

[REDACTED] VOLUME I - 11/29/05

IN RE: THE CLERGY CASES I & III

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

_____)	
Coordination Proceeding Special)	
Title (Rule 155(b)),)	
)	Case No. JCCP 4286
)	and JCCP 4359
In Re:)	
)	
THE CLERGY CASES I & III)	
_____)	

VIDEOTAPED DEPOSITION OF FATHER [REDACTED]
VOLUME I, PAGES 1 THROUGH 189
LOS ANGELES, CALIFORNIA
NOVEMBER 29, 2005

Reported by Randy D. Garrett, CSR 8931, RPR
PRS Job No. 34-293628

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21 Father ██████████:

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34 - and -

35

1 Appearances: (cont.)

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20 Also Present:

21 Thomas H. Terry
22 Videographer, Loreto Castillo
23
24
25

26 VIDEOTAPED DEPOSITION OF FATHER EUGENE ██████████,
27 taken at 221 North Figueroa Street, Ninth Floor,
28 Los Angeles, California, on Tuesday, November 29,
29 2005, at 10:13 A.M., before Randy D. Garrett, a
30 Certified Shorthand Reporter, in and for the State
31 of California.

1 I N D E X

2 WITNESS: Father Eugene [REDACTED], Volume I

3

4 EXAMINATION PAGE

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6 By Mr. Hale 8

7 By Mr. DeMarco 179

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1 FATHER [REDACTED], VOLUME I
2 Clergy Cases I and III
3 Tuesday, November 29, 2005
4 Randy D. Garrett, CSR No. 8931

5 INDEX TO EXHIBITS

6 EXHIBITS MARKED

7

8 (No exhibits marked)

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1 LOS ANGELES, CALIFORNIA; TUESDAY, NOVEMBER 29, 2005

2 10:13 A.M.

3

10:12:44 4 THE VIDEOGRAPHER: Good morning. My name
10:12:45 5 is Loreto Castillo with Paulson Reporting and
10:12:48 6 Litigation Services located at 11400 West Olympic
10:12:52 7 Boulevard, Suite 140, in Los Angeles, California.

10:12:56 8 This is the deposition of [REDACTED] in
10:12:59 9 the matter of the Clergy Cases I and III taken on
10:13:02 10 behalf of the plaintiffs. The deposition is taking
10:13:06 11 place at 221 North Figueroa Street, Ninth Floor,
10:13:11 12 Los Angeles, California.

10:13:13 13 This deposition is being videotaped and
10:13:14 14 audiotaped at all times unless specified to go off
10:13:17 15 the record. The deposition is now commencing at
10:13:22 16 10:13 a.m. on November 29, 2005.

10:13:30 17 Would all present please identify
10:13:31 18 themselves beginning with the witness.

10:13:33 19 THE WITNESS: [REDACTED].

10:13:41 20 MR. HANCE: Bryan Hance for the defendant
10:13:48 21 Franciscan Friars of California and the deponent in
10:13:51 22 Clergy I.

10:13:52 23 MR. MATIASIC: Paul Matiasic with Lewis,
10:13:53 24 Brisbois, Bisgaard and Smith for the defendant
10:13:57 25 Franciscan Friars of California and the deponent.

10:14:00 1 MS. SALMON: Susan Salmon, O'Melveny and
10:14:00 2 Myers, for the Archdiocese of Los Angeles.

10:14:04 3 MR. HABEL: James Habel with Hennigan,
10:14:06 4 Bennett and Dorman for the Archdiocese of
10:14:08 5 Los Angeles and defendants' liaison counsel in
10:14:11 6 Clergy I.

10:14:12 7 MR. TISDALE: Jon Tisdale, Gilbert, Kelly,
10:14:13 8 Crowley and Jennett for the Archdiocese of
10:14:16 9 Los Angeles.

10:14:17 10 MR. ROSS: Ed Ross of Ross and Rubino along
10:14:19 11 with Kathy Freberg for various plaintiffs.

10:14:22 12 MR. TERRY: Tom Terry with Sutter,
10:14:22 13 O'Connell and Farchione, monitoring counsel for a
10:14:27 14 potential insurer.

10:14:30 15 MR. BONA: David Bona, Carroll, Burdick and
10:14:32 16 McDonough, for the Archdiocese of Los Angeles.

10:14:33 17 MR. DEMARCO: Anthony DeMarco for various
10:14:35 18 plaintiffs as well as plaintiffs' liaison counsel.

10:14:37 19 MR. HALE: Tim Hale for plaintiffs.

10:14:40 20 THE VIDEOGRAPHER: Thank you. Would the
10:14:41 21 court reporter please swear in the witness.

10:14:43 22 / / /

10:14:43 23 / / /

10:14:43 24 / / /

10:14:43 25 / / /

10:14:43 1 [REDACTED],

10:14:43 2 having been first duly sworn, testifies as follows:

10:14:43 3

10:14:43 4 EXAMINATION

10:14:43 5 BY MR. HALE:

10:14:55 6 Q Good morning, Father. My name is Tim Hale.

10:14:57 7 Could you state and spell your name for the record,
10:14:58 8 please.

10:14:59 9 A [REDACTED], [REDACTED].

10:15:04 10 Q Thanks. Have you ever had your deposition
10:15:05 11 taken before?

10:15:05 12 A No. First one.

10:15:08 13 Q I'm sure your counsel has explained the
10:15:09 14 process. Let me just go back over a few of the
10:15:12 15 ground rules to make sure we're on the same page.

10:15:15 16 Do you understand that your testimony today
10:15:17 17 has the same force and effect as if we were sitting
10:15:19 18 in a court of law before a judge and a jury?

10:15:21 19 A Yes.

10:15:22 20 Q You understand you were placed under oath
10:15:23 21 by the court reporter?

10:15:24 22 A Yes.

10:15:25 23 Q Have you consumed any alcohol in the last
10:15:29 24 twelve hours that might impair your ability to
10:15:29 25 testify clearly?

10:15:30 1 A No.

10:15:31 2 Q Have you consumed any drugs in the last 24
10:15:33 3 hours that might impair your ability to testify?

10:15:35 4 A No.

10:15:39 5 Q You are doing a really good job of waiting
10:15:41 6 for me to finish my question before you give a
10:15:44 7 response. It's critical that you do that throughout
10:15:47 8 the deposition because, as you can see, the reporter
10:15:49 9 is taking down your testimony and we want to have a
10:15:52 10 clear record. By the same token, I'll do my best to
10:15:55 11 not interrupt your answers when you are responding
10:15:57 12 to one of my questions.

10:15:59 13 Do you understand that?

10:16:00 14 A Yes.

10:16:04 15 Q I don't want you to guess at any of the
10:16:06 16 questions that I or any other attorney asks you
10:16:09 17 today. We are entitled to your best estimate.

10:16:10 18 Do you understand the difference between a
10:16:12 19 guess and an estimate?

10:16:13 20 A Yes.

10:16:17 21 Q You're also doing a great job of answering
10:16:19 22 the questions affirmatively. We want to avoid
10:16:22 23 responses with uh-huhs and unh-unhs and nods of the
10:16:25 24 head. That way, we'll have again a nice clear
10:16:29 25 record when this deposition is finished. Okay?

10:16:32 1 A Yes.

10:16:32 2 Q Great. If you don't understand a question
10:16:37 3 that I ask you or any other attorney asks you, make
10:16:40 4 sure you ask us to clarify. If you do respond to
10:16:42 5 one of our questions, we're going to assume you
10:16:46 6 understood the meaning of that question.

10:16:48 7 Do you understand that?

10:16:48 8 A Yes.

10:16:50 9 Q At the end of this testimony, your
10:16:50 10 testimony will be placed into a typed booklet form.
10:16:52 11 You will have a chance to review it and you will
10:16:54 12 have a chance to make any changes you think are
10:16:57 13 necessary.

10:16:57 14 But keep in mind that if you do make any
10:16:59 15 changes, either myself or any other attorney in this
10:17:02 16 matter will be free to comment on those changes at
10:17:04 17 the time of trial. So you really want to give your
10:17:08 18 best testimony today.

10:17:09 19 Do you understand that?

10:17:09 20 A Yes.

10:17:10 21 Q Any questions?

10:17:12 22 A Not at this time.

10:17:13 23 Q If you need to take a break at any time,
10:17:14 24 just let us know. Okay?

10:17:17 25 A Right.

10:17:19 1 MR. HABEL: Before you get started.

10:17:21 2 MR. HALE: Go for it.

10:17:22 3 MR. HABEL: We will object to the

10:17:24 4 deposition notice to the extent that the notice

10:17:26 5 purports to notice Father [REDACTED] as a hierarchy

10:17:32 6 witness for the Archdiocese of Los Angeles.

10:17:37 7 MR. HANCE: Join.

10:17:37 8 MR. HALE: Objections noted. Anyone else?

10:17:42 9 Q Father, did you review any documents in

10:17:43 10 preparation for your deposition today?

10:17:45 11 A No.

10:17:46 12 Q I'd like to go over your education and

10:17:49 13 employment history. We can start with first of all,

10:17:52 14 where were you born?

10:17:53 15 A Los Angeles.

10:17:57 16 Q Where did you attend high school?

10:17:59 17 A The Los Angeles Junior Seminary on Third

10:18:03 18 and Detroit.

10:18:11 19 Q Was that run by the Archdiocese?

10:18:13 20 A Yes.

10:18:16 21 Q Did you graduate from there?

10:18:18 22 A Pardon me?

10:18:19 23 Q Did you graduate from there?

10:18:22 24 A I walked home. I live close enough.

10:18:26 25 Q I'm not speaking clearly. Did you

10:18:28 1 finish -- did you go to -- did you get your high

10:18:31 2 school degree from the seminary?

10:18:33 3 A Oh, yes, yes.

10:18:33 4 Q What year was that?

10:18:35 5 A 1944.

10:18:39 6 Q Was that your standard four years of high

10:18:42 7 school or was it more than that?

10:18:44 8 A Four years of high school, one year of

10:18:46 9 college.

10:18:56 10 Q Did any of your classmates at the

10:18:59 11 Los Angeles Junior Seminary go on to become

10:19:02 12 Franciscan friars to your knowledge?

10:19:04 13 A Yes.

10:19:05 14 Q Who was that?

10:19:06 15 A [REDACTED] and Miguel Senteno.

10:19:12 16 Q How do you spell Senteno?

10:19:14 17 A S-E-N-T-E-N-O.

10:19:16 18 Q And [REDACTED] is [REDACTED]?

10:19:19 19 A Correct.

10:19:19 20 Q Were there any Franciscans on the faculty

10:19:23 21 at the Junior Seminary when you were a student

10:19:25 22 there?

10:19:27 23 A No.

10:19:34 24 Q Do you recall who the rector was at the

10:19:39 25 Junior Seminary when you were a student there?

10:19:39 1 A Father Donald McNeal, CM.

10:19:49 2 Q Was it a large faculty or do you recall how
10:19:52 3 many faculty members there were?

10:20:04 4 A By large what do you mean?

10:20:06 5 Q Ten? Twenty? Thirty?

10:20:10 6 A It's hard to remember.

10:20:17 7 Q After you finished your fifth year at the
10:20:20 8 Junior Seminary, what was the next step in your
10:20:24 9 education?

10:20:25 10 A Saint John's Seminary in Camarillo.

10:20:31 11 Q What years did you study at Saint John's?

10:20:33 12 A 1944 to 1949.

10:20:42 13 Q Did you receive a degree from Saint John's?

10:20:44 14 A Yes.

10:20:45 15 Q What was that degree in?

10:20:51 16 A Bachelor of arts in philosophy.

10:20:57 17 Q Did you do graduate work at Saint John's?

10:21:00 18 A No. We did theology but that's not
10:21:09 19 technically graduate.

10:21:12 20 Q So basically, correct me if I'm wrong, you
10:21:14 21 did your undergraduate studies at Saint John's, then
10:21:17 22 you also attended the theologate?

10:21:20 23 A Correct.

10:21:29 24 Q Were there any Franciscans with you at
10:21:34 25 Saint John's?

10:21:34 1 A No.

10:21:34 2 Q Were there any Franciscans on the faculty
10:21:36 3 of Saint John's while you were there?

10:21:38 4 A None.

10:21:39 5 Q What was the next step in your education
10:21:40 6 process?

10:21:44 7 A I joined the Franciscans in 1950.

10:21:54 8 Q Let me backtrack for a second. What year
10:21:56 9 were you ordained?

10:21:57 10 A 1954.

10:22:09 11 Q When you joined the Franciscans in 1950,
10:22:12 12 did you become a novice?

10:22:14 13 A Yes.

10:22:16 14 Q Where was that?

10:22:17 15 A San Miguel Mission.

10:22:21 16 Q That was a novitiate house?

10:22:24 17 A That was a novitiate.

10:22:28 18 Q How many other Franciscans or candidates
10:22:33 19 were with you at San Miguel?

10:22:35 20 A Pardon me? Again?

10:22:36 21 Q How many other candidates were with you at
10:22:39 22 San Miguel?

10:22:40 23 A About 35.

10:22:48 24 Q I'm not going to ask you to recall all
10:22:50 25 their names.

10:22:53 1 MR. HANCE: Thank you, Counsel.

10:22:54 2 MR. HALE: Sure.

10:22:57 3 THE WITNESS: Mostly dead I think.

10:23:05 4 Q BY MR. HALE: Do you recall who the novice

10:23:06 5 master was?

10:23:07 6 A Yes.

10:23:07 7 Q Who was that?

10:23:08 8 A David Temple.

10:23:14 9 Q Did Father Temple have anyone assisting

10:23:17 10 him?

10:23:18 11 A Yes.

10:23:18 12 Q Who was that?

10:23:22 13 A Angelus Bold for half the year and Kevin

10:23:26 14 Murphy for half the year.

10:23:33 15 Q How do you spell Bold? The way it sounds?

10:23:35 16 A B-O-L-D.

10:23:38 17 Q They were both priests?

10:23:39 18 A Yes.

10:23:43 19 Q And was the novice program one year? How

10:23:46 20 long did it last for?

10:23:49 21 A One year.

10:23:49 22 Q What was the next step in the process?

10:23:55 23 A For me?

10:23:55 24 Q Yes.

10:23:57 25 A Santa Barbara Mission for theology.

10:24:06 1 Q What years did you attend the school of
10:24:07 2 theology in Santa Barbara?

10:24:10 3 A 1951. It was split, '51 to '52.

10:24:18 4 Q Okay.

10:24:19 5 A And '53 to '54.

10:24:30 6 Q Who was the rector during your first time
10:24:35 7 at the school of theology in Santa Barbara?

10:24:41 8 A The director of clerics was Virgil Gordano.

10:24:47 9 Q Was that true in the '53-'54 year as well?

10:24:51 10 A Yes.

10:25:04 11 Q This is probably a stupid question, but why
10:25:07 12 did you have to study theology again after your time
10:25:10 13 at Saint John's?

10:25:11 14 A Because I did not finish theology at Saint
10:25:14 15 John's. I left after third year.

10:25:17 16 Q And you left to join the Franciscans?

10:25:21 17 A I left to then join the Franciscans.

10:25:23 18 Q Was there any time between you leaving
10:25:25 19 Saint John's and joining the Franciscans?

10:25:31 20 A One year to kind of find myself.

10:25:33 21 Q Were you affiliated with the Catholic
10:25:34 22 church in any way during that year?

10:25:37 23 A No.

10:25:43 24 Q Do you want to change that? Were you
10:25:45 25 affiliated in some way?

10:25:47 1 A During the first half of 1950 I lived with
10:25:52 2 the Franciscans at the Serra retreat too. They
10:25:57 3 accommodated me.

10:26:10 4 Q That was before you joined the novitiate
10:26:14 5 house in San Miguel?

10:26:14 6 A Yes.

10:26:15 7 Q Were you a member of the province at that
10:26:17 8 point?

10:26:18 9 A No. I was getting accustomed to the
10:26:22 10 Franciscans and they were getting to look at me.

10:26:26 11 Q How long did you live at the Serra retreat?
10:26:29 12 About six months?

10:26:31 13 A About six months.

10:26:45 14 Q Was there any particular reason why you
10:26:49 15 took that six months to a year before you joined the
10:26:50 16 Franciscans?

10:26:52 17 A I just wasn't sure whether the diocese or
10:27:00 18 religious life was for me.

10:27:06 19 Q Was there anything taking place at Saint
10:27:08 20 John's that you found disturbing or upsetting in any
10:27:11 21 way?

10:27:12 22 A Nothing.

10:27:24 23 Q Was Matthew Kelly a classmate of yours at
10:27:29 24 Saint John's?

10:27:30 25 A No.

10:27:31 1 Q Do you know that name?

10:27:32 2 A Yes.

10:27:43 3 Q Do you recall how many Franciscans were in
10:27:45 4 residence at the Serra retreat house in that
10:27:49 5 six-month period you were there in 1950?

10:27:52 6 A Yes.

10:27:52 7 Q How many?

10:28:03 8 A About three priests and what we called the
10:28:07 9 tertiary brothers, who were on the way to becoming
10:28:11 10 professed first order brothers.

10:28:14 11 Q You say three tertiary brothers?

10:28:16 12 A No. I don't remember how many.

10:28:19 13 Q Can you spell "tertiary" for me?

10:28:21 14 A Certainly. T-E-R-T-I-A-R-Y. It means
10:28:27 15 third order.

10:28:28 16 Q At that point you were not even a tertiary
10:28:31 17 brother?

10:28:31 18 A No. I was -- they were to become lay
10:28:34 19 brothers. I was to become a clerical religious.

10:28:38 20 Q Were you even a brother at that point?

10:28:42 21 A No. I was preparing for novitiate.

10:28:45 22 Q Did you have any assignments while you were
10:28:46 23 at Serra retreat house?

10:28:48 24 A I helped in the maintenance of the house.

10:28:53 25 Q Anything else?

10:28:55 1 A That was it.

10:29:13 2 Q What about when you were with the novitiate
10:29:16 3 at San Miguel, did you have assignments outside of
10:29:19 4 preparing to become a Franciscan?

10:29:22 5 A Not outside. It was totally enclosed in
10:29:26 6 those days.

10:29:27 7 Q What were your tasks as a novitiate?

10:29:31 8 A Prayers, lots of prayers. Chores,
10:29:37 9 maintenance, so forth.

10:29:39 10 Q There was a parish at San Miguel; correct?

10:29:40 11 A Parish, but we sang at the Sunday high mass
10:29:43 12 in the parish but otherwise did not get into it.

10:29:47 13 Q What about in the period between '51 and
10:29:55 14 '52 school year and the '53 and '54 school year at
10:29:55 15 the school of theology? Where were you then during
10:29:58 16 that period?

10:29:59 17 A I was studying theology and preparing for
10:30:02 18 ordination.

10:30:03 19 Q So '52 to '53 school year you were at the
10:30:06 20 school of theology in Santa Barbara?

10:30:09 21 A No. '52-'53 I was teaching at the
10:30:11 22 seminary.

10:30:12 23 Q At Saint Anthony's Seminary?

10:30:15 24 A Yes.

10:30:23 25 Q I just want to make sure I'm clear on your

10:30:26 1 educational path. From '51 to '52 you were at the
10:30:29 2 school of theology at the Mission?

10:30:31 3 A Yes.

10:30:31 4 Q Then '52 to '53 you went over and taught at
10:30:34 5 Saint Anthony's Seminary?

10:30:36 6 A Full time.

10:30:37 7 Q 1953-54 you were back at the school of
10:30:40 8 theology at the mission?

10:30:42 9 A But I taught one or two, I can't remember,
10:30:44 10 classes at the seminary in Latin, but I lived at the
10:30:49 11 Old Mission.

10:30:50 12 Q So that would have been the '53-'54 year?

10:30:52 13 A '53 to '54 but it was part time.

10:30:57 14 MR. HANCE: Father, it's important to let
10:30:58 15 him finish his question.

10:30:59 16 THE WITNESS: I'm sorry.

10:31:17 17 Q BY MR. HALE: Why was, why the year away
10:31:23 18 from the school of theology to teach at the
10:31:25 19 seminary? Why did that happen?

10:31:28 20 A In a religious order you cannot receive
10:31:31 21 what we used to call major orders, which would be
10:31:34 22 lifetime commitment, till you were in perpetual
10:31:38 23 vows. And the rule was you had to be in simple vows
10:31:42 24 for three years. So I was professed in 1951. I had
10:31:48 25 to wait for '54 for ordination.

10:31:52 1 Q Why didn't you just complete your
10:31:54 2 coursework straight from '51-'53 at the school of
10:31:57 3 theology? Why did you interrupt it at that time at
10:32:00 4 Saint Anthony's?

10:32:02 5 A I didn't need that much theology. I had
10:32:04 6 had it at Camarillo.

10:32:06 7 Q And you finished your coursework at the
10:32:16 8 school of theology in 1954?

10:32:19 9 A Correct.

10:32:19 10 Q You were part time at the seminary that
10:32:21 11 year too?

10:32:22 12 A That year part time.

10:32:22 13 Q What was your next, the next step in your
10:32:24 14 education process or in your work assignments?

10:32:28 15 A From '54 till '56 I taught at the seminary.

10:32:34 16 Q Full time I assume?

10:32:35 17 A Full time.

10:32:45 18 Q Was Father [REDACTED] the rector during the
10:32:48 19 years at Saint Anthony?

10:32:50 20 A Correct.

10:32:53 21 Q Do you recall who the prefect was? Was it
10:32:59 22 Father [REDACTED]?

10:33:00 23 A [REDACTED] and two names occur. Kevin
10:33:12 24 Murphy I think and/or Martin McCuen.

10:33:30 25 Q When you were at the seminary in

10:33:31 1 Los Angeles, was there a prefect of discipline

10:33:34 2 there?

10:33:34 3 A Yes.

10:33:35 4 Q Was there an infirmary at the seminary in

10:33:38 5 Los Angeles?

10:33:38 6 A No. It was a day school.

10:33:41 7 Q Were you living at home while you were

10:33:44 8 attending the seminary in Los Angeles?

10:33:45 9 A Yes.

10:33:46 10 MR. HANCE: Father, please let him finish

10:33:48 11 his question.

10:33:48 12 THE WITNESS: I'm sorry.

10:33:50 13 Q BY MR. HALE: And what about during your

10:33:52 14 time -- I'll come back to this.

10:33:57 15 After the '54 to '56 school year at Saint

10:34:01 16 Anthony's, what was your next assignment?

10:34:04 17 A Saint Mary's High School, Phoenix.

10:34:06 18 Q What years were you there?

10:34:08 19 A '56-'57.

10:34:18 20 Q Was Xavier Harris the principal there at

10:34:21 21 that time?

10:34:22 22 A Ernest Wilson.

10:34:23 23 Q Was [REDACTED] on the faculty during

10:34:27 24 that year?

10:34:28 25 A No. Wait. I can't remember.

10:34:32 1 Q And you were a high school teacher I

10:34:36 2 assume?

10:34:36 3 A Correct.

10:34:43 4 Q What was your next assignment?

10:34:48 5 A The province wanted me to check out going
10:34:51 6 into historical research at the Academy of American
10:34:57 7 Franciscan History, but I spent the summer there of
10:35:01 8 '57. And I'm not into that. So they sent me to
10:35:06 9 St. Louis University to complete my M.A.

10:35:09 10 Q Before St. Louis where was this academy at?

10:35:12 11 A In Washington, D.C. Bethesda, Maryland.

10:35:16 12 Q Were any other Franciscans there with you?

10:35:19 13 A Yes. It was a Franciscan house.

10:35:22 14 Q Any from the province of Santa Barbara?

10:35:25 15 A [REDACTED].

10:35:27 16 Q Anyone else?

10:35:28 17 A Not from this province.

10:35:30 18 Q Can you spell [REDACTED]?

10:35:32 19 A [REDACTED]

10:35:39 20 [REDACTED].

10:35:45 21 Q Then the next assignment was St. Louis
10:35:48 22 University?

10:35:48 23 A St. Louis University.

10:35:49 24 Q That was to work on a master's?

10:35:53 25 A A master's in American history.

10:36:04 1 Q What years were you there?

10:36:11 2 A I had spent three summer schools, '55 and
10:36:15 3 '56 there, and then '58 the school year. Got the
10:36:22 4 degree in '58.

10:36:27 5 Q Did you attend the full school year there?

10:36:30 6 A One semester I did my thesis and one
10:36:33 7 semester completing the M.A.

10:36:36 8 Q Was that in the same school year?

10:36:39 9 A Yes.

10:36:39 10 Q Was that '57-'58?

10:36:41 11 A Correct.

10:36:53 12 Q And where were you in residence? Let me
10:36:56 13 backtrack for a second.

10:36:57 14 When you were at Saint Mary's in Phoenix,
10:36:59 15 were you in residence or where were you in
10:37:01 16 residence?

10:37:02 17 A At the friary there.

10:37:05 18 Q Was the friary attached to Saint Mary's?

10:37:09 19 A It was about a block and a half from the
10:37:12 20 high school.

10:37:16 21 Q What about when you attended St. Louis
10:37:18 22 University, where were you in residence?

10:37:20 23 A I stayed in the Franciscan provincial house
10:37:23 24 in St. Louis in Meramec Street.

10:37:27 25 Q What province is that?

10:37:29 1 A Sacred Heart Province.

10:37:40 2 Q That was not, the provincial house wasn't
10:37:43 3 the house for the province of Santa Barbara? It was
10:37:46 4 for a separate province?

10:37:48 5 A It's a separate province.

10:37:49 6 Q Were there any other Franciscans from Santa
10:37:53 7 Barbara in residence with you there?

10:37:54 8 A Yes.

10:37:55 9 Q Who?

10:37:58 10 A At different times Valentine Healy and
10:38:03 11 Florian Guest.

10:38:05 12 Q What were they doing?

10:38:06 13 A They were studying there too.

10:38:12 14 Q After you received your M.A., what was your
10:38:15 15 next assignment?

10:38:17 16 A Santa Barbara Mission.

10:38:23 17 Q What years were you at the mission?

10:38:25 18 A 1958 till 1961.

10:38:31 19 Q What was your assignment there?

10:38:33 20 A Assisted in the parish.

10:38:36 21 Q Who was the pastor?

10:38:38 22 A Basil Kelly.

10:38:49 23 Q Did you have any duties with regards to the
10:38:53 24 school of theology?

10:38:54 25 A Not the theology.

10:38:56 1 Q What about at Saint Anthony's Seminary?

10:38:58 2 A No, none.

10:38:59 3 Q Any other duties while you were at the
10:39:02 4 mission?

10:39:02 5 A I was assigned as assistant archivist but I
10:39:09 6 really did nothing there. There was nothing to do.
10:39:12 7 The parish was busy.

10:39:14 8 Q Who was the archivist?

10:39:16 9 A Maynard Geiger.

10:39:23 10 Q Was he in residence at the mission as well?

10:39:24 11 A Yes.

10:39:31 12 Q When you say you did very little, what did
10:39:33 13 you do as the assistant archivist?

10:39:36 14 A I don't remember doing anything.

10:39:41 15 Q Did you observe Father Geiger doing his
10:39:45 16 work as the archivist?

10:39:52 17 A I taught with him at recreation.

10:39:58 18 Q Did he have an office for his duties as the
10:40:01 19 archivist?

10:40:01 20 A Yes. He had, the archives were in a
10:40:05 21 separate facility there.

10:40:09 22 Q How big were the archives at that time?
10:40:12 23 Were they the size of -- can you describe them for
10:40:16 24 me?

10:40:17 25 A Yes. His office upstairs was fairly small.

10:40:23 1 It was two rooms. Then he had a storage room

10:40:29 2 downstairs about the size of this room.

10:40:41 3 Q Did you do any kind of manual labor so to
10:40:45 4 speak with regards to perhaps filing, filing
10:40:49 5 documents or moving boxes?

10:40:51 6 A Nothing.

10:40:54 7 Q Any other assignments during that '58 to
10:40:57 8 '61 time period at the mission?

10:41:00 9 A Just the parish.

10:41:02 10 Q What was your next assignment?

10:41:06 11 A Saint Joseph's Parish in Los Angeles.

10:41:18 12 Q Were you an assistant pastor there as well?

10:41:20 13 A I assisted at Saint Joseph's.

10:41:23 14 Q Who was the pastor there?

10:41:27 15 A Oliver Lynch and then Arnold Paroline.

10:41:34 16 Q How do you spell the last name?

10:41:35 17 A P-A-R-O-L-I-N-E.

10:41:41 18 Q What years were you at Saint Joseph's?

10:41:44 19 A Just about six months.

10:41:52 20 Q Who was in residence with you at Saint
10:41:55 21 Joseph's?

10:41:59 22 A Big community. It was a pastor, two or
10:42:05 23 three jail chaplains, the hour of Saint Francis, the
10:42:13 24 Serra retreat coordinator. There were about 30 in
10:42:16 25 the community.

10:42:18 1 Q I won't ask you any more then. Was Father

10:42:20 2 [REDACTED] there during your six months?

10:42:23 3 A I don't remember him there, no.

10:42:25 4 Q What about Father Austin?

10:42:29 5 A Edmond Austin?

10:42:31 6 Q Yes.

10:42:31 7 A No.

10:42:34 8 Q Do you know if he was in residence in

10:42:35 9 Los Angeles during that time?

10:42:37 10 A Yes. He was at Saint Toribio's.

10:42:41 11 Q At Saint what?

10:42:42 12 A Santa Toribio's. It was a little Hispanic

10:42:43 13 parish, separate house, separate administration but

10:42:48 14 near Saint Joseph's.

10:42:50 15 Q Can you spell that for me?

10:42:51 16 A Santo Toribio, S-A-N-T-O T-O-R-I-B-I-O in

10:42:58 17 Spanish.

10:43:02 18 Q How far from Saint Joseph's is that

10:43:05 19 approximately?

10:43:05 20 A I'd say maybe a mile and a half, two miles.

10:43:11 21 Q Do you know, do you recall was he the

10:43:13 22 pastor at Santo Toribo?

10:43:16 23 A No.

10:43:16 24 Q Was it a parish?

10:43:21 25 A It was part of Saint Joseph's Parish but

10:43:24 1 acted separately as a separate parish for the
10:43:26 2 Spanish-speaking.

10:43:30 3 Q Did Father Lynch, Father Paroline perform
10:43:35 4 mass there?

10:43:35 5 A No. Luis Maldonado was the acting pastor
10:43:40 6 or chaplain.

10:43:44 7 Q Did you assist at Santo Toribo?

10:43:48 8 A Never.

10:43:49 9 Q How were you aware that Father Austin was
10:43:52 10 assisting at Santo Toribo?

10:43:54 11 A Because it was so close and I knew the
10:43:58 12 friars. Just a mile or so away.

10:44:02 13 Q Why did your assignment at Saint Joseph's
10:44:05 14 only last six months?

10:44:07 15 A Because in January of 1962 somebody got
10:44:12 16 sick in one of our Indian missions down in southern
10:44:17 17 Arizona, and the Provincial sent me down there.

10:44:20 18 Q Where exactly were you sent?

10:44:22 19 A A little village called Bapchule,
10:44:24 20 B-A-P-C-H-U-L-E.

10:44:30 21 Q Was it parish work?

10:44:32 22 A It was Indian mission work like a parish.

10:44:38 23 Q How long were you there for?

10:44:39 24 A Six months.

10:44:45 25 Q What other Franciscans were in residence or

10:44:48 1 assisting there?

10:44:52 2 A Sylvester Mancuso was the other Franciscan
10:44:56 3 there.

10:44:57 4 Q Any others?

10:44:58 5 A We were the only two at that base.

10:45:02 6 Q What was your next assignment?

10:45:07 7 A Serra High School in Salem, Oregon.

10:45:14 8 Q How long did that last for?

10:45:15 9 A Four years.

10:45:17 10 Q So '62 to '66?

10:45:19 11 A Correct.

10:45:22 12 Q And I assume you were on the faculty?

10:45:25 13 A Yes.

10:45:28 14 Q Any other assignments at Serra High School
10:45:31 15 or duties or responsibilities?

10:45:34 16 A We would be sent to help in parishes on
10:45:36 17 weekends but that was not really an assignment.
10:45:39 18 Just Sunday mass.

10:45:44 19 Q And the parishes you would help in, could
10:45:47 20 that be diocesan parishes?

10:45:48 21 A It could be, in town or up in Portland.

10:45:57 22 Q Is that a parochial school or a seminary?

10:46:00 23 A Serra High School is just a high school.

10:46:02 24 Q Just a regular public high school?

10:46:03 25 A Catholic high school.

10:46:07 1 Q Who was the principal?

10:46:09 2 A John Francis Defemulary.

10:46:13 3 Q Were there any other Franciscans on the

10:46:15 4 faculty?

10:46:15 5 A Yes.

10:46:16 6 Q Who?

10:46:16 7 A I can't remember. There was about seven or

10:46:20 8 eight, maybe ten.

10:46:28 9 Q What was your next assignment?

10:46:30 10 A Saint Elizabeth's High School in Oakland.

10:46:35 11 Q How long did that last for?

10:46:36 12 A Six years.

10:46:40 13 Q So '66 to '72?

10:46:43 14 A Correct.

10:46:48 15 Q Then you were on the faculty again?

10:46:50 16 A Yes.

10:46:50 17 Q Any other duties or responsibilities?

10:46:58 18 A Assistant athletic director.

10:47:10 19 Q When you were at Serra High School, where

10:47:12 20 were you in residence?

10:47:12 21 A At the high school on campus.

10:47:16 22 Q Was there a rectory on the campus?

10:47:18 23 A Yes.

10:47:23 24 Q What about at Saint Elizabeth's? Where

10:47:27 25 were you in residence?

10:47:28 1 A At the house there on the property. The
10:47:31 2 high school, the parish, and the Provincial office,
10:47:33 3 one big house.

10:47:38 4 Q Was it a rectory?

10:47:40 5 A Rectory, partly.

10:47:48 6 Q You said partly or hardly?

10:47:51 7 A Partly.

10:48:00 8 Q What was your next assignment?

10:48:05 9 A Mater Dei High School, Santa Ana.

10:48:12 10 Q What years were you at Mater Dei High
10:48:19 11 School?

10:48:19 12 A '72 and still there.

10:48:22 13 Q You were on the faculty at Mater Dei High
10:48:26 14 School?

10:48:26 15 A Yes.

10:48:27 16 Q Any other duties and responsibilities other
10:48:29 17 than as faculty member?

10:48:31 18 A I was department chair of the social
10:48:33 19 studies department for about 20 years.

10:48:43 20 Q Anything else?

10:48:45 21 A That's it.

10:48:47 22 Q Since you've been on the Mater Dei faculty,
10:48:48 23 have there been any other Franciscans on the faculty
10:48:53 24 of Mater Dei from the Province of Santa Barbara?

10:48:57 25 A No.

10:48:58 1 Q How is it you ended up at Mater Dei High
10:49:00 2 School?

10:49:01 3 A It's interesting. My mom was dying in 1972
10:49:03 4 and the Provincial thought it would be good if I
10:49:06 5 came down here. I'm glad I did. And we had no high
10:49:10 6 school down here, but he knew that I got the paper
10:49:13 7 for teaching high school. So he inquired and they
10:49:17 8 had an opening for me at Mater Dei and they wanted
10:49:20 9 me and I knew the principal.

10:49:22 10 So it worked out pretty well.

10:49:27 11 Q In the time that you've been assigned at
10:49:29 12 Mater Dei, where have you been in residence?

10:49:32 13 A For the first six years at Saint Boniface
10:49:38 14 Parish in Anaheim.

10:49:55 15 Q Is that a Franciscan-run parish?

10:49:57 16 A No.

10:49:59 17 Q Diocesan?

10:50:00 18 A No, it's a diocesan parish.

10:50:02 19 Q Were there any other Franciscans in
10:50:04 20 residence with you there?

10:50:05 21 A None.

10:50:13 22 Q Were there diocesan priests in residence
10:50:15 23 with you there?

10:50:16 24 A Yes.

10:50:17 25 Q Who were the diocesan priests in residence

10:50:19 1 with you there?

10:50:19 2 A The pastor originally was John Riley. And
10:50:24 3 there were two assistants but I can't remember them
10:50:29 4 because they changed. One was John Mureta. Another
10:50:37 5 one was an Irish name. He's dead now. I forgot
10:50:43 6 their names.

10:50:50 7 Q What was your next residence?

10:50:52 8 A Saint Joseph's in Los Angeles.

10:50:56 9 Q How long did that last for?

10:50:58 10 A I was there from 1978 until about 2000.

10:51:06 11 Q It's been a tough commute.

10:51:08 12 A It got tougher.

10:51:12 13 Q What about from 2000 to the present?

10:51:14 14 A We moved out to our present house in
10:51:21 15 Glassell Park.

10:51:21 16 Q Where?

10:51:22 17 A Glassell Park. It's part of Los Angeles
10:51:24 18 district.

10:51:31 19 Q Can you spell that for me?

10:51:32 20 A Certainly. G-L-A-S-S-E-L-L, P-A-R-K.

10:51:41 21 Q That's a Franciscan -- is that a parish?

10:51:43 22 A That's a Franciscan house, not a parish.

10:51:47 23 Q Who has been in residence with you there
10:51:50 24 since you said 2000 to the present?

10:51:51 25 A Yes.

10:51:52 1 Q Who has been in residence with you there?

10:51:53 2 A [REDACTED], [REDACTED], Angus Cooper,

10:52:03 3 [REDACTED], [REDACTED], a Korean, Paul

10:52:16 4 Kim.

10:52:24 5 Q Is Paul a student?

10:52:28 6 A Yes, a priest, to learn English.

10:52:36 7 Q When you were at Saint Joseph's from '78 to

10:52:38 8 2000, how many Franciscans were in residence with

10:52:41 9 you there?

10:52:44 10 MR. HANCE: On average?

10:52:46 11 MR. HALE: On average.

10:52:47 12 THE WITNESS: Maybe eight or ten.

10:53:09 13 Q BY MR. HALE: During your time at Mater Dei

10:53:11 14 have you done any work as far as assisting at

10:53:15 15 parishes goes?

10:53:16 16 A Since I've been at Mater Dei?

10:53:18 17 Q Yes.

10:53:19 18 A Mainly just the six years I was at Saint

10:53:23 19 Boniface.

10:53:26 20 Q Did you assist anywhere other than Saint

10:53:28 21 Boniface?

10:53:29 22 A Not during those six years. For the first

10:53:32 23 couple of years at Saint Joseph's downtown I would

10:53:35 24 take their Sunday mass.

10:53:39 25 Q Anywhere else that you assisted at

10:53:43 1 parishes --

10:53:43 2 A No.

10:53:43 3 Q -- during your time at Mater Dei?

10:53:45 4 A No.

10:54:10 5 Q Have you ever held any elected positions
10:54:12 6 within the Province?

10:54:14 7 A I beg your pardon?

10:54:16 8 Q Ever held any elected positions within the
10:54:18 9 Province?

10:54:20 10 A Very minor.

10:54:22 11 Q What were they?

10:54:24 12 A We used to have what was called a discreet.
10:54:28 13 They were a council in the community. And I was
10:54:33 14 elected discreet in one or two of our houses. They
10:54:36 15 just met once a month.

10:54:41 16 Q So I may not be understanding you. You or
10:54:45 17 your title was the discreet?

10:54:47 18 A It was the discreet.

10:54:48 19 Q What exactly is that?

10:54:49 20 A It means, it meant kind of the council for
10:54:53 21 deciding policy for the house.

10:54:56 22 Q How many Franciscans would be on a
10:54:58 23 discreet?

10:55:00 24 A It could be five or six in a house of 30
10:55:03 25 maybe.

10:55:10 1 Q Where were you on the discreet?

10:55:13 2 A In Saint Elizabeth's at Oakland. I guess
10:55:20 3 that was it.

10:55:21 4 Q How long did that last for?

10:55:28 5 A I can't remember.

10:55:31 6 Q Is there a set term to be on a discreet?

10:55:33 7 Is council member the right way of describing it?

10:55:39 8 A I guess so.

10:55:40 9 Q Is there a set term for a council member?

10:55:42 10 A It would be three years.

10:55:50 11 Q Are there any term limits for a council
10:55:53 12 member?

10:55:54 13 A I don't think so.

10:55:58 14 Q What were, what matters would be addressed
10:56:00 15 by the council or by a discreet?

10:56:05 16 A Very easy. A change in the house schedule.
10:56:10 17 Nothing major.

10:56:19 18 Q When you say a change in the house
10:56:21 19 schedule, what do you mean?

10:56:21 20 A Make sure that we have morning prayers at
10:56:24 21 7:15, the noon meal at 12:15 instead of 12:30. That
10:56:29 22 kind of thing.

10:56:30 23 Q Would the guardian for the community be
10:56:37 24 part of the discreet?

10:56:38 25 A Yes.

10:56:39 1 Q Would the guardian sort of be the govern --
10:56:42 2 the head officer for the discreet?

10:56:44 3 A Yes.

10:57:00 4 Q How often did you say the discreet met?
10:57:03 5 About once a month? Maybe I misunderstood you.

10:57:07 6 A I guess so. It's hard to remember.

10:57:15 7 Q Is there a secretary for the discreet?

10:57:18 8 A No.

10:57:19 9 Q Are meeting minutes kept?

10:57:21 10 A No. I don't remember that there were.

10:57:29 11 Q Any other positions within the Province
10:57:31 12 that you've personally held?

10:57:33 13 A I am currently what we call vicar in our
10:57:37 14 community at Los Angeles, at St. Joseph's.

10:57:48 15 Q Going back to the discreet very briefly, is
10:57:52 16 there a set number? Does the community have to have
10:57:55 17 a certain number of Franciscans in order for there
10:57:59 18 to be a discreet?

10:57:59 19 A No. Most of our houses don't have it
10:58:02 20 anymore. It just became so useless.

10:58:09 21 Q When did you become vicar for Saint
10:58:12 22 Joseph's?

10:58:13 23 A Two and a half years ago.

10:58:20 24 Q What are your duties as vicar?

10:58:22 25 A That depends on the guardian. You just,

10:58:24 1 your duty is to help the guardian to the extent he
10:58:28 2 needs it. We have a very capable guardian.

10:58:34 3 Q Who is the guard one?

10:58:34 4 A Angus Cooper.

10:58:34 5 Q So you're -- the vicar is essentially
10:58:36 6 second in command to the guardian?

10:58:38 7 A Yes, but "in command" is kind of generous.

10:58:45 8 Q What kind of matters have you helped Father
10:58:47 9 Cooper with as vicar?

10:58:53 10 A Just ordinary housekeeping chores. Seeing
10:58:55 11 the kitchen is cleaned up on weekends, car gets
10:58:59 12 serviced. He's pretty much a hands-on guardian.

10:59:08 13 Q Any other position that you've held within
10:59:10 14 the Province during your career?

10:59:12 15 A No.

10:59:12 16 Q Never been on the Definitorium?

10:59:19 17 A No.

10:59:24 18 Q Ever been on any boards or committees?

10:59:26 19 A No.

10:59:28 20 Q For instance, at locations? Community --

10:59:30 21 A No.

10:59:46 22 MR. HANCE: We'll go ahead and restate our
10:59:49 23 objection to the deposition notice to the extent it
10:59:51 24 purports to notice Father [REDACTED] as a hierarchical
10:59:57 25 witness.

10:59:59 1 MR. HABEL: Join.

11:00:00 2 MR. HALE: Objection is noted.

11:00:08 3 Q During your time, going back to your time
11:00:10 4 at Saint Anthony's Seminary, do you recall there
11:00:14 5 being -- there was an infirmary during your years at
11:00:17 6 the seminary; correct?

11:00:18 7 A I guess so.

11:00:20 8 Q Do you have a recollection of there being
11:00:22 9 an infirmary?

11:00:23 10 A Sort of did.

11:00:24 11 Q Do you have a recollection of there being
11:00:25 12 an infirmarian?

11:00:28 13 A If there was an infirmary, there would be
11:00:31 14 an infirmarian, but I would have nothing to do with
11:00:34 15 it.

11:00:34 16 Q Do you recall during your time at the
11:00:36 17 seminary whether the infirmarian was typically a
11:00:40 18 student or a faculty member?

11:00:41 19 A I have no idea.

11:00:53 20 Q Do you recall the prefect of discipline
11:00:56 21 during your years at Saint Anthony's Seminary having
11:01:01 22 an assistant? I should say obviously there was more
11:01:04 23 than one prefect. So do you recall any of the
11:01:07 24 prefects having assistants?

11:01:11 25 A The prefect I remember the best is [REDACTED]

11:01:13 1 ██████████ and he was there for just two years. I don't
11:01:16 2 remember the assistant. There could well have been.
11:01:20 3 I can't remember.

11:01:20 4 Q So you don't have a recollection of any
11:01:22 5 prefect having assistants?

11:01:28 6 A No.

11:01:37 7 Q When you were at Saint Mary's in Phoenix,
11:01:38 8 was Father Lyons on the faculty or in residence with
11:01:43 9 you?

11:01:43 10 A No. He was long gone.

11:01:55 11 Q When you were at the school of theology in
11:01:57 12 Santa Barbara from '58 to '61, did you have any
11:02:01 13 duties at Saint Anthony's Seminary during that time?

11:02:05 14 A '58 to '61?

11:02:06 15 Q Yes.

11:02:07 16 A No.

11:02:17 17 Q When you were at Saint Joseph's Parish in
11:02:19 18 Los Angeles in, I assume it was 1961, your first
11:02:26 19 stint there?

11:02:27 20 A The middle of '61 till January of '62.

11:02:32 21 Q Did you work with Father Austin?

11:02:34 22 A No.

11:02:35 23 Q Did you socialize with Father Austin?

11:02:38 24 A No.

11:03:00 25 Q Just so I'm clear, you've never had an

11:03:03 1 assignment at the school of theology in Santa

11:03:05 2 Barbara?

11:03:07 3 A No, except as a student.

11:03:12 4 Q Right. When you were assigned to the

11:03:21 5 parish at the Old Mission as an assistant pastor,

11:03:27 6 who was responsible for bookkeeping at the parish?

11:03:32 7 A In the parish?

11:03:33 8 Q Yes.

11:03:36 9 A The pastor I think had a secretary. I

11:03:39 10 can't remember.

11:03:40 11 Q Did you have any duties with regards to

11:03:42 12 bookkeeping?

11:03:43 13 A None.

11:03:43 14 Q Did you have any duties with regards to

11:03:44 15 when collections were taken at mass to taking those

11:03:50 16 collections and sending them somewhere?

11:03:53 17 A I would help the pastor count the

11:03:55 18 collection but I don't know what happened beyond

11:04:03 19 that.

11:04:03 20 Q Were you ever aware of collection monies

11:04:05 21 being sent to the Archdiocese?

11:04:08 22 MR. HABEL: Lacks foundation.

11:04:08 23 THE WITNESS: No.

11:04:13 24 Q BY MR. HALE: Did you have an understanding

11:04:14 25 of where the collections money was sent once it was

11:04:18 1 taken and accounted by the parish?

11:04:21 2 A No.

11:04:31 3 Q During your time at Saint Anthony's, do you
11:04:35 4 have a recollection of students being disciplined?

11:04:39 5 MR. HANCE: Vague and ambiguous.

11:04:44 6 Q BY MR. HALE: When I say disciplined, it
11:04:45 7 could be detention, it could be extra assignments,
11:04:48 8 maybe not allowed to have dessert.

11:04:52 9 A I can't remember. I taught but I had good
11:04:59 10 kids. I didn't need to...

11:05:02 11 Q Were you aware of any other faculty members
11:05:04 12 having to discipline students?

11:05:06 13 A I don't remember that at all.

11:05:13 14 Q During your time at Saint Anthony's, was it
11:05:17 15 kind of a utopian setting where rules were not
11:05:22 16 broken to your knowledge?

11:05:23 17 MR. HANCE: Vague and ambiguous.

11:05:23 18 THE WITNESS: To my knowledge.

11:05:32 19 Q BY MR. HALE: During your time at Saint
11:05:34 20 Anthony's, did you ever observe or hear or somehow
11:05:40 21 become aware of a Saint Anthony's student having
11:05:47 22 what appeared to be an emotional breakdown?

11:05:53 23 MR. HANCE: Vague and ambiguous.

11:05:53 24 THE WITNESS: No.

11:05:53 25 Q BY MR. HALE: When you were on the faculty

11:05:53 1 at Saint Anthony's Seminary, did you have any

11:05:55 2 assignments other than as a teacher?

11:06:02 3 A Weekend help at parishes.

11:06:04 4 Q Around the Santa Barbara community?

11:06:06 5 A Down in the San Fernando Valley.

11:06:08 6 Q Did you help out in the Santa Barbara

11:06:10 7 community ever?

11:06:11 8 A I don't remember that ever.

11:06:15 9 Q What parish did you assist at in the San

11:06:19 10 Fernando Valley?

11:06:21 11 A Canoga Park, Reseda and North Hollywood.

11:06:24 12 Q Were those all diocesan parishes?

11:06:27 13 A Yes.

11:06:27 14 Q Were there other Franciscans who went with

11:06:29 15 you to assist at those parishes?

11:06:32 16 A There would be one to each parish but we'd

11:06:35 17 go down together. But we'd separate when we got

11:06:38 18 down there.

11:06:42 19 Q Do you recall receiving a compensation or

11:06:46 20 stipend for your work at those parishes?

11:06:49 21 A No. It was sent to the seminary.

11:06:53 22 Q How do you know that?

11:06:56 23 A They wouldn't have sent us.

11:06:58 24 Q Do you have any knowledge of compensation

11:07:00 25 being sent to the seminary for your work at these

11:07:03 1 parishes?

11:07:03 2 A No.

11:07:05 3 Q What makes you say, I mean that there was
11:07:08 4 compensation sent to the seminary for your work at
11:07:10 5 the parishes?

11:07:11 6 A Because that's just the routine. If you
11:07:13 7 help in the parish, it was taken care of.

11:07:19 8 Q So is it safe to say the individual
11:07:23 9 Franciscan was not paid? The community receives the
11:07:26 10 pay for that Franciscan's work?

11:07:28 11 A That's right.

11:07:43 12 Q Have you ever been aware during your time
11:07:46 13 as a Franciscan of the Definitorium exercising
11:07:50 14 control over Saint Anthony's Seminary while it was
11:07:53 15 still open?

11:07:54 16 MR. HANCE: Vague and ambiguous.

11:07:55 17 THE WITNESS: No.

11:07:56 18 Q BY MR. HALE: Would the Definitorium or the
11:08:01 19 rector to your knowledge at Saint Anthony's Seminary
11:08:01 20 dictate what the curriculum was?

11:08:03 21 MR. HANCE: Calls for speculation.

11:08:06 22 MR. MATIASIC: Is this at any time?

11:08:07 23 Q BY MR. HALE: Well, yes, any time since
11:08:10 24 you've been a Franciscan, do you have any knowledge
11:08:12 25 in that regard?

11:08:13 1 A I would think the rector.

11:08:18 2 Q What about do you know were there any
11:08:21 3 changes in personnel while you were on the faculty
11:08:23 4 at Saint Anthony's Seminary?

11:08:27 5 A I can't remember the changes.

11:08:50 6 Q Do you know who [REDACTED] is?

11:08:54 7 A Pardon me?

11:08:55 8 Q [REDACTED], do you know who he is?

11:08:57 9 A No.

11:08:58 10 Q Are you familiar with the term "sensitivity
11:09:01 11 training"?

11:09:03 12 A The term, yes.

11:09:04 13 Q How are you familiar with it?

11:09:06 14 A I've heard about it.

11:09:07 15 Q What have you heard about it?

11:09:13 16 A Apparently people tell more about
11:09:14 17 themselves than I would be inclined to tell.

11:09:18 18 Q When did you first hear about it?

11:09:20 19 A In the '60s I think.

11:09:23 20 Q Did you attend any sensitivity training
11:09:25 21 sessions yourself?

11:09:26 22 A No.

11:09:27 23 Q Do you know people who did?

11:09:33 24 A I guess so.

11:09:36 25 MR. HANCE: Don't guess, Father.

11:09:37 1 THE WITNESS: I'm sorry.

11:09:40 2 Q BY MR. HALE: Do you think you knew people
11:09:41 3 who did?

11:09:48 4 A Yes.

11:09:48 5 Q Do you recall who that was?

11:09:52 6 A The nun who preceded me at Mater Dei High
11:09:56 7 School as department chair.

11:10:00 8 Q Were you aware of students at Saint
11:10:05 9 Anthony's Seminary receiving sensitivity training?

11:10:08 10 A No.

11:10:10 11 Q While you were at Mater Dei, did any
11:10:13 12 students ever to your knowledge receive sensitivity
11:10:15 13 training through the school?

11:10:16 14 A No.

11:10:43 15 Q Throughout the deposition I'll be at times
11:10:47 16 referring to childhood sexual abuse. Do you
11:10:49 17 understand childhood sexual abuse to mean the abuse
11:10:53 18 of a child under the age of 18?

11:10:55 19 A Yes.

11:10:57 20 Q Do you draw any distinction between the
11:10:59 21 sexual abuse of an adolescent and the sexual abuse
11:11:03 22 of a preadolescent or a child?

11:11:07 23 MR. MATIASIC: Calls for an expert opinion.

11:11:08 24 THE WITNESS: No.

11:11:17 25 Q BY MR. HALE: During your time at Saint

11:11:19 1 Anthony's Seminary, did you ever supervise study
11:11:23 2 hall?

11:11:24 3 A Occasionally.

11:11:29 4 Q What were the rules regarding student
11:11:33 5 conduct at study halls?

11:11:37 6 A Pretty basic.

11:11:45 7 Q Do you recall what those were?

11:11:47 8 A Stay at your desk and study. If you had to
11:11:50 9 get up and go to the bathroom, you asked permission.
11:11:54 10 Sit there quietly.

11:11:59 11 Q Do you recall faculty members ever ordering
11:12:02 12 students out of study hall while you were
11:12:06 13 supervising study hall?

11:12:07 14 A Never.

11:12:08 15 Q Would that have been unusual?

11:12:09 16 A Yes.

11:12:10 17 Q Did you ever, when you were not supervising
11:12:12 18 study hall, order a student to come see you?

11:12:17 19 A No.

11:12:21 20 Q Do you recall while you were supervising
11:12:23 21 study hall ever observing a faculty member walk into
11:12:27 22 the study hall and remove a student from study hall?

11:12:29 23 A No.

11:12:29 24 Q Would that have been unusual?

11:12:31 25 A Yes.

11:12:36 1 Q Do you recall a faculty member ever sending
11:12:39 2 another student to retrieve a student from study
11:12:42 3 hall while you were supervising study hall?

11:12:45 4 MR. HANCE: Vague and ambiguous.

11:12:46 5 THE WITNESS: No.

11:12:48 6 Q BY MR. HALE: Would that have been unusual?

11:12:49 7 A Yes.

11:13:04 8 Q Have you ever known a Jesuit named Eugene
11:13:08 9 Maio, M-A-I-O?

11:13:09 10 A No.

11:13:17 11 Q During your time at Saint Anthony's
11:13:23 12 Seminary, did you ever participate in evaluating a
11:13:28 13 student to determine whether the student would be a
11:13:31 14 good candidate to become a Franciscan?

11:13:33 15 A Yes.

11:13:35 16 Q Was that part of a faculty meeting where
11:13:38 17 you did that?

11:13:39 18 A That's right.

11:13:40 19 Q How often did faculty meetings occur where
11:13:43 20 such evaluations took place?

11:13:46 21 A I can't remember.

11:13:48 22 Q Were the entire faculty in attendance when
11:13:52 23 this occurred?

11:13:52 24 A No.

11:13:53 25 Q Who would be in attendance?

11:13:55 1 A The spiritual director would not be.

11:13:58 2 Q Were any other faculty members excluded?

11:14:01 3 A No.

11:14:05 4 Q I don't want to put words in your mouth.

11:14:06 5 Was the spiritual director intentionally excluded

11:14:09 6 from participating in that discussion?

11:14:12 7 A Yes.

11:14:12 8 Q Why was that?

11:14:12 9 A Because he might, students might confide

11:14:16 10 things to the spiritual director which would affect

11:14:18 11 a judgment.

11:14:48 12 Q Were you ever aware of a spiritual director

11:14:50 13 disclosing something a student had confided to the

11:14:56 14 spiritual director?

11:14:57 15 A No.

11:15:02 16 Q Were there set criteria used to evaluate

11:15:05 17 students in these faculty meetings?

11:15:18 18 A Obvious ones.

11:15:20 19 Q What were the obvious criteria?

11:15:24 20 A Intellectual ability.

11:15:26 21 Q Anything else?

11:15:30 22 A General conduct records over the years.

11:15:33 23 Q What about was sexual maturity a criteria?

11:15:37 24 A Not in those days.

11:15:39 25 Q To your knowledge did it later become a

11:15:41 1 criteria?

11:15:41 2 A I have no idea.

11:15:44 3 Q Have you ever heard of sexual maturity
11:15:45 4 being a criteria as to whether a candidate was
11:15:50 5 qualified to become a Franciscan?

11:15:53 6 MR. MATIASIC: Vague and ambiguous.

11:15:57 7 THE WITNESS: No. I hear talk about it
11:15:59 8 now.

11:15:59 9 Q BY MR. HALE: When did you first hear talk
11:16:01 10 about that?

11:16:02 11 A The last several years.

11:16:06 12 Q In what context did you hear conversations
11:16:09 13 about assessing a candidate's sexual maturity?

11:16:15 14 A In some of the publicity that's come out in
11:16:19 15 the media.

11:16:19 16 Q Regarding the clergy abuse scandals?

11:16:24 17 A Yes.

11:16:33 18 Q Did you ever raise any objections to a
11:16:37 19 candidate being allowed to go forward in the process
11:16:39 20 to become a Franciscan?

11:16:44 21 A I don't remember.

11:16:45 22 Q Do you recall ever hearing anyone raise
11:16:47 23 objections to allowing a candidate to go forward and
11:16:49 24 become a Franciscan?

11:16:52 25 MR. HANCE: We're just talking at Saint

11:16:53 1 Anthony's Seminary? What are we talking about?

11:16:56 2 MR. HALE: At any time.

11:16:57 3 THE WITNESS: I don't remember it.

11:17:11 4 Q BY MR. HALE: Did you ever serve as
11:17:12 5 spiritual advisor to students?

11:17:14 6 A No.

11:17:17 7 Q Do you know how spiritual advisors were
11:17:21 8 assigned to specific students or did students get to
11:17:25 9 choose their spiritual advisors?

11:17:28 10 MR. MATIASIC: Is that at Saint Anthony's?

11:17:31 11 MR. HALE: At Saint Anthony's.

11:17:31 12 THE WITNESS: A spiritual director was
11:17:33 13 appointed for the students, to whom they were free
11:17:39 14 to go I guess.

11:17:48 15 Q BY MR. HALE: During your time at Saint
11:18:04 16 Anthony's, during the summer breaks did you stay at
11:18:07 17 the campus?

11:18:09 18 A Most of the summer.

11:18:12 19 Q What did you do at the campus during the
11:18:20 20 summer breaks?

11:18:20 21 A I beg your pardon?

11:18:20 22 Q What did you do at the campus during those
11:18:20 23 summer breaks?

11:18:20 24 A I can't remember. Just kick back. It's
11:18:24 25 Santa Barbara.

11:18:24 1 Q Do you recall were there summer school
11:18:26 2 sessions ever?

11:18:27 3 A No.

11:18:30 4 Q Were there any kind of summer camps at the
11:18:32 5 seminary or athletic camps?

11:18:35 6 A I don't remember them at all.

11:18:36 7 Q Do you recall seeing students at the
11:18:38 8 seminary in the summer? Summer school?

11:18:39 9 A Never.

11:18:41 10 Q Would it have been unusual to see a student
11:18:43 11 at the seminary during the summer period?

11:18:45 12 A I think so.

11:18:53 13 Q Did you ever prepare a written evaluation
11:18:55 14 for students while you were at the seminary?

11:18:58 15 A No.

11:18:58 16 Q Did you ever review written evaluations for
11:19:01 17 students while you were at the seminary?

11:19:03 18 A No.

11:19:13 19 Q Did you ever hear a student's sexual
11:19:15 20 maturity being questioned?

11:19:17 21 MR. HANCE: Vague and ambiguous.

11:19:20 22 THE WITNESS: I don't remember that.

11:19:37 23 MR. HANCE: How are you doing, Father?

11:19:38 24 THE WITNESS: Okay.

11:19:39 25 MR. HANCE: Keep going?

11:19:40 1 MR. HALE: Do you want a break?

11:19:46 2 THE VIDEOGRAPHER: We're off the record at

11:19:47 3 11:20 a.m.

11:19:49 4 (Recess)

11:42:17 5 THE VIDEOGRAPHER: We're back on the record

11:42:18 6 at 11:42 a.m. This is the beginning of Tape No. 2.

11:42:23 7 Q BY MR. HALE: Father, we talked briefly

11:42:25 8 about understanding of the definition of childhood

11:42:30 9 sexual abuse. I want to make sure we're on the same

11:42:33 10 page, not just about age but what constitutes

11:42:36 11 childhood sexual abuse.

11:42:38 12 Do you believe fondling of someone under

11:42:43 13 the age of 18 over the clothes constitutes sexual

11:42:48 14 abuse?

11:42:50 15 MR. MATIASIC: Calls for an expert opinion.

11:42:50 16 It's outside the scope of this witness's

11:42:54 17 experiences.

11:42:56 18 Q BY MR. HALE: You can answer.

11:43:01 19 A It seems to me, yes.

11:43:06 20 Q Would you consider kissing between an adult

11:43:09 21 and someone under the age of 18 to be sexual abuse?

11:43:12 22 MR. MATIASIC: Same objection.

11:43:16 23 THE WITNESS: No. I think my Mom kissed

11:43:19 24 me.

11:43:22 25 Q BY MR. HALE: Could there be circumstances

11:43:23 1 though where an adult is kissing someone under the
11:43:27 2 age of 18 and it's sexual abuse?

11:43:29 3 MR. MATIASIC: Vague and ambiguous, calls
11:43:31 4 for an expert opinion.

11:43:32 5 MR. HANCE: Incomplete hypothetical.

11:43:32 6 THE WITNESS: Could be.

11:43:42 7 Q BY MR. HALE: You described living at the
11:43:44 8 mission at one point while working at Saint
11:43:47 9 Anthony's Seminary. How long did that go on for?

11:43:50 10 A One year.

11:43:51 11 Q Were there other faculty members at Saint
11:43:54 12 Anthony's who were living at the mission during that
11:43:56 13 time?

11:43:57 14 A No.

11:43:57 15 Q Do you have any recollection of there being
11:43:58 16 any other instances or any awareness of there being
11:44:01 17 any other instances where a faculty member at Saint
11:44:04 18 Anthony's was also living at the mission?

11:44:13 19 A No, I can't remember that.

11:44:17 20 Q What was your understanding of the duties
11:44:18 21 of a prefect of discipline while you were at Saint
11:44:22 22 Anthony's?

11:44:24 23 A He addressed the conduct issues of the
11:44:28 24 students.

11:44:32 25 Q What powers did the prefect have to address

11:44:34 1 the conduct issues?

11:44:42 2 A I don't know what the scope of his
11:44:43 3 authority was.

11:44:46 4 Q Do you know whether there were any approved
11:44:48 5 methods of discipline at Saint Anthony's while you
11:44:51 6 were there?

11:44:54 7 MR. HANCE: Vague and ambiguous.

11:44:55 8 THE WITNESS: There probably were, but I
11:44:58 9 wouldn't know what they were.

11:44:58 10 Q BY MR. HALE: Do you know if there were any
11:44:59 11 disapproved methods of discipline while you were at
11:45:02 12 Saint Anthony's?

11:45:04 13 MR. HANCE: Same objection.

11:45:04 14 THE WITNESS: I'm sure there were, but I
11:45:06 15 don't know what they were.

11:45:09 16 Q BY MR. HALE: Do you know if corporal
11:45:12 17 punishment was approved or disapproved while you
11:45:14 18 were at Saint Anthony's Seminary?

11:45:17 19 MR. HANCE: Same objection.

11:45:17 20 THE WITNESS: I don't think so.

11:45:19 21 Q BY MR. HALE: Have you ever been aware of a
11:45:21 22 faculty member spanking a Saint Anthony's Seminary
11:45:25 23 student?

11:45:25 24 A No.

11:45:28 25 Q Do you know whether that would be an

11:45:29 1 approved method of punishment at Saint Anthony's?

11:45:33 2 MR. HANCE: Same objection.

11:45:35 3 THE WITNESS: It would not be in my view.

11:45:37 4 Q BY MR. HALE: How do you know it would not
11:45:39 5 be? Is that just your opinion or have you read a
11:45:42 6 statute somewhere?

11:45:43 7 MR. MATIASIC: He said it was his view.

11:45:45 8 MR. HALE: I'm sorry. I didn't hear that.

11:45:44 9 THE WITNESS: In my view it would not be.

11:45:48 10 MR. MATIASIC: Speak up a little louder.

11:45:49 11 Q BY MR. HALE: During your time at the
11:45:57 12 seminary, were faculty members other than the
11:45:59 13 prefect authorized to discipline students?

11:46:02 14 MR. HANCE: Vague and ambiguous.

11:46:05 15 THE WITNESS: Say that again.

11:46:06 16 Q BY MR. HALE: Do you know whether, during
11:46:07 17 your time at the seminary whether faculty members
11:46:10 18 other than the prefect of discipline were authorized
11:46:12 19 to discipline students?

11:46:14 20 A No.

11:46:19 21 Q You don't know or no?

11:46:22 22 A You asked me do I know and I said no.

11:46:24 23 Q Let me see if I can ask a clearer question.
11:46:33 24 Were faculty members other than the prefect of
11:46:35 25 discipline authorized to discipline students while

11:46:39 1 you were at Saint Anthony's Seminary?

11:46:41 2 MR. HANCE: Same objection.

11:46:41 3 THE WITNESS: I don't know.

11:46:48 4 Q BY MR. HALE: Were you ever aware of any
11:46:50 5 discussions at faculty meetings regarding whether a
11:46:56 6 faculty member would need permission to discipline a
11:47:00 7 student?

11:47:00 8 MR. HANCE: Vague and ambiguous.

11:47:01 9 THE WITNESS: No.

11:47:13 10 Q BY MR. HALE: While you were on the faculty
11:47:15 11 at Saint Anthony's, were you ever aware of any
11:47:17 12 circumstances where an exam was given to a class of
11:47:25 13 seminarians outside of regular school hours?

11:47:29 14 A No.

11:47:35 15 Q During that time while you were on the
11:47:38 16 faculty, were you ever aware of a class of
11:47:42 17 seminarians being given an exam at a location other
11:47:44 18 than in a normal classroom?

11:47:48 19 A I can't remember.

11:47:54 20 Q During your time as a member of any high
11:47:56 21 school faculty, have you ever heard of a class of
11:47:59 22 students being ordered to take an exam in their
11:48:05 23 underwear?

11:48:05 24 A No.

11:48:08 25 Q Can you think of any circumstance where

11:48:09 1 that would be appropriate?

11:48:11 2 MR. MATIASIC: Incomplete hypothetical,
11:48:12 3 lacks foundation, vague and ambiguous.

11:48:14 4 THE WITNESS: No.

11:48:22 5 Q BY MR. HALE: If you were walking down --
11:48:24 6 while you were at Saint Anthony's Seminary, if you
11:48:28 7 had been walking down the halls of the seminary and
11:48:30 8 came across a class of students who were taking an
11:48:33 9 exam in their underwear, would you have reported
11:48:35 10 that to anyone?

11:48:36 11 A Yes.

11:48:37 12 MR. HANCE: Incomplete hypothetical, vague
11:48:38 13 and ambiguous. You can answer.

11:48:44 14 Q BY MR. HALE: Who would you have reported
11:48:44 15 that to?

11:48:45 16 A The rector.

11:48:46 17 Q The Franciscans had a rec room while you
11:48:50 18 were on the faculty; correct?

11:48:51 19 A Yes.

11:48:52 20 Q If a Franciscan had walked into that rec
11:48:54 21 room and announced while you were on the faculty
11:48:57 22 that he had just given an exam to a classroom of
11:49:01 23 students and ordered them to take that exam in their
11:49:04 24 underwear, would you have reported that to anyone?

11:49:11 25 MR. HANCE: Same objections.

11:49:11 1 THE WITNESS: Yes.

11:49:11 2 Q BY MR. HALE: Who would you have reported
11:49:11 3 that to?

11:49:11 4 A The rector.

11:49:11 5 Q Why would you have reported that?

11:49:14 6 MR. HANCE: Same objections.

11:49:15 7 THE WITNESS: It's bizarre.

11:49:18 8 Q BY MR. HALE: During your time at the
11:49:29 9 seminary, do you have any recollection of observing
11:49:32 10 students walk through the halls of the seminary in
11:49:35 11 their underwear?

11:49:37 12 A None.

11:49:37 13 Q Have you ever observed anything like that
11:49:38 14 at any of the high schools at which you've been a
11:49:40 15 member of the faculty?

11:49:42 16 A None.

11:49:48 17 Q During your time at the seminary, did any
11:49:53 18 -- strike that.

11:49:53 19 During your time at the seminary, were you
11:49:55 20 ever aware of a Franciscan observing a student on
11:50:00 21 another Franciscan's bed?

11:50:02 22 MR. HANCE: Vague and ambiguous.

11:50:05 23 THE WITNESS: No.

11:50:05 24 Q BY MR. HALE: Can you think of any
11:50:06 25 circumstance where it would have been appropriate

11:50:07 1 for a student to be on a Franciscan's bed?

11:50:10 2 MR. HANCE: Incomplete hypothetical, vague
11:50:12 3 and ambiguous.

11:50:13 4 MR. MATIASIC: Lacks foundation.

11:50:16 5 THE WITNESS: It would not be appropriate.

11:50:18 6 Q BY MR. HALE: What about can you think of
11:50:19 7 any circumstance where it would have been
11:50:21 8 appropriate for a seminarian to be in a Franciscan's
11:50:25 9 living quarters?

11:50:26 10 MR. HANCE: Same objections.

11:50:32 11 THE WITNESS: Generally, yes.

11:50:34 12 Q BY MR. HALE: What circumstances would it
11:50:36 13 be appropriate?

11:50:47 14 A I can't think of any. I'm just -- but I
11:50:50 15 don't want to exclude it.

11:50:58 16 Q When you were no longer living at the
11:51:00 17 mission, at some point you came and you were living
11:51:03 18 at Saint Anthony's; is that correct?

11:51:06 19 A Correct.

11:51:06 20 Q Where were your living quarters when you
11:51:07 21 were living at Saint Anthony's?

11:51:09 22 A On the second floor of the main building in
11:51:11 23 the cloister.

11:51:12 24 Q Who were your neighbors?

11:51:15 25 A Gee, I can't remember.

11:51:19 1 Q Did you have an office space?

11:51:23 2 A No.

11:51:27 3 Q Were you aware of any Franciscans who had
11:51:29 4 office space that also served as their living
11:51:33 5 quarters?

11:51:36 6 A I can't remember.

11:51:38 7 Q Do you recall there being a specific office
11:51:39 8 space for the prefect of discipline?

11:51:52 9 MR. MATIASIC: This is exclusively while he
11:51:55 10 was on the faculty; right?

11:51:57 11 MR. HALE: Yes.

11:51:57 12 THE WITNESS: There may have been, but I
11:51:58 13 didn't have to go to the prefect of discipline.

11:52:03 14 Q BY MR. HALE: Do you recall who your
11:52:04 15 neighbors were when you lived at Saint Anthony's
11:52:07 16 Seminary?

11:52:08 17 A No, I can't remember.

11:52:13 18 Q Are the living conditions such that if your
11:52:15 19 neighbor is snoring, you were going to hear it while
11:52:18 20 you were living at Saint Anthony's Seminary?

11:52:21 21 MR. HANCE: Vague and ambiguous.

11:52:22 22 THE WITNESS: I never heard anything.

11:52:25 23 Q BY MR. HALE: What if your neighbor, what
11:52:27 24 if there were loud voices coming from your
11:52:31 25 neighbor's room? Would you have heard that?

11:52:33 1 MR. HANCE: Same objections.

11:52:34 2 MR. MATIASIC: And lacks foundation.

11:52:35 3 THE WITNESS: Probably.

11:52:35 4 Q BY MR. HALE: Did you ever hear it?

11:52:36 5 A Depends how loud the voices were.

11:52:39 6 Q Did you ever hear loud voices coming from

11:52:42 7 one of your neighbors' room?

11:52:43 8 MR. HANCE: Same objections.

11:52:44 9 THE WITNESS: I can't remember.

11:52:47 10 Q BY MR. HALE: Was it common or uncommon to

11:52:48 11 hear loud voices in the seminary?

11:52:51 12 MR. HANCE: Same objections.

11:52:52 13 MR. MATIASIC: Incomplete hypothetical as

11:52:53 14 well.

11:52:56 15 THE WITNESS: On the playing field there

11:52:57 16 were loud voices.

11:52:59 17 Q BY MR. HALE: What about within the

11:53:00 18 seminary itself, within where the classrooms were,

11:53:03 19 where the offices were?

11:53:05 20 A In between classes, yes. Kids.

11:53:07 21 Q When I say loud voices, would that include

11:53:10 22 yelling?

11:53:14 23 MR. MATIASIC: Same objections.

11:53:20 24 THE WITNESS: I'm still teaching at a high

11:53:23 25 school. We do hear yelling between classes.

11:53:25 1 Q BY MR. HALE: Was that permitted at Saint
11:53:27 2 Anthony's?

11:53:29 3 MR. HANCE: Same objections.

11:53:30 4 THE WITNESS: I can't remember.

11:53:30 5 Q BY MR. HALE: Do you recall ever hearing
11:53:31 6 screaming within the halls of Saint Anthony's
11:53:34 7 Seminary?

11:53:35 8 MR. HANCE: Same objections.

11:53:36 9 THE WITNESS: I can't remember that.

11:53:38 10 Q BY MR. HALE: Would that have been unusual
11:53:39 11 if you had heard something like that?

11:53:41 12 MR. HANCE: Same objections.

11:53:41 13 THE WITNESS: Yes.

11:53:43 14 Q BY MR. HALE: So -- strike that.

11:53:49 15 Did anyone ever tell you that they heard
11:53:52 16 screaming coming from the office or living quarters
11:53:56 17 of a faculty member at Saint Anthony's?

11:53:59 18 A Never.

11:54:02 19 Q Have you ever been aware of someone hearing
11:54:05 20 screaming coming from the office or living quarters
11:54:09 21 of a faculty member at Saint Anthony's Seminary?

11:54:11 22 A No.

11:54:12 23 Q Was the casa being used while you were at
11:54:14 24 the seminary, while you were on the faculty of the
11:54:18 25 seminary?

11:54:19 1 MR. HANCE: Lacks foundation, vague and
11:54:20 2 ambiguous.

11:54:22 3 THE WITNESS: I don't remember.

11:54:24 4 Q BY MR. HALE: Do you recall there being a
11:54:26 5 library in the casa?

11:54:32 6 A No. I'm trying to remember where the
11:54:39 7 library was in the seminary, but it was there.

11:54:40 8 Q Do you recall there being a bed in the
11:54:42 9 casa?

11:54:43 10 A I never went in there; so I don't know.

11:54:45 11 Q Did you see any Franciscans enter the casa
11:54:50 12 with students ever?

11:54:51 13 A No.

11:54:52 14 Q Were you ever aware of Franciscans entering
11:54:54 15 the casa with students?

11:54:56 16 A No.

11:54:57 17 Q Were you ever aware of students entering
11:54:58 18 the casa on their own?

11:55:01 19 MR. HANCE: Vague and ambiguous.

11:55:01 20 THE WITNESS: Not in my time.

11:55:34 21 Q BY MR. HALE: During your time as a member
11:55:37 22 of high school faculties, have you ever been aware
11:55:41 23 of a program wherein a faculty member assessed a
11:55:45 24 student's physical maturity or development?

11:55:49 25 MR. HANCE: Vague and ambiguous, incomplete

11:55:51 1 hypothetical.

11:55:53 2 THE WITNESS: Not in my time.

11:55:56 3 Q BY MR. HALE: Have you ever been aware of a
11:55:59 4 program where a faculty member assessed a student's
11:56:02 5 mature, physical maturity or development?

11:56:05 6 MR. HANCE: Same objections.

11:56:07 7 MR. MATIASIC: Overbroad.

11:56:08 8 THE WITNESS: I can't remember.

11:56:27 9 Q BY MR. HALE: Can you think of any
11:56:28 10 circumstances where it would be appropriate for a
11:56:32 11 faculty member to examine a student's genitals to
11:56:36 12 determine whether that student was developing
11:56:40 13 sufficiently physically?

11:56:41 14 MR. HANCE: Incomplete hypothetical, vague
11:56:42 15 and ambiguous, lacks foundation.

11:56:51 16 THE WITNESS: I don't think it would be
11:56:51 17 appropriate.

11:57:12 18 Q BY MR. HALE: During your time at the
11:57:13 19 seminary, students put on plays at times?

11:57:19 20 A Yes.

11:57:19 21 Q During your time at the seminary, did you
11:57:25 22 ever attend any plays where students parodied
11:57:30 23 faculty behavior?

11:57:31 24 A No.

11:57:32 25 Q Have you ever been aware of a play at Saint

11:57:35 1 Anthony's Seminary where students parodied faculty
11:57:39 2 behavior?

11:57:42 3 A No, although there's plenty to parody I
11:57:45 4 might add.

11:57:47 5 Q So you never heard anything about it?

11:57:49 6 A No.

11:57:52 7 Q During your time at the seminary, was it
11:58:00 8 common or uncommon for students to be expelled from
11:58:02 9 seminary?

11:58:03 10 MR. HANCE: Vague and ambiguous.

11:58:04 11 Q BY MR. HALE: I'm talking about Saint
11:58:06 12 Anthony's Seminary.

11:58:08 13 A Uncommon.

11:58:08 14 Q Did it happen while you were at the
11:58:10 15 seminary?

11:58:12 16 A I don't remember.

11:58:16 17 Q During your time at Saint Anthony's, was it
11:58:19 18 common or uncommon for students to quit the
11:58:22 19 seminary?

11:58:22 20 MR. HANCE: Same objection.

11:58:24 21 THE WITNESS: Yes.

11:58:25 22 Q BY MR. HALE: Which one?

11:58:28 23 A Saint Anthony's Seminary?

11:58:30 24 Q Yes. Was it common or uncommon?

11:58:38 25 MR. HANCE: Same objection.

11:58:38 1 THE WITNESS: Uncommon.

11:58:38 2 Q BY MR. HALE: Do you have a recollection of
11:58:38 3 students quitting while you were at Saint Anthony's
11:58:38 4 Seminary?

11:58:40 5 A No, but students do leave.

11:58:49 6 Q Were you ever aware of any students running
11:58:53 7 away from Saint Anthony's Seminary?

11:58:55 8 MR. HANCE: Vague and ambiguous.

11:58:55 9 THE WITNESS: I can't remember that.

11:58:57 10 Q BY MR. HALE: I'm going to run some names
11:59:30 11 by you and see if you recognize any of them. Do you
11:59:32 12 know anyone named [REDACTED]?

11:59:36 13 A No.

11:59:36 14 Q [REDACTED]?

11:59:38 15 A No.

11:59:39 16 Q [REDACTED], [REDACTED]?

11:59:42 17 A No.

11:59:43 18 Q [REDACTED]?

11:59:44 19 A No.

11:59:45 20 Q [REDACTED]?

11:59:46 21 A No.

12:00:23 22 Q When we talked about the faculty meetings
12:00:25 23 where you evaluated students for going on to become
12:00:28 24 candidates for the, to join the Province, were there
12:00:31 25 other faculty meetings during the course of a school

12:00:34 1 year other than to assess a candidate's

12:00:37 2 qualifications?

12:00:40 3 A There were other faculty meetings, but I
12:00:42 4 can't remember the details.

12:00:46 5 Q Do you recall the purpose of any of those
12:00:48 6 meetings?

12:00:49 7 A No.

12:00:52 8 Q Was there any kind of psychological
12:00:54 9 screening of candidates while you were on the
12:00:56 10 faculty if they were looking to go beyond, to become
12:01:00 11 Franciscans?

12:01:02 12 MR. HANCE: Vague and ambiguous.

12:01:04 13 THE WITNESS: Not with any great
12:01:06 14 sophistication.

12:01:06 15 Q BY MR. HALE: What about with lack of
12:01:08 16 sophistication?

12:01:08 17 MR. HANCE: Same objection.

12:01:09 18 THE WITNESS: We would talk about a kid's
12:01:11 19 character.

12:01:14 20 Q BY MR. HALE: What aspects of a student's
12:01:17 21 character would be important?

12:01:23 22 A Someone who is well-founded or adjusts well
12:01:26 23 and gets along, that kind of thing.

12:01:41 24 Q How was a student evaluated? How would
12:01:44 25 they assess to determine whether they were

12:01:47 1 well-founded?

12:01:50 2 A I think academic record, conduct history.

12:01:55 3 It's hard to remember, it's so many years ago.

12:02:12 4 Q Were the faculty evaluations of the

12:02:15 5 students confidential?

12:02:21 6 MR. HANCE: Vague and ambiguous.

12:02:24 7 THE WITNESS: I expect so.

12:02:26 8 Q BY MR. HALE: Are you certain about that?

12:02:29 9 A Well, when we say things that are just so

12:02:33 10 obvious, so-and-so is bright or dumb, I mean it's

12:02:34 11 not confidential.

12:02:44 12 Q Were the faculty evaluations shared with

12:02:48 13 the students?

12:02:49 14 A No.

12:02:51 15 Q How was a student's conduct evaluated?

12:02:57 16 MR. MATIASIC: In terms of his candidacy to

12:02:59 17 the priesthood or in the classroom or both?

12:03:02 18 MR. HALE: Both candidacies.

12:03:11 19 THE WITNESS: I'm trying to remember but

12:03:13 20 it's pretty vague.

12:03:15 21 Q BY MR. HALE: Were there any --

12:03:18 22 A We were preparing them for the novitiate

12:03:21 23 into the order, not for the priesthood yet because

12:03:23 24 that would be some years down the road.

12:03:25 25 Q Were there any written criteria?

12:03:28 1 A I don't remember seeing them.

12:03:32 2 Q Do you recall, was it completely subjective
12:03:32 3 for each faculty member as to how they evaluated a
12:03:35 4 student?

12:03:40 5 A There may have been some subjectivity but a
12:03:45 6 consensus would come out.

12:03:46 7 Q Do you recall there being any guidelines
12:03:48 8 that each faculty member was required to follow when
12:03:51 9 evaluating a student?

12:03:52 10 A I can't remember those.

12:04:05 11 Q Did the evaluation include an analysis of a
12:04:10 12 candidate's ability to be faithful to the vow of
12:04:16 13 celibacy?

12:04:17 14 A I don't remember that.

12:04:19 15 Q Same question with regards to the vow of
12:04:22 16 chastity.

12:04:22 17 A Same answer.

12:04:42 18 Q When you took these trips down to
12:04:45 19 San Fernando to assist at parishes, was it generally
12:04:49 20 the same three Franciscans who went with you or was
12:04:52 21 it a different group each time?

12:04:57 22 A It would vary a little bit.

12:05:00 23 Q Who were the other Franciscans who
12:05:02 24 generally went with you during that time?

12:05:04 25 A I'm trying to remember. [REDACTED],

12:05:07 1 George Conner, me. It's hard to remember because
12:05:15 2 it's a long time ago.

12:05:17 3 Q And you would all drive down together in
12:05:19 4 the same car?

12:05:20 5 A Yes.

12:05:20 6 Q And whose car was it generally?

12:05:23 7 A It belonged to the seminary, the friars.

12:05:32 8 Q And would you after -- I assume you went
12:05:35 9 and performed mass?

12:05:37 10 A Confession Saturday afternoon and then mass
12:05:39 11 Sunday morning.

12:05:40 12 Q So you would spend the night at the parish?

12:05:42 13 A The rectory.

12:05:46 14 Q And would there be some kind of dinner
12:05:48 15 amongst the priests who were --

12:05:49 16 A Yes.

12:05:50 17 Q -- assisting and the priests who were in
12:05:53 18 residence?

12:05:54 19 MR. HANCE: Let him finish his question.

12:05:55 20 THE WITNESS: I'm sorry.

12:05:56 21 Q BY MR. HALE: So would there be some kind
12:05:58 22 of dinner between the priests who were visiting and
12:06:00 23 the priests who were in residence?

12:06:02 24 A Correct.

12:06:02 25 Q Would there be breakfasts the next morning

12:06:07 1 involving the same group of people?

12:06:11 2 A Breakfast in the morning would be different
12:06:12 3 because different people had different mass times.

12:06:21 4 Q Did you generally assist at the same parish
12:06:23 5 in San Fernando?

12:06:25 6 A No. We varied from Canoga Park and North
12:06:31 7 Hollywood.

12:06:32 8 Q Did these rectories generally have a guest
12:06:34 9 room of some sort --

12:06:36 10 A Oh, yes.

12:06:36 11 Q -- where the assisting priest --

12:06:39 12 A I'm sorry.

12:06:39 13 Q It's okay. Did these rectories generally
12:06:42 14 have a guest room where the assisting priest would
12:06:44 15 reside for the night?

12:06:46 16 A Yes.

12:06:54 17 Q Were you ever involved in sending a report
12:06:56 18 to the Provincial regarding whether a student should
12:07:00 19 be ordained?

12:07:02 20 A I was never.

12:07:03 21 MR. HANCE: Vague and ambiguous.

12:07:20 22 Q BY MR. HALE: When you were working at the
12:07:23 23 seminary but living at the mission, was it common or
12:07:26 24 uncommon to see Saint Anthony's students at the
12:07:29 25 mission?

12:07:29 1 MR. HANCE: Vague and ambiguous.

12:07:32 2 MR. MATIASIC: Lacks foundation, incomplete
12:07:32 3 hypothetical.

12:07:32 4 THE WITNESS: I never saw them work there.
12:07:34 5 They weren't supposed to come over.

12:07:36 6 Q BY MR. HALE: They weren't supposed to come
12:07:37 7 over?

12:07:37 8 A I don't think they were.

12:07:38 9 Q Was there a specific rule prohibiting them
12:07:40 10 from coming, attending, coming to the mission?

12:07:43 11 MR. HANCE: Vague and ambiguous.

12:07:45 12 THE WITNESS: Since I never saw them, I
12:07:47 13 assume there was.

12:07:49 14 Q BY MR. HALE: So it would have been out of
12:07:50 15 the ordinary for you to see a Saint Anthony's
12:07:52 16 Seminary student at the mission?

12:07:54 17 MR. HANCE: Same objections.

12:07:55 18 THE WITNESS: I don't remember ever seeing
12:07:56 19 a Saint Anthony's kid during my years at the
12:08:00 20 mission.

12:08:07 21 Q BY MR. HALE: What about the inverse of
12:08:11 22 that? Was it common or uncommon during your time at
12:08:13 23 Saint Anthony's Seminary to see a Franciscan from
12:08:15 24 the mission at Saint Anthony's Seminary?

12:08:18 25 MR. HANCE: Same objections.

12:08:23 1 THE WITNESS: Yes.

12:08:25 2 Q BY MR. HALE: Common or uncommon?

12:08:28 3 A It was common in this respect. Those of us
12:08:32 4 who were priests sometimes would go down to the
12:08:36 5 hospital, which I attended. I'd stop. They had
12:08:41 6 coffee in the faculty friars' dining room at the
12:08:42 7 seminary. I would go in there and have a cup of
12:08:45 8 coffee with the friars and then be on my way.

12:08:49 9 But the students weren't supposed to be
12:08:51 10 over there. And I just went over there just to have
12:08:54 11 a little caffeine jolt on my way to the hospital.

12:08:57 12 Q But while you were on the Saint Anthony's
12:08:59 13 Seminary faculty, was it common for you to see
12:09:04 14 Franciscans from the mission come over and visit the
12:09:06 15 seminary?

12:09:07 16 MR. HANCE: Same objection.

12:09:07 17 THE WITNESS: The priests would come over
12:09:09 18 sometimes on Saturday. One of them would come over
12:09:11 19 for the confessions for the kids so they could have
12:09:14 20 somebody outside the faculty.

12:09:20 21 Q BY MR. HALE: Was it usually the same
12:09:22 22 person who came over and performed the confessions
12:09:24 23 for the students at Saint Anthony's Seminary or did
12:09:27 24 it vary in assignments?

12:09:31 25 A It's hard to remember.

12:09:39 1 Q And the priests who would come over from
12:09:41 2 the mission to perform the confessions was not the
12:09:44 3 student's spiritual advisor; is that correct?

12:09:46 4 A No. Just an outsider to have somebody not
12:09:51 5 on the faculty.

12:09:52 6 Q So the spiritual advisor would be someone
12:09:54 7 separate from that confessor?

12:09:56 8 A Correct.

12:09:57 9 Q Is that the right term, "confessor," for
12:09:59 10 the priest that came over from the mission? Yes?

12:10:03 11 A Yes. I keep jumping in and answer before
12:10:08 12 you finish the question. I'm sorry.

12:10:09 13 Q You're anticipating my questions correctly,
12:10:11 14 but for purposes of the record --

12:10:13 15 A I'll promise to shut up.

12:10:15 16 Q No, don't shut up.

12:10:17 17 A I mean until the congruent time.

12:10:28 18 Q During your time on the faculty at Saint
12:10:32 19 Anthony's Seminary, was it every Saturday that a
12:10:36 20 priest from the mission came over and performed
12:10:39 21 confessions for the seminary students?

12:10:41 22 A I don't remember if it was every Saturday
12:10:42 23 but it would be on Saturday.

12:10:45 24 Q Was it a common occurrence for that to
12:10:47 25 happen?

12:10:48 1 MR. HANCE: Vague and ambiguous.

12:10:49 2 THE WITNESS: I remember it happening. How
12:10:51 3 common, I can't remember.

12:10:53 4 Q BY MR. HALE: Did you, while you were
12:10:56 5 assigned to the parish at the mission, did you ever
12:10:58 6 go to the seminary and hear confessions from the
12:11:00 7 students?

12:11:02 8 A No.

12:11:07 9 Q Was that because your assignment was to
12:11:11 10 minister to the parishioners of the parish?

12:11:14 11 A That's right. I heard confessions in the
12:11:15 12 parish church there.

12:11:16 13 Q So when you would see a mission priest come
12:11:20 14 over and hear confessions from the students, would
12:11:22 15 it be a priest who was not assigned to work at the
12:11:25 16 parish?

12:11:25 17 A That's correct.

12:11:39 18 Q While you were on the faculty at Saint
12:11:43 19 Anthony's Seminary, did you ever hear confessions
12:11:45 20 from students?

12:11:45 21 A No.

12:11:46 22 Q Were you aware of any other faculty members
12:11:48 23 while you were on the faculty hearing confessions
12:11:51 24 from students?

12:11:51 25 A No. It wouldn't have come up.

12:11:55 1 Q Would that have been inappropriate for a
12:11:57 2 faculty member to hear confessions from students?

12:12:00 3 MR. HANCE: Vague and ambiguous.

12:12:01 4 THE WITNESS: Yes. So-and-so came to
12:12:04 5 confession, you don't say that.

12:12:07 6 Q BY MR. HALE: Since you left Santa Barbara,
12:12:17 7 has it been -- how many times have you returned and
12:12:21 8 spent the night at the mission or at Saint Anthony's
12:12:24 9 Seminary?

12:12:30 10 MR. HANCE: Compound question.

12:12:32 11 Q BY MR. HALE: How many times have you
12:12:33 12 returned to the mission and spent the night there?

12:12:35 13 A Since 1958?

12:12:36 14 Q Yes.

12:12:41 15 A I used to go once every few months because
12:12:43 16 there were some friars up there that were fun to go
12:12:47 17 out with, but they've gone to that big mission in
12:12:50 18 the sky. I haven't been up there for an overnight
12:12:53 19 in a long time.

12:12:54 20 Q When you say a long time, years?

12:13:00 21 A Maybe three or four years or more. I'd
12:13:03 22 stop on the way north but just for coffee or
12:13:06 23 something.

12:13:06 24 Q It sounds like for awhile it was a fairly
12:13:10 25 regular occurrence for you to go and spend the night

12:13:12 1 at the mission.

12:13:14 2 A Just to get away if we had a break or
12:13:17 3 something like that.

12:13:18 4 Q Who were the Franciscans up there who you
12:13:20 5 were close with?

12:13:22 6 A It was one of the friars. He's long since
12:13:26 7 dead. Brother Adrian Fermin, a San Francisco boy.

12:13:31 8 Q Anyone else?

12:13:32 9 A He's dead. No. Adrian and I had been
12:13:35 10 stationed together. He and I used to like to go out
12:13:38 11 to dinner.

12:13:41 12 Q When you would go and spend the night at
12:13:43 13 the mission, did you need to make a reservation in
12:13:46 14 advance in order to do that?

12:13:47 15 A No.

12:13:48 16 Q When you would go and spend the night at
12:13:50 17 the mission, would you need to check in with the
12:13:53 18 guardian before you could spend the night at the
12:13:55 19 mission?

12:13:55 20 A If I saw him, but it wasn't -- I really
12:13:59 21 don't remember. It was so informal.

12:14:04 22 Q Did you ever spend the night at Saint
12:14:06 23 Anthony's Seminary after you left --

12:14:08 24 A Never.

12:14:08 25 Q -- the faculty?

12:14:09 1 A I jumped in again. I'm sorry.

12:14:12 2 Q That's all right.

12:14:29 3 In your experience in Santa Barbara was it
12:14:30 4 common or uncommon for -- strike that.

12:14:32 5 Was it common for Franciscans to bring lay
12:14:35 6 people to the mission for overnight visits?

12:14:38 7 MR. HANCE: Vague and ambiguous.

12:14:40 8 THE WITNESS: During my time that I was
12:14:41 9 stationed there, very uncommon.

12:14:45 10 Q BY MR. HALE: What about in your subsequent
12:14:47 11 visits, how often have you observed lay people
12:14:49 12 spending the night at the mission?

12:14:51 13 MR. MATIASIC: Lacks foundation.

12:14:52 14 THE WITNESS: Well, they have a retreat
12:14:54 15 center there now which lay people use. They have
12:14:58 16 women's restrooms and everything else in the retreat
12:15:00 17 center. But part of that, that part of the mission
12:15:04 18 they're supposed to stay there. They're not
12:15:07 19 supposed to go into the friars' section.

12:15:09 20 Q Excluding retreats, in your experience as a
12:15:12 21 Franciscan, has it been common to see lay people
12:15:16 22 come into the mission to spend the night?

12:15:19 23 MR. HANCE: Vague and ambiguous.

12:15:20 24 MR. MATIASIC: Overbroad.

12:15:21 25 THE WITNESS: I'm not there that often. I

12:15:23 1 don't really know.

12:15:23 2 Q BY MR. HALE: But in the times you have
12:15:24 3 been there, have you ever seen that?

12:15:27 4 MR. HANCE: Same objections.

12:15:27 5 Q BY MR. HALE: Again, excluding retreats.

12:15:32 6 A I can't remember any other time.

12:15:35 7 Q So you don't recall ever seeing that
12:15:36 8 happen?

12:15:39 9 A No.

12:15:42 10 Q What about during the period when you were
12:15:44 11 assigned to the mission? Do you recall seeing lay
12:15:46 12 people come and spend the night at the mission, and
12:15:53 13 again, excluding retreats?

12:15:53 14 A During my time at the mission there was no
12:15:54 15 retreat center. There would be no lay people
12:15:57 16 staying there.

12:16:05 17 Q And when I say lay people staying the
12:16:07 18 night, would you include within that term, "lay
12:16:10 19 people," seminarians?

12:16:13 20 A Yes.

12:16:31 21 Q You talked about requirements not being
12:16:32 22 terribly strict for you to go and stay the night at
12:16:36 23 the mission. Is that, would that be true for
12:16:40 24 someone who is not a member of the Province as well
12:16:43 25 or would the rules be more strict for someone who is

12:16:47 1 not a member of the Province?

12:16:52 2 A I don't know.

12:17:02 3 Q In your experience as a Franciscan, has it
12:17:05 4 ever been acceptable for a Franciscan to bring a
12:17:08 5 minor to the mission for an overnight visit?

12:17:11 6 MR. HANCE: Incomplete hypothetical, vague
12:17:11 7 and ambiguous, lacks foundation.

12:17:13 8 THE WITNESS: I never heard of it
12:17:14 9 happening.

12:17:16 10 Q BY MR. HALE: In your experience as a
12:17:17 11 Franciscan, has it ever been acceptable for a
12:17:20 12 Franciscan to bring a minor to Saint Anthony's
12:17:23 13 Seminary for an overnight visit?

12:17:26 14 MR. HANCE: Same objection.

12:17:26 15 THE WITNESS: I never heard of that
12:17:28 16 happening.

12:17:28 17 Q BY MR. HALE: Would it strike you as
12:17:30 18 unusual if it did happen?

12:17:32 19 MR. HANCE: Same objections.

12:17:34 20 THE WITNESS: I would certainly wonder.

12:17:35 21 Q BY MR. HALE: If you had observed a
12:17:37 22 Franciscan bring a minor to Saint Anthony's or the
12:17:42 23 mission for an overnight visit, would you have
12:17:43 24 reported that to anyone?

12:17:45 25 A I think I would have.

12:17:56 1 Q Why would you have reported that? First
12:17:59 2 let me ask, who would you have reported that to?

12:18:02 3 A To the guardian of the Old Mission.

12:18:04 4 Q Why would you have reported it to the
12:18:05 5 guardian?

12:18:07 6 A Because it would just make me wonder what's
12:18:11 7 going on.

12:18:32 8 Q Would it make you suspicious of sexual
12:18:34 9 misconduct if you observed that?

12:18:35 10 MR. HANCE: Same objections.

12:18:39 11 THE WITNESS: It would make me open to the
12:18:41 12 possibility of that suspicion.

12:18:53 13 Q BY MR. HALE: During those summers you
12:19:00 14 spent at Saint Anthony's Seminary, were you ever
12:19:04 15 aware of a minor spending the night at Saint
12:19:07 16 Anthony's Seminary?

12:19:08 17 MR. HANCE: Vague and ambiguous.

12:19:08 18 THE WITNESS: I can't remember that.

12:19:09 19 Q BY MR. HALE: Would that have struck you as
12:19:11 20 being unusual?

12:19:12 21 MR. HANCE: Same objection.

12:19:19 22 THE WITNESS: If it were an adult
12:19:19 23 seminarian or a non-seminary minor? What is the
12:19:25 24 question?

12:19:25 25 Q BY MR. HALE: Either one, during the summer

12:19:26 1 months when school was out.

12:19:28 2 A It would strike me as unusual.

12:19:38 3 Q Same question: Would you have reported
12:19:41 4 that to the guardian was well?

12:19:42 5 A Yes.

12:19:43 6 MR. HANCE: Same objection.

12:19:46 7 Q BY MR. HALE: Would you have the same
12:19:48 8 concerns of there being the possibility of sexual
12:19:52 9 misconduct?

12:19:53 10 MR. MATIASIC: Misstates his testimony,
12:19:54 11 Counsel. He said that it would appear to be a
12:19:58 12 possibility but that wouldn't necessarily trigger a
12:20:00 13 concern. I think there's a nuance.

12:20:03 14 Q BY MR. HALE: Would it open the possibility
12:20:05 15 for you of there being sexual misconduct?

12:20:08 16 A That's why I would report it.

12:20:53 17 Q During your time at Saint Anthony's
12:20:54 18 Seminary, were you ever aware of the guardian
12:20:59 19 disciplining a Franciscan?

12:21:02 20 MR. HANCE: Vague and ambiguous.

12:21:03 21 THE WITNESS: No.

12:21:03 22 Q BY MR. HALE: During your time as a
12:21:05 23 Franciscan, have you ever been aware of the Province
12:21:07 24 disciplining a Franciscan?

12:21:09 25 MR. HANCE: Same objection.

12:21:12 1 MR. MATIASIC: Overbroad.

12:21:17 2 THE WITNESS: What do you mean by
12:21:18 3 disciplining?

12:21:20 4 Q BY MR. HALE: Restricting their ministry,
12:21:26 5 changing their assignment.

12:21:33 6 A The Province would not publish if they were
12:21:37 7 doing such, so I could only say maybe.

12:21:44 8 Q Have you ever been aware of it personally?

12:21:46 9 MR. HANCE: Same objection.

12:21:55 10 THE WITNESS: By changing of assignments,
12:21:57 11 for example?

12:21:57 12 Q BY MR. HALE: Any kind of discipline.

12:21:59 13 A If that's a discipline. You hear rumors
12:22:08 14 around the Province.

12:22:11 15 Q Have you ever heard any rumors of a
12:22:13 16 Franciscan being disciplined within the Province?

12:22:15 17 MR. HANCE: Same objection.

12:22:17 18 MR. MATIASIC: This is over his entire
12:22:18 19 time?

12:22:19 20 MR. HALE: Entire career.

12:22:27 21 THE WITNESS: Yes.

12:22:29 22 Q BY MR. HALE: How many times have you heard
12:22:30 23 a rumor of a Franciscan being disciplined in the
12:22:32 24 Province?

12:22:33 25 MR. HANCE: Vague and ambiguous.

12:22:35 1 MR. MATIASIC: Overbroad.

12:22:40 2 THE WITNESS: It's hard to say how many
12:22:46 3 times and when was a move a disciplinary move and
12:22:53 4 when was a move just a procedural move.

12:22:56 5 Q BY MR. HALE: Is it common or uncommon in
12:22:58 6 your experience to hear rumors of a Franciscan being
12:23:01 7 disciplined within the Province?

12:23:04 8 MR. HANCE: Vague and ambiguous.

12:23:04 9 THE WITNESS: It's fairly uncommon but I'm
12:23:07 10 sure it's happened.

12:23:08 11 Q BY MR. HALE: Who have you heard rumors
12:23:11 12 about someone about being disciplined?

12:23:14 13 MR. HANCE: Again, at any time?

12:23:16 14 MR. HALE: Yes, during his career as a
12:23:18 15 Franciscan.

12:23:34 16 THE WITNESS: Mario Cimmarusti.

12:23:38 17 Q BY MR. HALE: When did you first hear a
12:23:41 18 rumor about Father Cimmarusti being disciplined?

12:23:44 19 A I can't remember. Maybe it was some years
12:23:46 20 ago, but whenever the publicity began to emerge.

12:23:49 21 Q What exactly did you hear about discipline
12:23:53 22 that Father Cimmarusti received?

12:23:57 23 A Removal from ministry.

12:23:58 24 MR. HANCE: Vague and ambiguous.

12:23:58 25 Q BY MR. HALE: Anything else?

12:24:01 1 MR. HANCE: Same objection.

12:24:05 2 THE WITNESS: He's the one that strikes me
12:24:06 3 the most. Others I'm not sure. I don't want to
12:24:12 4 speculate.

12:24:13 5 Q BY MR. HALE: Did you hear that in
12:24:17 6 connection with allegations of abuse by him at Saint
12:24:22 7 Anthony's Seminary?

12:24:22 8 A I never heard the real reason but I heard
12:24:25 9 there were allegations.

12:24:31 10 Q What other Franciscans have you heard
12:24:33 11 rumors of disciplinary action against?

12:24:35 12 MR. HANCE: Same objection.

12:24:53 13 THE WITNESS: Let me think. Is it okay to
12:25:00 14 name names that we haven't discussed or anything?

12:25:05 15 MR. MATIASIC: Let's take a break so
12:25:05 16 counsel can confer.

12:25:11 17 MR. HALE: Sure.

12:25:14 18 THE VIDEOGRAPHER: We're off the record at
12:25:15 19 12:25 p.m.

12:25:17 20 (Attorney/client discussion off the
12:25:17 21 record)

12:28:55 22 THE VIDEOGRAPHER: We are back on the
12:29:01 23 record at 12:29 p.m.

12:29:04 24 Q BY MR. HALE: I think the question was what
12:29:06 25 other Franciscans have you heard rumors of

12:29:08 1 disciplinary action against other than Father

12:29:12 2 Cimmarusti?

12:29:12 3 A He's the only one I know. Others I don't
12:29:19 4 know if disciplinary action was taken or not.

12:29:21 5 Q But have you heard rumors of disciplinary
12:29:25 6 action against other Franciscans?

12:29:34 7 A I'm not trying to be evasive, trust me.
12:29:36 8 I'm just trying to be fair. He's the only one I
12:29:46 9 know the rumors. Others you hear talk about, but I
12:29:53 10 don't want to throw names out.

12:29:56 11 Q What are the others you've heard talk about
12:29:59 12 though?

12:29:59 13 A Pardon me?

12:30:00 14 Q Who are the other Franciscans you've at
12:30:03 15 least heard talk about?

12:30:09 16 MR. MATIASIC: About disciplinary action?

12:30:09 17 MR. HALE: Yes.

12:30:09 18 THE WITNESS: And those I don't know, I
12:30:09 19 mean if there was disciplinary action.

12:30:11 20 Q BY MR. HALE: I understand that. I
12:30:12 21 understand you're uncertain if there was ever any
12:30:14 22 action taken, but who did you hear talk about as far
12:30:17 23 as disciplinary action? And again, I understand you
12:30:19 24 don't know if it was actually followed through on.

12:30:31 25 A Can I mention?

12:30:33 1 MR. MATIASIC: Go ahead. Answer the
12:30:34 2 question, Father.

12:30:35 3 THE WITNESS: Joseph Prochnow and [REDACTED]
12:30:39 4 [REDACTED].

12:30:39 5 Q BY MR. HALE: Anyone else?

12:30:40 6 A That's all I can remember.

12:30:42 7 Q When did you first hear about Father
12:30:44 8 Prochnow, P-R-O-C-H-N-O-W?

12:30:50 9 A Several years ago. But again it's hard for
12:30:54 10 me to remember because I don't keep a log of these
12:30:56 11 kinds of things.

12:30:58 12 Q I understand. Just do your best. That's
12:30:59 13 all we ask.

12:31:02 14 Did you attend a meeting of some sort where
12:31:06 15 Father Prochnow stood up and acknowledged that he
12:31:10 16 had engaged in abusive conduct?

12:31:12 17 A No.

12:31:12 18 Q Did you hear about a meeting where he did
12:31:14 19 something of that sort?

12:31:15 20 A No.

12:31:18 21 Q Did you hear whether there were allegations
12:31:21 22 of abuse involving Father Prochnow related to Saint
12:31:24 23 Anthony's Seminary?

12:31:24 24 A No. I didn't know what they were. I just
12:31:27 25 heard that there was something.

12:31:30 1 Q Did you hear there were allegations of
12:31:31 2 abuse by Father Prochnow outside of Saint Anthony's
12:31:34 3 Seminary?

12:31:34 4 A No.

12:31:36 5 Q What about Father [REDACTED], [REDACTED]?

12:31:39 6 When did you first hear about Father [REDACTED]?

12:31:42 7 A Several years ago. Again, I can't give you
12:31:47 8 a definite time because I don't know when all this
12:31:52 9 sort of thing started to come out.

12:31:55 10 Q Did you hear about there being litigation
12:31:57 11 involving Father [REDACTED] in Oregon?

12:31:59 12 A No.

12:32:02 13 Q Did you hear there were allegations of
12:32:02 14 abuse against Father [REDACTED] in Oregon?

12:32:04 15 A No.

12:32:05 16 Q Did you hear allegations of abuse against
12:32:06 17 Father [REDACTED] somewhere other than in Oregon?

12:32:09 18 A No.

12:32:10 19 Q What did you hear with regards to the
12:32:12 20 possible disciplinary action against Father [REDACTED]?

12:32:18 21 A What they have done I don't know in terms
12:32:21 22 of disciplinary action. I know where he is.

12:32:24 23 MR. MATIASIC: Father, the specific
12:32:25 24 question was have you heard rumors of disciplinary
12:32:29 25 action involving Father [REDACTED]?

12:32:31 1 THE WITNESS: No.

12:32:32 2 Q BY MR. HALE: Where is Father [REDACTED]

12:32:35 3 currently assigned?

12:32:37 4 A San Luis Rey.

12:32:38 5 Q Do you know if there are any restrictions

12:32:41 6 on his ministry currently?

12:32:43 7 A Not that I'm aware of.

12:32:46 8 Q What is his assignment at San Luis Rey, if

12:32:49 9 you know?

12:32:50 10 A He runs the retreat center I think.

12:32:54 11 Q Retreats for lay people or for religious

12:33:00 12 only?

12:33:01 13 A I expect for any group that's going to use

12:33:03 14 the facility.

12:33:09 15 Q Do you know how long he's been at San Luis

12:33:09 16 Rey?

12:33:12 17 A Several years. I don't know how many.

12:33:18 18 Q Do you know if any of those retreats at

12:33:21 19 that retreat center might include retreats for

12:33:25 20 minors?

12:33:29 21 A Yes.

12:33:31 22 Q How are you aware of that?

12:33:33 23 A Because some of our walk in faith retreats

12:33:37 24 at Mater Dei High School have been down there at

12:33:40 25 that retreat center.

12:33:41 1 Q Are those overnight retreats or one day?

12:33:45 2 A I'm sorry?

12:33:45 3 Q Or one day visits? Sorry.

12:33:48 4 A I keep kicking myself for jumping in.

12:33:52 5 They would be overnights.

12:33:54 6 Q How many students would spend the night at
12:33:56 7 the retreat center?

12:33:57 8 A I would say about --

12:34:00 9 MR. HANCE: At any time or on average?

12:34:02 10 Q BY MR. HALE: These visits he's talking
12:34:04 11 about for Mater Dei students.

12:34:05 12 A 25 or 30.

12:34:09 13 Q Have you gone on some of those retreats
12:34:11 14 with those students?

12:34:12 15 A No, but there's abundant faculty
12:34:16 16 supervision there.

12:34:17 17 Q Do you know who from the faculty has
12:34:18 18 attended those retreats with the students?

12:34:21 19 A We have a campus ministry team and some
12:34:25 20 highly respected teachers, and also some graduates
12:34:32 21 that go down.

12:34:33 22 Q Have you ever discussed with any of the
12:34:35 23 Mater Dei faculty your awareness of allegations of
12:34:38 24 abuse by Father [REDACTED]?

12:34:39 25 A No. I would not.

12:34:40 1 Q Why would you not?

12:34:43 2 A It's just, I don't see any purpose being
12:34:52 3 served in that.

12:34:57 4 Q Are you aware of any Franciscans advising
12:35:02 5 any faculty or administrators at Mater Dei of Father
12:35:06 6 [REDACTED]'s history of abuse allegations?

12:35:09 7 A I'm not aware of it.

12:35:12 8 MR. HANCE: Vague and ambiguous.

12:35:21 9 Q BY MR. HALE: Do you have an opinion as to
12:35:22 10 whether the Mater Dei faculty or administration
12:35:25 11 should be advised as to Father [REDACTED]'s history of
12:35:30 12 abuse allegations?

12:35:30 13 MR. MATIASIC: As to whether he should
12:35:31 14 advise them?

12:35:32 15 MR. HALE: No. Whether anyone should
12:35:35 16 advise the faculty or the administration.

12:35:39 17 MR. MATIASIC: Incomplete hypothetical, it
12:35:40 18 lacks foundation.

12:35:43 19 MR. HABEL: Calls for a legal conclusion.

12:35:48 20 THE WITNESS: It might be wise, but I think
12:35:51 21 also the restrictions on whatever he's restricted
12:35:59 22 to, I have no idea. And the fact that we have so
12:36:01 23 many of our people there with the kids, nobody could
12:36:08 24 really initiate anything.

12:36:10 25 Q BY MR. HALE: What kind of retreats are

12:36:12 1 held for the Mater Dei students?

12:36:14 2 A These are called walk in faith retreats.

12:36:17 3 Those of you who are -- are you familiar with

12:36:21 4 the Kairos retreats? They have those at the Jesuit

12:36:21 5 schools.

12:36:28 6 MR. MATIASIC: Father, you can't ask me any

12:36:29 7 questions.

12:36:30 8 THE WITNESS: I'm trying to answer his

12:36:32 9 question. They're called walk in faith retreats and

12:36:36 10 they're modeled on something the Jesuits do in their

12:36:39 11 high schools. The kids that go on them are very

12:36:42 12 fulfilled.

12:36:43 13 Q BY MR. HALE: What do they involve exactly?

12:36:45 14 A I don't know because I've never gone on

12:36:47 15 one.

12:36:48 16 Q Are there dormitories at San Luis Rey?

12:36:52 17 A They have individual rooms, maybe two to a

12:36:56 18 room. I don't know. I have never stayed there.

12:36:59 19 Q Do you know the names of any Mater Dei

12:37:01 20 faculty members who have attended any of these

12:37:05 21 retreats with the students?

12:37:06 22 A Oh, they publish them, yes. "These are

12:37:08 23 going to be gone on walk in faith."

12:37:12 24 Q Can you give me any names of faculty

12:37:14 25 members who have attended any of these retreats?

12:37:16 1 A Yes.

12:37:17 2 MR. HANCE: At any time?

12:37:19 3 THE WITNESS: Right now?

12:37:19 4 Q BY MR. HALE: Yes. Since Father ██████████ has
12:37:23 5 been heading these retreats, can you give me the
12:37:27 6 name of any Mater Dei faculty members who have
12:37:30 7 attended those retreats?

12:37:31 8 A Yes.

12:37:32 9 Q Go ahead.

12:37:34 10 A Helen Steves. Steve Viau, V-I-A-U.
12:37:38 11 Maurissa Genereux, G-E-N-E-R-E-U-X. There are about
12:37:45 12 ten or twelve faculty members go, all really
12:37:49 13 respected people. I'd have to get the list. It
12:37:57 14 changes from retreat to retreat.

12:37:59 15 Q I understand. Do you have an understanding
12:38:02 16 of what Father ██████████'s role has been in these
12:38:05 17 retreats with the Mater Dei students?

12:38:08 18 A No.

12:38:14 19 MR. MATIASIC: Counsel, would now be a good
12:38:16 20 time for lunch?

12:38:18 21 MR. HALE: Yes. Let's go ahead.

12:38:20 22 THE VIDEOGRAPHER: Off the record at
12:38:21 23 12:38 p.m.

12:38:55 24 / / /

12:38:33 25 / / /

12:38:55 1 * * *

12:38:55 2 (LUNCHEON RECESS)

12:39:18 3 * * *

13:46:47 4 THE VIDEOGRAPHER: We're back on the record
13:46:49 5 at 1:47 p.m.

13:46:59 6 Q BY MR. HALE: Father, in your experience as
13:47:00 7 a member of a high school faculty, have you ever
13:47:02 8 been aware of a faculty member buying a student a
13:47:06 9 gift?

13:47:09 10 MR. HANCE: Vague and ambiguous.

13:47:10 11 MR. HALE: A faculty member ever buying a
13:47:11 12 student a gift?

13:47:12 13 MR. HANCE: Vague and ambiguous, incomplete
13:47:14 14 hypothetical.

13:47:15 15 THE WITNESS: I don't remember that.

13:47:18 16 Q BY MR. HALE: Would that be a cause for
13:47:19 17 concern if you heard of a faculty member buying a
13:47:22 18 student a gift?

13:47:23 19 MR. HANCE: Same objection.

13:47:24 20 THE WITNESS: I think it would depend on
13:47:25 21 the circumstance. If the kid washed a faculty
13:47:31 22 member's car, he might give him a box of candy or
13:47:35 23 something.

13:47:37 24 Q BY MR. HALE: For instance, if a faculty
13:47:38 25 member bought a student a camera, would you consider

13:47:42 1 that inappropriate?

13:47:44 2 MR. HANCE: Incomplete hypothetical, vague
13:47:45 3 and ambiguous.

13:47:46 4 MR. MATIASIC: Lacks foundation.

13:47:47 5 THE WITNESS: I would never think of doing
13:47:49 6 a thing like that; so I can't assess somebody else.

13:47:54 7 Q BY MR. HALE: Is the reason you would never
13:47:55 8 think of doing something like that because you would
13:47:58 9 consider it inappropriate?

13:47:59 10 MR. HANCE: Same objections.

13:48:02 11 THE WITNESS: I would consider it
13:48:03 12 inappropriate and I couldn't afford it.

13:48:09 13 Q BY MR. HALE: Were there religious brothers
13:48:12 14 on the faculty at Saint Anthony's while you were
13:48:14 15 there?

13:48:17 16 A At Saint Anthony's on the faculty?

13:48:20 17 Q Yes.

13:48:21 18 A No.

13:48:27 19 Q Do you know a Franciscan named [REDACTED]

13:48:29 20 [REDACTED], [REDACTED]?

13:48:33 21 A The name rings a bell but it's such a
13:48:35 22 common sounding name. I couldn't put it to a face.

13:48:46 23 Q Are you familiar with an archdiocesan
13:48:49 24 entity called the advisory board of education?

13:48:57 25 A It doesn't ring -- an archdiocesan board?

13:49:03 1 Q Yes.

13:49:03 2 A There's so many boards in this Archdiocese,
13:49:05 3 no.

13:49:07 4 Q Are you aware of any Franciscans who have
13:49:10 5 served on archdiocesan boards?

13:49:14 6 A I believe Father [REDACTED] was in the office of
13:49:17 7 education. What role he had I don't know.

13:49:20 8 Q Do you recall what year that was?

13:49:24 9 A No.

13:49:25 10 Q Was it recent or was it --

13:49:27 11 A It was awhile back. He's been in
13:49:29 12 Provincial office for some years.

13:49:31 13 Q So it was before he became -- was he
13:49:33 14 secretary before --

13:49:34 15 A He was secretary of the Province.

13:49:37 16 Q Was it before he became secretary?

13:49:38 17 A Yes, I guess it had to be because he went
13:49:39 18 from secretary to Provincial.

13:49:40 19 MR. HANCE: Father, don't guess. If you
13:49:42 20 know, go ahead.

13:49:42 21 THE WITNESS: Yes.

13:49:47 22 Q BY MR. HALE: Do you know what his duties
13:49:49 23 were?

13:49:50 24 A I have no idea.

13:49:51 25 Q Do you know how he came to be on this

13:49:52 1 board?

13:49:54 2 A No.

13:49:56 3 Q Are you aware of any other Franciscans who
13:49:58 4 have served on an archdiocesan board or committee of
13:50:01 5 any kind?

13:50:06 6 A I don't know of any.

13:50:18 7 Q Do you know a Bishop John Ward?

13:50:21 8 A I know John Ward.

13:50:22 9 Q How do you know John Ward?

13:50:25 10 A John and I were in seminary together, not
13:50:26 11 in the same class but...

13:50:30 12 Q Are you friends with Bishop Ward?

13:50:35 13 A The occasional times I see him we are. He
13:50:39 14 knows me and I know him, but I haven't seen him in
13:50:40 15 10 or 15 years.

13:50:44 16 Q Have you stayed in touch with him in
13:50:46 17 writing or by telephone calls?

13:50:47 18 A No, not at all.

13:50:59 19 Q While you were assigned to the parish in
13:51:03 20 Santa Barbara at the mission, were you aware of the
13:51:07 21 archdiocese in any way supervising you conducting
13:51:12 22 your ministry?

13:51:14 23 MR. HANCE: Vague and ambiguous.

13:51:16 24 THE WITNESS: I'm not aware of that.

13:51:18 25 Q BY MR. HALE: What about in performing the

13:51:20 1 liturgy?

13:51:22 2 MR. HANCE: Same objection.

13:51:23 3 THE WITNESS: I'm not aware of that.

13:51:29 4 Q BY MR. HALE: Are you familiar with the

13:51:30 5 position vicar general for religious in the

13:51:33 6 Archdiocese of Los Angeles?

13:51:38 7 A There is a position but I have no dealings

13:51:40 8 with it.

13:51:41 9 Q How is it you're familiar with that

13:51:43 10 position?

13:51:44 11 A Just because the diocese has a vicar for

13:51:48 12 everything. It would include religious certainly.

13:51:51 13 Q But how did you gain an understanding or

13:51:53 14 knowledge of it?

13:51:54 15 A I don't know what he does except he's a

13:51:55 16 liaison between the diocese and the religious I

13:52:00 17 guess. I mean that's a guess.

13:52:03 18 Q Did you ever receive correspondence from

13:52:05 19 the vicar general for religious while you were

13:52:09 20 assigned in Santa Barbara?

13:52:11 21 A No.

13:52:15 22 Q Are you aware of anyone ever receiving

13:52:17 23 correspondence from the vicar general for religious

13:52:19 24 from the Archdiocese of Los Angeles within the

13:52:21 25 Province?

13:52:23 1 A No.

13:52:35 2 Q Did you have faculties while you were
13:52:37 3 assigned in Santa Barbara?

13:52:39 4 A Yes.

13:52:41 5 Q Did you receive faculties after you -- how
13:52:44 6 soon after you were ordained did you receive
13:52:47 7 faculties?

13:52:47 8 A At the same time.

13:52:48 9 Q Same time. How were you notified that you
13:52:52 10 had received faculties?

13:52:56 11 A The Provincial arranged it, and we took the
13:52:59 12 oath. We had the little sheet. I still have them.

13:53:09 13 Q You still have the sheet from the
13:53:10 14 Archdiocese notifying you that you were granted
13:53:12 15 faculties?

13:53:14 16 A Yes, but it's a new sheet because I was out
13:53:17 17 of the Archdiocese. I was up north then. But now
13:53:20 18 that I'm back in the diocese, I have faculties in
13:53:23 19 the Archdiocese.

13:53:23 20 Q Is there any process you must go through to
13:53:27 21 obtain faculties?

13:53:29 22 A At ordination we had to take an oath, a
13:53:33 23 profession of faith, and that was it.

13:53:37 24 Q Who was that oath to?

13:53:39 25 A It was just a profession of faith so you

13:53:44 1 would be considered a loyal Catholic.

13:53:48 2 Q Did you have to take the oath to anyone in
13:53:50 3 particular?

13:53:53 4 A You took it to Almighty God.

13:53:56 5 Q What about to the bishop or the Provincial?

13:53:57 6 A No. They may have administered it.

13:54:03 7 Q Who presided over your -- was there an
13:54:05 8 ordination ceremony when you were ordained?

13:54:08 9 A Well, there had to be.

13:54:10 10 Q Who presided over it?

13:54:12 11 A Bishop McGovern.

13:54:14 12 Q Was that at the mission?

13:54:16 13 A At Santa Barbara.

13:54:18 14 Q But at the mission though?

13:54:19 15 A Yes.

13:54:26 16 Q Do you have any awareness of Franciscans
13:54:30 17 ever having their faculties removed by the
13:54:32 18 Archdiocese of Los Angeles?

13:54:34 19 A I'm not aware of it.

13:54:38 20 Q Do you have any awareness of any
13:54:39 21 Franciscans ever being disciplined by the
13:54:42 22 Archdiocese of Los Angeles?

13:54:43 23 A I'm not aware of that either.

13:54:55 24 Q Have you heard any rumors of a Franciscan
13:54:59 25 being disciplined by the Archdiocese of Los Angeles?

13:55:03 1 MR. HANCE: Vague and ambiguous.

13:55:06 2 THE WITNESS: I have heard no rumors.

13:55:26 3 Q BY MR. HALE: While you were at Saint
13:55:26 4 Anthony's Seminary, was mass ever performed at the
13:55:26 5 Saint Anthony's Seminary chapel?

13:55:27 6 A Yes.

13:55:27 7 Q Was the public allowed to attend those mass
13:55:30 8 at the chapel?

13:55:32 9 A Not while I was there.

13:55:36 10 Q Were you aware of a prohibition against the
13:55:39 11 public attending mass at the Saint Anthony's
13:55:40 12 Seminary chapel?

13:55:41 13 A I'm not aware of a prohibition.

13:55:43 14 Q Do you know why the public would not attend
13:55:45 15 mass at the chapel?

13:55:48 16 MR. HABEL: Speculation.

13:55:51 17 THE WITNESS: What I'm saying is I did not
13:55:54 18 see the public ever attending mass in the chapel but
13:55:57 19 I'm not aware there was a prohibition. I just
13:55:59 20 didn't see them coming.

13:56:04 21 Q BY MR. HALE: Are you -- were you aware of
13:56:05 22 any limitations on what could be performed at the
13:56:09 23 Saint Anthony's Seminary chapel?

13:56:11 24 MR. HANCE: Vague.

13:56:15 25 THE WITNESS: I'm sorry?

13:56:15 1 Q BY MR. HALE: Were you aware of any
13:56:16 2 limitations on what could be performed at the Saint
13:56:19 3 Anthony's Seminary chapel?

13:56:20 4 A I'm not aware of it, in my time at least.

13:56:22 5 Q Are you aware of limitations at any other
13:56:26 6 time at the chapel?

13:56:27 7 MR. HANCE: Vague and ambiguous.

13:56:28 8 THE WITNESS: No. I can only speak for my
13:56:29 9 time.

13:56:49 10 Q BY MR. HALE: Were you ever aware while you
13:56:50 11 were at the parish in Santa Barbara of the
13:56:55 12 Archdiocese supervising the performance of any mass?

13:57:05 13 MR. HANCE: Vague and ambiguous.

13:57:05 14 THE WITNESS: At the Old Mission?

13:57:06 15 Q BY MR. HALE: Yes.

13:57:07 16 A Not that I'm aware of.

13:57:39 17 Q Was Father Lyons in residence with you at
13:57:41 18 Saint Mary's in Phoenix when you were there in the
13:57:43 19 '50s?

13:57:46 20 A Father who?

13:57:46 21 Q Lyons.

13:57:47 22 A No. He was gone.

13:57:48 23 Q Have you ever been in residence anywhere
13:57:50 24 with Father Lyons?

13:57:51 25 A No.

13:57:55 1 Q Have you ever been aware of a Franciscan
13:58:04 2 examining a student's genitals to determine whether
13:58:07 3 the student needed to be circumcised?

13:58:11 4 MR. HANCE: Vague and ambiguous.

13:58:12 5 THE WITNESS: I have heard that.

13:58:14 6 Q BY MR. HALE: Have you heard that in
13:58:15 7 regards to Father Lyons?

13:58:18 8 A Yes.

13:58:18 9 Q Was that in regards to his conduct with
13:58:19 10 students at San Luis Rey?

13:58:22 11 MR. HANCE: Same objections.

13:58:22 12 THE WITNESS: Yes.

13:58:23 13 Q BY MR. HALE: Was he on the faculty at San
13:58:24 14 Luis Rey while you were there?

13:58:26 15 A I was never at San Luis Rey.

13:58:36 16 Q How is it you became aware of this conduct
13:58:38 17 by Father Lyons?

13:58:40 18 A A student told me.

13:58:42 19 Q Who was the student that told you?

13:58:45 20 A His name was Louie Laidenburger.

13:58:48 21 Q Did he go on to become a Franciscan?

13:58:50 22 A He used to be. I think he's gone.

13:58:54 23 Q How was it that he came to tell you? What
13:58:56 24 was the context?

13:58:57 25 A He didn't come to tell me. He was just

13:58:59 1 talking about his experiences.

13:59:00 2 Q Was this after he left the Province?

13:59:03 3 A No. I think he was a student at Santa
13:59:05 4 Barbara by then.

13:59:07 5 Q When he told you about that, did you tell
13:59:10 6 anyone?

13:59:13 7 A I didn't make any comment. I just -- it
13:59:15 8 was kind of strange.

13:59:22 9 Q So you never told anyone about what he told
13:59:25 10 you about Father Lyons?

13:59:29 11 A No, because it was apparently pretty common
13:59:32 12 knowledge.

13:59:35 13 Q What's the basis for you saying that that
13:59:37 14 was common knowledge regarding Father Lyons?

13:59:40 15 A Louie went through that. I guess the
13:59:43 16 others did too.

13:59:44 17 Q But you have no knowledge of whether the
13:59:46 18 others did?

13:59:47 19 A That's correct.

13:59:48 20 Q Did he tell you that other students had
13:59:49 21 been through that?

13:59:52 22 A I can't remember how. It's just casual.

14:00:12 23 Q In your experience as a high school faculty
14:00:16 24 member, can you think of any circumstance where it
14:00:18 25 would be appropriate for a faculty member to give a

14:00:21 1 student a massage?

14:00:23 2 MR. HANCE: Incomplete hypothetical, vague
14:00:24 3 and ambiguous, lacks foundation.

14:00:26 4 THE WITNESS: I certainly wouldn't.

14:00:28 5 Q BY MR. HALE: But can you think of any
14:00:30 6 circumstance where it would be appropriate?

14:00:32 7 MR. HANCE: Same objections.

14:00:34 8 THE WITNESS: Maybe the athletic trainer
14:00:36 9 for a kid who was injured in a game or something.
14:00:40 10 Of that work I have no idea.

14:00:40 11 Q BY MR. HALE: Any other circumstances?

14:00:41 12 MR. HANCE: Same objections.

14:00:43 13 THE WITNESS: I would say no.

14:00:50 14 Q BY MR. HALE: Did you spend any time in the
14:00:51 15 infirmary while you were at Saint Anthony's
14:00:54 16 Seminary?

14:00:54 17 A None.

14:00:56 18 Q Did you ever hear that there was a -- that
14:00:57 19 the infirmarian was using rubbing alcohol on
14:01:02 20 students?

14:01:03 21 MR. HANCE: Vague and ambiguous.

14:01:04 22 THE WITNESS: I don't know anything that
14:01:05 23 went on in that infirmary.

14:01:14 24 Q BY MR. HALE: Can you think of any, in your
14:01:16 25 experience as a high school faculty member, can you

14:01:18 1 think of any circumstance where it would be
14:01:20 2 appropriate for a faculty member to have his hands
14:01:23 3 on a student's upper thighs?

14:01:26 4 MR. HANCE: Incomplete hypothetical, lacks
14:01:27 5 foundation, vague and ambiguous.

14:01:33 6 THE WITNESS: I certainly wouldn't want to
14:01:33 7 do it and I'd wonder about someone who did.

14:01:36 8 Q BY MR. HALE: What would you wonder?

14:01:37 9 A What's got them doing something like that.

14:01:44 10 Q Would you suspect sexual abuse?

14:01:46 11 MR. HANCE: Same objections.

14:01:47 12 THE WITNESS: A little flag might go up.

14:01:50 13 Q BY MR. HALE: In your experience as a
14:01:51 14 faculty member, a high school faculty member can you
14:01:53 15 think of any circumstance where it would be
14:01:55 16 appropriate for a faculty member to take a student's
14:01:58 17 temperature rectally?

14:02:00 18 MR. HANCE: Same objections.

14:02:00 19 THE WITNESS: No.

14:02:06 20 Q BY MR. HALE: Have you ever heard, have you
14:02:07 21 ever been aware of a Franciscan examining a
14:02:16 22 seminarian's genitals to see if they could be in the
14:02:20 23 choir?

14:02:20 24 MR. HANCE: Same objections.

14:02:24 25 THE WITNESS: I can't recall.

14:02:24 1 Q BY MR. HALE: Do you know who Father Owen

14:02:26 2 Desilva?

14:02:27 3 A I know who he was.

14:02:28 4 Q Have you ever heard any rumors that he was

14:02:30 5 examining Saint Anthony's Seminarians' genitals to

14:02:33 6 determine if they could be in the choir?

14:02:36 7 MR. HANCE: Vague and ambiguous.

14:02:45 8 THE WITNESS: That's so zany. I might

14:02:50 9 have. I don't want to be vague.

14:02:54 10 Q BY MR. HALE: Have you ever discussed that

14:02:55 11 with Father [REDACTED]?

14:03:00 12 A No.

14:03:01 13 Q Do you recall who you heard that from?

14:03:04 14 A It's a long time ago. I just...

14:03:07 15 MR. MATIASIC: Also, Counsel, I'm just

14:03:09 16 going to object, misstates his testimony. He said

14:03:11 17 he might have.

14:03:12 18 MR. HALE: You're right. You're right. I

14:03:13 19 apologize for that.

14:03:20 20 Q Can you think of any circumstance where it

14:03:21 21 would be appropriate for a faculty member to examine

14:03:25 22 a student's genitals to determine if they were

14:03:27 23 growing pubic hair?

14:03:28 24 MR. HANCE: Incomplete hypothetical, vague

14:03:29 25 and ambiguous, lacks foundation.

14:03:30 1 THE WITNESS: No.

14:03:30 2 Q BY MR. HALE: Can you think of any
14:03:31 3 circumstances where it would be appropriate for a
14:03:33 4 faculty member to examine a student's genitals to
14:03:35 5 determine if they had undescended testicles?

14:03:41 6 MR. HANCE: Same objections.

14:03:41 7 THE WITNESS: No.

14:03:45 8 Q BY MR. HALE: In your time as a faculty
14:03:46 9 member for high schools, have you ever seen a
14:03:50 10 faculty member wrestle with a student?

14:03:52 11 MR. HANCE: Vague and ambiguous.

14:03:53 12 THE WITNESS: I can't remember ever seeing
14:03:54 13 that.

14:03:55 14 Q BY MR. HALE: Can you think of any
14:03:55 15 circumstance where that would be appropriate?

14:03:58 16 MR. HANCE: Incomplete hypothetical, vague
14:03:59 17 and ambiguous, lacks foundation.

14:04:07 18 THE WITNESS: I wouldn't care -- I don't
14:04:09 19 want to make a judgment on somebody else because
14:04:17 20 I've been in a school where they have wrestling but
14:04:17 21 the faculty doesn't wrestle.

14:04:17 22 Q BY MR. HALE: Let's just say, let's exclude
14:04:18 23 any conduct occurring within the context of a
14:04:22 24 wrestling practice. Can you think of any
14:04:24 25 circumstance where it would be appropriate for a

14:04:25 1 faculty member to wrestle with a student?

14:04:28 2 MR. HANCE: Same objections.

14:04:29 3 THE WITNESS: I wouldn't like it.

14:04:32 4 Q BY MR. HALE: Would it suggest to you the
14:04:34 5 possibility of sexual abuse going on?

14:04:36 6 MR. HANCE: Same objections.

14:04:41 7 THE WITNESS: Possibly.

14:04:48 8 Q BY MR. HALE: During your time at Saint
14:04:49 9 Anthony's Seminary, were you ever aware of a
14:04:53 10 Franciscan from the mission coming to the seminary
14:04:56 11 and pulling a student out of class?

14:04:58 12 MR. HANCE: Vague and ambiguous.

14:04:59 13 THE WITNESS: I never saw it.

14:05:00 14 Q BY MR. HALE: Were you ever aware of that
14:05:02 15 happening?

14:05:03 16 MR. HANCE: Vague and ambiguous.

14:05:03 17 THE WITNESS: No.

14:05:12 18 Q BY MR. HALE: Did you ever observe while
14:05:14 19 you were assigned to Santa Barbara a Franciscan from
14:05:18 20 the mission walking around the grounds of the
14:05:20 21 mission with a Saint Anthony's Seminary student?

14:05:23 22 MR. HANCE: Same objection.

14:05:24 23 THE WITNESS: I don't remember ever seeing
14:05:25 24 that.

14:05:26 25 Q BY MR. HALE: Would that have caused you

14:05:27 1 concern if you had seen that?

14:05:29 2 MR. HANCE: Same objection.

14:05:33 3 THE WITNESS: It might or might not. It
14:05:35 4 would depend on who it was. Like it might be a
14:05:38 5 relative.

14:05:39 6 Q BY MR. HALE: What if it wasn't a relative?

14:05:41 7 MR. HANCE: Same objections.

14:05:45 8 THE WITNESS: Concern if I saw a friar from
14:05:47 9 the mission walking around with a student from the
14:05:50 10 seminary? I would be concerned, yes.

14:05:51 11 Q BY MR. HALE: Why would you be concerned?

14:05:53 12 MR. HANCE: Same objection.

14:05:53 13 THE WITNESS: Just what's going on?

14:05:58 14 Q BY MR. HALE: Would it raise a red flag
14:05:59 15 regarding the possibility of sexual abuse?

14:06:01 16 MR. HANCE: Same objection.

14:06:04 17 MR. MATIASIC: I think that question calls
14:06:07 18 for an expert opinion, it's outside of this
14:06:08 19 witness's competence.

14:06:09 20 MR. HANCE: Incomplete hypothetical.

14:06:18 21 Q BY MR. HALE: You can answer.

14:06:21 22 A I don't know if it would be sexual abuse
14:06:23 23 but it would certainly be strange.

14:06:38 24 Q Was there any aspect of your education at
14:06:41 25 the seminary in Los Angeles that discouraged you

14:06:48 1 from reporting an act of childhood sexual abuse by
14:06:53 2 another priest?

14:06:54 3 MR. HANCE: Vague and ambiguous.

14:06:58 4 THE WITNESS: I'm sorry?

14:06:59 5 MR. HALE: Can you read the question back.

14:07:10 6 (Record read)

14:07:12 7 THE WITNESS: We never had anything like
14:07:13 8 that.

14:07:13 9 Q BY MR. HALE: What about in your education
14:07:15 10 and training to become a Franciscan, was there any
14:07:19 11 part of that that discouraged you from reporting an
14:07:22 12 act of childhood sexual abuse by another Franciscan?

14:07:25 13 MR. HANCE: Same objection.

14:07:25 14 THE WITNESS: We never had that.

14:07:30 15 Q BY MR. HALE: I understand when you were
14:07:31 16 assigned to Santa Barbara you sometimes performed
14:07:33 17 mass in San Fernando. Did you ever assist in
14:07:35 18 performing mass in Santa Barbara?

14:07:38 19 A Did you say in San Fernando?

14:07:43 20 Q Right.

14:07:43 21 A Or in the San Fernando Valley? Yes. When
14:07:43 22 I was in the parish at Santa Barbara?

14:07:46 23 Q Yes.

14:07:47 24 A I said mass at the mission all the time.

14:07:50 25 Q But anywhere other than the mission?

14:07:51 1 A Only in the Valley except on a rare
14:07:56 2 occasion I might go down the hill to the Jesuit
14:07:59 3 church, Our Lady of Sorrows or something once in a
14:08:01 4 great while.

14:08:03 5 Q Any other parishes in Santa Barbara you
14:08:05 6 assisted at?

14:08:07 7 A I might have gone to San Roque, which we
14:08:09 8 had at that time.

14:08:11 9 Q That was a diocesan parish operated by the
14:08:15 10 Franciscans; correct?

14:08:16 11 A Correct.

14:08:22 12 Q Were you aware of other Franciscans who
14:08:23 13 were assisting at parishes in the Santa Barbara
14:08:25 14 community while you were assigned to Santa Barbara?

14:08:28 15 A No. There may have been but I'm not aware
14:08:39 16 of it.

14:08:41 17 Q When you were a part of the -- when you
14:08:43 18 were assigned to the parish in Santa Barbara, did
14:08:46 19 you participate in deanery meetings for Santa
14:08:49 20 Barbara?

14:08:51 21 A We did not have them at that time.

14:08:54 22 Q Were there any kind of monthly meetings
14:08:56 23 amongst priests within Santa Barbara?

14:08:57 24 A Not in the area. The diocese had them here
14:09:02 25 in Los Angeles maybe a couple of times a year, but

14:09:05 1 the whole diocese.

14:09:08 2 Q Would the meetings be specifically for
14:09:11 3 priests in the Santa Barbara region?

14:09:12 4 A No. Just for the priests in the diocese.

14:09:15 5 Q Were there ever any meetings of any sort
14:09:17 6 within the Santa Barbara community just for priests
14:09:20 7 in Santa Barbara?

14:09:21 8 A Nothing that I was aware of at that time.

14:09:24 9 Q Did you ever socialize with priests in
14:09:27 10 Santa Barbara other than your fellow Franciscans?

14:09:29 11 A No.

14:09:34 12 Q For instance, maybe play golf with any
14:09:34 13 other priests?

14:09:36 14 A I didn't play golf.

14:09:43 15 Q I asked you about Father Kelly, Matthew
14:09:45 16 Kelly earlier. Did you know Matthew Kelly?

14:09:49 17 A I didn't know him. He was ordained long
14:09:51 18 before I was ordained but he was at the parish in
14:09:55 19 downtown Santa Barbara early on. But I don't
14:09:59 20 remember the years because he was not -- as I recall
14:10:04 21 there was another pastor when I was at the mission.

14:10:08 22 Q Did you ever spend any time at Our Lady of
14:10:11 23 Guadalupe?

14:10:12 24 A No.

14:10:12 25 Q Did you understand Our Lady of Guadalupe to

14:10:14 1 be where Father Kelly was assigned?

14:10:17 2 A He was a pastor there but I don't remember
14:10:19 3 the years.

14:10:21 4 Q Did you have any contact with him while you
14:10:23 5 were in Santa Barbara?

14:10:24 6 A None.

14:10:25 7 Q How is it you were aware of who he was?

14:10:27 8 A Because he was a local pastor. I know who
14:10:31 9 the pastors were. I knew the pastor in the other
14:10:34 10 towns too, Montecito and Goleta.

14:10:39 11 Q Did you ever hear that Father Kelly owned a
14:10:42 12 cabin in the Santa Ynez mountains?

14:10:45 13 A No.

14:10:47 14 Q Did you ever hear there were any
14:10:47 15 allegations of parishioners being unhappy with
14:10:50 16 Father Kelly?

14:10:50 17 MR. HANCE: Vague and ambiguous.

14:10:51 18 THE WITNESS: No.

14:10:51 19 Q BY MR. HALE: Did you ever hear any
14:10:51 20 allegations of childhood sexual abuse by Father
14:10:55 21 Kelly?

14:10:55 22 A No.

14:10:55 23 Q Have you ever heard any allegations
14:10:56 24 involving Father Kelly regarding childhood sexual
14:11:00 25 abuse?

14:11:00 1 A No. I don't even know if I knew him. I
14:11:03 2 knew him but to say hello to but no contact.

14:11:11 3 Q When did you first meet Father Cimmarusti?

14:11:19 4 A I guess, I'm trying to remember. It's so
14:11:20 5 far back. I guess when I was in the parish at Santa
14:11:23 6 Barbara, he might have been a student there.

14:11:26 7 MR. HANCE: Father, do you know or are you
14:11:27 8 guessing?

14:11:28 9 THE WITNESS: I don't know.

14:11:35 10 MR. DEMARCO: Does he have a reason to
14:11:36 11 suspect that? Unless it's a pure guess, if he's got
14:11:39 12 something he's surmising it from, I think we're
14:11:43 13 entitled to that.

14:11:44 14 THE WITNESS: I remember seeing him as a
14:11:46 15 student there at the Old Mission in his habit. As I
14:11:54 16 remember I was on the parish. So I had minimal
14:11:57 17 contact with the students as such.

14:12:00 18 Q BY MR. HALE: Did you have any contact with
14:12:01 19 Father Cimmarusti while he was a student at the
14:12:03 20 school of theology?

14:12:05 21 A No, nothing special, no more than any other
14:12:06 22 students.

14:12:06 23 Q What do you remember about seeing Father
14:12:08 24 Cimmarusti at the school of theology?

14:12:15 25 A Nothing special except he had, we didn't

14:12:15 1 have many friars with Italian last names and that
14:12:17 2 just, you know...

14:12:25 3 Q Did you ever have any discussions with
14:12:26 4 school of theology faculty members about Father
14:12:29 5 Cimmarusti?

14:12:30 6 A None.

14:12:31 7 MR. HANCE: Vague and ambiguous.

14:12:32 8 Q BY MR. HALE: Have you ever been assigned
14:12:33 9 anywhere with Father Cimmarusti?

14:12:36 10 A I think that was the only place we were in
14:12:38 11 the same house but totally different venues.

14:12:44 12 Q Have you ever been assigned in different
14:12:46 13 houses but in the same city with Father Cimmarusti?

14:12:50 14 A No.

14:12:58 15 Q Were you ever involved in any discussions
14:12:59 16 regarding his candidacy while you were in Santa
14:13:02 17 Barbara and he was at the school of theology?

14:13:04 18 MR. HANCE: Vague and ambiguous.

14:13:05 19 THE WITNESS: No.

14:13:05 20 Q BY MR. HALE: Did you ever hear anyone
14:13:06 21 discussing his candidacy while you were at Santa
14:13:09 22 Barbara?

14:13:17 23 MR. MATIASIC: His candidacy for the
14:13:17 24 priesthood or graduation?

14:13:10 25 MR. HANCE: Same objection.

14:13:13 1 THE WITNESS: No.

14:13:18 2 Q BY MR. HALE: When was the last time you
14:13:19 3 spoke with Father Cimmarusti?

14:13:25 4 A I can't remember.

14:13:31 5 Q Have you spoken with Father Cimmarusti
14:13:33 6 since you were assigned in the same location in
14:13:36 7 Santa Barbara?

14:13:39 8 A I can't remember. My paths just wouldn't
14:13:44 9 overlap his.

14:13:45 10 Q While you were both in Santa Barbara, did
14:13:48 11 you ever observe any behavior by Father Cimmarusti
14:13:50 12 that you thought was inappropriate?

14:13:52 13 MR. HANCE: Vague and ambiguous.

14:13:52 14 THE WITNESS: No.

14:13:53 15 Q BY MR. HALE: Did you ever hear anyone say
14:13:54 16 that they had observed behavior by Father Cimmarusti
14:13:57 17 that they thought was inappropriate?

14:13:59 18 A No.

14:14:00 19 MR. HANCE: Same objections.

14:14:01 20 Q BY MR. HALE: Did you ever hear complaints
14:14:02 21 of misconduct by Father Cimmarusti?

14:14:06 22 MR. HANCE: Same objections.

14:14:06 23 THE WITNESS: Only after the fact, years
14:14:09 24 later.

14:14:09 25 Q BY MR. HALE: We already talked about that.

14:14:11 1 A Yes.

14:14:13 2 Q Did you hear those complaints -- are you
14:14:16 3 familiar with the board of inquiry?

14:14:21 4 A I've heard about it. I don't know how it
14:14:23 5 works or who's on it.

14:14:25 6 Q Were you, did you learn, hear about Father
14:14:28 7 Cimmarusti before or after the board was created?

14:14:32 8 MR. HANCE: Lacks foundation.

14:14:32 9 THE WITNESS: I don't remember.

14:14:34 10 Q BY MR. HALE: Did anyone from the board of
14:14:35 11 inquiry ever contact you and interview you about
14:14:38 12 your experiences at Saint Anthony's Seminary?

14:14:40 13 A No.

14:14:40 14 MR. HANCE: Vague and ambiguous.

14:14:51 15 Q BY MR. HALE: Have you ever seen the report
14:14:53 16 from the board of inquiry?

14:14:55 17 A I don't remember ever seeing one.

14:14:58 18 Q Have you heard there was a report from the
14:15:00 19 board of inquiry?

14:15:02 20 MR. HANCE: Lacks foundation.

14:15:03 21 THE WITNESS: I don't know.

14:15:04 22 Q BY MR. HALE: Do you recall ever receiving
14:15:05 23 a memorandum of some sort from the Provincial about
14:15:08 24 the board of inquiry?

14:15:09 25 A Provincial has written something but I

14:15:11 1 don't remember what it was.

14:15:12 2 Q Did that memorandum go out to all

14:15:14 3 Franciscans?

14:15:16 4 MR. MATIASIC: Misstates his testimony. He

14:15:18 5 said he didn't know what it was. You're saying it

14:15:20 6 was a memorandum. He said he doesn't know what it

14:15:22 7 was.

14:15:22 8 MR. HALE: Can you read back the last two

14:15:22 9 questions and answers.

14:15:22 10 (Record read)

14:15:36 11 Q BY MR. HALE: Do you recall if that

14:15:36 12 something was sent out to all members of the

14:15:39 13 Province?

14:15:47 14 A Not as individual letters. It might have

14:15:49 15 been in a letter to each house. It might have been.

14:15:52 16 But again I can't remember. We get a lot of these

14:15:55 17 things.

14:15:57 18 Q BY MR. HALE: Did these things very often

14:15:58 19 discuss the investigation of childhood sexual abuse

14:16:01 20 at a seminary?

14:16:03 21 MR. HANCE: Vague and ambiguous.

14:16:03 22 THE WITNESS: No.

14:16:06 23 Q BY MR. HALE: Do you recall, whatever this

14:16:08 24 document was, what it said about the board of

14:16:10 25 inquiry?

14:16:15 1 A Only in a general way.

14:16:18 2 Q What did it say?

14:16:20 3 A Trying to address some of the issues raised
14:16:23 4 by all this notoriety.

14:16:26 5 Q Did it identify the Franciscans accused of
14:16:30 6 childhood sexual abuse?

14:16:32 7 A I don't remember seeing that.

14:16:34 8 Q Did you ever ask anyone if they knew who
14:16:37 9 the Franciscans were who were referred to in the
14:16:41 10 board of inquiry report?

14:16:45 11 A No.

14:16:46 12 Q Have you ever been aware of which
14:16:48 13 Franciscans were referred to in the board of inquiry
14:16:52 14 report?

14:17:01 15 A Those -- no. Those were submitted as board
14:17:04 16 of inquiry, I don't know which names they were.
14:17:08 17 They may have been published, but if they were, I
14:17:11 18 can't remember it. I didn't...

14:17:23 19 Q Has anyone ever told you that they received
14:17:26 20 complaints of misconduct by Father Cimmarusti?

14:17:28 21 A No.

14:17:30 22 MR. HANCE: Vague and ambiguous.

14:17:30 23 Q BY MR. HALE: Are you aware of anyone
14:17:31 24 receiving complaints of misconduct by Father
14:17:33 25 Cimmarusti?

14:17:34 1 MR. HANCE: Same objection.

14:17:35 2 THE WITNESS: No.

14:17:53 3 Q BY MR. HALE: Have you ever been aware that
14:17:54 4 Father Cimmarusti was transferred to Guymas, Mexico
14:17:57 5 in 1971? Guymas is G-U-Y-M-A-S.

14:18:02 6 MR. MATIASIC: Lacks foundation.

14:18:02 7 THE WITNESS: No.

14:18:04 8 Q BY MR. HALE: Have you ever heard if Father
14:18:05 9 Cimmarusti was accused of childhood sexual abuse in
14:18:08 10 Guymas?

14:18:09 11 A No.

14:18:27 12 Q Are you aware of the Province running any
14:18:29 13 orphanages?

14:18:32 14 A I believe we have one down in, is it
14:18:34 15 Guymas? I think we have one in Guymas or somewhere
14:18:39 16 in Mexico.

14:18:40 17 Q Have you ever visited that orphanage?

14:18:42 18 A No.

14:18:43 19 Q Have you ever heard of Franciscans bringing
14:18:45 20 orphans from Mexico into the United States?

14:18:57 21 A No.

14:19:02 22 Q Have you ever heard of Franciscans bringing
14:19:03 23 orphans from anywhere into the United States?

14:19:06 24 A No.

14:19:08 25 Q Have you ever heard of Franciscans -- well,

14:19:10 1 strike that.

14:19:12 2 Do you know which Franciscans are
14:19:15 3 currently -- are there any Franciscans to your
14:19:16 4 knowledge currently assisting in running the
14:19:19 5 orphanage in Guymas?

14:19:24 6 A I don't know. We have some down in Mexico.
14:19:26 7 I don't know if they're in Guymas or somewhere else.

14:19:32 8 Q Are you aware of any Franciscans assisting
14:19:34 9 in operating an orphanage in Mexico?

14:19:39 10 A There's some names that have been there. I
14:19:40 11 don't know if they're still there or not.

14:19:42 12 Q Who are those names?

14:19:43 13 A Brother [REDACTED].

14:19:45 14 Q [REDACTED]?

14:19:47 15 A [REDACTED].

14:19:48 16 Q [REDACTED]?

14:19:49 17 A [REDACTED].

14:19:49 18 Q Anyone else?

14:19:51 19 A Is John Peterson there?

14:19:53 20 Q That I don't know.

14:19:54 21 A I don't know. There was a [REDACTED],
14:19:57 22 who's dead.

14:19:59 23 Q Okay. Anyone else?

14:20:06 24 A Elias Galves. That's about all I can
14:20:12 25 remember.

14:20:13 1 Q Are you aware of any -- are you aware of
14:20:15 2 Sam Cabot assisting?

14:20:17 3 A Sam Cabot, was he down there?

14:20:19 4 Q Are you aware of him assisting with any
14:20:21 5 orphanage in Mexico?

14:20:23 6 A No. I didn't know he was down there.

14:20:52 7 Q Do you know Dave Johnson?

14:20:55 8 A The name rings a bell but I can't put a
14:20:58 9 face to it.

14:21:11 10 Q Do you know David Carriere or did you know
14:21:14 11 David Carriere? Carriere is C-A-R-R-I-E-R-E.

14:21:17 12 A I knew him. He's dead.

14:21:20 13 Q When did you first meet Father Carriere?

14:21:22 14 A He was a kid in the Junior Seminary when I
14:21:25 15 was teaching there.

14:21:32 16 Q Did you have him in any of your classes?

14:21:32 17 A I might have. It's hard to remember
14:21:34 18 50-plus years ago.

14:21:37 19 Q Do you recall what he was like as a
14:21:40 20 student?

14:21:40 21 A No.

14:21:45 22 Q Did he ever seek advice from you?

14:21:47 23 MR. HANCE: Vague and ambiguous.

14:21:47 24 THE WITNESS: No.

14:21:51 25 Q BY MR. HALE: Did you have office hours

14:21:52 1 when you were on the faculty at Saint Anthony's?

14:21:56 2 A No.

14:21:56 3 Q Did you ever meet with students while you
14:21:58 4 were on the faculty at Saint Anthony's?

14:22:01 5 A Not in a formal way. I'd go out and watch
14:22:06 6 them play basketball and say "great shot" or
14:22:09 7 something like that, but we were pretty well
14:22:11 8 segregated in those days.

14:22:14 9 Q Was there any formal rule requiring
14:22:15 10 segregation between the faculty and students at
14:22:18 11 Saint Anthony's while you were on the faculty?

14:22:20 12 MR. HANCE: Vague and ambiguous.

14:22:21 13 THE WITNESS: I didn't see it spelled out,
14:22:22 14 but our living quarters were totally off limits to
14:22:26 15 them and I wouldn't go into their living quarters
14:22:30 16 for anything. Their dining room and our dining room
14:22:33 17 was separate.

14:22:37 18 Q BY MR. HALE: Do you recall there being any
14:22:37 19 discussions about the importance of segregating the
14:22:41 20 faculty from the students --

14:22:43 21 MR. HANCE: Same objection.

14:22:45 22 THE WITNESS: It was just a fact. It had
14:22:48 23 always been that way.

14:22:50 24 Q BY MR. HALE: Do you recall any Franciscans
14:22:51 25 having to be reminded of the need for segregation of

14:22:56 1 the faculty and the seminarians while you were on
14:22:59 2 the faculty at Saint Anthony's?

14:23:01 3 MR. HANCE: Same objection.

14:23:02 4 THE WITNESS: Nobody that I know of.

14:23:07 5 Q BY MR. HALE: Do you have an understanding
14:23:09 6 of what the purpose of that segregation was?

14:23:13 7 MR. HANCE: Same objection.

14:23:13 8 THE WITNESS: I think there was several
14:23:15 9 reasons. One, we were professed religious and they
14:23:21 10 were not. And we were to live our life, our prayer
14:23:25 11 life and all of that. And we had the habit and they
14:23:29 12 didn't. It was sort of just, not a caste system but
14:23:37 13 it was more comfortable that way.

14:23:40 14 Q BY MR. HALE: Any other reasons?

14:23:42 15 A Not at that time. It was a pretty innocent
14:23:45 16 age or so we thought.

14:23:48 17 Q Was the rule against particular friendship
14:23:51 18 built into those reasons for the segregation?

14:23:54 19 MR. HANCE: Lacks foundation.

14:23:58 20 THE WITNESS: There was no rule against
14:24:00 21 particular friendship with students because there
14:24:02 22 was no need for it. We just didn't have it. I
14:24:05 23 suppose if something developed, they would be spoken
14:24:10 24 to, but I never saw it develop.

14:24:20 25 Q BY MR. HALE: Did you maintain a

14:24:21 1 relationship with Father Carriere once he became a
14:24:25 2 Franciscan?

14:24:26 3 MR. HANCE: Vague and ambiguous.

14:24:27 4 THE WITNESS: He spent his last years up at
14:24:29 5 Santa Barbara Mission and I would see him from time
14:24:31 6 to time. But there was no great special connection.
14:24:35 7 I'd say "Hi Dave" and, you know, "How are you
14:24:42 8 doing."

14:24:47 9 Q BY MR. HALE: Did you evaluate him while he
14:24:49 10 was a student?

14:24:49 11 MR. HANCE: Vague and ambiguous.

14:24:50 12 THE WITNESS: I don't remember doing that.

14:24:56 13 Q BY MR. HALE: Do you recall evaluating his
14:24:58 14 candidacy for becoming a Franciscan?

14:25:05 15 A I'm sure his name came up in the time of
14:25:08 16 graduation but I guess he passed okay. I can't
14:25:12 17 remember all those details.

14:25:15 18 Q Did you evaluate his candidacy for becoming
14:25:17 19 a priest?

14:25:19 20 A That would not have come up until fifth
14:25:23 21 year at the seminary.

14:25:25 22 Q Have you ever supervised Father Carriere?

14:25:27 23 MR. HANCE: Vague and ambiguous.

14:25:27 24 THE WITNESS: No.

14:25:36 25 Q BY MR. HALE: Under any circumstances did

14:25:37 1 you ever assess Father Carriere for advancement
14:25:40 2 within the order?

14:25:42 3 A Never.

14:25:42 4 Q Or within the Province I should say.

14:25:44 5 MR. HANCE: Vague and ambiguous.

14:25:45 6 THE WITNESS: Never.

14:25:51 7 Q BY MR. HALE: Did you ever discipline
14:25:52 8 Father Carriere?

14:25:53 9 A No.

14:25:54 10 Q Did you ever report Father Carriere to a
14:25:56 11 supervisor?

14:25:56 12 A No.

14:25:57 13 MR. HANCE: Vague and ambiguous.

14:25:58 14 Q BY MR. HALE: Did you ever praise Father
14:25:59 15 Carriere to any supervisors?

14:26:00 16 MR. HANCE: Same objections.

14:26:01 17 THE WITNESS: No.

14:26:03 18 Q BY MR. HALE: Did you ever hear anyone
14:26:04 19 express concerns over Father Carriere becoming a
14:26:09 20 priest?

14:26:10 21 MR. HANCE: Vague and ambiguous.

14:26:10 22 THE WITNESS: No.

14:26:10 23 Q BY MR. HALE: Did you ever hear anyone
14:26:11 24 express concerns over Father Carriere becoming a
14:26:15 25 member of the Province?

14:26:16 1 MR. HANCE: Same objections.

14:26:17 2 THE WITNESS: No.

14:26:18 3 Q BY MR. HALE: Did you have any concerns
14:26:19 4 over Father Carriere becoming a member of the
14:26:22 5 Province?

14:26:23 6 A I had none.

14:26:25 7 MR. HANCE: Same objections.

14:26:25 8 Q BY MR. HALE: Did you have any concerns
14:26:26 9 over him becoming a priest?

14:26:28 10 MR. HANCE: Same objections.

14:26:29 11 THE WITNESS: None.

14:26:30 12 Q BY MR. HALE: Have you heard he's been
14:26:33 13 accused of childhood sexual abuse?

14:26:37 14 MR. MATIASIC: Other than from your
14:26:37 15 counsel.

14:26:38 16 Q BY MR. HALE: Other than from your counsel.

14:26:41 17 A No.

14:26:42 18 Q Are you aware that Father Carriere is the
14:26:44 19 subject of one of the lawsuits that is part of this
14:26:48 20 current litigation?

14:26:49 21 MR. MATIASIC: Other than from counsel.

14:26:50 22 Q BY MR. HALE: Other than from counsel.

14:26:51 23 A Just when you said it just now.

14:27:00 24 Q Were you ever aware of Father Carriere
14:27:02 25 being sent for treatment at a -- well, strike that.

14:27:06 1 Are you familiar with the Servants of the
14:27:08 2 Paraclete?

14:27:09 3 A Yes.

14:27:09 4 Q How are you familiar with the Servants of
14:27:11 5 the Paraclete?

14:27:12 6 A They became quite well known I guess around
14:27:17 7 the '50s and they established their work down there
14:27:21 8 in New Mexico.

14:27:22 9 Q How was it that they became known to you in
14:27:26 10 the '50s?

14:27:27 11 A I guess priests with problems of one kind
14:27:31 12 or another.

14:27:32 13 Q Would those problems include alcoholism?

14:27:35 14 A Alcoholism I understand, I guess.

14:27:39 15 Q Did you understand those problems to
14:27:40 16 include sexual problems?

14:27:42 17 A I believe it did.

14:27:44 18 Q Do you recall how you first heard of the
14:27:50 19 Servants of the Paraclete?

14:27:51 20 A It was in priestly magazines. They would
14:27:54 21 talk about the new ministry that they were doing
14:27:58 22 down there.

14:28:02 23 Q Did you ever, were you ever aware of Father
14:28:04 24 Carriere receiving treatment from the Servants of
14:28:07 25 the Paraclete?

14:28:08 1 A I didn't know he was down there.

14:28:09 2 Q Have you ever heard of any Franciscans
14:28:11 3 receiving treatment from the Servants of the
14:28:12 4 Paraclete?

14:28:19 5 A I can't think of, I don't know of anybody.
14:28:20 6 That doesn't mean they haven't.

14:28:24 7 Q Do you recall Father Carriere spending any
14:28:25 8 time in Ojai in the 1990s?

14:28:29 9 A No.

14:28:29 10 Q Do you recall Father Carriere spending any
14:28:32 11 time in Santa Ynez in the 1990s?

14:28:36 12 A No.

14:28:57 13 Q You referenced periodicals where there were
14:28:59 14 ads for Servants of the Paraclete. Do you recall
14:29:02 15 what periodicals those were?

14:29:05 16 A I'm not sure they were ads. I think they
14:29:07 17 might have been articles. I believe and I'm not
14:29:11 18 even sure it's around anymore, The Homiletic and
14:29:15 19 Pastoral Review. Magazines geared for priests, you
14:29:18 20 know, articles. Homiletic and Pastoral Review might
14:29:22 21 have been one of them.

14:29:24 22 Q Homiletic and Pastoral Review?

14:29:28 23 A Homiletic and Pastoral Review.

14:29:29 24 Q Any others?

14:29:30 25 A There was a magazine, still is, called The

14:29:32 1 Priest Magazine, like the Readers Digest. These
14:29:44 2 were kind of popular things. There were theological
14:29:44 3 reviews and so forth which wouldn't have had that.

14:29:46 4 Q Can you think of any other magazines like
14:29:46 5 that where you might have seen such articles or such
14:29:50 6 advertisements?

14:29:56 7 A Oh, there's one. Oh, gee. There's a third
14:30:11 8 one and I can't remember what it was. But can I say
14:30:16 9 something amusing, just to lighten the thing? This
14:30:17 10 has nothing to do with your question.

14:30:20 11 MR. MATIASIC: Father, no. You answered
14:30:21 12 the question.

14:30:23 13 MR. HALE: I won't object.

14:30:25 14 THE WITNESS: Okay.

14:30:27 15 Q BY MR. HALE: Did you subscribe to any of
14:30:28 16 these periodicals or were they something that would
14:30:30 17 be found around the house?

14:30:32 18 A The community would subscribe to them and
14:30:33 19 they would be in our library.

14:30:39 20 MR. HALE: We can stop right now.

14:30:42 21 THE VIDEOGRAPHER: We're off the record at
14:30:44 22 2:31 p.m. This is the conclusion of video No. 2.

14:30:49 23 (Recess)

14:47:21 24 THE VIDEOGRAPHER: We are back on the
14:47:21 25 record at 2:47 p.m. This is the beginning of video

14:47:24 1 No. 3.

14:47:26 2 Q BY MR. HALE: Father, I have some more
14:47:28 3 questions regarding Father Carriere. Before I
14:47:31 4 continue with that though, in the deposition notice
14:47:33 5 there were a number of document demands and I was
14:47:36 6 wondering if you had any documents to produce in
14:47:39 7 response to those requests for documents.

14:47:41 8 A Do I have any documents?

14:47:44 9 MR. HANCE: I went over it with him and he
14:47:46 10 doesn't.

14:47:47 11 THE WITNESS: No.

14:47:49 12 Q BY MR. HALE: No. Did you review those
14:47:51 13 document demands with your counsel?

14:47:55 14 A I reviewed no documents prior to coming
14:47:58 15 here today.

14:47:59 16 Q But did you review the demands themselves,
14:48:01 17 categories of documents that were requested in the
14:48:03 18 deposition notice?

14:48:04 19 MR. MATIASIC: I think that invades the
14:48:06 20 attorney-client privilege, what he went over with
14:48:08 21 his counsel. I mean you asked him whether he had
14:48:12 22 documents responsive to the request. He said no.

14:48:14 23 MR. HALE: The first question I agree. It
14:48:16 24 was poorly phrased. The second question I asked is
14:48:19 25 if he reviewed the document demand themselves.

14:48:23 1 MR. MATIASIC: That was fine.

14:48:24 2 Q BY MR. HALE: Did you review those document
14:48:27 3 demands in the deposition notice? In other words,
14:48:29 4 there were categories of documents described in the
14:48:32 5 notice. Did you review those?

14:48:35 6 A I didn't get the deposition notice. I just
14:48:36 7 got...

14:48:37 8 Q Let me go over those real quickly and see
14:48:41 9 if you've got anything responsive or not.

14:48:43 10 A I got a letter.

14:48:45 11 Q We don't want to hear about the letter.

14:48:47 12 The first request states, and it's request

14:48:52 13 No. 1, it asks you to produce any and all

14:48:55 14 correspondence from or to Father Chris Verbena,

14:48:58 15 Brother Sam Cabot, Brother Dave Johnson, Father

14:49:00 16 David Carriere, Father Mario Cimmarusti, Brother

14:49:04 17 Bernard, should be Berard, B-E-R-A-R-D, Connolly,

14:49:07 18 C-O-N-N-O-L-L-Y. Brother Gus Krumm, K-R-U-M-M.

14:49:12 19 Father Martin McKeoghan, Father Robert Van Handel,

14:49:16 20 Father Donald Patrick Roemer, R-O-E-M-E-R, Father

14:49:20 21 Matthew Kelly and any other priests or agents of the

14:49:23 22 Franciscans or the Roman Catholic Church accused or

14:49:26 23 suspected of molesting children whom you had

14:49:29 24 supervisory responsibilities for or whom resided

14:49:31 25 with you or whom you maintained an association or

14:49:35 1 whom you had heard of.

14:49:42 2 MR. HABEL: Fairly broad.

14:49:44 3 THE WITNESS: No.

14:49:45 4 Q BY MR. HALE: So bottom line is you don't
14:49:46 5 have any correspondence between yourself and those
14:49:48 6 gentlemen?

14:49:49 7 A None.

14:49:51 8 Q Do you have any pictures of any of those
14:49:56 9 gentlemen?

14:49:57 10 A None.

14:50:00 11 Q Do you have any documents that refer to any
14:50:02 12 of those gentlemen?

14:50:05 13 A None.

14:50:09 14 Q Do you have any class photographs or
14:50:11 15 yearbooks for Saint Anthony's Seminary from 1951 to
14:50:16 16 the present?

14:50:18 17 A No.

14:50:27 18 Q Do you know [REDACTED], [REDACTED]?

14:50:32 19 A I used to.

14:50:33 20 Q When was the last time you spoke with
14:50:34 21 [REDACTED]?

14:50:40 22 A About 40 years ago.

14:50:46 23 Q Did you ever discuss with [REDACTED] that he
14:50:49 24 was meeting with Father Carriere and counseling
14:50:53 25 Father Carriere?

14:50:54 1 A No.

14:50:55 2 Q Did you ever discuss with [REDACTED] his
14:50:58 3 experience with Father Edmond Austin regarding a
14:51:04 4 child at the parish at Saint Joseph's?

14:51:06 5 A No.

14:51:07 6 Q Have you ever heard Father Austin has been
14:51:09 7 accused of childhood sexual abuse?

14:51:11 8 A No.

14:51:15 9 Q Have you ever been aware of any allegations
14:51:16 10 of childhood sexual abuse by Father Austin?

14:51:20 11 A None.

14:51:27 12 Q Were you ever aware that Father Carriere
14:51:28 13 was sent to San Juan Bautista?

14:51:34 14 A I don't know. I don't remember.

14:51:39 15 Q Did you ever visit Father Carriere when he
14:51:42 16 was assigned in Fresno?

14:51:44 17 A No.

14:51:45 18 Q Were you aware he was assigned in Fresno?

14:51:47 19 A No.

14:51:52 20 Q Do you know a [REDACTED], [REDACTED]?

14:51:57 21 A Yes.

14:51:58 22 Q Have you ever heard him complain of Father
14:51:59 23 Carriere behaving inappropriately with students?

14:52:03 24 MR. HANCE: Vague and ambiguous.

14:52:04 25 THE WITNESS: No.

14:52:05 1 Q BY MR. HALE: Have you ever heard anyone
14:52:06 2 complain of Father Carriere behaving inappropriately
14:52:09 3 with students?

14:52:10 4 MR. HANCE: Same objections.

14:52:13 5 THE WITNESS: No.

14:52:17 6 Q BY MR. HALE: You'd referenced earlier that
14:52:18 7 when you went to the mission sometimes, before
14:52:20 8 Father Carriere died, you would see him
14:52:23 9 occasionally?

14:52:24 10 A Yes.

14:52:25 11 Q Did you ever hear him make inappropriate
14:52:27 12 sexual comments when you saw him at the mission?

14:52:30 13 MR. HANCE: Vague and ambiguous.

14:52:31 14 THE WITNESS: No.

14:52:31 15 Q BY MR. HALE: Have you ever heard Father
14:52:32 16 Carriere make inappropriate sexual comments
14:52:35 17 anywhere?

14:52:35 18 MR. HANCE: Same objection.

14:52:36 19 THE WITNESS: No.

14:52:38 20 Q BY MR. HALE: Have you ever been aware of
14:52:39 21 Father Carriere making inappropriate sexual
14:52:41 22 comments?

14:52:42 23 MR. HANCE: Same objection.

14:52:42 24 THE WITNESS: No.

14:52:50 25 Q BY MR. HALE: Were you aware if Father

14:52:52 1 Carriere was homosexual?

14:52:53 2 A No.

14:53:09 3 Q Were you ever aware of Father Carriere
14:53:10 4 being checked into a mental health facility in Santa
14:53:14 5 Barbara?

14:53:14 6 A No.

14:53:15 7 Q Were you ever aware of him being checked
14:53:16 8 into a mental health facility anywhere?

14:53:18 9 A No.

14:53:19 10 Q Were you ever aware of him seeking
14:53:23 11 treatment at the House of Affirmation?

14:53:24 12 A No.

14:53:25 13 Q Do you know what the House of Affirmation
14:53:27 14 is?

14:53:30 15 A Not sure.

14:53:31 16 Q Have you heard -- does that sound familiar
14:53:33 17 to you?

14:53:33 18 A It rings a bell but not sure what it is.

14:53:44 19 Q Have you ever heard of Father Carriere
14:53:46 20 being sent for psychological treatment anywhere?

14:53:50 21 A No.

14:53:56 22 Q Did you know Robert Van Handel?

14:54:00 23 A I did not.

14:54:03 24 Q Do you know the name?

14:54:04 25 A Yes.

14:54:04 1 Q How do you know the name?

14:54:09 2 A A certain notoriety.

14:54:13 3 Q What do you mean?

14:54:16 4 A Got in trouble with the boys choir.

14:54:20 5 Q Did you ever attend any boys choir

14:54:22 6 performances?

14:54:22 7 A No.

14:54:24 8 Q Were you ever assigned anywhere with Father

14:54:25 9 Van Handel?

14:54:27 10 A No.

14:54:27 11 Q Were you ever in residence anywhere with

14:54:30 12 Father Van Handel?

14:54:32 13 A No.

14:54:32 14 Q Ever hear that he was sent for treatment at

14:54:34 15 any time?

14:54:37 16 A No.

14:54:47 17 Q Have you ever discussed with anyone other

14:54:49 18 than your attorneys the allegations of abuse by

14:54:51 19 Father Van Handel?

14:54:53 20 A No.

14:54:59 21 Q When was the first time you heard Father

14:55:00 22 Van Handel had been accused of childhood sexual

14:55:04 23 abuse?

14:55:06 24 A I don't remember.

14:55:12 25 Q Do you remember how you heard that?

14:55:16 1 A You asked me when.

14:55:18 2 Q Right.

14:55:18 3 A And I don't remember the when.

14:55:20 4 Q Do you remember how though?

14:55:25 5 A Yes.

14:55:26 6 Q How did you learn about it?

14:55:27 7 A The newspaper.

14:55:34 8 Q Did you ever discuss the allegations
14:55:36 9 against Father Van Handel with any Franciscans?

14:55:43 10 A Just passably.

14:55:46 11 Q When you were in Santa Barbara, did you
14:55:47 12 know anyone in the district attorney's office?

14:55:50 13 A No.

14:55:56 14 Q Does the name Patrick McKinley sound
14:55:59 15 familiar to you?

14:56:00 16 A No.

14:56:02 17 Q M-C-K-I-N-L-E-Y.

14:56:08 18 Do you know Sam Cabot?

14:56:10 19 A Yes.

14:56:20 20 Q How do you know Sam Cabot?

14:56:22 21 A He's a brother in our Province.

14:56:25 22 Q Have you ever been assigned anywhere with
14:56:26 23 him?

14:56:28 24 A No.

14:56:29 25 Q Ever been in residence anywhere with him?

14:56:34 1 A No.

14:56:37 2 Q Do you consider yourself friends with

14:56:39 3 Brother Cabot?

14:56:41 4 A Yes.

14:56:43 5 Q Is he still at Serra retreat house?

14:56:48 6 A I believe so.

14:56:49 7 Q When was the last time you spoke with

14:56:51 8 Brother Cabot?

14:56:57 9 A Maybe some months ago.

14:56:59 10 Q How was it you came to speak with Brother

14:57:01 11 Cabot?

14:57:05 12 A He -- with the Serra retreat community he

14:57:08 13 came over to our house for a birthday dinner or

14:57:11 14 something.

14:57:12 15 Q His birthday or someone else's?

14:57:14 16 A Someone else's.

14:57:24 17 Q Do you speak to Brother Cabot on a regular

14:57:26 18 basis?

14:57:26 19 A No.

14:57:28 20 Q How did you first meet him? How did you

14:57:30 21 guys become acquainted?

14:57:37 22 A I can't remember.

14:57:39 23 Q Do you recall how long ago it was you met

14:57:41 24 him?

14:57:45 25 A I can't even remember that.

14:57:49 1 Q Did you know him when he was assigned in
14:57:50 2 the Philippines?

14:57:55 3 A I didn't know him when he was in the
14:57:57 4 Philippines.

14:58:02 5 Q Did you know him when he was assigned to
14:58:04 6 the mission in Santa Barbara?

14:58:12 7 A I don't remember him there.

14:58:13 8 Q Have you ever visited his living quarters
14:58:16 9 anywhere?

14:58:17 10 A No.

14:58:17 11 Q Has he ever shown you any photo albums he
14:58:21 12 has?

14:58:21 13 A No.

14:58:22 14 Q Have you ever seen children in his company?

14:58:24 15 A No.

14:58:34 16 Q When you were assigned to the parish at the
14:58:37 17 mission, were there parts of the mission that were
14:58:40 18 off limits to lay people?

14:58:42 19 MR. HANCE: Vague and ambiguous.

14:58:44 20 THE WITNESS: Yes.

14:58:45 21 Q BY MR. HALE: What parts of the mission
14:58:46 22 were off limits to lay people?

14:58:48 23 A It was what we call the enclosure. It was
14:58:50 24 a cloister.

14:58:53 25 Q Did you ever see lay people in the

14:58:59 1 cloister?

14:59:05 2 MR. MATIASIC: This is while he was

14:59:06 3 assigned there?

14:59:07 4 MR. HALE: At any time.

14:59:08 5 THE WITNESS: Yes.

14:59:08 6 Q BY MR. HALE: Under what circumstances did
14:59:09 7 you see lay people in the cloister?

14:59:11 8 A When we had the fiesta every August, they
14:59:14 9 would have a reception in the patio there, the
14:59:18 10 quadrangle. And it was okay for them to come in and
14:59:21 11 have a picnic there, reception there.

14:59:24 12 Q Were there any other circumstances where
14:59:26 13 you were aware of it being, where you recall seeing
14:59:29 14 lay people in the cloister area?

14:59:31 15 A Yes.

14:59:32 16 Q What other circumstances?

14:59:35 17 A A doctor coming up to the infirmary to take
14:59:37 18 care of the...

14:59:39 19 Q Any other circumstances?

14:59:41 20 A None that I can remember.

14:59:42 21 Q Any other parts of the mission that were
14:59:47 22 off limits to lay people?

14:59:55 23 MR. HANCE: Vague and ambiguous.

14:59:56 24 THE WITNESS: Most of it was except the
14:59:58 25 front part of the church.

15:00:01 1 Q BY MR. HALE: Why was most of it off limits
15:00:03 2 to lay people?

15:00:05 3 A Because it was a cloister.

15:00:08 4 Q What's the significance of it being a
15:00:10 5 cloister?

15:00:14 6 A Cloister meant that only the religious
15:00:19 7 should be there and women should not be in there.
15:00:33 8 And a non-religious male should only be in there for
15:00:38 9 some reason.

15:00:42 10 Q If you had observed a religious brother
15:00:46 11 with a young girl between the ages of 5 and 10 in
15:00:52 12 one of those areas that was off limits, would that
15:00:54 13 have been cause for concern for you?

15:00:58 14 A Yes.

15:00:58 15 MR. HANCE: Incomplete hypothetical.

15:00:59 16 Q BY MR. HALE: Why would it have been cause
15:01:01 17 for concern for you?

15:01:03 18 MR. HABEL: Calls for speculation.

15:01:03 19 MR. HANCE: Same objections.

15:01:09 20 THE WITNESS: She wasn't supposed to be in
15:01:10 21 there.

15:01:11 22 Q BY MR. HALE: Would you have concern
15:01:12 23 regarding childhood sexual abuse?

15:01:14 24 MR. HANCE: Same objections.

15:01:15 25 MR. HABEL: Same objections.

15:01:16 1 MR. MATIASIC: Also calls for an expert
15:01:17 2 opinion.

15:01:18 3 THE WITNESS: Could be.

15:01:22 4 Q BY MR. HALE: If you saw a religious
15:01:23 5 brother with a girl between the ages of 5 and 10 in
15:01:27 6 his company in one of those areas that was off
15:01:30 7 limits to lay people, would you have reported that
15:01:32 8 to the guardian or to the pastor?

15:01:34 9 MR. HANCE: Same objection.

15:01:35 10 THE WITNESS: I think I would.

15:01:37 11 Q BY MR. HALE: To either one of those
15:01:38 12 people?

15:01:39 13 A Well, the guardian would be the one and not
15:01:41 14 the pastor unless the pastor was the guardian.

15:01:54 15 Q While you were assigned in Santa Barbara,
15:01:55 16 was it common for you to spend time away from the
15:01:59 17 community, for instance, having dinner at
15:02:02 18 parishioners' homes?

15:02:04 19 MR. HANCE: Vague and ambiguous.

15:02:05 20 THE WITNESS: Very rarely.

15:02:09 21 Q BY MR. HALE: Was it common for other
15:02:10 22 priests to your knowledge to spend time in
15:02:13 23 parishioners' homes having dinner or something to
15:02:15 24 that effect?

15:02:16 25 MR. HANCE: Same objection.

15:02:17 1 THE WITNESS: Not that I'm aware of.

15:02:23 2 Q BY MR. HALE: Were you ever aware of
15:02:24 3 religious brothers spending time away from the
15:02:28 4 community, the Franciscan community in Santa
15:02:30 5 Barbara, at the homes of parishioners?

15:02:32 6 A Not in my time.

15:02:33 7 Q Would that have been more unusual than a
15:02:36 8 Franciscan priest spending time in the home of a
15:02:39 9 parishioner?

15:02:39 10 MR. HANCE: Same objection.

15:02:41 11 THE WITNESS: Yes.

15:02:42 12 Q BY MR. HALE: Why is that? What's the
15:02:43 13 difference between it being a brother versus a
15:02:45 14 priest?

15:02:46 15 A Because a priest would be in the parish
15:02:49 16 ministry and might have some reason to be there but
15:02:51 17 the brother was there to work in the community.
15:02:55 18 That would be the reason. It wouldn't be wrong. It
15:02:59 19 would just be more unusual.

15:03:45 20 Q If you had become aware that a religious
15:03:49 21 brother, a Franciscan brother was spending the night
15:03:52 22 at a parishioner's home, would you have reported
15:03:54 23 that to anyone?

15:03:57 24 MR. MATIASIC: Speculation.

15:03:58 25 MR. HANCE: Incomplete hypothetical.

15:04:03 1 MR. MATIASIC: Lacks foundation.

15:04:08 2 THE WITNESS: Probably not.

15:04:11 3 Q BY MR. HALE: In your experience in Santa
15:04:12 4 Barbara, were you ever aware of a religious brother
15:04:16 5 spending the night at a parishioner's home?

15:04:18 6 MR. HANCE: Vague and ambiguous.

15:04:19 7 THE WITNESS: No.

15:04:20 8 Q BY MR. HALE: Were you ever aware of a
15:04:21 9 priest spending the night at a parishioner's home?

15:04:25 10 MR. HANCE: Same objections.

15:04:25 11 THE WITNESS: No.

15:04:29 12 Q BY MR. HALE: You said probably not. Would
15:04:30 13 there be circumstances where you would report your
15:04:38 14 knowledge of such conduct --

15:04:38 15 MR. HABEL: Speculation.

15:04:38 16 MR. HANCE: Incomplete hypothetical.

15:04:40 17 Q BY MR. HALE: -- of this brother?

15:04:42 18 A If it were a pattern I would report it.
15:04:44 19 But once, somebody spending the night at somebody's
15:04:47 20 house, you know...

15:04:48 21 Q So if it was an isolated incident, you
15:04:51 22 would not report it, but if it was more than five
15:04:54 23 times, would you report it?

15:04:55 24 MR. HANCE: Same objections.

15:04:57 25 MR. HABEL: Same objection.

15:04:58 1 THE WITNESS: I don't know at this point
15:05:00 2 what number would be the circumstance.

15:05:03 3 Q BY MR. HALE: Is it safe to say that there
15:05:05 4 is some number where you would feel compelled to
15:05:09 5 report that to someone in the Province?

15:05:12 6 A Yes.

15:05:12 7 MR. HANCE: Same objections.

15:05:14 8 MR. HABEL: Are we talking then or now how
15:05:18 9 he feels?

15:05:31 10 MR. DEMARCO: I don't think he's limited
15:05:31 11 it.

15:05:20 12 MR. HABEL: Vague as to time because we're
15:05:22 13 dealing with a span of 50 years.

15:05:34 14 Q BY MR. HALE: If you were aware of a
15:05:35 15 Franciscan brother repeatedly spending the night at
15:05:38 16 a parishioner's home, why would that -- would that
15:05:41 17 raise the red flag of childhood sexual abuse if
15:05:45 18 there were children in that home?

15:05:48 19 MR. HANCE: Vague and ambiguous, incomplete
15:05:48 20 hypothetical.

15:05:49 21 MR. HABEL: Speculation, vague as to time.

15:05:56 22 THE WITNESS: Possibly.

15:06:06 23 Q BY MR. HALE: In your experience as a
15:06:08 24 Franciscan, have you ever been aware of a priest or
15:06:12 25 a brother spending the night at the same

15:06:16 1 parishioner's home repeatedly over the course of a
15:06:21 2 year?

15:06:21 3 MR. HANCE: Vague and ambiguous, overbroad.

15:06:22 4 THE WITNESS: No.

15:06:25 5 Q BY MR. HALE: Have you ever heard that
15:06:26 6 Brother Cabot has been accused of childhood sexual
15:06:30 7 abuse?

15:06:30 8 MR. MATIASIC: Other than from your
15:06:31 9 attorneys.

15:06:32 10 Q BY MR. HALE: Other than from your
15:06:32 11 attorneys.

15:06:32 12 A No.

15:06:36 13 Q Are you aware, do you know if Brother Cabot
15:06:40 14 has any health problems currently?

15:06:42 15 A I don't know.

15:06:42 16 Q Do you recall him being hospitalized with
15:06:44 17 heart ailments?

15:06:46 18 A No.

15:06:49 19 Q Are you aware of him having surgery
15:06:50 20 regarding a heart problem?

15:06:53 21 A I don't know.

15:06:58 22 Q Do you know [REDACTED], [REDACTED]?

15:07:02 23 A Yes.

15:07:02 24 Q How do you know [REDACTED]?

15:07:06 25 A He's a member of our Province.

15:07:08 1 Q Have you ever been assigned anywhere with
15:07:09 2 him?

15:07:10 3 A Yes.

15:07:10 4 Q Where were you assigned with him?

15:07:12 5 A At Los Angeles.

15:07:14 6 Q What location?

15:07:15 7 A Saint Joseph's.

15:07:23 8 Q Was that during the six-month period at
15:07:26 9 Saint Joseph's or was that later?

15:07:31 10 A Later.

15:07:32 11 Q In the '70s?

15:07:34 12 A In the '70s.

15:07:36 13 Q Was he with you for more than a year at
15:07:39 14 Saint Joseph's?

15:07:39 15 A I believe so.

15:07:40 16 Q Do you recall what years approximately?

15:07:46 17 A It would be '70s.

15:07:56 18 Q Were you assigned with him after he was
15:08:00 19 transferred from Saint Anthony's?

15:08:04 20 MR. MATIASIC: Lacks foundation.

15:08:08 21 THE WITNESS: Yes.

15:08:10 22 Q BY MR. HALE: Do you recall if you were
15:08:11 23 assigned with him immediately subsequent to his
15:08:15 24 assignment at Saint Anthony's?

15:08:31 25 A Are you talking when I was at Saint

15:08:34 1 Anthony's as a teacher?

15:08:36 2 Q It sounded like you were in residence with
15:08:37 3 him in Saint Joseph's.

15:08:39 4 A At Saint Joseph's.

15:08:41 5 Q Was his transfer to Saint Joseph's, in
15:08:44 6 other words, before he was transferred to Saint
15:08:46 7 Joseph's, was his prior assignment at Saint
15:08:48 8 Anthony's?

15:08:49 9 A It might have been. I can't remember.

15:08:53 10 MR. HANCE: Calls for speculation.

15:08:53 11 Q BY MR. HALE: How long was he with you at
15:08:55 12 Saint Joseph's?

15:08:56 13 A I don't remember.

15:08:58 14 Q What were his duties at Saint Joseph's?

15:09:01 15 A I think he served as a chaplain in the
15:09:05 16 jail.

15:09:06 17 Q Have you ever been assigned anywhere else
15:09:08 18 with Brother [REDACTED]?

15:09:18 19 A He might have been, I can't remember, at
15:09:23 20 Saint Anthony's Seminary when I was teaching there,
15:09:24 21 but that's a long time ago.

15:09:27 22 Q Do you think that was as a student or as a
15:09:29 23 faculty member?

15:09:30 24 A As a brother.

15:09:31 25 Q As a brother. Anywhere else? Any other

15:09:39 1 assignments or in residence with Brother [REDACTED]?
15:09:42 2 A No.
15:09:46 3 Q Are you aware that he and Brother Cabot are
15:09:49 4 friends or were friends?
15:09:57 5 A Not special friends.
15:09:59 6 Q When was the last time you spoke with
15:10:02 7 Brother [REDACTED]?
15:10:08 8 A Some years ago. I can't remember.
15:10:12 9 Q Have you ever heard that he's been accused
15:10:13 10 of childhood sexual abuse?
15:10:16 11 MR. MATIASIC: Other than from your
15:10:17 12 lawyers.
15:10:18 13 Q BY MR. HALE: Other than from your lawyers.
15:10:23 14 A Yes.
15:10:24 15 Q When did you first hear that?
15:10:28 16 A Some years ago. Just rumor.
15:10:31 17 Q Do you recall who you heard the rumor from?
15:10:34 18 A No.
15:10:37 19 Q Do you think it was in the '90s or the
15:10:38 20 '80s?
15:10:45 21 A More likely the '90s.
15:10:51 22 Q Do you know where he is assigned now?
15:11:00 23 A No, I don't.
15:11:01 24 Q Did you ever have senior moderators when
15:11:03 25 you were at Saint Anthony's Seminary?

15:11:06 1 A Senior moderators, no.

15:11:16 2 Q Do you know Gus Krumm?

15:11:21 3 A No.

15:11:21 4 Q Do you know the name?

15:11:22 5 A Yes.

15:11:22 6 Q How do you know the name?

15:11:25 7 A He's a friar, was a friar in our Province.

15:11:29 8 Q Do you know if he is still in Sacramento?

15:11:33 9 A No.

15:11:34 10 Q Where is he now?

15:11:35 11 A Provincial knows. I don't know.

15:11:40 12 Q Do you know if he's still employed in

15:11:42 13 Sacramento?

15:11:43 14 A I have no idea.

15:11:50 15 Q How do you know the Provincial knows where

15:11:53 16 Gus Krumm is?

15:12:01 17 A Because Gus is not out of the Province but

15:12:06 18 he's out of ministry. So Provincial would have to

15:12:09 19 know.

15:12:09 20 Q So he's still a member of the Province?

15:12:13 21 A I guess.

15:12:15 22 Q How did you learn that he was not out of

15:12:20 23 the Province but out of the ministry?

15:12:23 24 A I'm not sure.

15:12:29 25 Q But it's your understanding that he is

15:12:37 1 still a member of the Province?

15:12:42 2 A I believe so.

15:12:47 3 Q Have you ever been assigned anywhere with
15:12:48 4 him?

15:12:48 5 A No.

15:12:48 6 Q Have you ever been in residence anywhere
15:12:50 7 with him?

15:12:51 8 A No.

15:12:51 9 Q Have you heard he's been accused of
15:12:53 10 childhood sexual abuse?

15:12:56 11 MR. MATIASIC: Other than from your
15:12:56 12 counsel.

15:12:57 13 Q BY MR. HALE: Other than from your counsel.

15:12:58 14 A Yes.

15:12:58 15 Q When did you first hear that?

15:13:02 16 A Several years ago.

15:13:04 17 Q Who did you hear that from?

15:13:05 18 A I can't remember.

15:13:09 19 Q Do you recall, was that for, were the
15:13:12 20 allegations involving Saint Anthony's Seminary
15:13:14 21 students?

15:13:16 22 A I don't know.

15:13:17 23 Q Were you aware that Father ██████████ filed a
15:13:21 24 report with the Oakland Police Department regarding
15:13:23 25 childhood sexual abuse by Father Krumm?

15:13:26 1 A I did not know that.

15:13:34 2 Q Did you have any contact with Father Krumm
15:13:36 3 when he was assigned to the parish, the Franciscan
15:13:41 4 parish in Huntington Beach?

15:13:43 5 A I never had contact with him. I knew he
15:13:45 6 was there.

15:13:46 7 Q When he was assigned to the parish in
15:13:48 8 Huntington Beach, were you aware that there were
15:13:49 9 allegations of childhood sexual abuse against him?

15:13:54 10 A Not until he was sent north.

15:13:58 11 Q While you were at Mater Dei, was Father
15:14:01 12 Krumm ever employed by Mater Dei?

15:14:02 13 A No.

15:14:03 14 Q Was he ever considered for employment by
15:14:06 15 Mater Dei?

15:14:06 16 A No.

15:14:27 17 Q Do you know [REDACTED], [REDACTED]?

15:14:31 18 A Yes.

15:14:32 19 Q How do you know Father [REDACTED]?

15:14:35 20 A He's a member of the Province. I connected
15:14:44 21 with him.

15:14:44 22 Q When did you first meet him?

15:14:44 23 A I believe he was in our parish at
15:14:48 24 Huntington Beach for awhile.

15:14:53 25 Q What's the name of that parish again?

15:14:56 1 A Saint Simon and Jude.

15:14:57 2 Q And you've never been assigned or in

15:15:00 3 residence at Saint Simon and Jude?

15:15:02 4 A Me, no.

15:15:04 5 Q Have you ever assisted there?

15:15:05 6 A No.

15:15:05 7 Q I'm sorry, when did you first meet Father

15:15:07 8 [REDACTED]?

15:15:08 9 A When I first remember meeting him was I had

15:15:12 10 to go over there for something or other at the

15:15:14 11 parish and he was on the staff there. And I just

15:15:18 12 said hi to him.

15:15:25 13 Q Have you ever been assigned anywhere with

15:15:26 14 him?

15:15:26 15 A No.

15:15:26 16 Q Ever been in residence anywhere with him?

15:15:28 17 A No.

15:15:31 18 Q Have you heard he's been accused of

15:15:34 19 childhood sexual abuse?

15:15:36 20 A Rumors.

15:15:36 21 Q When did you first hear those rumors?

15:15:41 22 A Couple of years ago I guess.

15:15:45 23 Q Before or after he was at Saint Simon and

15:15:49 24 Jude?

15:15:50 25 A After.

15:15:58 1 Q Is he still a member of the Province?

15:16:02 2 A I don't know.

15:16:10 3 Q Did you know Father Phil Wolfe, W-O-L-F-E?

15:16:18 4 A The name rings a bell.

15:16:23 5 Q Have you ever heard he's been accused of

15:16:26 6 childhood sexual abuse?

15:16:27 7 MR. MATIASIC: Other than from your

15:16:28 8 counsel.

15:16:29 9 Q BY MR. HALE: Other than from your counsel.

15:16:30 10 A No.

15:16:32 11 Q Did you know a prenovitiate candidate named

15:16:35 12 Ed Byrom, B-Y-R-O-M?

15:16:36 13 A Yes.

15:16:37 14 Q How did you know Ed?

15:16:37 15 A He was living at Saint Joseph's with [REDACTED].

15:16:45 16 Q Was that in the '70s or the '80s?

15:16:47 17 A '70s.

15:16:49 18 Q How long did he live with you at Saint

15:16:50 19 Joseph's?

15:16:53 20 A Maybe two or three years.

15:16:58 21 Q Is he a member of the Province?

15:16:59 22 A No.

15:17:00 23 Q Was he ever a member of the Province?

15:17:04 24 A I believe he had been a novice but that was

15:17:07 25 it.

15:17:11 1 Q Have you heard he's been accused of
15:17:13 2 childhood sexual abuse?

15:17:14 3 A No.

15:17:19 4 Q What about a candidate named Tom Thane?
15:17:22 5 Did you know him?

15:17:24 6 A I don't know him.

15:17:25 7 Q Did you ever see any inappropriate behavior
15:17:26 8 by Ed Byrom while you were at Saint Joseph's with
15:17:30 9 him?

15:17:31 10 MR. HANCE: Vague and ambiguous.

15:17:32 11 THE WITNESS: No.

15:17:34 12 Q BY MR. HALE: Have you ever heard Tom Thane
15:17:36 13 was accused of childhood sexual abuse?

15:17:41 14 A Tom King?

15:17:42 15 Q Tom Thane.

15:17:43 16 A No. I don't know the name.

15:17:53 17 Q Did you know Martin McKeon, M-C-K-E-O-N?

15:17:57 18 A Yes.

15:17:58 19 Q When did you first meet Father McKeon?

15:18:01 20 A He was a student in theology at the same
15:18:03 21 time I was at Santa Barbara.

15:18:11 22 Q Were you guys in the same class year?

15:18:15 23 A We were one or two years separate.

15:18:27 24 Q Were you ever assigned anywhere with him?

15:18:30 25 A We were together at Santa Barbara Mission.

15:18:33 1 Q During the school of theology studies?

15:18:35 2 A Yes. And he was on the faculty at the
15:18:38 3 seminary part of the time I was there.

15:18:43 4 Q Anywhere else?

15:18:46 5 A No.

15:18:48 6 Q Were you ever in residence anywhere with
15:18:49 7 him other than in Santa Barbara?

15:18:50 8 A No.

15:18:53 9 Q How many years were you classmates at the
15:18:55 10 school of theology?

15:19:00 11 A I was there for three years counting a year
15:19:08 12 teaching at the seminary and he was there three
15:19:10 13 years.

15:19:10 14 Q Did you ever observe any inappropriate
15:19:11 15 behavior by Father McKeon while you were students --
15:19:15 16 MR. HANCE: Vague and ambiguous.

15:19:16 17 Q BY MR. HALE: -- at the school of theology?
15:19:17 18 MR. HANCE: Vague and ambiguous.

15:19:18 19 THE WITNESS: No.

15:19:19 20 Q BY MR. HALE: Did you ever hear, were you
15:19:20 21 ever aware of anyone complaining of misconduct by
15:19:23 22 McKeon while he was a student at the school of
15:19:25 23 theology?

15:19:27 24 A No.

15:19:28 25 MR. HANCE: Same objection.

15:19:28 1 Q BY MR. HALE: Was Father McKeon the prefect
15:19:30 2 of discipline while you were on the faculty with him
15:19:34 3 at Saint Anthony's Seminary?

15:19:40 4 A He was prefect or assistant prefect.

15:19:50 5 Q Have you ever heard that Father Van Handel
15:19:52 6 has accused Father McKeon of sexually assaulting
15:19:55 7 Father Van Handel while Father Van Handel was a
15:20:00 8 student at Saint Anthony's Seminary?

15:20:02 9 A No.

15:20:02 10 Q Does that shock you?

15:20:04 11 A Not anymore.

15:20:13 12 Q Did you ever observe any inappropriate
15:20:15 13 conduct by Father McKeon while you were on the
15:20:18 14 faculty with him at Saint Anthony's Seminary?

15:20:20 15 MR. HANCE: Vague and ambiguous.

15:20:20 16 THE WITNESS: No.

15:20:21 17 Q BY MR. HALE: Were you ever aware of any
15:20:23 18 complaints of misconduct by Father McKeon at Saint
15:20:26 19 Anthony's Seminary?

15:20:28 20 MR. HANCE: Same objection.

15:20:28 21 THE WITNESS: No.

15:20:29 22 Q BY MR. HALE: Were you ever aware of Father
15:20:31 23 McKeon using corporal punishment to punish students
15:20:37 24 at Saint Anthony's Seminary?

15:20:37 25 A No.

15:20:38 1 Q Were you aware of Father McKeon assisting
15:20:40 2 in the infirmary at Saint Anthony's Seminary?

15:20:42 3 A No.

15:20:43 4 MR. HANCE: Vague and ambiguous.

15:20:46 5 Q BY MR. HALE: Have you ever heard that
15:20:49 6 Father McKeon has been accused of childhood sexual
15:20:54 7 abuse?

15:20:55 8 MR. MATIASIC: Other than from counsel.

15:20:56 9 Q BY MR. HALE: Other than from counsel.

15:20:57 10 A Just recently.

15:20:57 11 Q Was that -- if that was from your counsel,
15:21:00 12 I don't want to hear any more, but was it from
15:21:05 13 someone other than your counsel?

15:21:07 14 A No.

15:21:07 15 MR. MATIASIC: Other than from your
15:21:08 16 counsel.

15:21:11 17 MR. DEMARCO: Does Father want to take a
15:21:12 18 break for a moment?

15:21:14 19 MR. MATIASIC: It's a good idea.

15:21:17 20 THE VIDEOGRAPHER: We're off the record at
15:21:18 21 3:21 p.m.

15:21:20 22 (Recess)

15:36:44 23 THE VIDEOGRAPHER: We're back on the record
15:36:45 24 at 3:37 p.m.

15:36:49 25 Q BY MR. HALE: I've got another name for

15:36:51 1 Father. Chris V-E-R-B-E-N-A, do you know him?

15:36:56 2 A I don't know him.

15:36:57 3 Q Do you know his name though?

15:36:58 4 A Yes.

15:36:58 5 Q How do you know his name?

15:37:00 6 A It's in the Province book. I may have seen

15:37:05 7 it.

15:37:07 8 Q Have you ever been assigned anywhere with

15:37:08 9 him?

15:37:09 10 A No.

15:37:09 11 Q Ever been in residence anywhere with him?

15:37:11 12 A No.

15:37:12 13 Q Ever worked anywhere with him?

15:37:14 14 A No.

15:37:15 15 Q Ever heard he's been accused of childhood

15:37:18 16 sexual abuse?

15:37:19 17 MR. MATIASIC: Other than from your

15:37:21 18 counsel.

15:37:22 19 Q BY MR. HALE: Other than from your counsel.

15:37:24 20 A No.

15:37:25 21 Q What about Berard Connolly, B-E-R-A-R-D

15:37:25 22 C-O-N-N-O-L-L-Y? Do you know him or did you know

15:37:27 23 him?

15:37:28 24 A I knew him.

15:37:30 25 Q When did you first meet Brother Connolly?

15:37:35 1 A Early in my years in the order. So it
15:37:37 2 would be in the '50s.

15:37:41 3 Q Were you classmates together?

15:37:42 4 A No.

15:37:45 5 Q Were you novitiates together?

15:37:47 6 A No.

15:37:48 7 Q Where was it you --

15:37:50 8 A I just ran into him. He was a brother and
15:37:53 9 I was a priest or student.

15:37:56 10 Q Were you ever assigned anywhere with him?

15:38:00 11 A No.

15:38:01 12 Q Were you ever in residence anywhere with
15:38:03 13 him?

15:38:03 14 A No.

15:38:04 15 Q Did you ever assist anywhere where he was
15:38:07 16 working as well?

15:38:07 17 A No.

15:38:09 18 Q Did you ever visit him at any of his
15:38:11 19 assignments, such as in Spokane or in Utah?

15:38:14 20 A No.

15:38:17 21 Q Have you ever been aware of allegations of
15:38:19 22 childhood sexual abuse by him?

15:38:22 23 MR. HANCE: Other than --

15:38:24 24 Q BY MR. HALE: Other than through your
15:38:25 25 counsel.

15:38:25 1 A No.

15:38:30 2 Q Did you know Father Paul Conn, C-O-N-N?

15:38:33 3 A No.

15:38:35 4 Q Have you heard that name before?

15:38:36 5 A That rings no bell.

15:38:41 6 Q What about Father Michael Terra, T-E-R-R-A?

15:38:48 7 A T-E-R-R-A, no.

15:38:48 8 Q Brother Gerald Chumik, C-H-U-M-I-K?

15:38:52 9 A Yes.

15:38:52 10 Q When did you first meet Brother Chumik?

15:38:57 11 A In Vancouver, British Columbia.

15:39:00 12 Q What year was that?

15:39:10 13 A In the late '60s or early '70s.

15:39:22 14 Q What were you doing up there?

15:39:23 15 A Just to visit.

15:39:25 16 Q Is there a Franciscan parish or house up

15:39:28 17 there?

15:39:28 18 A There was at that time.

15:39:30 19 Q Which one was it?

15:39:31 20 A Saint Francis Solano in Vancouver.

15:39:35 21 Q That wasn't part of this Province, was it?

15:39:37 22 A No.

15:39:37 23 Q What Province is that a part of?

15:39:40 24 A It was the Western Canadian Province,

15:39:43 25 Christ the King.

15:39:44 1 Q Was Brother Chumik in residence there?

15:39:47 2 A He was in residence. I did not know him.

15:39:48 3 I met him.

15:39:53 4 Q Did you have any contact with him

15:39:55 5 subsequent to meeting him in Vancouver in the '60s

15:39:57 6 or early '70s?

15:39:59 7 A Yes.

15:39:59 8 Q When was the next contact with him?

15:40:02 9 A He was in Saint Joseph's Parish in

15:40:05 10 Los Angeles.

15:40:11 11 Q Was that while he was a chaplain at the

15:40:15 12 jail?

15:40:15 13 A Yes.

15:40:16 14 Q What year was that?

15:40:25 15 A In the latter '60s. No, I take that back.

15:40:29 16 In the early '70s to mid '70s.

15:40:51 17 Q Was he at Saint Joseph's at any time when

15:40:54 18 you were in residence at Saint Joseph's?

15:40:56 19 A Yes.

15:40:56 20 Q When was that?

15:40:58 21 A I moved there in 1978.

15:41:01 22 Q Right. Was he already there when you got

15:41:03 23 there?

15:41:05 24 A I don't remember if he was there, but he

15:41:08 25 either was there or came after that.

15:41:19 1 Q Was that -- when you returned to Saint
15:41:21 2 Joseph's in '78, was that when you first had contact
15:41:24 3 again with Brother Chumik?

15:41:26 4 A Yes.

15:41:26 5 Q So it was probably more like the late '70s
15:41:29 6 when you had contact with him again?

15:41:30 7 A Right.

15:41:31 8 MR. MATIASIC: Let him finish, Father.

15:41:33 9 THE WITNESS: Sorry.

15:41:33 10 Q BY MR. HALE: Had you maintained contact
15:41:34 11 with him between meeting him in Vancouver and being
15:41:38 12 in residence with him at Saint Joseph's?

15:41:40 13 A No.

15:41:55 14 Q Was he -- you were at Saint Joseph's until
15:41:58 15 2000; correct?

15:41:58 16 A Correct.

15:41:59 17 Q Was he with you at Saint Joseph's all the
15:42:01 18 way until 2000?

15:42:04 19 A I don't remember.

15:42:06 20 Q Do you recall him being transferred to the
15:42:11 21 mission in Santa Barbara?

15:42:13 22 MR. HANCE: Lacks foundation.

15:42:13 23 THE WITNESS: Yes.

15:42:14 24 Q BY MR. HALE: Do you recall what year that
15:42:15 25 was?

15:42:15 1 A I can't remember.

15:42:17 2 Q But it was later in your stay at Saint
15:42:21 3 Joseph's; is that a fair statement?

15:42:21 4 A Yes.

15:42:27 5 Q Other than his work as a jail chaplain, did
15:42:32 6 he have any other duties while you were in residence
15:42:34 7 with him at Saint Joseph's?

15:42:37 8 A I don't know.

15:42:40 9 Q Did you ever observe him interacting with
15:42:45 10 parishioners?

15:42:46 11 MR. HANCE: Vague and ambiguous.

15:42:46 12 THE WITNESS: No.

15:42:51 13 Q BY MR. HALE: Did you ever observe him
15:42:52 14 interacting with minors?

15:42:55 15 MR. HANCE: Same objection.

15:42:55 16 THE WITNESS: No.

15:42:57 17 Q BY MR. HALE: Do you know why he was
15:42:58 18 transferred to the mission?

15:43:00 19 MR. HANCE: Lacks foundation.

15:43:02 20 THE WITNESS: No.

15:43:03 21 Q BY MR. HALE: Did you observe him having
15:43:04 22 any health problems while you were in residence with
15:43:07 23 him at Saint Joseph's?

15:43:18 24 A I can't remember.

15:43:21 25 Q Are you friends with him?

15:43:24 1 A Not very specially.

15:43:27 2 Q Do you know if he's still in Missouri?

15:43:30 3 A No.

15:43:31 4 Q Where is he now?

15:43:32 5 A You said do I know if he's still in

15:43:35 6 Missouri. I don't know.

15:43:38 7 Q Had you heard that he had been transferred

15:43:39 8 to Missouri?

15:43:40 9 A Yes.

15:43:41 10 Q And you haven't heard anything further, if

15:43:44 11 he's been transferred again?

15:43:46 12 A No.

15:43:51 13 Q When was the last time you spoke with him?

15:43:58 14 A When? Gee, eight, ten years ago I guess.

15:44:08 15 Q Would that have been around the time that

15:44:09 16 he was transferred from Saint Joseph's?

15:44:11 17 A I believe so.

15:44:13 18 Q Is it your recollection that he was

15:44:14 19 transferred from Saint Joseph's to Santa Barbara?

15:44:17 20 MR. HANCE: Lacks foundation.

15:44:17 21 THE WITNESS: I think so.

15:44:21 22 Q BY MR. HALE: Were you aware that he was

15:44:22 23 wanted by the Canadian authorities at any time while

15:44:25 24 he was living at Saint Joseph's?

15:44:27 25 A No.

15:44:28 1 Q When did you first learn that he was wanted
15:44:29 2 by the Canadian authorities?

15:44:34 3 A A couple of years ago.

15:44:37 4 Q How did you become aware of that fact?

15:44:40 5 A It was in the newspaper.

15:44:41 6 Q Prior to that time you had no knowledge of
15:44:43 7 the fact that he was wanted by the Canadian
15:44:46 8 authorities?

15:44:46 9 A No.

15:44:49 10 Q When was the first time you heard he was
15:44:50 11 accused of childhood sexual abuse?

15:44:54 12 MR. MATIASIC: Other than from counsel.

15:44:55 13 Q BY MR. HALE: Other than from counsel.

15:44:56 14 A I don't know.

15:44:58 15 Q What was your understanding of why he was
15:45:00 16 wanted by the Canadian authorities?

15:45:02 17 A I believe so.

15:45:04 18 Q For childhood sexual abuse?

15:45:05 19 A I believe that was it.

15:45:17 20 Q Did you have any understanding of the
15:45:20 21 allegations against him in Canada?

15:45:22 22 A No, I did not.

15:45:23 23 Q Did you ever ask him about the allegations
15:45:25 24 against him in Canada?

15:45:26 25 MR. HANCE: Vague and ambiguous.

15:45:27 1 THE WITNESS: No.

15:45:44 2 Q BY MR. HALE: Do you have any knowledge of
15:45:46 3 whether he was assigned anywhere? Whether since
15:45:49 4 leaving Saint Joseph's he has been assigned anywhere
15:45:51 5 other than the mission at Santa Barbara and the
15:45:55 6 location in Missouri?

15:45:57 7 A I don't know.

15:45:58 8 Q Do you know if he's been in residence
15:45:59 9 anywhere since that time other than in Santa Barbara
15:46:02 10 and the Missouri location?

15:46:05 11 A I don't know.

15:46:06 12 Q Have you ever visited him in Missouri?

15:46:08 13 A No.

15:46:08 14 Q Did he ever become a member of the Province
15:46:11 15 of Santa Barbara?

15:46:15 16 A I believe so.

15:46:16 17 Q Do you know when that was?

15:46:17 18 A No.

15:46:25 19 Q Did anyone ever question you about him
15:46:31 20 regarding the time you were together at Saint
15:46:33 21 Joseph's regarding whether you had observed any
15:46:37 22 inappropriate conduct?

15:46:38 23 MR. HANCE: Vague and ambiguous.

15:46:39 24 THE WITNESS: No.

15:46:58 25 Q BY MR. HALE: Have you ever spoken to

15:46:59 1 anyone who was, any Franciscans who were aware of
15:47:03 2 the allegations against Brother Chumik before you
15:47:09 3 read about them in the newspaper?

15:47:12 4 A No.

15:47:13 5 MR. HANCE: Vague and ambiguous.

15:47:20 6 Q BY MR. HALE: I know we've spoken about
15:47:21 7 Father [REDACTED]. Were you aware of the allegations
15:47:26 8 against him regarding the alleged abuse in Oregon in
15:47:31 9 the '70s?

15:47:32 10 A No.

15:47:33 11 Q Have you ever heard of allegations -- well,
15:47:34 12 strike that.

15:47:35 13 Have you ever heard of any allegations
15:47:37 14 against him involving abuse in Oregon?

15:47:41 15 MR. MATIASIC: Other than from counsel.

15:47:41 16 Q BY MR. HALE: Other than from counsel.

15:47:43 17 A I can't remember.

15:47:49 18 Q With regards to the allegations you had
15:47:50 19 heard about, where were those? Where was the
15:47:53 20 location of the abuse that was the subject of those
15:47:55 21 allegations?

15:47:56 22 A I just can't remember.

15:47:58 23 Q Were you aware there was a lawsuit filed
15:47:59 24 against the Province as a result of allegations of
15:48:02 25 abuse by Father [REDACTED]?

15:48:04 1 A No.

15:48:05 2 MR. MATIASIC: Is this somewhere other than

15:48:06 3 Oregon because you asked about that already.

15:48:07 4 MR. HALE: Oregon.

15:48:08 5 THE WITNESS: No.

15:48:15 6 Q BY MR. HALE: Do you know whether Father

15:48:16 7 [REDACTED] was identified as a perpetrator in the board

15:48:19 8 of inquiry report?

15:48:21 9 A No.

15:48:21 10 Q Have you ever heard that?

15:48:22 11 A No.

15:48:29 12 Q When was the last time you spoke with him?

15:48:31 13 A It's got to be several years ago, three or

15:48:35 14 four years ago maybe.

15:48:39 15 Q When you were assigned to Serra High

15:48:42 16 School, was Remy Rudin, R-E-M-Y, R-U-D-I-N on the

15:48:49 17 faculty with you?

15:48:50 18 A He was not on the faculty.

15:48:52 19 Q Have you ever been assigned anywhere with

15:48:53 20 him?

15:48:53 21 A Yes. He was pastor in the parish up there

15:48:55 22 in Shaw but not on the faculty.

15:48:58 23 Q Did you assist at that parish?

15:49:00 24 A Once in a while.

15:49:01 25 Q Were you in residence at that parish?

15:49:02 1 A No. He lived at the high school.

15:49:05 2 Q So you were --

15:49:06 3 A Part time at the high school.

15:49:08 4 Q So you were in residence with him at the
15:49:10 5 high school; yes?

15:49:14 6 A Yes, he was in the residence with us.

15:49:16 7 Q Are you aware of allegations of childhood
15:49:17 8 sexual abuse involving Father Rudin?

15:49:21 9 A No.

15:49:26 10 Q Were you ever assigned anywhere else with
15:49:28 11 him?

15:49:28 12 A No.

15:49:28 13 Q Were you ever in residence anywhere else
15:49:30 14 with him?

15:49:31 15 A No.

15:49:36 16 Q Have you ever been aware of any member of
15:49:38 17 the Province warning a member or members of a parish
15:49:43 18 or a community that a Franciscan who had been
15:49:45 19 accused of sexual abuse of a minor was assigned or
15:49:49 20 in residence at that location?

15:49:51 21 MR. HANCE: Vague and ambiguous.

15:49:53 22 MR. MATIASIC: Lacks foundation and it's
15:49:54 23 compound.

15:49:54 24 THE WITNESS: No.

15:49:57 25 Q BY MR. HALE: Have you ever heard any

15:49:58 1 discussions or been aware of any discussions within
15:50:00 2 the Province of whether the Province should warn a
15:50:03 3 community into which a Franciscan accused of abuse
15:50:05 4 was being transferred?

15:50:07 5 MR. HANCE: Same objections.

15:50:09 6 THE WITNESS: No.

15:50:11 7 Q BY MR. HALE: Have you ever seen any
15:50:12 8 written communications within the Province regarding
15:50:16 9 whether a community in which a Franciscan is accused
15:50:20 10 of sexual abuse should be warned about that
15:50:23 11 Franciscan's allegations?

15:50:25 12 MR. HANCE: Same objections.

15:50:25 13 THE WITNESS: No.

15:50:52 14 Q BY MR. HALE: Were you aware when the board
15:50:55 15 of inquiry was formed?

15:50:58 16 A I can't remember.

15:50:59 17 Q I'm not asking for the exact date, but were
15:51:01 18 you just aware that it was being formed?

15:51:02 19 A Yes.

15:51:03 20 Q How was it you became aware it was being
15:51:05 21 formed?

15:51:07 22 A I think the Province sent out word.

15:51:10 23 Q Was there any debate within the Province
15:51:12 24 that you are aware of as to whether the board should
15:51:15 25 be formed?

15:51:16 1 A No.

15:51:16 2 Q Was there any discussion within the
15:51:17 3 Province that you're aware of regarding the purpose
15:51:21 4 of the board of inquiry?

15:51:24 5 MR. HANCE: Overbroad.

15:51:24 6 THE WITNESS: None that I'm aware of.

15:51:26 7 Q BY MR. HALE: Did you ever discuss with
15:51:27 8 anyone the purpose of the board of inquiry?

15:51:30 9 A No.

15:51:35 10 Q Did you ever discuss with anyone whether
15:51:36 11 the board of inquiry should be formed?

15:51:38 12 A No.

15:51:40 13 Q Have you ever spoken with anyone who has
15:51:43 14 read an unredacted copy of the board of inquiry
15:51:46 15 report?

15:51:46 16 A No.

15:51:47 17 MR. HANCE: Lacks foundation.

15:51:48 18 Q BY MR. HALE: Are you aware that there are
15:51:49 19 two versions of the board of inquiry report?

15:51:51 20 A No.

15:52:28 21 Q Based on your experience as a member of
15:52:33 22 various high school faculties, can you think of any
15:52:35 23 circumstance where it would be appropriate for a
15:52:37 24 faculty member to examine a student's genitals to
15:52:42 25 determine if that student had a hernia?

15:52:43 1 MR. HANCE: Incomplete hypothetical, vague
15:52:43 2 and ambiguous, lacks foundation.

15:52:44 3 THE WITNESS: No.

15:52:47 4 Q BY MR. HALE: Did you ever hear that Father
15:52:48 5 Cimmarusti was engaging in such conduct?

15:52:50 6 MR. HANCE: Same objections.

15:52:51 7 THE WITNESS: No.

15:53:10 8 Q BY MR. HALE: Father Desilva. Did you know
15:53:13 9 Father Owen Desilva?

15:53:15 10 A Owen Desilva?

15:53:16 11 Q Yes.

15:53:17 12 A Casually.

15:53:17 13 Q Were you ever assigned anywhere with him?

15:53:19 14 A No.

15:53:19 15 Q Were you ever in residence anywhere with
15:53:21 16 him?

15:53:22 17 A No.

15:53:22 18 Q When you say casually, how --

15:53:24 19 A Well, I knew him. He was a member of the
15:53:27 20 Province.

15:53:34 21 Q Have you ever heard that he was examining
15:53:38 22 students' genitals to determine whether they could
15:53:45 23 be in the choir?

15:53:45 24 MR. MATIASIC: There is no doubt this is
15:53:46 25 asked and answered.

15:53:47 1 MR. HALE: All right, if you're that
15:53:48 2 confident.
15:53:51 3 MR. HABEL: I even wrote it down.
15:53:52 4 MR. HANCE: I did too.
15:53:54 5 MR. HALE: Sorry.
15:53:58 6 Q He was not on the faculty when you were at
15:54:01 7 Saint Anthony's Seminary?
15:54:01 8 A No.
15:54:03 9 Q Do you know why he was transferred from
15:54:05 10 Saint Anthony's Seminary?
15:54:06 11 MR. HANCE: Lacks foundation.
15:54:07 12 THE WITNESS: No.
15:55:01 13 MR. DEMARCO: If we're going to finish at
15:55:03 14 4:00, there was a short concise series of questions
15:55:06 15 I was going to hope to ask that might help in
15:55:07 16 figuring out what else has to be done next time.
15:55:09 17 MR. HALE: I've only got follow-up
15:55:12 18 questions. If you want to do that, go ahead.
15:55:17 19 MR. MATIASIC: Tim, you're done with your
15:55:18 20 initial questioning; is that what you're saying?
15:55:21 21 MR. HALE: Yes, with the exception of
15:55:23 22 questions related to Father Michael Harris.
15:55:29 23 MR. DEMARCO: We're a couple of minutes
15:55:30 24 before 4:00. Do you mind if I ask a few questions?
15:55:40 25 MR. HALE: I should modify, with the

15:55:43 1 exception of questions related to Michael Harris and
15:55:45 2 John Marino.

15:55:46 3

15:55:46 4 EXAMINATION

15:55:46 5 BY MR. DEMARCO:

15:55:50 6 Q Good afternoon, Father.

15:55:51 7 A Good afternoon.

15:55:52 8 Q I know earlier this morning we went over
15:55:54 9 your assignment history in some length and I think
15:55:58 10 you testified that there were several parishes in
15:56:00 11 the San Fernando Valley that you would do weekend
15:56:03 12 work with. And the three cities in which they were
15:56:07 13 located in was North Hollywood, Canoga Park and
15:56:14 14 Reseda. Do you remember the names of those three
15:56:17 15 parishes?

15:56:18 16 A Saint Jane Frances de Chantal in North
15:56:25 17 Hollywood.

15:56:27 18 Q Say that again.

15:56:29 19 A Saint Jane Frances.

15:56:29 20 Q Okay.

15:56:29 21 A Saint Catherine's. I don't remember if
15:56:33 22 that was the one in -- it would still be there -- in
15:56:36 23 Canoga Park or Reseda. And Our Lady of the Valley.
15:56:40 24 Just Saint Catherine's and I think Our Lady of the
15:56:43 25 Valley was the one in Canoga Park.

15:56:45 1 Q I think you're right. I was unclear as to
15:56:48 2 the time period in which, the years in which you
15:56:51 3 were doing the weekend work at those three parishes.
15:56:55 4 Do you recall when the earliest point in time would
15:56:58 5 be and the latest point in time?

15:57:00 6 A Exactly. I was a priest at the seminary
15:57:02 7 for two years, 1954 to 1956. It was on weekends
15:57:08 8 during those two years that we would be sent down.

15:57:10 9 Q Only those two years?

15:57:13 10 A That I was there as a priest going there
15:57:17 11 before and after.

15:57:17 12 Q After 1956 do you recall doing any sort of
15:57:20 13 weekend supply work at any other parishes in the San
15:57:22 14 Fernando Valley?

15:57:23 15 A No.

15:57:25 16 Q How often would you do the weekend work?
15:57:29 17 Was it every weekend? Was it once a month or what?

15:57:33 18 A It might be two or three times a month.

15:57:43 19 Q It would be two or three times a month that
15:57:45 20 you would serve at some parish?

15:57:47 21 A One of the three. I worked all three.

15:57:54 22 Q Was there some sort of regular rotation as
15:57:54 23 to when you were at each parish?

15:57:55 24 A It was a rotation. I don't remember the
15:57:56 25 detail.

15:57:57 1 Q Would it be safe to say though that during
15:57:59 2 a given month, you would only serve at any one of
15:58:02 3 those three parishes one time?

15:58:04 4 A Once or maybe twice. It would just depend.
15:58:07 5 I don't remember.

15:58:08 6 Q So you can't remember the details of
15:58:10 7 whether you would be going to the same parish?

15:58:13 8 A I remember going there.

15:58:14 9 MR. HANCE: Father, let him finish.

15:58:17 10 MR. DEMARCO: That's okay. We're at the
15:58:18 11 end of the day and we've been going awhile.

15:58:20 12 Q Would there ever be occasions during that
15:58:22 13 two-year stretch that you would be going to Saint
15:58:26 14 Catherine of Siena several weeks in a row?

15:58:30 15 A No.

15:58:30 16 Q Or in relation to the other two would be
15:58:30 17 going to Saint Catherine of Siena several straight
15:58:34 18 times before going to, say, Our Lady of the Valley?

15:58:36 19 A No.

15:58:38 20 Q Would it be a fair statement to say then
15:58:40 21 that if you went to Saint Catherine of Siena, the
15:58:44 22 next time you'd either go to Saint Jane Frances or
15:58:47 23 Our Lady of the Valley?

15:58:49 24 A Correct.

15:58:50 25 Q The two to three times a month, was that

15:58:52 1 something that was fairly constant all two years,
15:58:55 2 from '54 through '56?

15:58:58 3 A Correct.

15:59:00 4 Q Was that three years or two years?

15:59:01 5 A It's two years.

15:59:02 6 Q Only a two-year period, okay. Was it
15:59:04 7 during the school year?

15:59:06 8 A During the school year as I recall. I'm
15:59:08 9 trying to remember. Maybe during the summer when we
15:59:12 10 were living at the seminary they sent us down.

15:59:19 11 Q But at least during the school year also?

15:59:22 12 A Correct.

15:59:22 13 Q But sometimes maybe during the summer too
15:59:27 14 or no?

15:59:27 15 A I seem to recall, yeah.

15:59:32 16 Q Each time you would go to one of these
15:59:32 17 three parishes, you'd spend the night?

15:59:34 18 A Correct.

15:59:35 19 Q Do you remember who during that time period
15:59:38 20 the pastor at Our Lady of the Valley was?

15:59:42 21 A Yes. What was his name? Wonderful old
15:59:46 22 guy. I can't remember it offhand.

15:59:50 23 Q Father John Herley?

15:59:51 24 A Herley.

15:59:56 25 Q Had you had any association with Father

15:59:58 1 John Herley prior to your beginning doing weekend

16:00:01 2 work at Our Lady of the Valley?

16:00:03 3 A No. First time I ever met him was helping
16:00:05 4 there.

16:00:06 5 Q Do you remember who any of his assistants
16:00:08 6 were?

16:00:09 7 A No.

16:00:13 8 Q How about at Saint Catherine of Siena? Do
16:00:16 9 you remember who the pastor was there?

16:00:18 10 A Father Hackett.

16:00:21 11 Q Do you remember who any of his assistants
16:00:22 12 were?

16:00:23 13 A Yes.

16:00:24 14 Q Who?

16:00:26 15 A I don't remember his name but he was a
16:00:28 16 Croatian.

16:00:31 17 Q Any others?

16:00:34 18 A That's the only one I remember.

16:00:36 19 Q Do you remember --

16:00:37 20 A The only being a Croatian I might add.

16:00:41 21 Q I wasn't implying otherwise either. Do you
16:00:43 22 recall meeting a Father Dorian Rowe?

16:00:46 23 A No.

16:00:47 24 Q And at Saint Jane Frances do you recall who
16:00:51 25 the pastor was there?

16:00:53 1 A John Lahart or Tom Lahart.

16:00:57 2 Q And do you recall if he had any assistants
16:00:59 3 or associate pastors?

16:01:02 4 A Yes. The associate was the one I
16:01:05 5 mentioned. I mentioned the assistant at Reseda but
16:01:09 6 it was the guy at -- Lahart's assistant.

16:01:16 7 Q Do you have any understanding as to how it
16:01:17 8 was that you came to be doing the weekend work at
16:01:21 9 those three parishes rather than any other parishes?

16:01:24 10 A It had been set up some time before I was
16:01:26 11 assigned to the seminary. So I just inherited it.

16:01:33 12 Q Do you recall at any of those three
16:01:35 13 parishes if any of the folks working there were
16:01:39 14 people that you had known prior to starting work
16:01:41 15 there?

16:01:42 16 A I knew none of them, no.

16:01:49 17 MR. DEMARCO: Counsel, we're at
16:01:49 18 4:00 o'clock. I don't know how the witness feels.
16:01:52 19 I've got many, many questions, but you tell me.

16:01:59 20 MR. MATIASIC: Those few questions didn't
16:02:00 21 clear up the two hours that you had?

16:02:04 22 MR. DEMARCO: No. But I wanted to see what
16:02:05 23 our notice needed to include frankly before we get
16:02:06 24 together again.

16:02:07 25 Another thing that counsel is bringing up,

16:02:09 1 and I'll just put it on the record, through the
16:02:09 2 course of getting Father ██████████'s assignment
16:02:13 3 history, it became obvious that there are several
16:02:15 4 additional folks that need to be inquired regarding,
16:02:18 5 one of which is Michael Harris, another which is
16:02:22 6 Patrick Zeeman, possibly John Marino and Thane
16:02:27 7 Hinman. I believe they've all been associated with
16:02:31 8 Mater Dei.

16:02:35 9 They've all been associated with Mater Dei
16:02:37 10 and I was unaware of Father ██████████'s extensive time
16:02:42 11 there. But we didn't want to inquire into that
16:02:44 12 right now in light of the fact that the notice
16:02:47 13 didn't include those names. That said.

16:02:54 14 MR. MATIASIC: Let's go off the record for
16:02:56 15 a moment.

16:02:57 16 THE VIDEOGRAPHER: We're off the record at
16:02:59 17 4:03 p.m.

16:03:40 18 (Pause in the proceedings)

16:09:46 19 THE VIDEOGRAPHER: We're back on the record
16:09:47 20 at 4:10 p.m.

16:09:50 21 MR. MATIASIC: Counsel spoke with the
16:09:51 22 witness on the break, and Mr. Hale has represented
16:09:54 23 you're done with respect to all the initial
16:09:57 24 questions you had but you are reserving the right on
16:10:00 25 Michael Harris and those other ones.

16:10:02 1 MR. HALE: Right.

16:10:03 2 MR. MATIASIC: Mr. DeMarco, how much longer

16:10:05 3 do you have?

16:10:06 4 MR. DEMARCO: I understand we're three

16:10:07 5 hours and maybe 40 minutes in right now. I believe

16:10:10 6 we're going up to seven hours.

16:10:13 7 MR. MATIASIC: Your questioning also

16:10:14 8 relates to Father Harris?

16:10:17 9 MR. DEMARCO: It relates to well beyond

16:10:19 10 Harris. His time at Saint Anthony's as well as

16:10:22 11 elsewhere.

16:10:23 12 MR. MATIASIC: So Saint Anthony's and Mater

16:10:24 13 Dei questions?

16:10:26 14 MR. DEMARCO: Correct.

16:10:30 15 MR. MATIASIC: In light of that, I guess

16:10:31 16 we'll call it a day today. We've been going for

16:10:34 17 awhile. If you're going to go the seven hours,

16:10:38 18 you're entitled to it. We don't think it's

16:10:42 19 necessary at all, but if you're going to take the

16:10:45 20 seven hours, we'll just call it a day for today.

16:10:48 21 MR. DEMARCO: Okay. Same stipulation?

16:10:54 22 MR. HALE: Sounds good to me.

16:10:56 23 MR. DEMARCO: Any objections?

16:10:57 24 MR. MATIASIC: That's fine.

16:10:59 25 MR. HANCE: So stipulated.

16:11:00 1 MR. DEMARCO: So stipulated.

16:11:03 2 THE VIDEOGRAPHER: This concludes today's
16:11:04 3 deposition of Father [REDACTED]. The master
16:11:07 4 videotape will be maintained by Paulson Reporting
16:11:10 5 and Litigation Services.

16:11:11 6 We're off the record at 4:11 p.m.

7 (Standard stipulation:

8 "MR. HABEL: We'll stipulate to relieve
9 the court reporter from her duties under
10 the code. The court reporter is going to
11 send the original transcript to the
12 witness's counsel. The witness will have
13 ten days to review the original transcript,
14 make any changes he feels are necessary and
15 execute the original transcript.

16 "Then within a week after the ten-day
17 review period, Father [REDACTED]'s counsel is
18 going to notify myself and Mr. DeMarco of
19 any changes that have been made and the
20 fact that the transcript has been executed.

21 "If for some reason it is not executed,
22 an unexecuted copy can be used for any and
23 all purposes.")

24 (Deposition adjourned at 4:11 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, FATHER [REDACTED], do hereby certify
under penalty of perjury that I have read the
foregoing transcript of my deposition taken on
November 29, 2005; that I have made such corrections
as appear noted herein; that my testimony as
contained herein, as corrected, is true and correct.

DATED _____ day of _____,
_____, at _____, California.

FATHER [REDACTED]

REPORTER'S CERTIFICATION

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I, Randy D. Garrett, a Certified Shorthand
Reporter in and for the State of California, do
hereby certify:

That the foregoing witness was by me duly
placed under oath; that the deposition was then
taken before me at the time and place herein set
forth; that the testimony and proceedings were
reported stenographically by me and later
transcribed into typewriting under my direction;
that the foregoing is a true record of the testimony
and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my
name this 12th day of December, 2005.

Randy D. Garrett, CSR No. 8931