 07:50:43

4 A. No. 07:50:47

5 Q. Okay. Turning back to some of your 07:50:49

6 previous testimony. 07:50:49

7 You indicated that when you went down -- after 07:50:51

8 you had been spanked by Father Cimmarusti, you 07:50:51

9 discussed the marks with some of your fellow class 07:50:58

10 mates -- you don't remember all their names. You 07:51:02

11 said, there was a club of us. What do you mean? 07:51:06

12 A. There is a group of us in our freshman 07:51:10

13 year that got spanked. 07:51:15

14 Q. A formal club -- 07:51:17

15 A. No. 07:51:20

16 Q. An informal club? 07:51:21

17 A. No. We just knew we have been marked. 07:51:22

18 And those are my terms. 07:51:23

19 Q. Do you recall any other individuals who 07:51:25

20 you believe have been marked? 07:51:29

21 A. The ones that we knew -- there was only 07:51:30

22 three of us. 07:51:34

23 Q. And who is that? 07:51:36

24 A. [REDACTED], [REDACTED] -- excuse me -- 07:51:39

25 there were four of us. [REDACTED], [REDACTED], 07:51:39

1 [REDACTED], [REDACTED] [REDACTED] 07:51:40

2 [REDACTED], and myself. 07:52:26

3 Q. And all these four individuals were all 07:52:26

4 members of your class? 07:52:28

5 A. Yes. 07:52:39

6 Q. All Falcons? 07:52:44

7 A. Yes. 07:52:48

8 Q. And while you were at the Seminary, were 07:52:50

9 you aware of whether any other seminarians were 07:52:55

10 sexually abused by Father Cimmarusti? 07:52:58

11 A. Only that they received beatings because I 07:52:58

12 was outside waiting for my spanking one time and I 07:53:00

13 heard another seminarian getting his spanking. 07:53:02

14 Q. You are not aware of any other seminarian 07:53:04

15 being sexually abuse apart from the beating while 07:53:07

16 you were at the Seminary -- 07:53:11

17 MR. HALE: May call for a legal 07:53:11

18 conclusion. He just testified that he was aware of 07:53:15

19 the beatings, so the argument is regarding what the 07:53:21

20 beating constitutes -- 07:53:25

21 MR. MATIASIC: Counsel, the question is 07:53:29

22 abundantly clear -- 07:53:29

23 MR. HALE: It's absolutely not. Vague and 07:53:32

24 ambiguous. 07:53:33

25 MR. MATIASIC: Why don't we read the 07:53:36

1 question back. 07:53:39

2 (Record read.) 07:53:41

3 MR. MATIASIC: You can answer. 07:53:44

4 THE WITNESS: I was aware of maybe some 07:53:45

5 things going on, but actually sight and seen, no. 07:53:45

6 Q. My question is a pretty specific one. 07:53:45

7 Other than the beatings you testified to, were 07:53:46

8 you aware of any other seminarians being sexually 07:53:50

9 abused while you were at the Seminary? 07:53:53

10 A. Yes. When they were getting spanked, yes. 07:53:56

11 Q. I said other than the beatings. 07:53:59

12 A. Other than the beatings was I -- 07:54:01

13 Q. Or the spankings, however you want to 07:54:02

14 refer to them. 07:54:02

15 A. I was vaguely aware that there was other 07:54:06

16 things going on. 07:54:07

17 Q. How were you vaguely aware? 07:54:12

18 A. Just because of people leaving all of a 07:54:16

19 sudden. People -- you know, the rumors. You know, 07:54:19

20 you are asking me to speak in rumors, okay. 07:54:21

21 I have no positive -- 07:54:22

22 Q. Mr. [REDACTED], let me stop you for a 07:54:28

23 second. 07:54:32

24 I don't want you to guess or anything else, 07:54:36

25 you know, you only need to testify what you 07:54:38

1 personally know or what you're personally aware of 07:54:41  
2 that is the only basis -- 07:54:45  
3 A. I thought that -- 07:54:54  
4 THE REPORTER: One at a time. 07:54:58  
5 BY MR. MATIASIC: 07:55:01  
6 Q. Go ahead. 07:55:04  
7 A. I thought that there might have been some 07:55:05  
8 sexual abuse going on with other seminarians, yes. 07:55:06  
9 Q. Were you actually aware of other 07:55:06  
10 seminarians being sexually abused, other than the 07:55:10  
11 beatings you've described while you were at the 07:55:12  
12 Seminary? 07:55:15  
13 A. Yes. 07:55:20  
14 Q. Who were you aware of was being sexually 07:55:21  
15 abused while you were there? 07:55:23  
16 A. This is not with priest to priest. I'm 07:55:24  
17 speaking that there were incidence of seminarians 07:55:25  
18 being involved with each other, so I consider that 07:55:27  
19 sexual abuse also. 07:55:29  
20 Q. That's fine. 07:55:31  
21 A. And there was incidence of -- I know one 07:55:32  
22 of them involved -- [REDACTED] was involved in a 07:55:37  
23 situation where he was caught up in the choir loft. 07:55:41  
24 Q. Who caught him up -- 07:55:41  
25 A. Somebody caught him, I don't know. And he 07:55:48



1 was removed immediately. And so it was a hush,  
2 hush situation. We didn't know a lot of things  
3 that were going on and we kept it quiet.

4 Q. Let me ask you some specific questions  
5 regarding [REDACTED]. You said he was caught up  
6 in the choir loft?

7 A. Yes.

8 Q. Do you know the circumstances of what was  
9 going on in the choir loft?

10 A. There was some sexual thing going on in  
11 the choir loft with another seminarian. And I don't  
12 know who the other seminarian was. They were both  
13 removed. I know that.

14 Q. When you say, removed, they were expelled  
15 from school?

16 A. Yes.

17 Q. Do you remember what year this was in?

18 A. Sophomore year.

19 Q. '67, '68?

20 A. Yes.

21 Q. Any other fellow seminarians that you were  
22 aware of that were being sexually abused while you  
23 were there?

24 A. No.

25 Q. You said you were aware of that other

1 seminarians were receiving beatings while you were 07:56:42  
2 at the Seminary? 07:56:42

3 A. Yes. 07:56:42

4 Q. What other seminarians were you aware of? 07:57:04

5 A. Members of my class. [REDACTED], 07:57:06

6 [REDACTED], [REDACTED] and myself. 07:57:07

7 Q. How were you aware that [REDACTED] 07:57:12

8 received beatings at the Seminary while you were 07:57:15

9 there? 07:57:18

10 A. Because he got a spanking and then we all 07:57:22

11 saw the bruises and the blood and we knew he had 07:57:26

12 gotten spanked. 07:57:26

13 Q. Did he tell you that he had been spanked? 07:57:29

14 A. Yes. 07:57:31

15 Q. When did he tell you? 07:57:32

16 A. After it happened. 07:57:35

17 Q. What year was this? 07:57:36

18 A. Freshman year 19 -- it would have been '66 07:57:40

19 because he didn't last the whole year. 07:57:42

20 Q. Did he tell you who spanked him? 07:57:46

21 A. Father Mario. 07:57:48

22 Q. When you said he didn't last the whole 07:57:48

23 year what do you mean? 07:57:51

24 A. He was expelled. 07:57:55

25 Q. Do you know why he was expelled? 07:57:59

1 A. Yes. 07:58:01

2 Q. Why? 07:58:07

3 A. Smoking marijuana. 07:58:07

4 Q. Did he describe any of the details 07:58:10  
5 regarding the spanking? 07:58:14

6           A.     No. Basically, in our dormitory                 07:58:16  
7 exchanges, it was like you -- you know, I got the             07:58:19  
8 crap beat out of me. Something to that extent. We             07:58:19  
9 were impressionable. I mean, I'm looking at                  07:58:19  
10 this -- holy cow -- he was one of the first ones.             07:58:23

11 Q. Okay. 07:58:28

12           A.    He did not say -- he did not describe           07:58:28  
13           anything that happened to him, other than he got a       07:58:31  
14           spanking.   07:58:35

15 Q. And what marks did you see on Mr. O' 07:58:35

16 Brian? 07:58:37

17           A.    Black and blue bruising and dry welts that   07:58:39  
18       had opened and bled.   07:58:42

19 Q. Did he confirm those that he received 07:58:44  
20 those, as a result of the spanking? 07:58:45

21 A. Yes. 07:58:47

22 Q. Do you have any information regarding 07:58:49  
23 whether or not Mr. O' Brian was sent there, as part 07:58:52  
24 of a disciplinary issue? 07:58:55

25           A.     He had gotten in trouble for some                                 07:58:58

1       infarction. There was always an infarction       07:59:03  
2       involved.       07:59:05

3           Q.     Based upon your experience, no one had to       07:59:10  
4       go to Father Cimmarusti's room to get beatings,       07:59:13  
5       unless there is some type of infarction involved?       07:59:15

6           MR. HALE: Speculation and lacks       07:59:17  
7       foundation.       07:59:21

8           THE WITNESS: I don't know. We would get       07:59:22  
9       a note on our desk. Hall monitors would walk in       07:59:23  
10      and we would sit and they put a note on our desk.       07:59:23

11      BY MR. MATIASIC:       07:59:27

12           Q.     But it was your -- when you say, "hall       07:59:30  
13      monitors," was this during study hall?       07:59:31

14           A.     Yes.       07:59:36

15           Q.     And based upon your experience, at the       07:59:36  
16      Seminary, did you believe that when someone got a       07:59:39  
17      note on their desk and they had to see       07:59:43  
18      Father Cimmarusti, it was as a result of some type       07:59:43  
19      of disciplinary infarction?       07:59:46

20           MR. HALE: Same objection.       07:59:50

21           THE WITNESS: Yes. That was the only       07:59:54  
22      reason we went up there. And I'm not going to       07:59:56  
23      speculate as to anything else that was going on up       07:59:57  
24      there. I never told anybody what had happened to       08:00:00  
25      me. And I know this had to have been happening --       08:00:01

1 it was happening to other people.

08:00:04

2 Q. It wasn't unusual for a hall monitor to go  
3 up and give a note saying that the student had to  
4 see Father Cimmarusti?

08:00:04

08:00:07

08:00:11

5 A. It was not unusual, no.

08:00:19

6 Q. How about [REDACTED], how were you aware  
7 that he was receiving --

08:00:20

08:00:21

8 A. I heard him.

08:00:27

9 Q. -- beatings?

08:00:28

10 A. I heard him. I was sitting outside the  
11 door when he was getting his spanking one night.

08:00:33

08:00:33

12 Q. What year was this that?

08:00:35

13 A. Freshman year, 1966. Early part of the  
14 year.

08:00:38

08:00:42

15 Q. How -- do you have some type of landmark,  
16 in your mind, why you remember the early part of  
17 the year?

08:00:42

08:00:44

08:00:47

18 A. I wasn't getting my spanking at the time.  
19 I was getting counseled. It was in the evening, it  
20 was dark. In the evening, yes.

08:00:50

08:00:54

08:00:54

21 Q. Where were you outside?

08:00:56

22 A. Sitting outside the door.

08:00:57

23 Q. And what was the occasion for you sitting  
24 outside Cimmarusti's office?

08:00:57

08:01:04

25 A. Gotten in trouble for something. I can't

08:01:07

1 recall. 08:01:12

2 Q. What specifically did you hear? 08:01:12

3 A. I heard spanking and I heard him 08:01:15

4 screaming, and I was basically pretty shaken up by 08:01:15

5 hearing that. 08:01:16

6 Q. Did you hear anything else? 08:01:17

7 A. No, just the methodical slap of the hand 08:01:20

8 on the butt. 08:01:22

9 Q. Did you see Mr. [REDACTED] leave? 08:01:25

10 A. Yes. 08:01:25

11 Q. Did you say anything to him? 08:01:26

12 A. No. He was still crying and he went up to 08:01:29

13 the dormitory and we all saw him later that 08:01:32

14 evening? 08:01:34

15 Q. Did he say anything to you? 08:01:37

16 A. No. He left. 08:01:41

17 Q. Do you have an understanding as to why 08:01:49

18 [REDACTED] was in Father Cimmarusti's office that 08:01:55

19 evening? 08:02:00

20 MR. HALE: Speculation. Lacks foundation. 08:02:06

21 THE WITNESS: I don't know. 08:02:09

22 BY MR. MATIASIC: 08:02:12

23 Q. How many times did you hear Mr. [REDACTED] 08:02:16

24 being spanked? 08:02:20

25 A. It was a short one. 10 -- 10 or less 08:02:22

1 maybe. 08:02:25

2 Q. Did you hear him being spanked on any 08:02:28

3 other occasion? 08:02:31

4 A. No. 08:02:32

5 Q. Just this one? 08:02:34

6 A. That's the only time I heard anyone else 08:02:35

7 getting spanked besides me. 08:02:36

8 Q. And -- let's see. [REDACTED] was the 08:02:40

9 other person? 08:02:40

10 A. Yes. 08:02:42

11 Q. And how were you aware that he was 08:02:43

12 receiving spankings when you were at the Seminary? 08:02:46

13 A. In the shower. I mean, we knew that you 08:02:49

14 were getting in trouble -- you knew you were going 08:02:50

15 up, either for a spanking or for some other 08:02:53

16 disciplinary -- the discipline was metered. It was 08:02:56

17 like a stepping ladder to it. So, you got dish 08:02:59

18 shift. It was a week of washing the dishes in the 08:03:03

19 washroom. Evening meal. And you were put on dish 08:03:06

20 shift and that was a form of punishment. If that 08:03:07

21 happened enough and you didn't have anymore weeks 08:03:11

22 left in the year, that is when you started getting 08:03:14

23 called up to receive other forms of punishment. 08:03:17

24 Q. So, if I'm understanding your testimony 08:03:18

25 correctly, dish shift was the first level of 08:03:20

1	punishment. If you were out of dish shift duty,	08:03:24
2	then you had to see the --	08:03:26
3	A. There was other --	08:03:30
4	MR. HALE: Objection. Foundation,	08:03:33
5	speculation.	08:03:36
6	THE WITNESS: That was the preferred	08:03:40
7	punishment. That was given out at first.	08:03:40
8	BY MR. MATIASIC:	08:03:44
9	Q. And who was that given out to --	08:03:48
10	A. Father Mario.	08:03:52
11	Q. And were there any other types of	08:03:56
12	punishment that were given out by Father Mario?	08:03:58
13	MR. HALE: Same objection.	08:04:01
14	THE WITNESS: Anything that would involved	08:04:09
15	a lot of work and, you know, things that were	08:04:11
16	outside of your normal chores that you had to do	08:11:07
17	every morning. So there is -- you either had a	08:11:07
18	chore in the morning, or a chore in the evening	08:11:07
19	before study hall.	08:11:07
20	Q. Can you give me examples of other out of	08:11:26
21	the ordinary chores that you would be given as	08:11:29
22	punishment by Father Cimmarusti for some type of	08:11:32
23	disiplinary infarction?	08:11:32
24	A. Just cleaning detail. Cleaning the	08:11:34
25	floors, moping the floors, cleaning the bathrooms.	08:11:37



1 Things like that. 08:11:38

2 Q. So, dish shift was generally the first 08:11:39  
3 level of punishment? 08:11:43

4 A. No. You got counseled and dish shift -- 08:11:47  
5 everybody -- you had to serve dish shift, but there 08:11:49  
6 was a worse part of doing dish shift which was 08:11:50  
7 actually the loaders. That was the worse job. So, 08:11:54  
8 there was a pecking order and so, if you were the 08:11:55  
9 freshest one that had just gotten punishment, your 08:11:57  
10 job was the loader. So you had to scape -- 08:12:01  
11 sscraping the loader -- you had all the leftover 08:12:04  
12 food that you had to deal with and you had to clean 08:12:05  
13 the priests' plates. 08:12:08

14 MR. MATIASIC: Looks like we have to 08:12:11  
15 change the tape. 08:12:15

16 THE VIDEO OPERATOR: Going off the record. 08:12:19  
17 The time is 8:04 p.m. 08:12:23

18 (Pause in proceedings.) 08:12:24

19 THE VIDEO OPERATOR: Please stand by. 08:12:24

20 This is the beginning of videotape number four. We 08:12:25  
21 are back on the record. The time is 8:11 p.m. 08:12:29

22 BY MR. MATIASIC: 08:12:31

23 Q. Mr. [REDACTED], before we went off the 08:12:31  
24 record, we were talking about various punishment 08:12:33  
25 levels at St. Anthony's. 08:12:34

1           So, I want to make sure I understand your           08:12:34  
2   testimony completely. The first level of           08:12:34  
3   punishment would be Father Cimmarusti would talk to   08:12:36  
4   you about it; is that correct?           08:12:37

5           A.    Yes.           08:12:38

6           Q.    And the second level would be minor dish   08:12:38  
7   duty?           08:12:40

8           MR. HALE: Object to this line of           08:12:43  
9   questioning based on foundation and speculation, as   08:12:44  
10   this witness having any knowledge of the levels of   08:12:48  
11   punishment at St. Anthony's. You can answer.       08:12:49

12           THE WITNESS: In what happened to me,       08:12:50  
13   okay, it went from, you know, small to worse to   08:12:55  
14   spankings, okay. That's -- and whatever happened   08:12:57  
15   to anybody else unknown. The shifts were made in   08:12:57  
16   advance. I know I washed a lot of dishes in my       08:12:57  
17   freshman year.           08:13:01

18   BY MR. MATIASIC:           08:13:03

19           Q.    Let me just back this up. And so the   08:13:04  
20   reason you have an understanding of what these       08:13:07  
21   different levels of punishment are is because you   08:13:07  
22   went through them, in the course of being at       08:13:09  
23   St. Anthony's --       08:13:13

24           MR. HALE: Same objections.           08:13:16

25           THE WITNESS: Yes.           08:13:27

1	BY MR. MATIASIC:	08:13:27
2	Q. -- and committing infarctions?	08:13:30
3	MR. HALE: Same objection.	08:13:34
4	THE WITNESS: Yes.	08:13:35
5	BY MR. MATIASIC:	08:13:37
6	Q. So, in your experience the first level was	08:13:37
7	being talked to by Father Cimmarusti; correct?	08:13:40
8	A. Yes.	08:13:40
9	Q. And the second level would be dish duty?	08:13:45
10	MR. HALE: Same objections.	08:13:47
11	THE WITNESS: And a lot of this --	08:13:48
12	there -- there could have been other jobs he gave	08:13:49
13	us to do, but the ones that I remember the most are	08:13:49
14	doing dishes.	08:13:49
15	BY MR. MATIASIC:	08:13:54
16	Q. Okay. And then the other extraordinary	08:13:57
17	chores, if you will -- not the normal chores that	08:13:58
18	you would perform -- would that be on the same	08:13:59
19	level as the dish duty or would that be the next	08:13:59
20	level?	08:14:01
21	MR. HALE: Same objections.	08:14:04
22	THE WITNESS: I'm just going with doing	08:14:08
23	work. Doing work details. Work details normally	08:14:08
24	involved cleaning, doing toilets, sweeping outside.	08:14:08
25	BY MR. MATIASIC:	08:14:11

1 Q. And that was all basically these type of 08:14:13  
 2 manual labor tasks, if you will, were all basically 08:14:16  
 3 on the same level? 08:14:18

4 MR. HALE: Same objections. 08:14:18

5 BY MR. MATIASIC: 08:14:20

6 Q. Would that be accurate? 08:14:20

7 A. Yes. 08:14:20

8 Q. Some being worse than others, in terms of 08:14:23  
 9 whether you were cleaning the toilet or sweeping 08:14:25  
 10 the floor? 08:14:27

11 MR. HALE: Same objections. 08:14:28

12 THE WITNESS: Yes. 08:14:31

13 BY MR. MATIASIC: 08:14:33

14 Q. And then the most severe and harshest 08:14:33  
 15 punishment would be being called to 08:14:36  
 16 Father Cimmarusti's office for spankings; is that 08:14:40  
 17 correct? 08:14:43

18 MR. HALE: Same objections. 08:14:46

19 THE WITNESS: What happened to me is -- 08:14:48  
 20 that was the worse thing that happened to me, yes, 08:14:51  
 21 was getting called to his office and getting my ass 08:14:55  
 22 beat. 08:14:55

23 BY MR. MATIASIC: 08:14:59

24 Q. And that was your understanding of -- it 08:15:06  
 25 was your understanding that was the same type of 08:15:08

1 punishment level used with the other seminarians, 08:15:09  
 2 as well? 08:15:10

3 MR. HALE: Same objections. 08:15:10

4 THE WITNESS: I can't speak for anybody 08:15:13  
 5 else but myself. 08:15:16

6 BY MR. MATIASIC: 08:15:20

7 Q. Based upon what you observed in the 08:15:24  
 8 showers and otherwise, do you have an understanding 08:15:27  
 9 as to whether there were other levels of punishment 08:15:29  
 10 used with other seminarians? 08:15:33

11 MR. HALE: Same objections. 08:15:38

12 THE WITNESS: I can only say what I saw. 08:15:42

13 BY MR. MATIASIC: 08:15:47

14 Q. And did you observe other seminarians 08:15:49  
 15 being forced to dish duty, as a result of 08:15:53  
 16 disciplinary infarctions? 08:15:57

17 MR. HALE: Speculation. 08:16:00

18 THE WITNESS: It's not a matter of being 08:16:06  
 19 forced. You were given your punishment and you did 08:16:08  
 20 it. We all -- we were all given punishments. 08:16:11

21 BY MR. MATIASIC: 08:16:15

22 Q. While you were at Seminary did you observe 08:16:17  
 23 any other students having to execute their 08:16:21  
 24 punishment, if you will, in the dish room? 08:16:25

25 MR. HALE: Speculation. 08:16:29

1	THE WITNESS: Yes.	08:16:29
2	BY MR. MATIASIC:	08:16:34
3	Q. Did you observe any other seminarians	08:16:36
4	being forced to -- I know you said you just did	08:16:39
5	whatever the punishment was -- did you observe any	08:16:39
6	other seminarians carrying out the manual labor	08:16:41
7	handed out by Father Cimmarusti?	08:16:45
8	MR. HALE: Same objection. Foundation too.	08:16:47
9	THE WITNESS: Not only -- yeah. The	08:16:48
10	punishment was given out on the recommendation of	08:16:52
11	the seniors that ran our lives, in the freshman	08:16:55
12	year. Seniors were basically God and we had to do	08:16:56
13	what they told us to do. If we didn't do it, they	08:17:00
14	made us report. Okay. So, if we were reported, we	08:17:03
15	had to go and report and we were asked what we	08:17:07
16	did -- well, I was made to report. Seniors could	08:17:12
17	dish out punishment -- excuse me -- on their own,	08:17:17
18	on the understanding that, you know, this is -- you	08:17:20
19	know, this was a -- you know, there was chores that	08:17:23
20	you could do. That they could ask you to do. If	08:17:25
21	it was serious enough, if you did something	08:17:25
22	disrespectful to the school, then you were called	08:17:29
23	to report, all right. So, what happened to me was	08:17:33
24	I did a lot of dishes in my freshman year.	08:17:35
25	BY MR. MATIASIC:	08:17:37

1 Q. In terms of, after you had to report, did 08:17:38  
2 Father Cimmarusti ever tell you that your 08:17:40  
3 punishment would be dish duty -- 08:17:42

4 A. Yes. 08:17:42

5 Q. -- some type of manual labor? 08:17:45

6 A. Yes. He would say, "look for your name 08:17:48  
7 next week on the dish list." 08:17:50

8 Q. And for the first time or less severe 08:17:50  
9 issue, you indicated that Father Cimmarusti may 08:17:54  
10 talk to you and scold you, if you will, when you 08:17:56  
11 had to go see him; is that right? 08:18:03

12 A. He would talk to me about behavior 08:18:03  
13 modification -- those are my terms -- trying to 08:18:03  
14 give me some insight into what I could do to be a 08:18:05  
15 better community member. 08:18:06

16 Q. Have you -- other than [REDACTED], 08:18:08  
17 have you ever spoken with any other victims of 08:18:11  
18 Father Cimmarusti, who you understand were sexually 08:18:12  
19 abused by him? 08:18:16

20 A. No. 08:18:18

21 Q. Mr. [REDACTED], what have you been told 08:18:22  
22 about this lawsuit that's going to trial entitled 08:18:25  
23 John Doe 39, other than what you've already 08:18:25  
24 testified to on the Yahoo group? 08:18:29

25 MR. HALE: Aside from anything from your 08:18:30

1 attorneys. 08:18:32

2 THE WITNESS: Nothing. 08:18:36

3 BY MR. MATIASIC: 08:18:36

4 Q. Do you have any type of understanding of 08:18:40  
5 what the allegations are that form the subject 08:18:44  
6 matter of this lawsuit? 08:18:44

7 A. No. 08:18:46

8 Q. Do you know who [REDACTED] is? 08:18:50

9 A. Only that I went to school with him. He 08:18:53  
10 was a year older than I was. And -- 08:18:56

11 Q. Do you recall him when you were at the 08:18:56  
12 Seminary? 08:19:00

13 A. Yes, he was a legion. 08:19:00

14 Q. In what sense was he a legion? 08:19:01

15 A. He ran away. 08:19:03

16 Q. And what information do you have regarding 08:19:07  
17 him running away? 08:19:09

18 A. He stole away on an airplane to Hawaii. 08:19:10

19 Q. What year was that, if you know? 08:19:21

20 A. It was Christmas of 1966, I believe. 08:19:25

21 Q. So your freshman year? 08:19:29

22 A. Uh-huh. 08:19:32

23 Q. Did you ever gain any knowledge 08:19:35  
24 regarding -- strike that. 08:19:37

25 While you were at the Seminary, did you learn 08:19:37



1        why [REDACTED] had run away?        08:19:40

2        A.    No.        08:19:42

3        Q.    At anytime subsequent to being in the        08:19:43

4        Seminary, did you learn why he had run away?        08:19:46

5        A.    No.        08:19:46

6        Q.    Did you hear anything regarding the        08:19:51

7        circumstances surrounding his running away, other        08:19:56

8        than he stole on a plane to Hawaii?        08:20:00

9        A.    He took [REDACTED]'s backpack.        08:20:04

10       Q.    When you say --        08:20:08

11       A.    He stoled my friend's backpack so he could        08:20:12

12       put his belongings in it so he could run away.        08:20:17

13       Q.    What friend are you speaking of?        08:20:20

14       A.    [REDACTED].        08:20:24

15       Q.    Did you ever learn any other details        08:20:29

16       regarding him running away from the Seminary?        08:20:29

17       A.    No.        08:20:32

18       Q.    Have you ever participated in a conference        08:20:32

19       call with other victims of Father Cimmarusti?        08:20:37

20       A.    Conference call, no.        08:20:41

21       Q.    Have you ever spoken with any other        08:20:47

22       victims of Father Cimmarusti on the phone, other        08:20:48

23       than [REDACTED]?        08:20:50

24       A.    No.        08:20:52

25       Q.    Have you spoken with [REDACTED] over the        08:21:01

1 phone regarding Father Cimmarusti?

08:21:05

2 A. Yes.

08:21:08

3 Q. Generally what have you discussed with  
4 him?

08:21:11

08:21:16

5 A. We discussed ways -- we kept in touch

08:21:19

6 because [REDACTED] was very interested in getting

08:21:20

7 restitution in the form of a -- and we both were --

08:21:23

8 in the form of an apology. We would talk about

08:21:27

9 that. You know, he was interested to make sure

08:21:28

10 that Father Mario was not being assigned to

08:21:33

11 parishes, so he could be around young men. And was

08:21:33

12 always assured by the provincials -- we talked

08:21:37

13 about the provincials and how we got along with

08:21:43

14 them and what maybe we could do to try to resolve

08:21:43

15 this situation.

08:21:45

16 Q. Did he discuss the details of his abuse

08:21:48

17 with you?

08:21:50

18 A. Yes.

08:21:57

19 Q. Do you recall a priest by the name of

08:22:01

20 [REDACTED]?

08:22:02

21 A. Yes.

08:22:06

22 Q. How do you recall Father [REDACTED]?

08:22:08

23 A. Father [REDACTED] arrived with

08:22:12

24 redemptorist, r-e-d-e-m-p-t-o-r-i-s-t, priest.

08:22:16

25 Their Seminary closed down so they -- we

08:22:18

1 incorporated the Redemptorist Seminary, in our 08:22:18  
2 freshman year also. I believe it was in the Spring 08:22:19  
3 of 1967. 08:22:19

4 Q. Do you have some type of landmark in mind 08:22:23  
5 why you believe it was in the Spring of 1967? 08:22:25

6 A. It was after Christmas -- I'm unsure. All 08:22:28  
7 I know is sometime in our freshman year the 08:22:30  
8 redemptorist arrived. 08:22:31

9 Q. And did you ever take a class with 08:22:34  
10 Father [REDACTED]? 08:22:42

11 A. No, I didn't, no. He taught English, but 08:22:44  
12 he taught an upper level of English. I never had 08:22:48  
13 Father [REDACTED]. 08:22:49

14 Q. Did you ever have any other occasion to 08:22:51  
15 speak to him while you were at the Seminary? 08:22:53

16 A. Only in passing. He was an upper 08:22:54  
17 classman. In other words, the upper classmen had 08:22:58  
18 different classes than us lower classmen. We dealt 08:23:01  
19 with in our freshman year -- Father Mario and 08:23:04  
20 Father [REDACTED] and -- you know, those are the two 08:23:12  
21 big guys that we dealt with. 08:23:13

22 Q. Do you have any information regarding what 08:23:17  
23 other seminarians thought of Father [REDACTED]? 08:23:21

24 MR. HALE: Vague and ambiguous, over 08:23:22  
25 broad, speculation, foundation. 08:23:23

1 THE WITNESS: No. 08:23:27

2 BY MR. MATIASIC: 08:23:31

3 Q. Do you have any opinion regarding 08:23:31

4 Father [REDACTED], in terms of whether he was a good 08:23:31

5 teacher or whether he was a nice guy? 08:23:33

6 MR. HALE: Same objections. 08:23:38

7 THE WITNESS: Unknown as to what kind of a 08:23:40

8 teacher he was. I remember he was a very good 08:23:43

9 speaker. When he gave his homilies on Sunday. And 08:23:46

10 the one thing I remember about the redemptorist is 08:23:48

11 they had a lot of good guitar players that came 08:23:51

12 down and so I was picking their brains when these 08:23:53

13 guys showed up. And I said, wow, I got a couple of 08:23:56

14 new teachers that can teach me how to play the 08:23:59

15 guitar. 08:24:01

16 But Father [REDACTED], he was congenial, he was 08:24:04

17 jovial. I had no direct interaction with him. 08:24:06

18 MR. MATIASIC: Fair enough. Mr. [REDACTED], 08:24:07

19 that's all the questions I have for you. Thank you 08:24:10

20 very much for your time. I apologize that it took 08:24:11

21 so long. But we appreciate the sensitive nature of 08:24:13

22 the issues you had to discuss and thanks very much 08:24:16

23 for appearing today. 08:24:19

24 THE WITNESS: Thank you. 08:24:19

25 MR. MATIASIC: Tim, any questions? 08:24:21

1           Why don't we enter into a stipulation here.           08:24:22

2           Do you want to do the normal?           08:24:22

3           MR. HALE:    Sure.           08:24:25

4           MR. MATIASIC:  What we will do is -- you           08:24:29

5           will receive a -- normally what the process is the           08:24:32

6           court reporter sends you a booklet form of your           08:24:34

7           testimony.  You have an opportunity to review it,           08:24:38

8           and sign it, and make any changes you deem           08:24:42

9           appropriate.  What we can do is have the court           08:25:02

10          reporter forward it onto Mr. Hale's office -- and           08:25:02

11          Tim, if you provide Mr. [REDACTED] a copied -- how           08:25:03

12          long would you need to review it to make any           08:25:07

13          changes?           08:25:07

14          THE WITNESS:  I don't anticipate any           08:25:07

15          changes.  You know, I feel comfortable what I've           08:25:07

16          done tonight.           08:25:07

17          MR. MATIASIC:  Okay.  Given our trial           08:25:07

18          date, would five days be adequate, after you           08:25:07

19          receive it?           08:25:07

20          THE WITNESS:  When is the trial date?  Can           08:25:07

21          I ask that or --           08:25:07

22          MR. MATIASIC:  I mean, you can take that

23          up with Counsel at another time.

24          THE WITNESS:  Whatever they want to send

25          me is fine.  I'm easy with that.

1           MR. MATIASIC: Okay. So why don't we do  
2     that. Five days after you receive it, if you can  
3     make any changes known to Mr. Hale. Mr. Hale can  
4     notify the court reporter and all counsel, and we  
5     can take it there. Also, why don't we stipulate  
6     that if the original isn't available at trial, an  
7     unsigned certified copy can be used the same way.

8           MR. HALE: Yeap, that's fine.

9           THE VIDEO OPERATOR: This completes the  
10    videotape number four and the deposition. We are  
11    going off the record. The time is 8:25 p.m.

12          THE REPORTER: Mr. Hale, do you need a  
13    copy?

14          MR. HALE: I do.

15          MR. MATIASIC: Can I get a condensed and a  
16    e-transcript?

17          MR. HALE: Yeah, I'll take an e-trans and  
18    a condensed too.

19          THE REPORTER: And a hard-copy; correct?

20          MR. HALE: Right.

21                 (Ending time: 8:25 p.m.)  
22  
23  
24  
25

1       STATE OF                               )  
  )   SS.  
2       COUNTY OF                            )

3  
4  
5  
6  
7           I, the undersigned, declare under penalty of  
8   perjury that I have read the foregoing transcript,  
9   and I have made any corrections, additions, or  
10   deletions that I was desirous of making; that the  
11   foregoing is a true and correct transcript of my  
12   testimony contained therein.

13           EXECUTED this day of                               ,  
14   2006, at                               ,                               .  
                              (City)                                (State)

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## REPORTER'S CERTIFICATE

I, CARRIE L. FERGUSON, CSR No. 4293, Certified  
Shorthand Reporter, certify;

That the foregoing proceedings were taken  
before me at the time and place therein set forth,  
at which time the witness was put under oath by me;

That the testimony of the witness, the  
questions propounded, and all objections and  
statements made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor  
financially interested in the action.

I declare under penalty of perjury under the  
laws of California that the foregoing is true and  
correct.

Dated this 12th day of March, 2006

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CARRIE L. FERGUSON, CSR NO. 4293