

# CONDENSED TRANSCRIPT OF



**Date:** September 6, 2005

**Case:** IN RE THE CLERGY CASES 1 & II, ET AL.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Coordination Proceeding Special ) Case No.: JCCP 4286  
 Title (Rule 1550 (b)) ) and JCCP 4359  
 )  
 In Re: )  
 )  
 THE CLERGY CASES I & III )  
 )

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[REDACTED], ) Case No.: BC 308555  
 )  
 Plaintiffs, )  
 v. )  
 )  
 Defendant Doe 1, et al., )  
 Defendants. )

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[REDACTED], [REDACTED] ) Case No. 01130925  
 [REDACTED], )  
 )  
 Plaintiffs, )  
 v. )  
 )  
 Archdiocese, et al., )  
 Defendants. )

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[REDACTED], ) Case No. 01129592  
 )  
 Plaintiff, )  
 v. )  
 )  
 Archdiocese, et al., )  
 Defendants. )

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John Doe, [REDACTED], [REDACTED] ) Case No. BC 308365  
 [REDACTED], )  
 )  
 Plaintiffs, )  
 v. )  
 )  
 Defendant Doe 1, et al., )  
 Defendants. )

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1 \_\_\_\_\_ ) Case No. 01132360  
 2 [REDACTED], )  
 3 Plaintiffs, )  
 4 v. )  
 5 Xavier Harris, et al., )  
 6 Defendants. )

7 \_\_\_\_\_ ) Case No. 01129866  
 8 [REDACTED] )  
 9 Plaintiff, )  
 10 v. )  
 11 Xavier Harris, et al., )  
 12 Defendants. )

13 \_\_\_\_\_ ) Case No. BC 307493  
 14 John DD Doe, )  
 15 Plaintiff, )  
 16 v. )  
 17 Defendant Doe 1, et al., )  
 18 Defendants. )

19 \_\_\_\_\_ ) Case No. 01132382  
 20 John Roe 2, )  
 21 Plaintiff, )  
 22 v. )  
 23 Archdiocese, et al., )  
 24 Defendants. )

25 \_\_\_\_\_ ) Case No. 01110943  
 [REDACTED], )  
 Plaintiff, )  
 v. )  
 Defendant Doe 1, et al., )  
 Defendants. )

\_\_\_\_\_ ) Case No. 01132999  
 John Roe 3, )  
 Plaintiff, )  
 v. )  
 Archdiocese, et al., )  
 Defendants. )

\_\_\_\_\_ )  
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I N D E X

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E X H I B I T S

PLAINTIFF'S EXHIBIT NO.	DESCRIPTION	PAGE
1	Copy of newspaper article (3 pgs)	15

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[REDACTED]

having been duly administered an oath in accordance with CCP 2094 was examined and testified as follows:

EXAMINATION

BY MR. HALE:

Q. [REDACTED], I know we've met before but for the record my name is Tim Hale and I represent various plaintiffs in the Clergy I matters. Just at the outset, I think you're going to probably do this naturally anyways, but if you could, when you type a response, make sure you hit "Enter" after each response to give the reporter some space between your responses. Is that okay?

A. (Witness nods head affirmatively.)

Q. And then, it's going to be important that you respond in some way or form. Nodding your head is not going to be enough. So, at the very least give me a "yes" or "no."

A. Yes.

Q. Thanks. Okay. Has your attorney had a chance to explain the deposition process to you?

A. Yes.

Q. So, I'm going to dispense with the usual admonitions and the rules of depo. Have you had any alcohol in the last 12 hours?



1 A. No.

2 MR. HABEL: Tim, you want to go with "Y" and  
3 "N"?

4 MR. HALE: [REDACTED], if that's okay with the  
5 reporter, if you want to just do that, that's fine. Is  
6 that okay?

7 MR. GODFREY: From a procedural standpoint, are  
8 you just reading the screen and entering it on the  
9 official record?

10 THE REPORTER: Yes.

11 MR. HALE: Is that okay with everyone?

12 MR. GODFREY: That's fine.

13 Q. BY MR. HALE: Have you consumed any drugs in  
14 the last 24 hours?

15 A. No.

16 Q. Is there any reason this deposition should not  
17 go forward today?

18 A. No.

19 Q. Is there any reason you can't give your best  
20 testimony today?

21 A. No.

22 Q. Could you just give us a brief explanation of  
23 why you're unable to testify without typing your answers  
24 onto a laptop?

25 A. I have ALS.

1 Q. Is that affecting your cognitive function --  
2 I'm sorry.

3 A. I can't speak. No.

4 Q. So, it's not affecting your cognitive function?

5 A. No.

6 MS. LYDDAN: Counsel, could I just request that  
7 we save this document in case we accidentally, in the  
8 course of things, hit the wrong key and lose it all?

9 MR. HALE: Sure.

10 Q. Are your sons [REDACTED] and [REDACTED]?

11 A. Yes.

12 Q. And were they members of the Santa Barbara Boys  
13 Choir?

14 A. Yes.

15 Q. Do you know who Father Virgil Cordano is?

16 A. Yes.

17 Q. Have you ever spoken with Father Virgil  
18 Cordano?

19 A. Yes.

20 Q. Do you remember when the first time, what year  
21 was it that you spoke with Virgil Cordano for the first  
22 time?

23 A. 1989.

24 Q. Was the conversation with Father Cordano in  
25 person or over the phone?

1 A. On the phone.

2 MS. LYDDAN: I'm sorry, I meant like auto save  
3 so as we go along it's being saved so we don't have the  
4 court reporter stuck with having to put it back  
5 together.

6 MR. HALE: Let's go off the record for a  
7 second.

8 (A discussion was held off the record.)

9 Q. BY MR. HALE: Have you ever spoken to Father  
10 Cordano in person?

11 A. No.

12 Q. When you first called Father Cordano, what  
13 prompted you to call him?

14 A. My friend told me there was suspicions about  
15 the Friars.

16 Q. Any Friars in particular?

17 A. Van Handel and Wolfe.

18 Q. So, Father Van Handel and Father Wolfe?

19 A. Yes.

20 Q. Who did you call to speak with Father Cordano?  
21 In other words, where did you call? Did you call the  
22 mission? Did you call the mission gift store?

23 A. Gift store at first.

24 Q. What happened when you called the gift store?  
25 Actually, strike that. Let me ask you this: When you

1 called the gift store did you ask specifically for  
2 Father Cordano?

3 A. Yes.

4 Q. Why did you ask for him?

5 A. Because he was the head cheese.

6 Q. Do you mean he was -- are you trying to say he  
7 was the pastor at the mission?

8 MR. HABEL: Calls for speculation, assumes  
9 facts not in evidence.

10 THE WITNESS: The boss.

11 MR. CORDES: That's one of those objections for  
12 the record. Lawyers talk. Just focus on the questions  
13 and the answers.

14 Q. BY MR. HALE: Was it your understanding that  
15 his position at the mission was that he was the boss?

16 A. Yes.

17 Q. And that first time you called Father Cordano,  
18 what did you say to him?

19 A. I left a message. He didn't call back.

20 Q. Do you recall what you said in that first  
21 message?

22 A. I wanted him to call me.

23 Q. And were you ever able to finally speak with  
24 him?

25 A. Yes.

1 Q. And what did you say to him the first time you  
2 spoke with him?

3 A. I told him he was a liar.

4 Q. Why did you tell him he was a liar?

5 Do you need a break?

6 A. I'm emotional about this. No break.

7 He said in the newspaper that he didn't know my  
8 son had waited so long.

9 Q. When was the first time you spoke with Father  
10 Cordano?

11 A. 2003.

12 Q. When was the first time you left a message for  
13 Father Cordano?

14 A. 1989.

15 Q. And let's start with that first message. What  
16 did you say in that first message in 1989?

17 A. I asked the person to have him call me.

18 Q. So, you did not leave him a voice mail or did  
19 you leave him a voice mail?

20 A. No.

21 Q. You just left him a message with someone at the  
22 mission?

23 A. Yes.

24 Q. Did he call you back after you left him that  
25 message?

1 A. No.

2 Q. Did you try to call him again?

3 A. 80-100 times.

4 Q. And during those 80 to 100 times, did you ever  
5 speak with him other than this instance you've described  
6 already after the newspaper?

7 A. No.

8 Q. Did you leave him any other messages other than  
9 that first message that you left?

10 A. I left voice mail when he got an answering  
11 machine.

12 Q. What year do you think that was?

13 A. I don't remember.

14 Q. Do you have any sense for whether it was in the  
15 late '80s or the early '90s?

16 A. Mid-'90s.

17 Q. How do you know it was his answering machine or  
18 his voice mail?

19 A. He was speaking on it.

20 Q. Did the voice mail say "This is Father Virgil  
21 Cordano" or something to that effect?

22 A. Yes.

23 Q. What did you say on those messages?

24 A. I told that I believed Van Handel molested my  
25 boys.

1 Q. Did you say anything else in those messages?

2 A. I asked to call me. Him.

3 Q. Did he ever call you back aside from after you  
4 left a message after the newspaper article?

5 A. No.

6 Q. Did you ever leave a message for him other than  
7 with his voice mail, in other words, with someone else  
8 at the mission?

9 A. Yes.

10 Q. When was the first time you did that after that  
11 first message in 1989?

12 A. Continually.

13 Q. Do you know who you left a message with?

14 A. Gift shop.

15 Q. And what message did you leave? In other  
16 words, what did you say?

17 A. "Call me back, please."

18 Q. Did you explain why you wanted him to call you  
19 back?

20 A. No.

21 Q. How many times have you actually spoken with  
22 Father Virgil?

23 A. One.

24 Q. I want to show you a copy of a newspaper and  
25 I'll -- I've got copies here for everybody else, or for

1 just about everybody else. I'll pass one to your  
2 counsel first.

3 If you'd just take a minute and look at that,  
4 please. Just let me know when you're done looking at  
5 it.

6 A. (Witness peruses documents.)

7 I'm done.

8 Q. Do you recall reading that article after it  
9 came out on January 3rd, 2003?

10 A. Yes.

11 MR. HALE: And just for reference, I'm  
12 referring to a, let's mark as Exhibit 1, a January 3rd,  
13 2003 Santa Barbara News-Press article titled "Man files  
14 lawsuit under new state abuse law" by Rhonda Parks  
15 Manville.

16 (Deposition Exhibit No. 1  
17 was marked for identification.)

18 Q. BY MR. HALE: Did you call Father Cordano after  
19 you read this article?

20 A. Yes.

21 Q. Why did you call Father Cordano after you read  
22 this article?

23 A. I was mad.

24 Q. Why were you mad?

25 A. I called him for 13 years and he hadn't called



1 back to answer my suspicions.

2 Q. When you called after you saw this article, did  
3 you speak with him or did you leave a message?

4 A. Left a message.

5 Q. And what did you say to Father Cordano in the  
6 message?

7 A. I told he was a liar.

8 Q. Why did you tell him he was a liar?

9 A. Because in the article he said that he tried to  
10 get out the word. He hadn't called. He hadn't called  
11 me back.

12 Q. Are you referring to the quote, and I'm looking  
13 at page 3 where, according to the article, it says, "'We  
14 did our best to encourage victims to come forward,' said  
15 the Rev. Virgil Cordano, a senior member of the  
16 Franciscan order. 'We did everything we could to  
17 publicize it, to get things settled. I don't know what  
18 it means that someone would wait so long. I am  
19 surprised by this. But he must be heard.'"

20 Is that the quote you're referring to?

21 A. Yes.

22 Q. And why was that offensive to you?

23 A. He hadn't called me back and I had two boys  
24 that were affected.

25 Q. In any of the messages you left with his voice

1 mail or with employees of the mission, did you tell  
2 Father Cordano that your boys had been abused by a  
3 Franciscan Friar?

4 A. Yes.

5 Q. When was the first time you did that?

6 A. 1989.

7 Q. What did you say in the message?

8 A. I told the woman at the gift store that I was  
9 told by my fellow fireman that he had friends that had  
10 boys in the choir that were molested.

11 Q. Did you tell her who they were molested by?

12 A. Wolfe and Van Handel.

13 Q. And are you referring to the Santa Barbara Boys  
14 Choir?

15 A. Yes.

16 Q. How did she react? What did she say when you  
17 told her that?

18 A. She told she would give Virgil my message.

19 Q. Do you know what her name was?

20 A. No.

21 Q. Did you speak with her more than once?

22 A. I don't know.

23 Q. How do you know it was 1989 that you left this  
24 message with this woman at the gift store?

25 A. I know because the friend died in 1990. That

1 was my last year as a fire fighter.

2 Q. The friend you're referring to, is that the  
3 person that told you about the boys that had been abused  
4 in the Santa Barbara Boys Choir?

5 A. Yes.

6 Q. After that call in 1989, did you ever call  
7 again and either call the gift store or Father Cordano  
8 and leave a message about your belief that your boys had  
9 been abused?

10 A. Yes.

11 Q. How many times?

12 A. 80-100.

13 Q. And was your message always the same or did it  
14 change?

15 A. I asked that Virgil return my message.

16 Q. In each one of those messages did you discuss  
17 the fact you believed your sons to be abused or did you  
18 simply ask Virgil to return your call?

19 A. No. I asked that he return my call.

20 Q. Was the message in 1989 the only instance where  
21 you left a message describing the fact that you believed  
22 your sons had been abused?

23 A. No.

24 Q. When was the next time you left a message  
25 describing your belief that your sons had been abused?

1 A. In the mid-'90s.

2 Q. And did you leave that message directly with  
3 Father Virgil?

4 A. No.

5 Q. Who was that message with?

6 A. Gift shop.

7 Q. Do you remember if you spoke to a man or a  
8 woman at that time?

9 A. Woman.

10 Q. Was it the same woman that you spoke to in  
11 1989?

12 A. I don't know.

13 Q. Do you recall what you said to her?

14 A. Asked Virgil to call me.

15 Q. Did you describe your belief that your boys had  
16 been abused?

17 A. Yes.

18 Q. Do you recall what you said to her?

19 A. I told her I think Van Handel molested my boys.

20 Q. Do you recall what she said in response?

21 A. She said I'll pass the message to Virgil.

22 Q. Did she specifically refer to Virgil?

23 A. Yes.

24 Q. And in 1989, when you left the message with the  
25 gift shop woman, did she specifically refer to Father

1 Cordano as well?

2 A. Yes.

3 Q. Between 2003 and the mid-1990s message you just  
4 described, were there any other instances where you left  
5 a message for Father Virgil describing your belief that  
6 your sons had been abused?

7 A. Yes.

8 Q. How many do you think?

9 A. 10-20.

10 Q. And were those all messages on Father Virgil's  
11 voice mail or with gift shop employees?

12 A. Yes. Virgil's voice mail.

13 Q. And what did you say in those voice mail  
14 messages?

15 A. I asked to call me back.

16 Q. In any of those messages did you tell him that  
17 you believed your sons to have been abused by Van  
18 Handel?

19 A. Yes.

20 Q. Do you have any recollection of how many of  
21 those messages included you saying that you believed  
22 your sons had been abused by Van Handel?

23 A. 5-10.

24 Q. Did you identify your sons by name?

25 A. Yes.

1 Q. Both of them?

2 A. Yes.

3 Q. Before the article in Exhibit 1 was published,  
4 did Virgil ever call you back?

5 A. No.

6 Q. And after this article came out, what did you  
7 say in the message you left for Father Cordano?

8 A. I told him he was a liar for saying that in the  
9 paper.

10 Q. You told him he was a liar for saying what in  
11 the paper?

12 A. That he tried to inform and seek out and he  
13 never called me back even though I had two boys that  
14 were molested.

15 Q. When you left messages for Father Virgil, did  
16 you leave him your phone number?

17 A. Yes.

18 Q. Every time?

19 A. Yes.

20 Q. When you left him the message, well, when did  
21 you leave him the message after the article in Exhibit  
22 1; that day? The day after the article came out?

23 A. That day.

24 Q. Did he call you back ever?

25 A. Yes.

1 Q. Did he call you back that day?

2 A. No.

3 Q. When did he call you back?

4 A. One or two days later.

5 Q. Did you talk to him?

6 A. Yes.

7 Q. What did he say to you when he called you back?

8 A. He said he was sorry for the Friars' behavior  
9 and that I should seek counseling.

10 Q. Did he respond to you calling him a liar?

11 A. Yes.

12 Q. What did he say?

13 A. He said I should pray.

14 Q. What did you say to him?

15 A. I asked him how I could pray because I was  
16 raised a Catholic and they betrayed me.

17 Q. What did he say in response?

18 A. He said to pray and seek counseling at the  
19 counselor they set up.

20 Q. How long did the conversation last for?

21 A. Two minutes.

22 Q. Was that the only time you've ever spoken to  
23 him?

24 A. Yes.

25 Q. How did the conversation end?

1 A. On a good note.

2 Q. What do you mean?

3 A. I was content that he had finally called me and  
4 he was relieved that I was going to their counselor.

5 Q. During the conversation did you ask him why he  
6 had never called you back before?

7 A. Yes.

8 Q. What did he say?

9 A. "I didn't get the messages."

10 Q. And what did you say?

11 A. "I left many over the past 13 years."

12 Q. And did he deny receiving all of those?

13 A. Yes.

14 Q. Do you know what the Board of Inquiry Report  
15 is?

16 A. No.

17 Q. Do you remember what the Board of Inquiry was?

18 A. No.

19 Q. Have you ever spoken with any other  
20 Franciscans?

21 A. Yes.

22 Q. Who did you speak to?

23 A. Two Friars.

24 Q. Do you know who they were? Do you know their  
25 names?



1 A. No.

2 Q. How did you come to speak to them?

3 A. I waited at the seminary to speak to someone.  
4 Anyone.

5 Q. What year did you do that?

6 A. Mid-'90s.

7 Q. Where did you speak with them? Did you speak  
8 with them both at the same time?

9 A. Yes.

10 Q. Where did you speak with them?

11 A. At the seminary on the entry steps.

12 Q. What did you say to them?

13 A. I told them that I suspected Van Handel of  
14 molesting my boys.

15 Q. What did they say in response?

16 A. "I'm not surprised."

17 Q. Anything else?

18 A. No.

19 Q. How did the conversation end?

20 A. I was happy to see them agree.

21 Q. And how did the conversation end?

22 A. "Bye."

23 Q. How do you know they were Friars?

24 A. They had brown robes on.

25 Q. Did you ever confront Father Van Handel?

1 A. Yes.

2 Q. What year did that happen?

3 A. 1989.

4 Q. And where did that take place?

5 A. Steps of the seminary.

6 Q. Was there anyone else present?

7 A. No.

8 Q. What did you say to him?

9 A. I told him that I wanted to kill him.

10 Q. Did you say anything else to him?

11 A. I told him how could he wear the cloth and  
12 molest my boys.

13 Q. What did he say?

14 A. He said I should seek divine intervention.

15 Q. Did he deny or admit that he had abused your  
16 sons?

17 A. He didn't do either.

18 Q. Did you identify your sons by name to him?

19 A. Yes.

20 Q. Do you recall if he reacted in any way when he  
21 heard your sons' names?

22 A. No.

23 Q. How did that conversation end?

24 A. He turned and walked away.

25 Q. While your sons were in the Choir, did you ever

1 observe any behavior by Van Handel that you believed to  
2 be inappropriate?

3 A. Yes.

4 Q. What did you observe?

5 A. He looked them up and down like a man looking a  
6 woman he wanted to have sex with.

7 Q. Where did you observe that conduct?

8 A. In my house.

9 Q. Why was Van Handel at your house?

10 A. He was reassuring my wife and I that he was  
11 responsible for taking my kids to England.

12 Q. Was that the only time you ever observed that  
13 kind of conduct by Van Handel?

14 A. Yes.

15 I need a break.

16 MR. HALE: Let's take a break.

17 (A recess was taken.)

18 MR. HALE: Go ahead.

19 MR. KASPER: You're done?

20 MR. HALE: I may not be done but I'm stopping  
21 for now.

22 EXAMINATION

23 BY MR. KASPER:

24 Q. Mr. [REDACTED], my name is Dennis Kasper and I'm  
25 one of the lawyers that represents the Friars,

1 Franciscan Friars. In 1989 how were you employed?

2 A. As a handyman.

3 Q. And I believe you testified that you had, that  
4 you had a relationship with a fireman. Was he a friend?  
5 Did you work with him? How did you know him?

6 A. I was a fire fighter.

7 Q. You were a fire fighter in 1989?

8 A. No.

9 Q. When were you a fire fighter?

10 A. [REDACTED].

11 Q. And what Fire Department were you associated  
12 with?

13 A. [REDACTED].

14 Q. Now, you testified that a fire fighter friend  
15 of yours made some statements to you in 1989 about the  
16 Boys Choir; is that right?

17 A. Yes.

18 Q. What was the name of your friend?

19 A. [REDACTED].

20 Q. And what Fire Department was he associated  
21 with?

22 A. [REDACTED].

23 Q. When did you have a conversation with [REDACTED]  
24 [REDACTED] about the Friars? When was the first time you  
25 had a conversation about the Santa Barbara Boys Choir

1 with [REDACTED]?

2 A. 1989.

3 Q. Can you tell me when in 1989?

4 A. I don't remember.

5 Q. [REDACTED] passed away I believe you said  
6 in [REDACTED]; is that correct?

7 A. Yes.

8 Q. Do you know when in [REDACTED] he passed away?

9 A. In the [REDACTED].

10 Q. Did you have any conversations, after the first  
11 conversation that you had with [REDACTED] about the  
12 Santa Barbara Boys Choir, did you have any more  
13 conversations with him between then and when he passed  
14 away?

15 A. No.

16 Q. So, you only had one conversation with him  
17 about the Boys Choir; is that right?

18 A. Yes.

19 Q. Can you tell me where you were when you had  
20 that conversation?

21 A. He called me at home.

22 Q. And tell me as best you can exactly what he  
23 said to you when he called you.

24 A. He said, "I think your boys were in the choir  
25 and I have heard from a friend who had sons in the choir

1 that they have come forward alleging that they were  
2 molested."

3 Q. Did [REDACTED] tell you who his friend was?

4 A. No.

5 Q. How did you respond to what he said?

6 A. I called Virgil right away.

7 Q. Did you say anything to [REDACTED] in  
8 response to what he said?

9 A. No.

10 Q. Did you ask him any questions about the  
11 information, how he had received it or what other  
12 information he had?

13 A. No.

14 Q. Did you say anything to him?

15 A. I told him I would be the head guy at the mission.  
16 I was embarrassed.

17 Q. Did [REDACTED] mention the names of any  
18 Friars who may have been -- did he mention any Friars or  
19 any of the priests or any of the other people who ran  
20 the choir?

21 A. No.

22 Q. When were your boys in the Santa Barbara Boys  
23 Choir?

24 A. 1980-81.

25 Q. Were both boys in the Choir at the same time?

1 A. Yes.

2 Q. And they both were in it for just one year; is  
3 that right?

4 A. Yes.

5 Q. At the time that they were in the Boys Choir,  
6 who was the leader of the Choir?

7 A. I think it was Van Handel or Wolfe.

8 Q. Did you ever meet any other people who were  
9 involved with the Choir besides Father Van Handel?

10 A. No.

11 Q. Did you ever meet Father Wolfe?

12 A. No.

13 Q. Did you ever talk with any of the parents who  
14 were responsible for the Choir?

15 MR. HALE: Assumes facts not in evidence.

16 Q. BY MR. KASPER: You can answer the question.

17 A. No.

18 Q. Did you know any of the other boys in the  
19 Choir?

20 A. Yes.

21 Q. Who else did you know?

22 A. I don't remember their names.

23 Q. Did you know any of the other parents of the  
24 boys in the Choir?

25 A. No.

1 Q. Now, you testified that at some time there was  
2 a meeting between you and your wife and Father Van  
3 Handel about a trip to England; is that correct?

4 A. Yes.

5 Q. And that meeting took place in your home?

6 A. Yes.

7 Q. Do you know when that meeting took place?

8 A. 1980.

9 Q. And did you have any information about the  
10 Choir taking a trip to England before Father Van Handel  
11 came to visit you?

12 A. Yes.

13 Q. What information did you have about that trip?

14 A. It would be taking place and I have to pay  
15 \$2,000.00 for their expenses.

16 Q. Had you received any written information about  
17 the trip at that time?

18 A. My wife did.

19 Q. And what led to Father Van Handel coming to  
20 visit with you and your wife; is that something you  
21 initiated or your wife initiated, how did that happen?

22 MR. HALE: May call for speculation.

23 MR. CORDES: If you know you can answer.

24 Q. BY MR. KASPER: You can answer if you know.

25 A. He was trying to reassure us that my boys would



1 be safe.

2 Q. Had you communicated something to Father Van  
3 Handel which led him to believe that you lacked  
4 confidence about the trip?

5 A. No.

6 Q. Had you're wife communicated a lack of  
7 confidence?

8 MR. HALE: Speculation.

9 Q. BY MR. KASPER: To your knowledge.

10 A. Not to my knowledge.

11 Q. How long was the visit with Father Van Handel?

12 A. Half hour.

13 Q. And who was present?

14 A. My wife, my boys and I.

15 Q. Can you describe for me everything that you can  
16 remember that was said during that visit? How did it  
17 begin?

18 A. He introduced himself and told me how the trip  
19 was going to be handled.

20 Q. Did either you or your wife ask any questions?

21 A. A lot of questions.

22 Q. I'd like you to tell me everything you can  
23 remember about what was said.

24 A. I asked him how we could be sure that they  
25 would be safe. I asked him how we could keep in contact

1 with the boys. My wife asked a lot of questions that I  
2 don't recall.

3 Q. What did Father Van Handel tell you about how  
4 you would keep in contact with the boys?

5 A. He said they would call on the phone one time.

6 Q. How did Father Van Handel respond to your  
7 questions about whether the boys would be safe?

8 A. He said they were in safe hands.

9 Q. Did he give you any details about who would be  
10 going along on the trip?

11 A. No.

12 Q. Did he talk to you about whether there were  
13 other people on the trip who would supervise the boys in  
14 addition to himself?

15 A. I don't remember.

16 Q. Were you and your wife given an opportunity to  
17 participate in the trip?

18 A. No.

19 Q. Now, you testified that in the course of that  
20 half-hour meeting you observed Father Van Handel looking  
21 at your boys in a way that you thought was  
22 inappropriate; is that right?

23 A. Yes.

24 Q. After Father Van Handel left, did you have a  
25 discussion with your wife or anyone else about your

1 observation?

2 A. My wife.

3 Q. What did you say to her?

4 MR. HALE: Objection; that may call for  
5 privileged communication between husband and wife.

6 I can't instruct you not to answer but you've  
7 got a right not to answer.

8 MR. GODFREY: I don't think that's a civil  
9 privilege, I think it's a criminal privilege.

10 MR. HABEL: It's a criminal privilege.

11 MR. HALE: I think it applies to both. I could  
12 be wrong but I think it applies to both.

13 THE WITNESS: I told her I was suspicious of  
14 him. I didn't want them to go.

15 Q. BY MR. KASPER: What did your wife say?

16 A. She insisted.

17 Q. Mr. [REDACTED], I read somewhere in the materials  
18 that you and your wife had divorced at some point; is  
19 that true?

20 A. Yes.

21 Q. When did you divorce?

22 A. 1981.

23 Q. And what was your wife's name? What is your  
24 wife's name?

25 A. [REDACTED].

1 Q. Do you know what her current address is?

2 A. [REDACTED]  
3 [REDACTED].

4 Q. After the divorce, was there a custody order  
5 for your boys?

6 A. She got them.

7 Q. Did you have some visitation rights?

8 A. Yes.

9 Q. How often did you see them?

10 A. Daily or at least five times a week.

11 Q. Did you maintain living in Santa Barbara as  
12 well?

13 A. Yes.

14 Cold in here.

15 Q. When did you first meet [REDACTED]?

16 A. 1976.

17 Q. After you left the Santa Barbara Fire  
18 Department, did you maintain contact with [REDACTED]  
19 [REDACTED]?

20 A. No.

21 Q. Between the time that you left the [REDACTED]  
22 [REDACTED] how many times did you  
23 have any communications with [REDACTED]?

24 MR. HALE: Between that time and when?

25 Q. BY MR. KASPER: Between the time you left the

1 Fire Department and [REDACTED] when you received the phone  
2 call from [REDACTED].

3 A. One.

4 Q. One time. When was that other communication  
5 with [REDACTED]?

6 MR. HALE: Misstates prior testimony.

7 Q. BY MR. KASPER: Let me be clear, between [REDACTED]  
8 and 1989, before the phone call with [REDACTED] in  
9 1989, you had one communication with [REDACTED] in  
10 1981; is that right?

11 A. Yes.

12 Q. When was that communication?

13 A. When he called to tell me that I should ask my  
14 boys about molestation.

15 Q. Now, what you just answered, is that a  
16 description of the conversation you had in 1989 with  
17 [REDACTED]?

18 A. Yes.

19 Q. Other than that conversation, did you have any  
20 other conversations with [REDACTED] from 1981 to  
21 1989?

22 A. No.

23 Q. During the time that you were employed at the  
24 Fire Department, had you had any conversations with  
25 [REDACTED] about the Choir?

1 A. Yes.

2 Q. Can you tell me what, describe those  
3 conversations for me.

4 A. I told my kids made a record in London with the  
5 Choir.

6 Q. Did you have a copy of the record?

7 A. I gave it my son [REDACTED]  
8 I'm fading fast.

9 Q. Would you like to take another break?

10 A. No.

11 MR. KASPER: Let's go off the record for a  
12 minute, please.

13 (A discussion was held off the record.)

14 Q. BY MR. KASPER: Mr. [REDACTED], when [REDACTED]  
15 called you, have you told me everything that he said to  
16 you and everything that you said to him?

17 A. Yes.

18 Q. What did you do after the call ended?

19 MR. HALE: Asked and answered.

20 THE WITNESS: I called Virgil.

21 Q. BY MR. KASPER: Did you have, in 1989, did you  
22 have a conversation with either of your boys about the  
23 telephone call you received from [REDACTED]?

24 A. Yes.

25 Q. Who did you have your conversation with?

1 A. Both.

2 Q. Let's take the first conversation that you had.  
3 Who did you talk to first and when did that occur?

4 A. [REDACTED].

5 Q. When did you talk to him?

6 A. After the call from [REDACTED].

7 Q. And did you talk to him in person or on the  
8 phone?

9 A. Personal.

10 Q. Where did that conversation take place?

11 A. At [REDACTED].

12 Q. That's at your wife's house?

13 A. Yes.

14 Q. Was anybody present during that conversation  
15 besides you and your son?

16 A. No.

17 Q. What was said? Describe for me exactly what  
18 was said, everything you can remember.

19 A. I asked him he was molested. He said no with a  
20 look that I could tell from experience that he was  
21 lying.

22 Q. What did you say in response if you thought he  
23 was lying?

24 A. I let him off the hook. I didn't press it.

25 Q. Was there anything more that occurred during

1 that conversation?

2 MR. HALE: You know, Dennis, this witness was  
3 noticed as a noticed witness. Seems to me you're right  
4 on the border of into damages questions. I'm fine going  
5 there but I thought there was a specific request that we  
6 not go into damages issues.

7 MR. KASPER: I'm not going into damages  
8 questions at all.

9 MR. HALE: I think you're right on the border.

10 MR. KASPER: I'm asking questions that are  
11 specifically related to the notice. I have no intention  
12 of going into damages.

13 THE WITNESS: I hugged him.

14 Q. BY MR. KASPER: Mr. [REDACTED], is there anything  
15 about this conversation or the conversation with [REDACTED]  
16 [REDACTED] that would help you tell me when during 1989 the  
17 conversations took place?

18 A. No.

19 Q. After you had the conversation with [REDACTED] did  
20 you have a conversation also with [REDACTED], or [REDACTED]?

21 A. Yes.

22 Q. When did that take place?

23 A. Right after Dame.

24 Q. Where did that conversation take place?

25 A. On [REDACTED].



1 Q. Were the boys living at that address at that  
2 time?

3 A. Yes.

4 Q. Was anybody present besides you and [REDACTED] ?

5 A. No.

6 Q. And describe for me what was said during that  
7 conversation?

8 A. I repeated the question to him and he denied.

9 Q. Did the conversations with your two boys -- I'm  
10 sorry, go ahead. I didn't mean to interrupt you.

11 Have you told me everything that occurred  
12 during that conversation?

13 A. No.

14 Q. What else happened in that conversation?

15 A. I hugged him.

16 Q. Did the conversations with [REDACTED] and [REDACTED]  
17 take place before or after your initial call to Father  
18 Cordano?

19 A. Before.

20 Q. How much time passed between when you got the  
21 call from [REDACTED] and when you met with your  
22 boys?

23 A. One hour.

24 Q. After you spoke to the boys you then placed the  
25 call to Father Cordano; is that correct?

1 A. Yes.

2 Q. How much time passed between the conversation  
3 with the boys and that call?

4 A. One hour.

5 It's hot in here. Sorry.

6 Q. No problem. You tell us if you're  
7 uncomfortable.

8 Now, the first time you called Father Cordano,  
9 I believe your testimony is you called the gift shop; is  
10 that correct?

11 A. Yes.

12 Q. Where did you get the number? How did you  
13 obtain a number to call?

14 A. It was only number that had a person.

15 Q. How did you know that? Did you call other  
16 numbers?

17 A. I tried others.

18 Q. Now, when you reached the gift shop, you spoke  
19 to a woman; is that correct?

20 A. Yes.

21 Q. And you don't know who that person was; is that  
22 also true?

23 A. No.

24 Q. No, you don't know who she was?

25 A. No, I don't.

1 Q. And I was confused by your testimony. On your  
2 very first call what message did you leave?

3 A. I wanted Virgil to call me regarding something  
4 I heard about molesting.

5 Q. In that initial message, now, I just want to be  
6 sure we try to get this clear, Mr. [REDACTED], so that the  
7 record is clear. In your first message with the woman  
8 in the gift shop, did you -- you told her that you  
9 wanted Father Cordano to call you back because you had  
10 heard something about molesting; is that correct?

11 A. Yes.

12 Q. Did you give her any more details than that?

13 A. No.

14 Q. And did you tell her -- I assume you told her  
15 who you were and left a number; is that correct?

16 A. Yes.

17 Q. When was the next time that you called Father  
18 Cordano?

19 A. Daily for two weeks.

20 Q. So, the next time that you called was the next  
21 day; is that correct?

22 A. Yes.

23 Q. Who did you speak to the next day?

24 A. A person at the gift stop. Women only.

25 Q. Was the person you spoke to that day the same

1 as the person you spoke to the day before?

2 A. I don't know.

3 Q. Did you get the name of the person that you  
4 spoke to?

5 A. No.

6 Q. And what message did you leave -- did you leave  
7 a message this second day that you called?

8 A. I left a message that Virgil should call me  
9 every time.

10 Q. Now, you say you called once a day, every day,  
11 for two weeks; is that right?

12 A. Yes.

13 Q. And each time you called did you speak to  
14 somebody in the gift shop?

15 A. Yes.

16 Q. And each time it was a woman?

17 A. Yes.

18 Q. Do you know whether any of the times you spoke,  
19 you called during those two weeks, that you spoke to the  
20 same person or were they different people?

21 A. I don't know.

22 Q. And each time that you called you asked Father  
23 Cordano to call you back; is that correct?

24 A. Yes.

25 Q. In any of the messages, did you leave any more

1 detail other than what you had said in the first message  
2 about asking him to call back because you had heard  
3 about molesting?

4 A. No.

5 Q. In any of those messages during that first two  
6 weeks did you leave a reference to any specific  
7 Franciscans?

8 A. No.

9 Q. After the first two weeks, I gather that you  
10 did not receive a return call; is that correct?

11 A. Yes.

12 Q. What did you do after that?

13 A. Called once a week. Called once a month.  
14 Called every three months.

15 Q. All right. How long was it that you called  
16 once a week?

17 A. Four to eight times.

18 Q. During those four to eight times that you  
19 called once a week, did you call the gift shop every  
20 time?

21 A. Yes.

22 Q. Do you remember the phone number you called?

23 A. No.

24 Q. And each of the times that you called the gift  
25 shop, did you speak to a woman?

1 A. Yes.

2 Q. Did you ever get the name of the person you  
3 spoke to?

4 A. No.

5 Q. Do you know if you ever spoke to the same  
6 person more than one time?

7 A. No. I don't know.

8 Q. Each time that you called during those four,  
9 the four to eight times that we're discussing now, did  
10 you leave a message for Father Cordano?

11 A. Yes.

12 Q. And what was the message you left?

13 A. My name and number.

14 Q. Did you leave anything besides your name and  
15 phone number in those messages?

16 A. No.

17 Q. Now, I believe after those four to eight times,  
18 then you started calling once every three months; is  
19 that right?

20 A. No, a month.

21 Q. How many months did you call once a month?

22 A. 6-12.

23 Q. And so for the next six to twelve months you  
24 called once a month; is that correct?

25 A. Yes.

1 Q. And during that six to twelve-month period,  
2 were you calling the gift shop?

3 A. Yes.

4 Q. And each time did you talk to a person?

5 A. (Witness nods head affirmatively.)

6 Woman.

7 Q. Each time you spoke with a woman. And --

8 I believe the witness shook his head yes.

9 A. Yes.

10 Q. And on each occasion, on any of those  
11 occasions, did you get the name of the person you spoke  
12 to?

13 A. No.

14 Q. And during that six to twelve-month period,  
15 what message did you leave?

16 A. My name and number.

17 Q. Did you leave any other information in the  
18 message besides your name and phone number?

19 A. No.

20 Q. After this period of time, then you started  
21 calling every three months; is that right?

22 A. Yes.

23 Q. How long did that continue?

24 A. Eleven years.

25 Q. During those calls, were you still calling the

1 gift shop?

2 A. No.

3 Q. When did you stop calling the gift shop?

4 A. In the mid-'90s.

5 Q. And the reason you stopped calling the gift  
6 shop was because Father Cordano had a message answer  
7 capability at that point; is that correct?

8 A. Yes.

9 Q. How did you discover that?

10 A. He had his number published in the phone book.

11 Q. Mr. [REDACTED], did you keep a record of the phone  
12 calls that you made?

13 A. No.

14 Q. At some point in the '90s did either of your  
15 sons tell you that they had been molested by one of the  
16 Friars?

17 A. No.

18 Q. I noticed, Mr. [REDACTED], that in the newspaper  
19 article that you looked at, Exhibit 1, if you look on  
20 Page 2 of that article, sixth paragraph down, there's a  
21 reference there in the article to a conversation between  
22 you and [REDACTED] in 1994 after Father Van Handel's  
23 conviction. Is that reference inaccurate?

24 MR. HALE: Objection; the article speaks for  
25 itself.



1 MR. KASPER: The question is whether or not he  
2 had a conversation with [REDACTED].

3 MR. HALE: I don't think that's what the  
4 article states either. There's nothing in that article  
5 that affirmatively states that [REDACTED] told him he was  
6 abused. Look at the two paragraphs, Counsel.

7 MR. KASPER: I'm asking the witness a direct  
8 question.

9 Q. Did you have a conversation with [REDACTED] in  
10 1994?

11 A. Yes.

12 Q. Can you describe that conversation for me,  
13 please?

14 A. He denied it again.

15 Q. And did that conversation take place in 1994  
16 after Father Van Handel was convicted?

17 A. I don't remember. That's what the article  
18 says.

19 Q. I understand that that's what the article says,  
20 Mr. [REDACTED]. What I'm asking you is what your  
21 recollection is. Do you recall having a conversation in  
22 1994 with [REDACTED] on this subject?

23 A. I don't remember.

24 Q. You described for me a conversation you had  
25 with both boys in 1989 on this subject. Do you recall

1 having any other conversations with either boy in which  
2 you asked them whether they had been molested during the  
3 '90s?

4 A. No.

5 Q. And just so I'm clear, neither boy came to you  
6 at any time during the '90s and told you that they had,  
7 either one, that they had been molested by Father Van  
8 Handel or any other Friar; is that correct?

9 A. Yes.

10 I need a break.

11 MR. KASPER: Off the record.

12 (The lunch recess was taken at 12:50 P.M.,  
13 and the deposition reconvened at 2:00 P.M.,  
14 with all parties present as before.)

15 Q. BY MR. KASPER: Mr. [REDACTED], you're still under  
16 oath. Do you understand that?

17 A. Yes.

18 Q. Can you tell me where you were living in 1989,  
19 what your address was?

20 A. On [REDACTED].

21 Q. And were you living at this address when you  
22 received the phone call from [REDACTED]?

23 A. Yes.

24 Q. Do you know what the address was?

25 A. No.

1 Q. Do you know what your telephone number was at  
2 that time?

3 A. No.

4 Q. Between 1989 and 2003, did you move?

5 A. Yes.

6 Q. When was the first time you moved?

7 A. '91-'92.

8 Q. And did you move more than one time?

9 A. Yes.

10 Q. When was the next time you moved?

11 A. I don't remember. I don't remember.

12 Q. Between the time that you and your wife  
13 divorced and 1989, had you moved more than one time?

14 A. Yes.

15 Q. And did your telephone number change or remain  
16 the same each time you moved?

17 A. Changed.

18 Q. Just so that I can be clear, the phone number  
19 that you and your wife had when you lived together was  
20 different than the number you had after you moved out;  
21 is that right?

22 A. Yes.

23 Q. And each time you moved after that your number  
24 changed again?

25 A. Yes.

1 Q. And that continued after 1989 as well?

2 A. Yes.

3 Q. Do you know how many times you moved between  
4 1989 and 2003?

5 A. Four or five.

6 Q. And each time, sir, did you have a different  
7 phone number?

8 A. Yes.

9 Q. Now, was there ever a time when you did not  
10 live in Santa Barbara?

11 MR. CORDES: Between '89 and 2003?

12 MR. KASPER: Between '89 and 2003.

13 THE WITNESS: Yes.

14 Q. BY MR. KASPER: Where did you live when you  
15 didn't live in Santa Barbara?

16 A. Lompoc and Goleta.

17 Q. Can you tell me what period of time you lived  
18 in Lompoc?

19 A. [REDACTED].

20 Q. For some period of time in the [REDACTED] you  
21 lived in Lompoc; is that right?

22 A. Yes.

23 Q. And do you remember, can you be any more  
24 precise about the period of time, when you moved there,  
25 when you came back?

1 A. [REDACTED].

2 Q. Now, before the break, before we broke for  
3 lunch, Mr. [REDACTED], we were talking about the phone  
4 messages that you left with the mission and also with  
5 Father Cordano and you told me at some point in the  
6 mid-'90s you discovered that Father Cordano had a direct  
7 phone number; is that right?

8 A. Yes.

9 Q. And you discovered that because you found his  
10 number in the telephone directory?

11 A. Yes.

12 Q. When you called Father Cordano on his direct  
13 line, I believe your testimony is that you reached some  
14 sort of an answering device; is that correct?

15 A. Yes.

16 Q. For purposes of the testimony here we call that  
17 voice mail.

18 Now, when you reached the answering device, can  
19 you tell me, the first time you reached an answering  
20 machine as opposed to a live human, do you recall what  
21 message you left Father Cordano?

22 A. I told to call me, it's urgent.

23 Q. In either that message or any subsequent  
24 message, did you say anything to Father Cordano about  
25 your belief that your sons had been abused?

1 A. Yes.

2 Q. When was the first time you left a message when  
3 you talked about your sons being abused?

4 A. I don't know.

5 Q. That's I don't know?

6 A. Yes.

7 My arms are getting sore and weak.

8 Q. I understand.

9 You testified, sir, that you went to the  
10 seminary and met with a couple of men that you believed  
11 were Franciscans; is that right?

12 A. Yes.

13 Q. And do you know when that occurred?

14 A. In the mid-'90s.

15 Q. That was sometime in the mid-'90s. Do you have  
16 any way of --

17 A. Yes.

18 Q. -- pinning it down any more precisely than  
19 that?

20 A. '94-'95.

21 Q. When you went up to the seminary, did you, can  
22 you describe for me what happened when you went to the  
23 seminary; did you talk to a receptionist? Did you meet  
24 some people outside? How did you happen to come upon  
25 these particular individuals?

1           A.    I went on the steps and waited for someone to  
2 show up.

3           Q.    So, you did not go inside the seminary  
4 building; is that right?

5           A.    No.

6           Q.    Now, the two individuals that you met, can you  
7 describe them at all for me?

8           A.    White, 25, wearing brown robes.

9           Q.    Now, we've been referring to -- your testimony  
10 is that you went to the seminary. When we talk about  
11 the seminary, can you tell me where that is or what  
12 seminary we're talking about?

13          A.    Behind the mission on Olive Street or.

14          Q.    Now, can you tell me exactly what conversation  
15 occurred with these two individuals?

16               MR. GODFREY: Is that answer done? "Olive  
17 Street or."

18               MR. CORDES: That's the end of the answer.

19               MR. GODFREY: "Or" is the end of the answer?

20               Okay, thanks.

21          Q.    BY MR. KASPER: Did you initiate the  
22 conversations with the two men?

23          A.    Yes.

24          Q.    What did you say?

25          A.    I said that I thought Van Handel molested my

1 boys.

2 Q. And what did they say?

3 A. "I'm not surprised."

4 Q. Did they say anything else to you?

5 A. I don't remember.

6 Q. Did you say anything else to them?

7 A. Maybe some chitchat. No specifics.

8 Q. Did you ask them to do anything for you?

9 A. No.

10 Q. Did you ask them if you could talk to someone  
11 else?

12 A. I wanted to talk to Van Handel.

13 Q. Did you tell them that?

14 A. Yes.

15 Q. What did they say?

16 A. He's been transferred.

17 Q. Did you ask them any more questions?

18 A. No.

19 Q. Mr. [REDACTED], let me switch subjects with you for  
20 just a minute. What led you to initially, in 1989, to  
21 try and reach Father Cordano?

22 MR. HALE: Asked and answered.

23 MR. KASPER: I haven't asked that question.

24 MR. HALE: I have.

25 THE WITNESS: He was the head cheese. The



1 boss.

2 Q. BY MR. KASPER: And can you tell me what you  
3 men by "head cheese" or "the boss"?

4 A. It's obvious.

5 Q. Well, with all due respect, Mr. [REDACTED] you're  
6 the witness and it's not obvious to me. I'm trying to  
7 understand what your testimony is. So, if you would,  
8 tell me, what did you understand Father Cordano's role  
9 to be?

10 A. He was the head guy at the mission.

11 Q. Now, at any time between 1989 and 2003, did you  
12 make any other visits to the old mission church or to  
13 the seminary in an effort to see anybody there?

14 A. No.

15 Q. So, just to be clear, you never went to the old  
16 mission church to try and track Father Cordano down or  
17 to see him; is that right?

18 A. No.

19 Q. This is one of those questions where the "no"  
20 is -- you're saying no, you did not do that; is that  
21 correct?

22 A. That's right.

23 Q. Now, I believe you testified that at some point  
24 you actually did meet with Father Van Handel?

25 A. Yes.

1 Q. And when was that?

2 A. 1989.

3 Q. And how did you happen to come into contact  
4 with Father Van Handel, how did that happen?

5 A. I waited on the steps of the seminary for two  
6 hours till he showed up.

7 Q. Did you talk to anybody else at the seminary at  
8 that time?

9 A. No.

10 Q. And when Father Van Handel showed up, describe  
11 for me the conversation that occurred. What did you say  
12 to him? What did he say to you?

13 A. I told he molested my boys. Him, he.

14 Q. You told him that he molested your boys. And I  
15 believe your earlier testimony was you said you wanted  
16 to kill him; is that right?

17 A. Yes.

18 Q. And was that the first thing that you said to  
19 him?

20 A. The first was he molested, second I wanted to  
21 kill him.

22 Q. All right. And describe for us again his  
23 response.

24 A. He said "You need to get divine intervention."

25 Q. Was there any more to the conversation?

1 A. He turned and walked away.

2 Q. What did you do?

3 A. I left.

4 Q. Between 1989 and 2003, did you --

5 A. I can't type anymore. Numb.

6 MR. KASPER: Let's go off the record.

7 (A discussion was held off the record.)

8 Q. BY MR. KASPER: Between 1989 and 2003, did you  
9 have, other than the conversations that you described,  
10 did you talk to anybody else about your concerns that  
11 your boys might have been molested?

12 A. No.

13 Q. Did you ever have a conversation with your  
14 ex-wife about your concerns?

15 A. No.

16 Q. In 2003 you left a message for Father Cordano  
17 and he returned your call; is that right?

18 A. Yes.

19 Q. In the conversation that you had with Father  
20 Cordano in 2003, can you describe for me what you said  
21 to him when he got on the phone with you?

22 A. I've already answered that.

23 Q. Mr. [REDACTED], I know that you have already  
24 answered the question but I want to be sure that we have  
25 the entire conversation and that we have heard

1 everything that was said.

2 A. I told him he was a liar and he told me I need  
3 to pray and get counseling and they would pay.

4 Q. Did Father Cordano, did you ask Father Cordano  
5 how to arrange for counseling?

6 A. He told me.

7 Q. Did you have any discussions with Father  
8 Cordano about the newspaper article itself?

9 A. Yes.

10 Q. What did you say and what did he say?

11 A. See above.

12 Q. You told him that you thought he was a liar and  
13 he responded the way you've answered before; is that  
14 right?

15 A. Yes.

16 Q. Was anything else said during that conversation  
17 about either the contents of the newspaper article or  
18 about investigations or anything else, is there anything  
19 else in the conversation that was discussed?

20 A. No.

21 Q. So, you've given us the entire conversation in  
22 your testimony today?

23 A. Yes.

24 Q. Did you actually seek counseling?

25 A. Yes.

1 Q. And that was through the arrangements Father  
2 Cordano made for you?

3 A. Yes.

4 MR. HALE: Misstates testimony. I don't think  
5 any arrangements were made. He told him how to go get  
6 counseling.

7 MR. KASPER: The record speaks for itself.

8 Q. Mr. [REDACTED], were you ever aware of any kind of  
9 investigation being conducted by the Franciscans or an  
10 outside group into allegations of molestation with the  
11 Choir?

12 A. Yes.

13 Q. When did you become aware of that  
14 investigation?

15 A. I don't recall.

16 Q. And were you ever interviewed by anybody in  
17 connection with that investigation?

18 A. No.

19 Q. Do you know if either of your boys were  
20 interviewed?

21 A. I don't know.

22 MR. KASPER: Go ahead. I have no more  
23 questions.

24 Thank you, Mr. [REDACTED].

25 MR. GODFREY: Good afternoon Mr. [REDACTED]. My

1 name is Peter Godfrey and I represent the Archdiocese of  
2 Los Angeles. I'm going to try to keep this brief. I  
3 know you're getting tired.

4 EXAMINATION

5 BY MR. GODFREY:

6 Q. In response to one of Mr. Kasper's questions  
7 you indicated you talked to nobody else regarding the  
8 molestation of your boys other than what you've  
9 testified to this afternoon; is that correct?

10 A. Yes.

11 Q. Did you try to talk to anybody else?

12 A. No.

13 Q. In conjunction with your efforts to talk to  
14 somebody about the molestation, did you write any  
15 letters to anyone?

16 A. No.

17 Q. At any point did either of your boys tell you  
18 they'd been molested by Father Van Handel?

19 A. Yes.

20 Q. Which boy or both?

21 A. Both.

22 Q. And when was that?

23 A. 2003.

24 Q. To your knowledge, had they told your wife  
25 about it prior to 2003?

1 MR. HALE: Calls for speculation.

2 THE WITNESS: No.

3 MR. GODFREY: I asked for his knowledge.

4 Q. During the course of the time frame when you  
5 were leaving messages at the gift shop and on Father  
6 Cordano's voice mail, did you tell anyone else that you  
7 were trying to get a hold of him?

8 A. No.

9 Q. So, there's nobody who you complained to  
10 regarding the fact that you weren't getting returned  
11 calls?

12 A. No. Yes. It's unclear question.

13 Q. Unclear question. Okay, let me ask the  
14 question a different way. I think your testimony was,  
15 correct me if I'm wrong, that during the time frame you  
16 were calling the gift shop and Father Cordano's number  
17 you told no one else of your efforts to get a hold of  
18 him. Is that correct?

19 A. Yes.

20 Q. Other than your attorneys, have you told anyone  
21 else about the fact that you kept calling for 13 years?

22 A. Yes.

23 Q. Who?

24 A. My second wife.

25 Q. Were you married to your second wife during the

1 time frame of 1989 through 2003?

2 A. Yes.

3 Q. What are the dates of the marriage?

4 A. '90-'96.

5 Q. And what's your second wife's name, please.

6 A. [REDACTED].

7 Q. Is her name currently [REDACTED]?

8 A. No.

9 Q. What's her name now?

10 A. [REDACTED].

11 Q. And where does Ms. [REDACTED] live?

12 A. In Santa Barbara.

13 Q. Do you know the address?

14 A. [REDACTED].

15 Q. Was your second wife [REDACTED] present with you  
16 at the time of any of these efforts to get a hold of  
17 Father Cordano?

18 A. Yes.

19 Q. On how many occasions? And I know you're not  
20 going to remember perfectly, your best estimate, please.

21 A. I don't know.

22 Q. Do you have an estimate as to how many times  
23 she was present when you were making these phone calls?

24 A. 25-30.

25 Q. Did [REDACTED] know that you were making phone



1 calls to find out about molestation to your children?

2 A. Yes.

3 Q. Did [REDACTED] make any calls to your knowledge?

4 A. No.

5 Q. Other than [REDACTED], was there anybody else  
6 who was present at the time of any of your attempts to  
7 telephone Father Cordano?

8 A. No.

9 Q. All right, I don't think you got asked this  
10 question. Have you ever been convicted of a felony?

11 A. No.

12 MR. GODFREY: Thank you.

13 MS. LYDDAN: Mr. [REDACTED], good afternoon. My  
14 name is Angela Lyddan. I also represent the  
15 Archdiocese.

16 EXAMINATION

17 BY MS. LYDDAN:

18 Q. When were you first diagnosed with ALS?

19 A. Two years ago.

20 Q. So, approximately 2003?

21 A. Yes.

22 Q. And when did it affect your ability to speak?

23 A. Before that.

24 Q. Can you estimate for us approximately when?

25 A. 2002.

1 MS. LYDDAN: Thank you, Mr. [REDACTED], I have  
2 nothing further.

3 MR. HALE: Just got a couple follow-up.

4 FURTHER EXAMINATION

5 BY MR. HALE:

6 Q. Tom, regarding that first message that you left  
7 at the gift shop in 1989, did you say anything about --  
8 you mentioned the Santa Barbara Boys Choir to the woman  
9 in the gift shop?

10 A. Yes.

11 Q. What did you say about the Boys Choir?

12 A. I heard that my sons had been possibly  
13 molested.

14 Q. And did you mention choir in that context  
15 during that first conversation in 1989?

16 A. Yes.

17 Q. Did you give her your sons' names?

18 A. No.

19 Q. Did you give her your name?

20 A. Yes.

21 Q. And during that same first conversation, did  
22 you identify any priests by name?

23 A. No.

24 Q. Going back to that conversation you had with  
25 the two Friars who you weren't able to identify, did

1 they say Father Van Handel had been transferred or did  
2 they say he was in prison?

3 A. Transferred.

4 Q. Do you recall at the time of that conversation  
5 whether you had heard that Van Handel had been  
6 criminally prosecuted yet?

7 A. No.

8 Q. Is it possible that your estimate of that  
9 conversation, that that conversation took place in 1984  
10 or '85, is off?

11 A. Yes.

12 Q. Then going to the conversation you had with  
13 Father Cordano in 2003, did he acknowledge receiving any  
14 of your prior messages?

15 A. No.

16 MR. HALE: That's all I have.

17 MR. KASPER: One question, sir.

18 FURTHER EXAMINATION

19 BY MR. KASPER:

20 Q. You said that the ALS began to impact your  
21 ability to speak in 2002; is that correct?

22 A. Yes.

23 Q. When did it impact it to the point where you  
24 could no longer speak at all?

25 A. 2004.

1 MR. KASPER: Nothing further.

2 FURTHER EXAMINATION

3 BY MR. HALE:

4 Q. Tom, were there any other conditions that  
5 impacted your ability to speak other than the ALS?

6 A. No.

7 MR. HALE: That's all I have. Anyone else?

8 All right. So, let's end the depo right now  
9 but reserving the right to renotece it once the stay is  
10 lifted so we can get his damages testimony.

11 Stipulate that the reporter be relieved of her  
12 duties under the Code. We'll send the original to Mr.  
13 Cordes' office. He can maintain custody of the  
14 original, and if you can then forward that to Mr.  
15 [REDACTED], and is 30 days enough time for you to review the  
16 transcript, [REDACTED]?

17 THE WITNESS: Yes. If I live that long.

18 MR. HALE: I hope you do, [REDACTED].

19 Make any changes you feel are necessary, then  
20 sign it under the penalty of perjury. Then, if you  
21 could forward the transcript back to Mr. Cordes and then  
22 he can make known to us any changes as soon as possible.  
23 And if for some reason the original is not available  
24 before trial, an unsigned certified copy can be used for  
25 all purposes. Any problems with that?

1 MR. GODFREY: So stipulated.

2 MR. HABEL: So stipulated.

3 MR. KASPER: So stipulated.

4 (The deposition was adjourned at 2:40 p.m.)

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DEPONENT'S DECLARATION

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I, [REDACTED], hereby declare:

I have read the foregoing deposition transcript and identify it as my own and approve same.

I declare under penalty of perjury under the laws of the State of California that the foregoing testimony is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005 at \_\_\_\_\_, California.

\_\_\_\_\_  
[REDACTED]

1 STATE OF CALIFORNIA )  
 ) ss.  
2 COUNTY OF VENTURA )  
3

4 I, SUSAN E. HAMMONS, C.S.R. No. 6355, a Certified  
5 Shorthand Reporter for the State of California, do  
6 hereby certify:

7 That, prior to being examined, [REDACTED], was by  
8 me duly administered an oath to tell the truth, the  
9 whole truth, and nothing but the truth;

10 That the deposition of the witness in this  
11 proceeding was taken down by me in stenotype at the time  
12 and place therein named and thereafter reduced to  
13 typewriting by computer-aided transcription under my  
14 direction.

15 I further certify that I am neither counsel for nor  
16 related to any party to said action nor in any way  
17 interested in the outcome thereof.

18 WITNESS my hand this 11th day of September, 2005,  
19 at Ventura, California.

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\_\_\_\_\_  
Certified Shorthand Reporter  
State of California  
C.S.R. No. 6355