

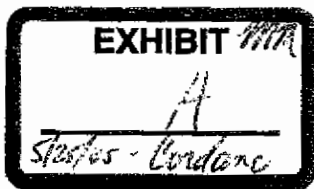
SB 10123

AERIAL VIEW OF SANTA BARBARA'S OLD MISSION

The Santa Barbara Mission is known as the Queen of the 21 Missions founded along the California coastline by the Spanish in the late 18th Century. The beautiful Mission gardens can be seen directly behind the church entrance.



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Rule of Saint Francis of Assisi

I. In the name of the Lord, the life of the lesser brothers begins.

The rule and life of the lesser brothers is this: To observe the holy gospel of our Lord Jesus Christ, living in obedience without anything of our own, and in chastity. Brother Francis promises obedience and reverence to the Lord Pope Honorius and his canonically elected successors, and to the Roman Church; and the rest of the brothers are obliged to obey Francis and his successors.



II. Concerning those who wish to adopt this life.

If someone should wish to adopt this life and should come to our brothers, they must send them to their provincial ministers to whom alone is granted the right to receive brothers. The ministers should examine them carefully regarding the Catholic faith and sacraments of the church. If they believe all these things, wishing to confess them faithfully and observe them diligently until the end; and if they have no wives, or their wives have entered a convent, or permission has been given to them by authority of their bishop, a vow of chastity having been taken and their wives being of such an age as to avoid suspicion; then let them go, sell all they have, and attempt to give it to the poor. If they cannot do so, their good intention will suffice. Let the brothers and their ministers beware of becoming concerned about the new brothers' temporal possessions, for they should freely dispose of their belongings as God inspires them. If they ask advice, the ministers may refer them to some God-fearing brothers through whose counsel their possessions may be distributed to the poor.

Later, let them concede clothing of probation to the new brothers: Two tunics with hoods, belt and trousers, and a chaperon reaching down to the belt, unless the minister decides according to God that something else should be done. When the year of probation is over, let them be received into obedience, promising to observe this life and rule always; and according to the command of the lord pope, it will be absolutely forbidden to them to leave the order, for according the holy gospel "no one who puts his hand to the plow and then looks back is fit for the kingdom of God."

And let those who have promised obedience take one tunic with a hood, and let those who wish it have another without a hood. And those who must may wear shoes. All the brothers are to wear inexpensive clothing, and they can use sackcloth and other material to mend it with God's blessing.

III. Concerning the divine office and fasting; and how the brothers ought to travel through the world.

Clerics are to perform the divine office according to the rite of the Roman Church, except for the Psalter, and they can have breviaries for that purpose. Laymen are to say twenty-four "Our Fathers" at matins; five at lauds; seven each at prime, terce, sext and none; twelve at



vespers; and seven at compline. They should also pray for the dead.

They should fast from the feast of all saints until Christmas. Those who voluntarily fast at Quadragesima, those forty days after Epiphany which the Lord consecrated with his own holy fasting, will themselves be blessed by the Lord; yet they are not required to do so if they do not want to. They must fast during Lent, but they are not required to do so at other times except on Fridays. In case of obvious necessity, however, they are excused from bodily fasting.

I counsel, admonish and beg my brothers that, when they travel about the world, they should not be quarrelsome, dispute with words, or criticize others, but rather should be gentle, peaceful and unassuming, courteous and humble, speaking respectfully to all as is fitting. They must not ride on horseback unless forced to so by obvious necessity or illness. Whatever house they enter, they are first to say, "Peace to this house" (Lk. 10:5). According to the holy gospel they can eat whatever food is set before them.

IV. That the brothers should not accept money.

I strictly forbid the brothers to receive money in any form either directly or through an intermediary. Nevertheless, the ministers and custodians can work through spiritual friends to care for the sick and clothe the brothers, according to place, season and climate, as necessity may seem to demand. This must be done, however, in such a way that they do not receive money.

V. On their manner of working.

Those brothers whom the Lord favors with the gift of working should do so faithfully and devotedly, so that idleness, the enemy of the soul, is excluded yet the spirit of holy prayer and devotion, which all other temporal things should serve, is not extinguished. As payment for their labor let them receive that which is necessary for themselves and their brothers, but not money. Let them receive it humbly as befits those who serve God and seek after the holiest poverty.

VI. That the brothers should appropriate nothing for themselves; and on how alms should be begged; and concerning sick brothers.

The brothers should appropriate neither house, nor place, nor anything for themselves; and they should go confidently after alms, serving God in poverty and humility, as pilgrims and strangers in this world. Nor should they feel ashamed, for God made himself poor in this world for us. This is that peak of the highest poverty which has made you, my dearest brothers, heirs and kings of the kingdom of heaven, poor in things but rich in virtues. Let this be your portion. It leads into the land of the living and, adhering totally to it, for the sake of our Lord Jesus Christ wish never to have anything else in this world, beloved brothers.

And wherever brothers meet one another, let them act like members of a common family. And let them securely make their needs known to one another, for if a mother loves and cares for her carnal son, how much more should one love and care for his spiritual son? And if one of them should become ill, let the other brothers serve him as they themselves would like to be served.

VII. On the penances to be imposed on sinning brothers.

If any of the brothers should sin mortally at the instigation of the enemy, they should recur to their provincial ministers without delay if the sin is one of those for which such recourse is required. The ministers, if they are priests, should mercifully prescribe a penance for them. If they are not priests, they should see that it is prescribed by others in the order who are such, as seems best to them according to God. They should be careful not to become angry and upset over someone's sin, for anger and perturbation in oneself or others impedes love.

VIII. On the election of the general minister of this brotherhood; and on the chapter at Pentecost.

The brothers are always bound to have a brother of the order as general minister and servant of the entire brotherhood, and they are strictly bound to obey him. When he dies, his successor is to be elected by the provincial ministers and custodians during the Pentecost chapter, at which provincial ministers are always to assemble in the place designated by the minister general. The general chapter should meet every three years, or sooner or later if the minister general should so ordain. If at some point it should appear to the provincial ministers and custodians that the minister general is incapable of serving the brothers properly, the aforesaid brothers to whom election is entrusted should, in the name of God, choose someone else.

After the Pentecost chapter, the ministers and custodians may call their brothers to a chapter in their own custody's once in the same year, if they wish and it seems worthwhile.

IX. On preachers.

The friars must not preach in the diocese of any bishop if they have been forbidden to do so by him. And no brother should dare preach to the people unless he has been examined and approved by the minister general of his brotherhood and the office of preaching has been conceded to him. I also admonish and exhort the brothers that in their preaching their words be studied and chaste, useful and edifying to the people, telling them about vices and virtues, punishment and glory; and they ought to be brief, because the Lord kept his words brief when he was on earth.

X. On the admonition and correction of brothers.

Brothers who are ministers and servants of other brothers must visit and admonish their brothers, and they should correct them humbly and lovingly, prescribing nothing against their soul or our rule. Brothers who are subject to authority must remember that they have surrendered their own wills for the sake of God. Thus I strictly order them to obey their ministers in all those things which they have promised the Lord to observe and which are not contrary to the soul and to our rule. And wherever there are brothers who know they cannot observe the rule spiritually, those brothers should and may recur to their ministers. The ministers should receive them lovingly and generously and treat them so intimately that the brothers can speak and act as lords do with their servants. For that is the way it ought to be. The ministers should be servants of all the brothers.

I admonish and exhort the brothers in the Lord Jesus Christ to beware of all pride,

vainglory, envy, avarice, worldly care and concern, criticism and complaint. And I admonish the illiterate not to worry about studying but to realize instead that above all they should wish to have the spirit of the Lord working within them, and that they should pray to him constantly with a pure heart, be humble, be patient in persecution and infirmity, and love those who persecute, blame or accuse us, for the Lord says, "Love your enemies, pray for those who persecute and accuse you" (Mtt. 5:44). "Blessed are those who suffer persecution for justice's sake. for theirs is the kingdom of heaven" (Mtt. 5:10). "He who has persevered until the end, however, will be saved" (Mtt. 10:22).

XI. That the brothers should not enter the convents of nuns.

I strictly order all the brothers to avoid suspicious meetings or conversations with women and to stay out of the convents of nuns except in cases where special permission has been granted by the Holy See. Nor should they be godfathers of men or women, lest it lead to scandal among or concerning the brothers.

XII. Concerning those who go among the Saracens and other infidels.

Whoever should, by divine inspiration, wish to go among the Saracens and other infidels must ask permission from their provincial ministers. The ministers should grant permission only to those whom they consider qualified to be sent.

I enjoin the ministers by obedience to ask the Lord Pope for a cardinal of the Holy Roman Church to serve as governor, protector and corrector of their brotherhood so that we servants and subjects at the feet of holy church, firm in faith, will always observe the poverty, humility and holy gospel of our Lord Jesus Christ which we firmly promised.



EXHIBIT 77
Stark - Basile

SANTA BARBARA NEWS-PRESS

newspress.com Archives

Local News

Man files lawsuit under new state abuse law

1/3/03

By RHONDA PARKS MANVILLE

NEWS-PRESS STAFF WRITER

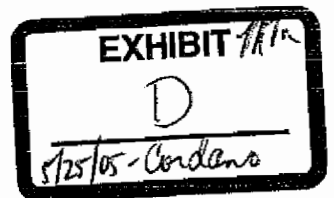
A man who alleges he was sexually molested at age 10 by a Catholic priest filed a lawsuit in Santa Barbara Superior Court on Thursday under a new law that lifts the statute of limitations on child abuse cases that occurred long ago.

"This is not something I wanted to do. It's something I had to do," Oak View resident Robert Eckert, 32, said of his decision to file the lawsuit. "If I can prevent this from happening to someone else, it will have been worth it."

Mr. Eckert said he was a member of the Santa Barbara Boys Choir in 1980 when a priest at St. Anthony's Seminary allegedly molested him during a trip the choir took to England.

The new law, SB 1779, went into effect on Wednesday. It gives child sex abuse victims one year to file lawsuits against suspected abusers and third parties, such as the Catholic Church, regardless of how much time has passed since the incident occurred.

Due to a provision in the new law, Mr. Eckert's lawsuit does not yet identify any defendants by name. The identities may be released after a closed-door hearing in which a judge will determine whether there is enough evidence to merit the naming of individuals and organizations, said local attorney David Nye,



who, with attorney Stan Roden, filed the suit.

But in an interview, Mr. Eckert identified the priest who allegedly abused him as Robert Van Handle. The former priest has previously declined to comment on abuse allegations.

Mr. Eckert kept the alleged abuse to himself. But in 1994, Mr. Van Handle was convicted of child molestation in connection with the abuse of other students at St. Anthony's Seminary.

The rector was one of 11 seminary faculty members, most of them Franciscan priests, who were linked to the molestation of more than 34 boys from 1960 until 1987, when the seminary closed.

As a result of the alleged sex abuse, "Mr. Eckert has suffered and continues to suffer severe mental, physical, and psychological injuries, emotional distress and trauma, including horror, shame, humiliation, embarrassment, anger, depression and low self-esteem," the lawsuit says.

The suit also accuses the defendants of fostering an environment "conducive to predatory, pedophilic behavior" in which abusers were protected and the crimes were concealed from the families of the children, the church laity and the public at large.

Mr. Eckert's father, a Santa Barbara resident, asked him if he had been molested after reading newspaper accounts of Mr. Van Handle's conviction in 1994, said the younger Eckert.

"My dad was in shock," said Mr. Eckert, who said it was his father who urged him to seek justice under the new law. "I was able to let it go before," he said, "but I started thinking about how this could affect other kids. This is probably the hardest thing I have ever done, other than going to Marine Corps boot camp."

Mr. Eckert, who is not a Catholic, said he was enrolled in the choir by his mother after his parents divorced.

The Franciscans have paid out several million dollars in out-of-court settlements to victims of the abuse at St. Anthony's Seminary and the Santa Barbara Boys Choir. In response, the Franciscans formed an

independent board of inquiry made up of professionals in the field of sex abuse. The board determines the validity of allegations and offers counseling to the abused.

"We did our best to encourage victims to come forward," said the Rev. Virgil Cordano, a senior member of the Franciscan order. "We did everything we could to publicize it, to get things settled. I don't know what it means that someone would wait so long. I am surprised by this. But he must be heard."

The lawsuit seeks unspecified damages for childhood sexual abuse, sexual battery, intentional and negligent infliction of emotional distress, negligent hiring, negligent supervision, breach of fiduciary duty, fraud, liability, public nuisance and civil conspiracy.

Mr. Nye and Mr. Roden expect to file four more lawsuits in coming days.

PERSONALITY RECORD OF

CIMMARRUSTI WALTER S. MARIO
(last) (first) (middle) (religious)

Before Subdiaconate Date: 11 May 1956

I. VOCATION:

- 1. Aptitude for priestly life and Franciscan Order A B C D E F
- 2. Love for priestly life and Franciscan Order A B C D E F

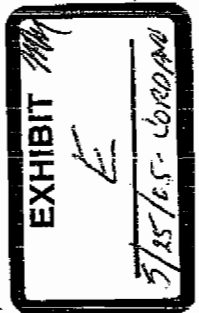
II. PIETY:

- 1. Evidences of personal piety A B C D E F
- 2. Regularity in religious exercises A B C D E F
- 3. Spirit of detachment and unworldliness A B C D E F

III. CHARACTER & DISPOSITION:

- 1. Charity A B C D E F
- 2. Candor A B C D E F
- 3. Docility A B C D E F
- 4. Deference A B C D E F
- 5. Dependability A B C D E F
- 6. Resourcefulness A B C D E F
- 7. Initiative A B C D E F
- 8. Diligence A B C D E F
- 9. Tact A B C D E F
- 10. Manners A B C D E F
- 11. Method and Order A B C D E F
- 12. Neatness A B C D E F
- 13. Sociability A B C D E F
- 14. Leadership A B C D E F
- 15. Popularity with students (community spirit) A B C D E F
- 16. Does he display any abnormal traits? e.g. Morose? Secretive? Shifty?
Solitary? no

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SUBDIACONATE PERSONALITY RECORD OF: _____

- 17. Does he inspire trust or distrust? trust
- 18. Has he exerted a bad influence? no
 Dissatisfied? no Critical? no Refractory? no
 Worldly-minded? no Notably Proud? no
- 19. How has he observed "House Regulations"? well
- 20. Does any fault need particular attention? immaturity
- 21. What outstanding qualities does he display? _____
friendliness, perseverance
- 22. What character improvements have been noted? _____

IV. STUDIES:

- 1. Industry: very good Thoroughness: very good
- 2. Has he displayed marked interest and progress in some subject? _____
speech & drama
- 3. Can he be recommended for post-graduate work in it? he has talent.
 For literary or scientific work? _____
 For Music? _____ For teaching? yes, but no inclination
- 4. Does he manifest inclination for: Teaching? no Parish Work? yes
 Home Missions (Ind. Neg. Mex.)? yes Foreign Missions? _____

V. HEALTH:

good
 Evidences of Hypochondria? no

VI. ARE THERE ANY MISGIVINGS ABOUT ADVANCING HIM TO:

Subdiaconate because of character or talent? _____
no
 (consider carefully - a mistake here is fatal!)

VII. JUDGMENT OF: Guardian, Master and Faculty:

likeable diligent cleric, still somewhat immature
works hard.

PERSONALITY RECORD OF

Cimmarrusti, Walter S. Mario
 (last) (first) (middle) (religious)

End of Theology Course: Date: June 6, 1957

ACADEMIC DEGREES: B A

I. STUDIES:

Industry: Good Thoroughness: Good

Has he displayed marked interest and progress in some subjects? None.
Strong suspicion that he has more talent than he has indicated here.

II. FITNESS FOR PARTICULAR ASSIGNMENTS:

1. GRADUATE WORK: Recommended by the:

Seminary Faculty in No recommendation

Philosophy Faculty in " " "

Theology Faculty in " " "

Intellectually capable of higher studies.

2. LITERARY, SCIENTIFIC, OR MUSICAL WORK: Recommended by the:

Seminary Faculty (specify) No recommendation

Philosophy Faculty (specify) " " "

Theology Faculty (specify) " " "

3. TEACHING: Does he possess the requisite qualities in the judgment of:

The Seminary Faculty? No recommendation

The Philosophy Faculty? " " "

The Theology Faculty? Seminary Ability for teaching questionable - worth a try.

4. MISSIONS: Does he reveal SPECIAL aptitude for:

Home Missions (Mexican, Indian, Negro)? Mexican

Foreign Missions? No

Preaching of Parish Missions? No

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THEOLOGY PERSONALITY RECORD OF: Mario Cimmarusti

5. PAROCHIAL WORK:

Does he reveal a SPECIAL aptitude for Parochial work? Yes

III. INDIVIDUAL PREFERENCES:

For what Assignments has he declared a preference? _____

Phil. Missions-- Mexican Work -- High School

IV. OUTSTANDING QUALITIES:

Affable- Docile - Dependable - Enthusiastic

V. HEALTH:

Good

VI. IS THERE A SPECIAL FAULTY OR DANGEROUS TENDENCY?

Somewhat Immature --Tendency to Childishness. Hasn't improved.

VII. JUDGMENT OF GUARDIAN, MASTER AND FACULTY: (Stress Reliability, Judgment, Prudence, Ability to speak, etc.):

Reliable -Good Judgment-Good Speaker-Easy Speaker

Engenders and instills enthusiasm in others

Recommended to Jr. Seminary. Needs guidance