

CONDENSED TRANSCRIPT OF  
[REDACTED], **Volume I**

**Date:** February 6, 2006

**Case:** CLERGY CASES I & III

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

Coordination Proceedings )  
Special Title (Rule 1550(b)) )  
In Re: ) No. JCCP 4286 AND  
 ) JCCP 4359  
 )  
THE CLERGY CASES I & III )  
\_\_\_\_\_ )

VOLUME I DEPOSITION OF [REDACTED], a  
Witness, taken on behalf of Plaintiffs, commencing at  
10:31 a.m., Monday, February 6, 2006, at Santa Barbara  
Mission, before MARIA G. RABATIN, CSR #6821, Certified  
Shorthand Reporter in the County of Santa Barbara, State  
of California.

--ooOoo--

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24 Also Present:

25 Christian Martinez, Videographer

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I N D E X

WITNESS

EXAMINATION BY

PAGE



MR. HALE

6

E X H I B I T S

(NONE)

1 MONDAY, FEBRUARY 6, 2006

2 SANTA BARBARA, CALIFORNIA

3 10:31 A.M.

4  
5 THE VIDEOGRAPHER: Good morning. This is the  
6 videotaped deposition of Brother [REDACTED] in the  
7 matter of the Clergy cases I and III. Case pending in  
8 the Superior Court of the State of California for the  
9 County of Los Angeles, Central District. The case  
10 numbers are JCCP 4359 and JCCP 4286.

11 Today's date is Monday, February 6, 2006. The  
12 location is the Santa Barbara Mission in Santa Barbara,  
13 California, and the time on the video monitor is 10:31.

14 The certified shorthand reporter is Maria  
15 Rabatin. My name is Christian Martinez, a certified  
16 legal video specialist and a notary public in the state  
17 of California. I represent DEPOVISION of Santa Barbara,  
18 California.

19 Would counsel and all present, please,  
20 introduce yourselves for the record and state whom you  
21 represent?

22 MR. HALE: Tim Hale for plaintiffs.

23 MR. LAURENCE: Patrick Laurence from Freberg &  
24 Associates on behalf of Plaintiffs [REDACTED]

25 [REDACTED].

1 MS. HUBERT: Vanessa Hubert; Gilbert, Kelly,  
2 Crowley & Jennett for Archdiocese of Los Angeles and  
3 Clergy I.

4 MR. HABEL: James Habel; Hennigan, Bennett &  
5 Dorman for the Archdiocese of Los Angeles and defense  
6 liaison counsel in Clergy I.

7 MR. BONA: David Bona; Carroll, Burdick &  
8 McDonough on behalf of the Archdiocese of Los Angeles  
9 and Clergy I.

10 MR. MATIASIC: Paul Matiasic; Lewis Brisbois  
11 Bisgaard Smith for the Franciscan Friars of California  
12 in Clergy I and III and for the witness [REDACTED].

13 THE VIDEOGRAPHER: Thank you.

14 Would the court reporter please swear in the  
15 witness?

16

17

18 [REDACTED],  
19 a Witness, having been duly administered an oath by the  
20 Certified Shorthand Reporter, testified as follows:

21

EXAMINATION

22 BY MR. HALE:

23 Q. Good morning, Brother [REDACTED].

24 A. Good morning.

25 Q. By the way, how would you like me to refer to

1 you? Should I refer to you as "Brother" or  
2 "Mr. [REDACTED]," or what is your preference?

3 A. Brother [REDACTED].

4 Q. Brother [REDACTED]. That's what it will be.

5 Could you state and spell your full name for  
6 the record, please? I've been mixing up the spelling of  
7 the last name. I've never been sure if it's the "Y" at  
8 the end or the "I."

9 A. [REDACTED].

10 Q. That clarified that.

11 Can you state -- spell your first full name?

12 A. [REDACTED].

13 Q. Okay.

14 A. Brother [REDACTED].

15 Q. Okay.

16 A. [REDACTED].

17 Q. Okay. Thanks.

18 Have you ever had your deposition taken before?

19 A. No.

20 Q. I assume Mr. Matiasic had a chance to explain  
21 the process to you, but I want to just go over a few of  
22 the ground rules to make sure we are on the same page.

23 Do you understand your testimony has the same  
24 force and effect as if we were in a court of law before  
25 a judge and jury?



1 A. Yes.

2 Q. You understand that you have been placed under  
3 oath by the court reporter?

4 A. Yes.

5 Q. Great.

6 Have you consumed any alcohol or drugs in the  
7 last 24 hours that might impair your ability to give  
8 testimony?

9 A. No.

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

12 A. No.

13 Q. One of the things that's really critical -- as  
14 you can see, the court reporter is typing what I say and  
15 what you say. It's very important that we not speak  
16 over each other. When I ask you a question, try and  
17 wait until I finish before you answer. By the same  
18 token, when you are responding to one of my questions,  
19 I'll do my best to not speak over your answers.

20 Do you understand that?

21 A. Yes.

22 Q. I don't want you to guess to any of the answers  
23 to the questions I ask today. I am entitled to your  
24 best estimate.

25 Do you understand the difference between an

1 estimate and guess?

2 A. Yes.

3 Q. If I ask you a question and you respond, I'm  
4 going to assume you understood what I meant by the  
5 question. So it's very important if you don't  
6 understand a question, ask me to rephrase or ask for  
7 clarification on whatever point is causing you  
8 confusion; okay?

9 A. Yes.

10 Q. Great.

11 At the end of your deposition today, your  
12 testimony is going to be placed into a typed booklet  
13 form. You are going to have a chance to review the  
14 testimony, make any changes that you think are  
15 necessary. But you need to keep in mind if you do make  
16 any changes, either myself or some other attorney in  
17 this matter will be free to comment on those changes at  
18 the time of trial. So it's very important to give your  
19 best testimony today.

20 Do you understand that?

21 A. Yes.

22 Q. Great.

23 Something you are doing very well is providing  
24 clear, affirmative responses. You want to avoid  
25 answering questions with uh-huhs, nuh-uhs and nods of

1 the head and that sort of thing. That way we will have  
2 a nice, clear record when the deposition is over.

3 Do you understand that?

4 A. Yes.

5 Q. I heard your counsel tell you before the depo  
6 started that if you need to take break just let him  
7 know. I'll second that. If you to take need a break at  
8 any time this morning, just let us know. We are not  
9 holding you prisoner here. Okay?

10 A. Yes.

11 Q. Great.

12 MR. MATIASIC: Before you get into any  
13 questions, Tim, I want to object at the outset regarding  
14 the deposition notice. We're objecting to the extent it  
15 purports to notice Brother [REDACTED] as a hierarchy witness.  
16 He was never in position of hierarchy at any time within  
17 the province, so he won't be answering any questions in  
18 that regard.

19 MR. HALE: Okay.

20 MR. HABEL: Join.

21 MS. HUBERT: Join.

22 MR. HALE: All right.

23 Q. Have you ever reviewed any documents in  
24 preparation for your deposition today?

25 A. No.

1 Q. I want to go over your employment history and  
2 your educational background to start the deposition.

3 Were you born here in Santa Barbara?

4 A. Born in Cleveland, Ohio.

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

6 A. No.

7 Q. Where did you go to high school?

8 A. Union City, Pennsylvania.

9 Q. What year did you graduate?

10 A. '38.

11 Q. What year did you become a member of the  
12 province of Santa Barbara?

13 A. 1955. Admission time.

14 Q. I'm sorry? I didn't catch the last part.

15 A. Admission time.

16 Q. Oh. Admission time.

17 How was it you became aware of the province?  
18 In other words, how did you learn about the province  
19 that led you to want to join the province?

20 A. It's a long story.

21 Q. Okay. Well, let's see if we can break it down.

22 A. Initially I was scheduled to go to the Jesuits,  
23 but I stopped to correct an eye defect as the result of  
24 an accident. I thought it would take a couple weeks, a  
25 couple of months. It took four years. In that time I

1 was going to Bishop Dolores' daily mass. It was at  
2 6:30. As I was catching the bus to get into the  
3 shipyard, too late. I decided to reroute myself to a  
4 place that I could go to an earlier mass. The only  
5 place was St. Boniface in San Francisco.

6 Q. Okay. What year do you think that was? Was  
7 that 1955?

8 A. Oh, no. That would be 1950 -- no, no, no.  
9 1955.

10 It took four years. It looked like -- I  
11 decided, "Why not go and see what these people have to  
12 offer?" So that's how I got started, switching over to  
13 become a Franciscan brother.

14 Q. Maybe I misunderstood you. Were you a member  
15 of the Jesuit province before you became a Franciscan?

16 A. No. I lived alone for 10 years after I got out  
17 of the service. I got out of service 1945 and lived in  
18 San Francisco, worked on the shipyards for 10 years.

19 MR. MATIASIC: Brother █████, you answered the  
20 question.

21 Q. BY MR. HALE: Your first religious order with  
22 anyone was the Franciscans?

23 A. Yes.

24 Q. Was there an application process when you  
25 joined the Franciscans?

1           A.    Well, yes, there was.  But it -- you asked me  
2    what I did for a living.  I told them I was a missile  
3    maker.  He said, "What use does the order have of a  
4    missile maker?"

5           And I didn't realize at the time that they were  
6    thinking of musical instruments, and I was an  
7    electrician, and so I worked aboard ship -- all the  
8    ships in the shipyards, taking care of the electrical  
9    instruments, carriers and all that stuff.  So they -- it  
10   was a mistake of understanding and so they didn't want  
11   me.  They had no use for an instrument maker.

12          Q.    Was there any kind of training process you had  
13   to go through to become a Franciscan?

14          A.    No.

15          Q.    For instance, did you have to have a novitiate  
16   year?

17          A.    What's that?

18          Q.    Did you have a novitiate year?

19          A.    Oh, yes.  Yes, we had a novitiate year.  I see  
20   what you mean.  Yes, we had the novitiate year.  At that  
21   time, it took eight years from the time -- before you  
22   could solemnly profess.  So you have a novitiate year,  
23   and then a presolemn profession year, three years later;  
24   and it's an eight-year process at that time.

25          Q.    And was your novitiate year 1955?  In other

1 words, did it start when you joined the province?

2 A. No. You sort of a novice for several years  
3 before you go to the novitiate.

4 Q. What is your date of birth?

5 A. 7-14-1920.

6 Q. You were around 35 when you joined the  
7 province?

8 A. Right.

9 Q. So when you first joined the province in 1955,  
10 I think you said there were a couple of years where you  
11 were -- I forget what the term was. Pardon me.

12 A. It's what you call prenovitiate.

13 Q. So you were prenovitiate. So that lasted three  
14 years?

15 A. Approximately. It's flexible.

16 Q. Where were you -- where was your first -- where  
17 was the location of your first --

18 A. Novitiate?

19 Q. -- assignment?

20 Yes.

21 Well, your first year, 1955, as a prenovitiate.  
22 Where were you?

23 A. San Luis Rey, Old Mission San Luis Rey.

24 Q. How long were you at San Luis Rey?

25 A. About six months. They decided --

1 MR. MATIASIC: You answered the question.

2 Q. BY MR. HALE: 1955?

3 A. Right.

4 Q. What was the next step in the process after San  
5 Luis Rey?

6 A. They sent me to the casa in Phoenix Casa de Paz  
7 Bien.

8 Q. Okay. That was in '56?

9 A. Right.

10 Q. During the six months at San Luis Rey, what did  
11 you do? What were your responsibilities?

12 A. Dining room orderly.

13 Q. Anything else?

14 A. No. I was transferred. They transferred me to  
15 Holy Cross in New Mexico as part of the building crew.

16 Q. That was after the casa in Phoenix?

17 A. That was four months at casa.

18 Q. You said you were part of the building crew?

19 A. Uh-huh. We built a retreat house at Las  
20 Cruces, New Mexico, for about two-and-a-half years.

21 Q. How long were you in Phoenix?

22 A. About four months.

23 It was Scottsdale, not Phoenix.

24 About two-and-a-half months.

25 Q. So not very long?



1 A. Right. About two-and-a-half months.

2 Q. That was in '56?

3 A. Uh-huh.

4 Q. What did you do while you were in Scottsdale?

5 What were your responsibilities?

6 A. Anything they wanted me to do. It's a retreat  
7 house. It's also a motel, and so you are working at a  
8 motel.

9 Q. You were kind of a Jack of all trades?

10 A. Sort of.

11 Q. Whatever they needed?

12 A. Right.

13 Q. You were working at the retreat house? The  
14 casa was a retreat house?

15 A. Right.

16 Q. When you went to Holy Cross, was that in 1956  
17 as well?

18 A. Right, to '58. About two-and-a-half years.

19 Q. And during your time at Holy Cross, what were  
20 your responsibilities limited to? Just building the  
21 retreat house?

22 A. Yes. Basically I'm an electrician.

23 Q. Were you still a prenovitiate at that point?

24 A. Yes.

25 Q. When did you become a novice? Is that the next

1 step?

2 A. I was transferred from there to St. Anthony's  
3 Seminary to California building another retreat house.

4 Q. So you helped build the retreat house at Three  
5 Rivers?

6 A. Right. And then that was my novitiate year,  
7 1959.

8 Q. That was your novitiate year?

9 A. '59-'60.

10 Q. Your time building the Three Rivers retreat was  
11 your novitiate year?

12 A. During that time period.

13 Q. You were at Three Rivers just for that one  
14 year?

15 A. No. I went to novitiate; then I went back to  
16 the retreat house, continued working there.

17 Q. Which retreat house?

18 A. St. Anthony's retreat, Three Rivers.

19 Q. I'm a little confused. Did you help build  
20 St. Anthony's retreat, Three Rivers?

21 A. Yes.

22 Q. '56 to '58 you were at Holy Cross in New  
23 Mexico.

24 A. Right.

25 Q. Then in '59-'60, you were helping to build the

1 retreat house, Three Rivers?

2 A. Right. I was there, but at that time I served  
3 my novitiate year at San Miguel, California.

4 Q. Where were you in residence?

5 A. Well, I was in residence at Three Rivers at San  
6 Miguel for one year, and then I went back to Three  
7 Rivers.

8 Q. What year were you at San Miguel?

9 A. 1959-'60.

10 Q. What year was it that you helped build Three  
11 Rivers? Was it '60-'61?

12 A. It was during that period. They called me back  
13 to do work that needed to be done. So they pulled me  
14 out for a month, and then I went back. After novitiate,  
15 I went back to Three Rivers.

16 Q. Sounds like you bounced back and forth between  
17 San Miguel and Three Rivers during that '59-'60 time  
18 period.

19 A. Right.

20 Then I went back to San Miguel for my presolemn  
21 profession year. That was '62-'63.

22 Q. Okay.

23 A. Then went back to Three Rivers. While I was  
24 there, I was involved with an allergy problem that I  
25 picked up years before and got so bad that I had to ask

1 for a transfer. They said they had been asking for me  
2 at the seminary because I'm an electrician. So I came  
3 to the seminary in January '66.

4 Q. You returned to San Miguel for '62-'63 for your  
5 solemn profession year. Then you went back to Three  
6 Rivers in '64?

7 A. In '63.

8 Q. Okay. Then you stayed there until you were --

9 A. Until I asked to be transferred because of  
10 health conditions.

11 Q. Okay. You were back at Three Rivers for almost  
12 three years?

13 A. Right.

14 Q. What were your duties when you returned to  
15 Three Rivers in '63-'66?

16 A. Electrician, building electrician. Everything  
17 else -- anything else that was necessary.

18 Q. When you arrived at St. Anthony's, what were  
19 your duties?

20 A. Anything they wanted me to do.

21 Q. How long were you at St. Anthony's for? Were  
22 you there until it closed?

23 A. Yes. Beyond the time of closing until -- from  
24 '66 to possibly 2000, because 2000 I had open heart  
25 surgery. I've been at the seminary ever since then. I

1 mean, Old Mission.

2 Q. Were you in residence at St. Anthony's? Were  
3 you living at St. Anthony's from '66 until 2000?

4 A. Yes.

5 Q. And then when you had your open heart surgery,  
6 did you then commence living at the Old Mission?

7 A. Right.

8 Q. And you have been living at the Old Mission  
9 ever since?

10 A. Yes.

11 Q. You said that when you were at St. Anthony's  
12 you kind of did whatever they needed you to do. Can you  
13 give me a description of what that would include? Did  
14 you help out in the kitchen?

15 A. I had a varied background. I was capable of  
16 doing anything that they wanted. I updated their  
17 electrical system.

18 Q. Okay.

19 A. Then they found out I could do other things.

20 Q. What things did you help with at St. Anthony's?

21 A. Let's see.

22 Q. And I don't expect you to remember them all.  
23 Just give me an idea.

24 A. The last 10 years at the seminary I did the  
25 laundry for the school. I took the swimming pool for 10

1 years.

2 Q. What did you do for the swimming pool?

3 A. This one out here.

4 Q. Right. But what did you do?

5 A. Cleaned it, maintained it and all that.

6 Q. What else? Anything else that you can  
7 remember? For instance, did you help with the athletic  
8 teams?

9 A. No. Took care of setting up for their Fiesta  
10 celebrations.

11 Q. Okay.

12 A. And the -- I updated their electrical system,  
13 cooked breakfast for six years, made donuts for six  
14 years. My days were full so that I didn't have time to  
15 be involved with anyone.

16 MR. MATIASIC: He was asking about your duties.  
17 Any other duties, Brother [REDACTED]?

18 THE WITNESS: They are so varied. I was busy  
19 all the time.

20 Q. BY MR. HALE: Did you ever do anything to help  
21 in the infirmary?

22 A. No.

23 Q. Did you ever do any electrical work in the  
24 infirmary?

25 A. Yes.

1 Q. What did you do?

2 A. Anything that involved lighting, electrical  
3 outlets.

4 Q. Do you have any recollection of specific tasks  
5 you performed in the infirmary?

6 A. Well, except for doing electrical requirement  
7 work, that was it.

8 Q. Okay.

9 During your time -- you lived at the seminary  
10 from 1966 until 2000; right?

11 A. Um-hum.

12 Q. Is that a "yes"?

13 A. Yes.

14 Q. Did you live in the same place for those 34  
15 years?

16 A. Pretty much so. I lived in Tortilla Flats.  
17 It's a building that was used to house construction  
18 workers, and they used it as sort of a guest house.

19 Q. If you and I were standing on the athletic  
20 field of St. Anthony's and looking at the front of the  
21 building, is Tortilla Flats off to the right and up a  
22 little bit?

23 A. If you were --

24 Q. In other words --

25 A. You know where the kitchen building is? You

1 look straight up and it's a long building right there.

2 Q. Is it to the left of and behind the swimming  
3 pool?

4 How about this --

5 A. Well, the swimming pool is slightly to the  
6 right, and the building is -- as you go up the hill  
7 there, you are going right up toward the building, and  
8 it swings to the back of the kitchen building, as they  
9 refer.

10 Q. If we took the driveway up, would we run into  
11 Tortilla Flats, basically?

12 A. Right.

13 Q. And did you live there the entire time, all 34  
14 years?

15 A. Just about.

16 Q. Did you live anywhere else?

17 A. Come to think of it, no.

18 Q. From '66 to 2000, did you have assignments  
19 anywhere other than St. Anthony's?

20 A. No.

21 Q. Did you ever do work at the Old Mission?

22 A. Oh, yes. In fact, when I first -- for a few  
23 weeks was carrying out Father Altman's request to do  
24 here at the Mission.

25 Q. During your 34 years -- your first 34 years in



1 Santa Barbara, can you give an estimate or approximation  
2 of how much of your work involved St. Anthony's versus  
3 how much involved the Old Mission, what percent? Would  
4 it be 50/50, 60/40 in favor of St. Anthony's.

5 A. Ninety-some percent for St. Anthony's.

6 Q. Okay.

7 A. My time was taken over there with their  
8 requirements.

9 Q. About 10 percent to the Mission?

10 A. Oh, no, a couple percent.

11 Q. A couple percent, okay.

12 Who were your neighbors when you lived in the  
13 Tortilla Flats?

14 MR. MATIASIC: All 34 years?

15 Q. BY MR. HALE: Let's start when you first  
16 started.

17 A. There were a couple of people there --

18 MR. HABEL: Good answer.

19 THE WITNESS: I practically lived there by  
20 myself, drifting in and out. Most of the time I was in  
21 the building by myself.

22 Q. BY MR. HALE: Any priests live --

23 A. No.

24 Q. You didn't have any priests that lived in  
25 Tortilla Flats?

1 A. No.

2 Q. Did brothers live in Tortilla Flats sometimes?

3 A. A few, but for a short time and they were gone.

4 Q. Did any students ever live in Tortilla Flats?

5 A. No.

6 Q. Did any brothers from the Old Mission ever live  
7 in Tortilla Flats?

8 A. No.

9 Q. Did Sam Cabot ever live in Tortilla Flats?

10 A. No.

11 Q. Tell me about your -- did you usually spend --  
12 when school was out in the summertime, did you stay --  
13 did you still live at the seminary?

14 A. Yes, I was a year-rounder. Nice and quiet.

15 Q. In the summertime would you ever see students  
16 on campus, or would they be gone for the summer?

17 A. They were gone for the summer.

18 Q. Were there any kind of summer school classes  
19 for students, or anything like that that you know of?

20 MR. MATIASIC: If you know.

21 THE WITNESS: No.

22 Q. BY MR. HALE: Do you recall ever seeing  
23 students on campus in the summertime?

24 A. No.

25 Q. If you had seen a student on campus in the

1 summertime, would that have been unusual?

2 MR. MATIASIC: Lacks foundation. Incomplete  
3 hypothetical. Vague and ambiguous.

4 Q. BY MR. HALE: Would it have been a strange  
5 sight to see a student there in the summertime, in other  
6 words, at St. Anthony's?

7 MR. MATIASIC: Same objections.

8 Q. BY MR. HALE: What I am getting at is were  
9 there any other -- maybe there were athletic camps. You  
10 said there was no summer school. Were there athletic  
11 camps or any kind of function that you were aware of at  
12 St. Anthony's where that would make it common to see a  
13 student at St. Anthony's in the summertime?

14 MR. MATIASIC: Hold on, Brother.

15 I'm going to object. It misstates the  
16 testimony. He didn't say there was no summer school.  
17 He said he wasn't aware of what was going on.

18 I'll incorporate all the same objections as to  
19 the original question.

20 Q. BY MR. HALE: You can answer.

21 Were you aware of any athletic camps at  
22 St. Anthony's in the summertime?

23 A. No.

24 Q. Were you aware of anything that was going on at  
25 the school where you would see students under the age of

1 18 on the campus?

2 A. No.

3 MR. MATIASIC: This is the entire 34 years?

4 MR. HALE: Yes.

5 MR. MATIASIC: Overbroad.

6 Q. BY MR. HALE: Would it have been unusual to see  
7 a student on the campus in the summertime?

8 MR. MATIASIC: Same objections. Lacks  
9 foundation. Vague and ambiguous. Incomplete  
10 hypothetical.

11 Q. BY MR. HALE: You can answer.

12 A. I wasn't aware of anyone. It's a semi-public  
13 place, and I'm aware of people going through all the  
14 time. So I am not aware of any student activities.

15 Q. Okay. Do you recall ever seeing any  
16 Franciscans bring students on campus in the summertime?

17 A. No.

18 MR. MATIASIC: Vague and ambiguous.

19 Q. BY MR. HALE: Would that have been unusual to  
20 see a Franciscan bring a student on the campus in the  
21 summertime?

22 MR. MATIASIC: Same objection. Lacks  
23 foundation. Incomplete hypothetical.

24 Q. BY MR. HALE: You can answer.

25 A. Like I say, it's a public place, and there are

1 so many visitors that I really couldn't say whether they  
2 were visiting or just passing through.

3 Q. So do you have a recollection of seeing --

4 A. No.

5 Q. -- minors on campus in the summertime?

6 MR. MATIASIC: Let him finish his question.

7 Q. BY MR. HALE: Is that a "no"?

8 MR. MATIASIC: I'll object --

9 MR. HALE: I'll ask again.

10 Q. Do you have any recollection of seeing any  
11 minors on the campus in the summertime?

12 MR. MATIASIC: Vague and ambiguous as to the  
13 term "minors."

14 Q. BY MR. HALE: Do you understand "minors,"  
15 anyone under the age of 18?

16 A. We had Sunday mass there and huge numbers of  
17 people come every Sunday. And the grounds were used as  
18 a jogging place, so you have people there all the time.  
19 You wouldn't be conscious of whether they belong there,  
20 who they belonged to.

21 Q. Let's exclude the athletic field then. Let's  
22 talk strictly on the school grounds, in other words,  
23 where the classrooms are. Would it have been unusual to  
24 see a student in the seminary building during the  
25 summertime?

1 MR. MATIASIC: He also testified that there was  
2 mass there. So you are saying in the classrooms?

3 Q. BY MR. HALE: Tell me, where is the chapel at  
4 St. Anthony's? If we are standing on the athletic  
5 field, can you tell me where the chapel is?

6 A. You see the large tower that is the part of the  
7 chapel.

8 Q. Okay. And how often is mass given at the  
9 chapel?

10 A. Sundays.

11 Q. Would it have been unusual to see a student in  
12 the seminary buildings or a minor in the seminary  
13 buildings at any time other than during Sunday mass?

14 A. No.

15 MR. MATIASIC: No. Vague and ambiguous. Lacks  
16 foundation, incomplete hypothetical.

17 Q. BY MR. HALE: I'm sorry. I didn't get the  
18 answer.

19 A. No, the place is locked. Nobody there, except  
20 on Sundays.

21 Q. So it would have been unusual then to see --

22 MR. MATIASIC: Hold on.

23 Q. BY MR. HALE: -- to see a student in the  
24 seminary building because it's normally locked. Is that  
25 a fair statement?

1 MR. MATIASIC: Incomplete hypothetical. Are  
2 you talking about the entire 34 years?

3 MR. HALE: Yes.

4 MR. MATIASIC: You are talking about excluding  
5 Sundays?

6 MR. HALE: Yes, exactly.

7 THE WITNESS: Like I said, it's a matter of  
8 safety. It was locked because there was nobody there.

9 Q. BY MR. HALE: I'm not questioning the safety  
10 issues or whether it was locked or not. I understand  
11 the school was locked.

12 A. There wouldn't be anybody there if it's locked.

13 Q. Is it a fair statement to say, therefore, it  
14 would have been unusual to see any minor inside seminary  
15 buildings given that the school was locked during the  
16 summertimes other than for mass?

17 MR. MATIASIC: Same objections.

18 THE WITNESS: Come again.

19 Q. BY MR. HALE: Excluding Sunday mass, was it  
20 your understanding that the school was locked during  
21 summertime?

22 A. Uh-huh.

23 Q. In light of that, other than during Sunday  
24 mass, would it have been unusual to see a minor inside  
25 seminary buildings on any day other than during when

1 Sunday mass was being performed?

2 MR. MATIASIC: Vague and ambiguous. Lacks  
3 foundation. Overbroad and incomplete hypothetical.

4 If you can answer the question, go ahead,  
5 Brother [REDACTED], answer the question.

6 THE WITNESS: Yes, it would be exceptional to  
7 see someone there.

8 Q. BY MR. HALE: Do you recall there being, during  
9 your 34 years, Franciscans, priests and brothers, who  
10 would still be on seminary grounds during the  
11 summertime?

12 MR. MATIASIC: I think on the grounds is vague  
13 and ambiguous. There's a difference between being there  
14 for a reason and being a resident.

15 If you can answer the question as phrased, go  
16 ahead.

17 THE WITNESS: Well, during the summer they take  
18 their vacations, and so a good number of them are  
19 absent, and so there's --

20 Q. BY MR. HALE: But do you have a recollection  
21 that there would be Franciscans living at the seminary  
22 during the summertime?

23 A. People -- a certain number live there to staff  
24 the place.

25 Q. You said that the seminary would be locked in



1 the summer. Do you know --

2 A. The seminary chapel.

3 Q. Okay. What about the rest of the seminary?

4 A. Well, that could be closed to anybody.

5 Q. Who would have access, to your knowledge? Did  
6 you have a key to all the doors in the seminary?

7 MR. MATIASIC: That's compound. Are you asking  
8 him the second one?

9 MR. HALE: The second one, definitely.

10 THE WITNESS: I had keys for everything.

11 Q. BY MR. HALE: Do you know who else had access  
12 to the seminary in the summertime --

13 MR. MATIASIC: During the entire 34 years?

14 Q. BY MR. HALE: -- with keys?

15 MR. MATIASIC: During the entire 34 years?

16 MR. HALE: (Nods head.)

17 MR. MATIASIC: Overbroad.

18 THE WITNESS: I wouldn't know that, because we  
19 also had master keys in the office that anyone --  
20 available to anyone that was knowledgeable to get the  
21 keys to go wherever he wanted to go, but there's no one  
22 that came there.

23 Q. BY MR. HALE: What office are you referring to?

24 A. The main office, the rector's office.

25 Q. Did you know Fern Sayovitz?

1 A. Yes, I did.

2 Q. Do you know if she had keys to the seminary?

3 A. No. She had a room for her supplies because  
4 she taught there.

5 MR. MATIASIC: The question was, "Did she have  
6 keys to the seminary?"

7 THE WITNESS: No.

8 Q. BY MR. HALE: Would you normally see her at the  
9 seminary in the summertime?

10 A. Sunday mass.

11 Q. Any other time?

12 A. No.

13 Q. Would you normally see any lay people at the  
14 seminary in the summertime other than during mass?

15 MR. MATIASIC: Again, I'm going to object;  
16 vague and ambiguous when you say "at the seminary."  
17 He's already testified that it was a semi-public place.  
18 People jog there. There were people throughout the  
19 time. I think it's vague and ambiguous.

20 Q. BY MR. HALE: When I say "at the seminary,"  
21 let's talk about inside the seminary building. Would  
22 you normally see people inside --

23 A. No.

24 Q. -- lay people inside the seminary building in  
25 the summertime?

1 MR. MATIASIC: Brother [REDACTED], you need to let him  
2 finish his question first. Okay?

3 THE WITNESS: I'm sorry.

4 Q. BY MR. HALE: Do you understand my question?  
5 Would you normally see -- do you recall ever seeing lay  
6 people inside a seminary building during the summer  
7 months?

8 A. No.

9 Q. Okay. So the only people who would have access  
10 to the seminary in the summer months would be  
11 Franciscans. Is that a fair statement?

12 A. Yes.

13 MR. MATIASIC: That he is aware of?

14 MR. HALE: Yes.

15 Q. Did you know any of the students? Were you  
16 friends with any of students at the seminary?

17 MR. MATIASIC: Compound. Again, the second  
18 one, Tim?

19 MR. HALE: Sure.

20 THE WITNESS: No.

21 Q. BY MR. HALE: Do you remember a student named  
22 [REDACTED]?

23 A. No.

24 Q. Do you have a recollection of any Franciscans  
25 ever bringing a seminarian -- or a minor to the campus

1 during the summer months?

2 A. No.

3 MR. MATIASIC: Vague and ambiguous.

4 MR. HALE: Okay.

5 Q. Have you ever held any elected positions in the  
6 province?

7 A. No.

8 Q. Have you ever served on any boards or  
9 committees in the province such as the Ordination  
10 Board or --

11 A. No.

12 Q. -- the Novitiate Board, Profession Committee  
13 Board, the Ongoing Formation, Retreat? Any of those  
14 sound familiar to you?

15 A. No.

16 Q. You never served on any of those?

17 A. No.

18 Q. Held any other positions in the province that  
19 we haven't already talked about?

20 A. No.

21 Q. Do you know who Pat McKinley is?

22 A. What's that?

23 Q. Do you know who Pat McKinley is? If you  
24 don't -- I'm not trying to cross you up. If you don't  
25 know the name, just tell me.

1 A. No.

2 Q. Do you remember who Father Harris' secretary  
3 was while you were at the seminary?

4 A. No.

5 MR. MATIASIC: Lacks foundation.

6 Q. BY MR. HALE: Is Tortilla Flats, is that a  
7 one-story building?

8 A. Yes.

9 Q. Do you know a gentleman by the name of [REDACTED]  
10 [REDACTED]?

11 A. He was a brother.

12 Q. How do you know him?

13 A. Well, he was stationed when I came here, and he  
14 left, and that was my last contact with him.

15 Q. You haven't had contact with him since he left  
16 the province?

17 A. In passing and greeting each other to that  
18 extent.

19 Q. Where have you had passing contact with  
20 Mr. [REDACTED]?

21 A. Albertson's shopping area.

22 Q. Have there been any social --

23 A. No.

24 Q. -- events that he attended?

25 A. No.

1 MR. MATIASIC: Brother █████, you need to let him  
2 finish his question.

3 THE WITNESS: I'm sorry. I'm sorry.

4 MR. HALE: That's okay.

5 Q. Have you seen him at the missionary or seminary  
6 since he left the province?

7 A. At a distance, yes, but not to talk to him.

8 Q. Was that some kind of function or gathering  
9 or --

10 A. They had alumni associations, and he would  
11 attend some of these, and so to that extent.

12 Q. Okay. Do you recall Gus Krumm being at the  
13 seminary in the summertime around -- in the late '70s  
14 and the early '80s?

15 A. I don't recall seeing him much at all. He  
16 taught there for some time.

17 Q. Okay.

18 A. Again, no.

19 Q. Do you recall him ever bringing a minor for an  
20 overnight stay at the seminary during the summer of  
21 either 1980 or 1981?

22 A. No.

23 Q. If you had seen Brother Krumm -- or, Father  
24 Krumm with a minor at the seminary in 1980 or '81, would  
25 you have told anyone about that?

1 MR. MATIASIC: Vague and ambiguous. Lacks  
2 foundation. Incomplete hypothetical.

3 MR. HABEL: Calls for speculation.

4 THE WITNESS: I don't -- I don't recall  
5 anything.

6 Q. BY MR. HALE: I understand you don't have a  
7 recollection of that happening. But I'm just asking, if  
8 you did see Krumm with a minor in his company during the  
9 summer months in '80 or '81 --

10 A. No.

11 Q. -- would you have told anyone?

12 MR. MATIASIC: Same objections.

13 MR. HABEL: Same objections.

14 Do you understand the question?

15 THE WITNESS: Come again.

16 MR. MATIASIC: Do you understand the question?

17 THE WITNESS: Repeat.

18 Q. BY MR. HALE: If you had seen a minor in the  
19 company of Brother Krumm inside a seminary building in  
20 the summer months of 1980 or 1981 --

21 A. No.

22 MR. MATIASIC: You have to let him finish,  
23 Father [REDACTED].

24 MR. HALE: I'm almost done.

25 Q. -- would you have told anyone about that?

1 MR. MATIASIC: Same objections as before.

2 THE WITNESS: I didn't, but I wouldn't have any  
3 reason to have any opinion at all one way or the other,  
4 because as a teacher, he would have come in contact with  
5 different people. So there's no reason for me to see  
6 anything wrong.

7 MR. HALE: Okay.

8 Q. Other than with your attorneys, have you ever  
9 discussed with anyone the fact that you were going to be  
10 deposed today?

11 A. No.

12 Q. Have you ever discussed with anyone, other than  
13 your attorneys, the depositions of other Franciscans  
14 that have taken place before today?

15 A. No.

16 Q. While you were at St. Anthony's Seminary in the  
17 1960s, did you know Father Cimmarrusti?

18 A. To the degree that he was a teacher there.

19 Q. What time in the morning would your day start  
20 usually? Typical day in the 1960s, what time would you  
21 rise?

22 A. Oh, between 5:00 and 6:00.

23 Q. Would the day start with morning prayers?

24 A. Yes.

25 Q. How long would that last for?



1 A. Maybe 15 minutes.

2 Q. Would that be followed by mass or breakfast?

3 MR. MATIASIC: Talking about him in the '60s?

4 MR. HALE: Yes.

5 THE WITNESS: Let's see. We had a different  
6 schedule then. So we generally -- we had mass -- meals  
7 after mass.

8 Q. BY MR. HALE: What time would breakfast be  
9 usually?

10 A. It's so hard to pinpoint, and I did it so many  
11 times.

12 MR. MATIASIC: If you can recall.

13 MR. HALE: Yeah. You don't have to be exact.  
14 Just give me a rough --

15 MR. MATIASIC: If you can recall what time you  
16 ate breakfast in the 1960s, go ahead and tell him.

17 THE WITNESS: I would say seven o'clock.

18 Q. BY MR. HALE: Was that a pretty consistent, set  
19 schedule?

20 A. Yes.

21 Q. And then would the workday start after the  
22 breakfast?

23 A. Yes.

24 Q. Would there be a morning work shift, basically?

25 MR. MATIASIC: Again, for him in the '60s?

1 MR. HALE: Yes.

2 THE WITNESS: I was my own boss, and so the --  
3 I did days as a matter of convenience for myself.  
4 Depending on what my workload was for the day, how I  
5 scheduled my time and my meals.

6 Q. BY MR. HALE: Did you have an office or work  
7 space?

8 A. No. I had a workshop.

9 Q. Where was that located?

10 A. It was one of the buildings back on the  
11 Tortilla Flats, the workshops, and one side of the  
12 building were guest rooms, eight rooms.

13 Q. Would there be a lunch break around noon?

14 MR. MATIASIC: Again, Counsel, I think he  
15 testified that he had his meals on his convenience  
16 working around his work schedule.

17 MR. HALE: I thought he said that about  
18 breakfast.

19 MR. MATIASIC: Do you recall what time you had  
20 lunch in the 1960s, Brother [REDACTED]?

21 THE WITNESS: Probably about 12:00.

22 Q. BY MR. HALE: Do you recall eating lunch with  
23 other brothers, or would you eat by yourself?

24 A. We generally ate together.

25 Q. Would there be a period in the afternoon of

1 more work if you had work to do?

2 A. It varied with what jobs I was involved in as  
3 to how I handled it.

4 Q. Where did you -- was the majority of your time  
5 spent in your workshop or working in various projects  
6 around the seminary?

7 MR. MATIASIC: Vague and ambiguous. Are we  
8 talking about 1960?

9 MR. HALE: Yes, we are still in the '60s.

10 THE WITNESS: When I did the laundry, it  
11 started at four o'clock in the morning and ended up  
12 about ten o'clock, and I was pooped. When I did vacuum  
13 the swimming pool, I did it as early in the morning in  
14 order to miss the sunshine coming over. And so I would  
15 schedule my time as to attend the masses to meet my  
16 religious requirements at different times.

17 Q. BY MR. HALE: Did you do laundry for everyone  
18 or just the Franciscans or for the students?

19 A. Just for the students.

20 Q. Who did the laundry for the Franciscans, if you  
21 know?

22 MR. MATIASIC: This is during the entire  
23 34-year period?

24 MR. HALE: No, just the '60s right now.

25 THE WITNESS: I think to the degree they washed

1 their own clothes.

2 Q. BY MR. HALE: What years did you do the  
3 laundry?

4 A. '77 to '87.

5 Q. Okay.

6 Do you recall there being a recreation room for  
7 the brothers while you were at the seminary in the '60s?

8 A. They utilized the same recreation room, the  
9 fathers and the brothers, upstairs.

10 Q. Okay. When you say "upstairs," if we were  
11 looking at the entrance of the seminary, it would be the  
12 second floor?

13 A. Right above the office.

14 Q. And the brothers and the fathers both used --

15 A. Right, the same recreation room.

16 Q. During the week would there be kind of a  
17 predinner -- I don't know what you want to call it - a  
18 cocktail hour, or whatever, a meeting for the brothers  
19 and priests in that recreation room?

20 MR. MATIASIC: What time are we talking about?

21 MR. HALE: '60s.

22 THE WITNESS: Well, since I'm a teetotaler, I  
23 was never involved in it, but I'm sure they had their  
24 drinks.

25 MR. MATIASIC: He only wants to know what you

1 are aware of, Brother [REDACTED].

2 THE WITNESS: No.

3 Q. BY MR. HALE: Did you attend any gatherings in  
4 the recreation room before dinner would start in the  
5 '60s?

6 A. I don't believe I ever attended.

7 Q. Were you aware of that happening?

8 A. I know that they had a get-together.

9 Q. Were you aware that there would be kind of a  
10 one night a week card playing night during the '60s in  
11 the rec room?

12 A. I rarely attended that.

13 MR. MATIASIC: He asked whether you were aware.

14 THE WITNESS: Yes, I'm aware that they had the  
15 recreation.

16 MR. HALE: How are you guys doing?

17 MR. MATIASIC: Let's take a break.

18 THE VIDEOGRAPHER: Time is 11:23 a.m. We are  
19 off the record.

20 (Recess.)

21 (Mr. Dimaria joins the proceedings.)

22 THE VIDEOGRAPHER: Time is 11:30 a.m. We are  
23 back on the record.

24 Q. BY MR. HALE: During your approximately 34  
25 years at the seminary, did you ever have -- did you have

1 much interaction with students, or were your duties  
2 really separate and apart from the students?

3 MR. MATIASIC: Vague and ambiguous.

4 THE WITNESS: No interaction.

5 Q. BY MR. HALE: Did students ever express any  
6 interest to you being an electrician or what the nature  
7 of your work was?

8 A. No.

9 Q. Were you ever aware of students being  
10 disciplined while you were at the seminary?

11 A. No.

12 Q. Do you recall an instance where Father  
13 Cimmarrusti walked into the recreation room and  
14 announced that he had given an exam to a classroom of  
15 students who he instructed to take the exam in their  
16 underwear?

17 MR. MATIASIC: Lacks foundation. Assumes facts  
18 not in evidence. Vague and ambiguous.

19 THE WITNESS: No.

20 Q. BY MR. HALE: Did you ever hear of something  
21 like that happening?

22 A. No.

23 Q. Did you ever observe any students where there  
24 appeared to be injury, bruising, to their upper buttocks  
25 or their thighs?

1 MR. MATIASIC: Same objections.

2 THE WITNESS: No.

3 Q. BY MR. HALE: Did you ever hear anyone say they  
4 observed something like that?

5 A. No.

6 Q. Do you know what sensitivity training is?

7 A. No.

8 Q. Have you ever heard of that?

9 A. No.

10 Q. Do you know who [REDACTED] is?

11 A. No.

12 Q. Do you know what the Board of Inquiry is?

13 A. No.

14 Q. Do you recall the Board of Inquiry in 1983 that  
15 investigated the abuse allegations of St. Anthony's here  
16 in Santa Barbara?

17 MR. MATIASIC: Objection. He already testified  
18 he doesn't know what the Board of Inquiry is.

19 MR. HALE: Paul, I've got a right to try and  
20 see if I can refresh his recollection. That's all I'm  
21 trying to do. If he doesn't know, he doesn't know.

22 THE WITNESS: No.

23 Q. BY MR. HALE: Do you remember there were  
24 meetings of this investigative body that the Franciscans  
25 put together to try and investigate the claims of the

1 allegations of abuse at St. Anthony's?

2 A. No.

3 Q. Were you ever interviewed by anyone about  
4 allegations of abuse at St. Anthony's?

5 A. No.

6 Q. Did anyone ever ask you, other than your  
7 attorneys, whether you ever observed any kind of  
8 inappropriate conduct at St. Anthony's?

9 A. No.

10 Q. Has any Franciscan --

11 When I say "Franciscan," do you understand me  
12 to be referring to both priests and brothers?

13 A. Repeat that.

14 Q. When I refer to "Franciscans," do you  
15 understand me to be referring to both priests and  
16 brothers?

17 A. Yes.

18 Q. Has any Franciscan ever told you that they were  
19 subjected to inappropriate conduct by another Franciscan  
20 while they were attending St. Anthony's?

21 MR. MATIASIC: Vague and ambiguous.

22 THE WITNESS: No.

23 Q. BY MR. HALE: While you were at San Luis Rey,  
24 did you know Father Brian Lyons, L-y --

25 A. Yes.



1 Q. How did you know Father Lyons?

2 A. He was brought into San Luis Rey to make -- to  
3 take charge, and he made changes, but -- so I know him  
4 but not that well.

5 Q. Did he arrive at San Luis Rey at the same time,  
6 roughly, as you did?

7 A. Did who?

8 Q. Father Lyons?

9 MR. MATIASIC: If you know.

10 Q. BY MR. HALE: Was he already there when you got  
11 there?

12 A. No.

13 Q. So he arrived there after you got there?

14 A. Right.

15 Q. Did you do any work with him?

16 A. No.

17 Q. Did he ever ask you to do any projects for him,  
18 anything like that?

19 A. No.

20 Q. Did you ever hear that he was inspecting  
21 students' genitals at San Luis Rey to see if they had  
22 been circumcised?

23 MR. MATIASIC: Vague and ambiguous.

24 THE WITNESS: No.

25 BY MR. HALE: Did he ever try anything like that

1 with you?

2 A. No.

3 Q. Did he ever -- was there any inappropriate  
4 conduct directed towards you by Father Lyons?

5 A. No.

6 Q. Were you ever involved -- first of all, were  
7 you aware that there were study hall sessions at  
8 St. Anthony's?

9 A. Come again.

10 Q. Were you aware that there were study hall  
11 sessions at St. Anthony's?

12 A. No.

13 Q. Did you ever do any work at the casa? I'm not  
14 talking about the casa in Phoenix. The casa next to the  
15 seminary.

16 A. Yes.

17 Q. What did you do at the casa?

18 A. Electrical work.

19 Q. Was the casa already built when you arrived?

20 A. Yes.

21 Q. Do you recall what years -- did you do  
22 electrical work at the casa more than once?

23 A. A number of times. Whenever it was needed.

24 Q. When was the first year that you did electrical  
25 work at the casa?

1 A. Possibly 1966 or '67.

2 Q. Do you recall what you did?

3 A. They wanted changes in their electrical system,  
4 lighting system, and it involved removing and rewiring  
5 the lighting system in the library.

6 Q. Sounds like it was a fairly -- it wasn't a  
7 project that you finished one day.

8 A. That's true. It went on for some time.

9 Q. Did it go on for days or weeks, or more than  
10 that? Month?

11 A. No, no. It would run possibly a week's worth  
12 at a time.

13 Q. Do you recall were there Franciscans living in  
14 the casa when you were doing that work?

15 A. No.

16 Q. Do you know what the casa was being used for  
17 while you were doing that work?

18 MR. MATIASIC: The first time?

19 MR. HALE: Yes.

20 THE WITNESS: Study groups. It was the  
21 library, and so they -- and a recreation room for some  
22 of the upper class students.

23 Q. BY MR. HALE: Were you aware of there being  
24 any -- were you aware if there were any rooms in the  
25 casa that had a bed or beds in them?

1 A. Yes.

2 Q. Were those guest rooms for visitors, or do you  
3 know what those were for?

4 A. At that particular time, I don't think they had  
5 guests. They used it primarily for school functions.

6 Q. Do you know what the beds were there for?

7 A. I couldn't even say whether there were beds  
8 there or not.

9 Q. While you were doing the electrical work, would  
10 it be normal for you to see students in the casa?

11 MR. MATIASIC: Vague and ambiguous.

12 Q. BY MR. HALE: In that 1960s project.

13 A. When I worked there, the students weren't  
14 there.

15 Q. They were in class?

16 A. Right.

17 Q. Would you normally see Franciscans in the casa  
18 during that project?

19 A. No.

20 Q. Did you ever observe any Franciscan bring a  
21 student to the casa while you were working on that  
22 project?

23 MR. MATIASIC: Vague and ambiguous. Incomplete  
24 hypothetical.

25 THE WITNESS: Repeat yourself.

1 MR. HALE: Sure.

2 Q. Did you ever observe any Franciscan bring a  
3 student into the casa while you were working on that  
4 project?

5 A. No.

6 Q. Did you ever see Father Cimmarrusti -- were you  
7 ever aware Father Cimmarrusti was disciplining students  
8 in the casa?

9 A. No.

10 Q. Were you aware that Father Cimmarrusti was  
11 disciplining students anywhere?

12 A. No.

13 Q. What about Father McKeon? Were you aware that  
14 he was disciplining students anywhere?

15 A. McKeon, he wasn't there.

16 Q. But before. I'm sorry. My mistake. Before  
17 you started -- strike that question. He was gone by the  
18 time you got there.

19 Were you ever aware of any discussions  
20 regarding whether corporal punishment was appropriate  
21 for the students at St. Anthony's?

22 A. No.

23 Q. Do you know whether there was any corporal  
24 punishment taking place at St. Anthony's?

25 A. No.

1 Q. Did you ever hear there was corporal punishment  
2 taking place at St. Anthony's?

3 A. No.

4 Q. Do you know what the Santa Barbara Boys Choir  
5 is?

6 A. Repeat yourself.

7 Q. The Santa Barbara Boys Choir, do you know what  
8 that is?

9 A. Yes.

10 Q. What is your understanding of the Santa Barbara  
11 Boys Choir?

12 A. I don't know anything about them.

13 Q. But you have heard of them before?

14 A. Yes.

15 Q. Was it your understanding that Father  
16 Van Handel created the boys choir?

17 A. Yes.

18 Q. Did Father Van Handel ever ask you to assist in  
19 anything related to the Santa Barbara Boys Choir?

20 MR. MATIASIC: Vague and ambiguous.

21 THE WITNESS: Yes, in supplying light.

22 Q. BY MR. HALE: To choir productions?

23 A. Different passageways and different things as a  
24 matter of convenience for them to move around the  
25 building.

1 Q. Okay. What passageways needed more light?

2 A. They used to have to go to what they call the  
3 rector's lounge, and they didn't have three-way lights,  
4 so the lights were on the other end of the room. So I  
5 had to arrange to have -- put a light so when they came  
6 in the other way, they would turn on the light as a  
7 matter of convenience for themselves.

8 Q. I'm sorry. What was the name of the light?

9 A. They called it the rector's hall.

10 Q. Was that different from the Friar's recreation  
11 lounge?

12 A. Formally it was a study hall, and then they  
13 converted it into a student's lounge.

14 Q. And then did it become a rector's lounge?

15 A. No. The rector's lounge is upstairs. It also  
16 would be the community recreation room.

17 MR. MATIASIC: Just for point of clarification,  
18 Tim, maybe you should determine if it was the Old  
19 Mission room or St. Anthony's.

20 Q. BY MR. HALE: Was this building in  
21 St. Anthony's or in the Old Mission that you are  
22 referring to?

23 A. St. Anthony's.

24 Q. Was it your understanding that the choir was  
25 practicing in this room?

1           A.    They didn't practice, but they had to pass  
2 through the room.

3           Q.    Did you have an understanding of where the  
4 choir practiced generally?

5           A.    They generally practiced in the tower.

6           Q.    Okay.

7           A.    The tower is several floors, and on the third  
8 floor they did their practicing.

9           Q.    Do you recall a period when Father Van Handel  
10 was living in the casa?

11          A.    Yes.

12          Q.    Was there anyone else living in the casa with  
13 Father Van Handel at that time?

14               MR. MATIASIC:  If you know.

15               THE WITNESS:  No.

16          Q.    BY MR. HALE:  Do you remember someone named  
17                     ,                     ?

18          A.    No.

19          Q.    Were there any projects Father Van Handel asked  
20 you to assist with regarding the choir?

21          A.    No.

22          Q.    In the -- do you recall Father Van Handel being  
23 assigned to the seminary around 1975?

24          A.    Yes.

25          Q.    From 1975 until Father Van Handel left the



1 seminary grounds around '91, would you normally eat  
2 breakfast and dinner with Father Van Handel, or would  
3 you be in separate places for meals?

4 THE WITNESS: No.

5 MR. MATIASIC: Overbroad.

6 THE WITNESS: I never ate breakfast with him.

7 Q. BY MR. HALE: Would you be in the same room but  
8 not at the same table?

9 MR. MATIASIC: Just so I'm clear, Counsel, you  
10 are talking about 1975, the late '80s?

11 MR. HALE: '91, actually.

12 MR. MATIASIC: Three different meals?

13 MR. HALE: Yes.

14 MR. MATIASIC: Asked him if he ever --

15 MR. HALE: Not ever.

16 Q. Was it a common occurrence for you to be eating  
17 with Father Van Handel in the same room? And strike  
18 that, as far as three meals. I'm interested in  
19 breakfast and dinner, actually.

20 A. No.

21 MR. MATIASIC: Vague and ambiguous.

22 Q. BY MR. HALE: Would you eat dinner or breakfast  
23 with a different group of Franciscans, or would you eat  
24 by yourself?

25 A. It depends on your workload when you ate.

1 Q. But did you usually eat by yourself, or did you  
2 eat with other people?

3 A. There were others. You didn't eat by yourself.  
4 There was someone present. Of course, it depends on  
5 what the meal was as to what you had.

6 Q. Okay.

7 A. And the work shift was such that they would  
8 come in as a matter of convenience to themselves.

9 Q. Do you have any recollection of being at a meal  
10 where Father Van Handel had members of the choir with  
11 him, eating with him --

12 A. No.

13 Q. -- or a member?

14 Not for breakfast or dinner?

15 A. No.

16 Q. Did you ever hear that Father Van Handel was  
17 bringing choir members to eat with him at breakfast or  
18 dinner?

19 A. No.

20 Q. Did you ever observe any choir members in the  
21 casa?

22 A. No.

23 Q. Did you attend choir performances?

24 A. No.

25 Q. Did you ever attend any choir practices?

1 A. No.

2 Q. Do you know if Father Van Handel had any adults  
3 who were assisting him with the choir?

4 A. No.

5 Q. Do you recall seeing Father Van Handel playing  
6 with choir members on the -- for instance, on the  
7 athletic field before or after choir practice?

8 MR. MATIASIC: Vague and ambiguous.

9 THE WITNESS: No.

10 Q. BY MR. HALE: Do you recall ever seeing choir  
11 members in the company of Father Van Handel from '75 to  
12 '91?

13 MR. MATIASIC: Same objection.

14 THE WITNESS: No.

15 Q. BY MR. HALE: But you were aware that the choir  
16 existed; right?

17 A. Right.

18 Q. Did you know Father [REDACTED],  
19 [REDACTED].

20 A. Yes.

21 Q. How did you know Father [REDACTED]?

22 A. He was a redemptionist teacher there.

23 Q. Was he already at the school when you were  
24 transferred to St. Anthony's?

25 A. No.

1 Q. Did he come after you were transferred to  
2 St. Anthony's?

3 A. Right.

4 Q. Did you ever hear Father Cimmarrusti talk about  
5 having been concerned about students not maturing  
6 physically or developing physically?

7 A. No.

8 MR. MATIASIC: Vague and ambiguous.

9 Q. BY MR. HALE: Did you ever hear any Franciscan  
10 talk about having concerns about students' physical  
11 maturity?

12 A. No.

13 MR. MATIASIC: Same objection.

14 Q. BY MR. HALE: Did you hear ever Father  
15 Cimmarrusti express concern about a student having an  
16 undistended testicle?

17 A. No.

18 MR. MATIASIC: Same objection.

19 Q. BY MR. HALE: Did you ever hear Father  
20 Cimmarrusti express any concern about a student's  
21 health?

22 A. No.

23 Q. Did Father Cimmarrusti ever ask you to assist  
24 him in the infirmary?

25 A. No.

1 Q. Did you ever attend faculty meetings for  
2 St. Anthony's?

3 A. No.

4 Q. Did you ever attend any skits or plays put on  
5 by the student body at St. Anthony's?

6 A. Well, they would have -- to the degree that  
7 they had a yearly program/show that they put on, and we  
8 would go watch that.

9 Q. Do you remember ever watching one, a skit, that  
10 parodied faculty behavior?

11 A. No.

12 MR. MATIASIC: Vague and ambiguous.

13 Q. BY MR. HALE: Do you ever recall there being a  
14 videotape that contained a performance that parodied  
15 faculty behavior?

16 A. No.

17 Q. Do you remember a student named [REDACTED]?

18 A. No.

19 Q. Were you aware of students being expelled while  
20 you were at the seminary?

21 A. Yes.

22 Q. Was that a common or uncommon occurrence?

23 A. Uncommon.

24 Q. When was the first time that you were aware of  
25 a student being expelled?

1 A. I don't recall the exact day. He brought dope,  
2 and so they had to send him back home.

3 Q. Was it in the '60s?

4 A. Oh, no. Earlier than that, but I couldn't tell  
5 you the date.

6 Q. Can you recall any other instances where a  
7 student was expelled?

8 A. No.

9 Q. Do you recall being aware of students running  
10 away from the school?

11 A. Yes.

12 Q. When did you first -- what is your first  
13 recollection of a student running away from school?

14 A. I couldn't tell you the day.

15 Q. Do you recall the circumstances?

16 A. No, I didn't know. It came as a surprise that  
17 someone took off.

18 Q. Do you know where the student ran away to?

19 A. San Francisco.

20 Q. Was it in the '60s or '70s?

21 A. I don't recall.

22 Q. Did you ever hear of a student stowing away on  
23 a plane to run away from the seminary?

24 A. Yes.

25 Q. Does the name [REDACTED] sound familiar

1 to you?

2 A. No.

3 Q. Did you ever discuss with any other Franciscans  
4 about the student stowing away --

5 A. No.

6 Q. -- on a plane to leave the seminary?

7 A. No.

8 Q. How did you hear about that?

9 A. Someone passed on the information, snuck aboard  
10 a plane and gone to Hawaii. To that extent, that is the  
11 degree in which I know of. I don't know the student or  
12 anything about it.

13 Q. Okay.

14 Did you discuss that happening with any other  
15 Franciscans?

16 A. No.

17 Q. Did you ever try and find out why the student  
18 ran away?

19 A. No.

20 Q. Have you ever heard of any Franciscan who was  
21 spanking either a San Luis Rey or seminary student?

22 A. No.

23 MR. MATIASIC: Vague and ambiguous.

24 Q. BY MR. HALE: Did you know a student named [REDACTED]  
25 [REDACTED].

1 A. No.

2 Q. What about [REDACTED]?

3 A. No.

4 Q. What about [REDACTED]?

5 A. No.

6 Q. How about [REDACTED]?

7 A. No.

8 Q. Did you ever do any work at any of the parishes  
9 around town?

10 A. No.

11 Q. Did you ever do any work for the Old Mission's  
12 parish?

13 A. Yes.

14 Q. What did you do there?

15 A. Electrical work of one kind or another.

16 Q. Do you know [REDACTED], Father [REDACTED]?

17 A. Yes.

18 Q. When is the last time you spoke with him?

19 A. We were novitiate classmates, and so I got a  
20 letter from him the other day, a Christmas card, so we  
21 were classmates, and we were Christmas card  
22 correspondents, to that degree.

23 Q. Do you know if he is currently incarcerated?

24 MR. MATIASIC: Or on restricted ministry?

25 THE WITNESS: Something like that.



1 Q. BY MR. HALE: What do you know about his  
2 current status?

3 A. I think --

4 Q. Is he in California?

5 MR. MATIASIC: If you know.

6 THE WITNESS: No.

7 Q. BY MR. HALE: Is he in Georgia?

8 A. I think so, but I don't know.

9 Q. Do you know if he's incarcerated?

10 A. I don't know.

11 Q. Do you know where he is in Georgia?

12 A. No.

13 Q. Do you know if he is going to be coming back to  
14 California anytime soon?

15 A. I don't know.

16 Q. Do you know why he is in Georgia?

17 A. Yes. He's being charged with trespassing, I  
18 think.

19 Q. During your time at St. Anthony's, was it  
20 common or uncommon to see Franciscans from the Mission  
21 on the grounds of St. Anthony's?

22 MR. MATIASIC: Vague and ambiguous. Incomplete  
23 hypothetical. Lacks foundation.

24 THE WITNESS: Like I say, it's a place of  
25 passing. People coming and going all the time.

1 Q. BY MR. HALE: During your time at  
2 St. Anthony's, was it common or uncommon to see a  
3 Franciscan from the Mission inside a seminary building?

4 MR. MATIASIC: Same objections.

5 THE WITNESS: I don't recall.

6 Q. BY MR. HALE: Do you have a recollection of  
7 seeing Franciscans from the Mission inside the seminary  
8 building?

9 MR. MATIASIC: Same objections.

10 THE WITNESS: Yeah. There's certain business  
11 transactions that brings these people from one house to  
12 the other. Other than --

13 Q. BY MR. HALE: What kind of business  
14 transactions?

15 A. Concerning the school. I wouldn't know.

16 Q. But do you have a recollection of seeing some  
17 Franciscans from the Mission at the seminary?

18 A. Right.

19 Q. Do you recall seeing a specific Franciscan? In  
20 other words, who? Who would you see? Would there be  
21 some you would see more often than others?

22 A. No.

23 Q. Do you recall seeing Dr. Carriere? Do you know  
24 who Dave Carriere is?

25 A. Yes, I do.

1 Q. Do you recall seeing him at the seminary?

2 A. Yes.

3 Q. When would you see him at the seminary?

4 A. He occasionally took his turn saying Sunday  
5 mass at the seminary and at that time.

6 Q. Would you see him at any other time at the  
7 seminary other than during Sunday mass?

8 A. No.

9 Q. Would it have been unusual to see him at the  
10 seminary other than during Sunday mass?

11 MR. MATIASIC: Vague and ambiguous. Lacks  
12 foundation. Assumes fact not in evidence. Incomplete  
13 hypothetical.

14 THE WITNESS: I don't recall. I would see him  
15 jogging, and I would say stations of the cross, and we  
16 would pass each other during that time. Other than  
17 that, I'm not conscious of his being there.

18 Q. BY MR. HALE: Where are the stations of the  
19 cross at?

20 A. They took them down. They were around the base  
21 of the playing field out there.

22 MR. MATIASIC: You doing all right, Father [REDACTED]?

23 THE WITNESS: Sure.

24 Q. BY MR. HALE: Did you know [REDACTED]?

25 A. No.

1 Q. Have you heard the name?

2 A. No.

3 Q. Do you know Justin Honda?

4 A. I remember him.

5 Q. When was the last time that you spoke with him?

6 A. I don't know. It's a long time ago. He left.

7 Q. He's no longer a Franciscan?

8 A. Right.

9 Q. Do you know where he went?

10 A. Only hearsay.

11 Q. Okay. You can tell me.

12 A. I think he married a Mexican girl and opened a  
13 gift shop down in Mexico, but again that is hearsay.

14 Q. Do you know Simon Walsh?

15 A. Yes.

16 Q. Is Simon Walsh still a Franciscan?

17 MR. MATIASIC: If you know.

18 THE WITNESS: He was a cook when I came here.

19 Q. BY MR. HALE: Is he still alive?

20 A. I don't know. He left.

21 Q. When was the last time you spoke with him?

22 A. I don't recall.

23 Q. Do you know where he is now?

24 A. No.

25 Q. How about Clete Degnan, D-e-g-n-a-n? Do you

1 know him?

2 A. I don't know a thing about him. He left, too.

3 Q. Do you know where he went?

4 A. No.

5 Q. When is the last time you spoke with him?

6 A. I don't recall.

7 Q. Do you know Father Matthew Kelly?

8 A. No.

9 Q. Had you met Father Cimmarrusti ever before you  
10 were assigned to St. Anthony's?

11 A. No.

12 Q. Did you ever observe any behavior by -- any  
13 conduct by Father Cimmarrusti that you thought was  
14 inappropriate directed toward students?

15 MR. MATIASIC: Vague and ambiguous.

16 THE WITNESS: No.

17 Q. BY MR. HALE: Did you ever hear anyone say that  
18 they observed or were aware of conduct by Father  
19 Cimmarrusti towards students that they thought was  
20 inappropriate?

21 A. No.

22 MR. MATIASIC: Compound. Same objection.

23 Q. BY MR. HALE: When was the last time you spoke  
24 with Father Cimmarrusti?

25 A. I don't recall.

1 Q. Have you heard that Father Cimmarrusti has been  
2 accused of childhood sexual abuse?

3 A. Yes.

4 Q. When is the first time you heard that?

5 MR. MATIASIC: Other than anything you heard  
6 from your attorney.

7 THE WITNESS: Right.

8 Q. BY MR. HALE: When was the first time you heard  
9 that?

10 A. I don't recall.

11 Q. Do you recall what you heard?

12 A. I think I saw it in the paper someplace.

13 Q. Have you ever discussed the allegations against  
14 Father Cimmarrusti with any Franciscan?

15 A. No.

16 Q. Has any Franciscan ever told you that they  
17 received complaints of inappropriate conduct by Father  
18 Cimmarrusti directed towards seminary students?

19 A. No.

20 MR. MATIASIC: Vague and ambiguous.

21 Q. BY MR. HALE: Have you ever heard anyone say  
22 that they observed inappropriate behavior by Father  
23 Cimmarrusti?

24 A. No.

25 MR. MATIASIC: Same objections.

1 Q. BY MR. HALE: Were you aware that Father  
2 Cimmarrusti was the prefect of discipline?

3 A. No.

4 Q. Do you know what the prefect of discipline is,  
5 or was?

6 A. No.

7 Q. Do you know Dave Johnson?

8 A. Yes.

9 Q. When is the last time you spoke to Mr. Johnson?

10 A. I don't recall.

11 Q. Did you know him as a student or as a  
12 Franciscan or both?

13 A. Both.

14 Q. Have you heard he has been accused of childhood  
15 sexual abuse?

16 MR. MATIASIC: Other than from your counsel.

17 THE WITNESS: I heard. I think I read it in  
18 the paper.

19 Q. BY MR. HALE: Have you heard that from any  
20 Franciscan?

21 A. No.

22 Q. Have you ever discussed with any Franciscan  
23 allegations against Mr. Johnson regarding childhood  
24 sexual abuse?

25 A. No.

1 Q. When did you first meet David Carriere?

2 A. I didn't know anything about him.

3 Q. But when did you first meet him?

4 A. I learned of his existence when he was living  
5 here, but I had nothing to do with him. In other words,  
6 he is a member of the community here.

7 Q. You said "here." You mean the Old Mission?

8 A. The Old Mission.

9 Q. Did you ever see him walking around the Old  
10 Mission with a student from St. Anthony's?

11 A. No.

12 Q. Did you ever see him at the pool?

13 A. No.

14 Q. Were you friends with him?

15 A. I like to think everyone is my friend.

16 Q. Did you ever hear him make inappropriate sexual  
17 comments?

18 A. No.

19 MR. MATIASIC: Vague and ambiguous.

20 Q. BY MR. HALE: Are you aware that he has been  
21 accused of childhood sexual abuse?

22 A. Yes.

23 Q. How did you become aware of that, other than  
24 from your counsel?

25 A. Possibly from the press.



1 Q. Have you ever discussed that with anyone else?

2 A. No.

3 Q. Do you know [REDACTED]?

4 A. Come again.

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

6 A. No.

7 Q. Did you know Father [REDACTED], [REDACTED], [REDACTED],  
8 [REDACTED]?

9 A. Yes. He is a member of the faculty.

10 Q. Did you ever hear him yell at Father Carriere?

11 A. No.

12 MR. MATIASIC: Vague and ambiguous.

13 Q. BY MR. HALE: Did you ever hear that he had  
14 yelled at Carriere?

15 A. No.

16 Q. Did you ever hear he was angry at Carriere for  
17 spending time with seminarians?

18 A. No.

19 Q. Did you hear that he was angry at Carriere for  
20 spending time with prenovitiate candidates?

21 A. No.

22 MR. MATIASIC: Doing okay?

23 THE WITNESS: I'm fine.

24 Q. BY MR. HALE: Do you know a gentleman named  
25 Gerald Heather?

1 A. No.

2 Q. When was the last time that you spoke with  
3 Father Van Handel?

4 A. I don't recall.

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

6 A. What is that?

7 Q. Do you know [REDACTED]?

8 A. Yes.

9 Q. When was the last time that you spoke with him?

10 A. I don't recall.

11 Q. Do you know where he is in residence right now?

12 A. No.

13 Q. Are you aware of him having any health  
14 problems?

15 A. No.

16 Q. Do you know Sam Cabot?

17 A. Yes.

18 Q. How do you know Sam?

19 A. I met him in the casa, Phoenix, in 1956.

20 Q. How long were you -- was he in residence there  
21 as well?

22 A. Yes.

23 Q. How long were the two of you there together?

24 A. Possibly four months.

25 Q. When was the next time you saw Brother Cabot

1 again after the time at casa Phoenix?

2 A. We were shipped to building crew, and we went  
3 to Mesilla Park to build Holy Cross Retreat. He was my  
4 electrical helper.

5 Q. So he went with you to help with the building  
6 of the retreat house?

7 A. Well, we went there.

8 Q. Was he with you from '56 to '58 at Holy Cross?

9 A. Yes. He was transferred from there and  
10 continued on with the building crew when we left in '58  
11 to go to Holy Cross and so lost contact. He went to San  
12 Luis Rey and then --

13 Q. When the '58 project ended, did the two of  
14 you -- your assignments split at that point? You  
15 weren't assigned to the same place?

16 A. We went different ways.

17 Q. When was the next time that you were in the  
18 same location for an assignment?

19 A. Golly, I don't recall.

20 Q. Was it here in Santa Barbara or was it  
21 somewhere earlier?

22 A. San Luis Rey.

23 Q. You were in San Luis Rey in '55; right?

24 A. Right.

25 Q. He was there with you?

1 A. No. We met at the casa.

2 Q. And then you went to Holy Cross until you  
3 worked on the project together?

4 A. Yes.

5 Q. And then your next assignment was at Three  
6 Rivers to help build a retreat house; right?

7 A. Right.

8 Q. Was he there with you?

9 A. No.

10 Q. What about at San Miguel, during that same  
11 year?

12 A. No, we went through at different years.

13 Q. What about in '62-'63, was he there with you as  
14 well?

15 A. No.

16 Q. When you went back to Three Rivers, '63 to '66,  
17 was he there with you?

18 A. No.

19 Q. Was the next time that you were in the -- at  
20 least the same city for an assignment, was that in Santa  
21 Barbara?

22 A. Yes.

23 Q. Are you friends with Brother Cabot?

24 A. He was my helper. Yes.

25 Q. When was the last time you spoke with him?

1 A. I don't recall.

2 Q. When he went to the Philippines, did you  
3 correspond with him?

4 A. No.

5 Q. Have you ever talked with him about how his  
6 assignment -- how he liked his assignment in the  
7 Philippines?

8 A. No.

9 Q. Did he ever tell you why he left the  
10 Philippines?

11 A. No.

12 Q. Have you ever discussed with him --

13 A. No.

14 Q. -- leaving the Philippines?

15 When you were at the casa in Scottsdale, were  
16 your living quarters next to each other?

17 A. No.

18 Q. What about at Holy Cross?

19 A. No.

20 Q. When he was assigned here, did he help you with  
21 projects?

22 A. No.

23 Q. Did you guys work together ever?

24 A. No.

25 Q. Was it your understanding he was assigned to

1 the Mission?

2 A. Yes.

3 Q. Do you know where he lived in the Mission?

4 A. I think he lived upstairs here.

5 Q. Did you ever spend any time in his living  
6 quarters?

7 A. No.

8 Q. Did he have a work space at the Mission?

9 A. I suppose he did.

10 MR. MATIASIC: Don't suppose.

11 THE WITNESS: I'm sorry.

12 MR. MATIASIC: He's just asking whether you  
13 know.

14 THE WITNESS: I don't know.

15 Q. BY MR. HALE: You never saw the living -- his  
16 work space?

17 A. No.

18 Q. Did you ever spend any time in the basement of  
19 the Mission with him?

20 A. No.

21 Q. Did you ever see him come over and do any work  
22 at St. Anthony's Seminary?

23 A. No.

24 Q. Did you ever see him at St. Anthony's Seminary?

25 A. No.

1 Q. But you saw him around the Mission  
2 occasionally?

3 A. We didn't have anything to do with each other.

4 Q. Do you know -- are you familiar with the  
5 [REDACTED] family in Santa Barbara?

6 A. I've heard of them.

7 Q. Were you aware that he was spending time at the  
8 houses --

9 A. No.

10 Q. -- of two of the [REDACTED]?

11 A. No.

12 Q. Did you ever -- strike that.

13 Did you ever see him in the company of young  
14 girls between the ages of five and ten?

15 A. No.

16 MR. MATIASIC: Vague and ambiguous.

17 Q. BY MR. HALE: Did you ever do any work with him  
18 when he was assigned at the Sierra Retreat House?

19 A. No.

20 Q. Have you ever helped at any projects at the  
21 Sierra Retreat House?

22 A. I was involved in doing electrical work before  
23 the fire, but I did all that by myself.

24 Q. What year was that do you think?

25 A. I don't recall the year of the fire. Burned

1 everything around.

2 Q. During your time in Santa Barbara, have you  
3 ever spent time at the homes of any parishioners?

4 A. No.

5 MR. MATIASIC: Vague and ambiguous.

6 Q. BY MR. HALE: Are there any rules that you are  
7 aware of that prohibits you from spending time as a  
8 brother in the homes of parishioners?

9 A. No.

10 Q. Have you ever been invited to spend time in the  
11 homes of parishioners?

12 A. Yes.

13 Q. Why is that?

14 A. Well, religious life was falling apart, and I  
15 told them that I didn't want -- wanted to take advantage  
16 of all the opportunities that I had to be with my  
17 brothers than with lay people.

18 Q. When was this?

19 MR. MATIASIC: When was he invited to lay  
20 people's homes?

21 MR. HALE: Uh-huh.

22 THE WITNESS: I guess it started shortly after  
23 I got here. That was in the '60s.

24 Q. BY MR. HALE: Who invited you?

25 A. I don't recall, other than to say for



1 Christmas. I'd rather be home for Christmas than in the  
2 homes of other people. Here you don't know whether --  
3 if there's going to be --

4 MR. MATIASIC: You have answered the question

5 Q. BY MR. HALE: When you say "the religious life  
6 was falling apart, "what did you mean?

7 A. Vocations were falling off and people were  
8 leaving the religious life.

9 Q. This was in the '60s?

10 A. It began.

11 Q. What did you observe that made you come to that  
12 conclusion?

13 MR. MATIASIC: Lacks foundation.

14 Q. BY MR. HALE: Was there something that you  
15 observed the led you to believe that the religious life  
16 was falling apart?

17 A. I entered religious life to live with the  
18 religious, and I preferred it that way. Nothing against  
19 the people.

20 Q. Right.

21 A. So I preferred Christmas at home than with  
22 other people.

23 Q. Okay.

24 Why do you say that the religious life was  
25 falling apart?

1           A.    People were leaving, beginning to leave, and  
2 for that reason -- well, as far as I can see to enter  
3 religious life, you have to bring your religion with  
4 you. And if you don't, you have to eventually leave.  
5 And so on that basis, it's people just passing through.

6           Q.    Can you describe any specific examples of that  
7 happening that you were somewhat aware of?

8           A.    No. I contribute it to the fact of people  
9 coming and going. I don't look into the private lives  
10 of people. But, like I say, you have got to bring your  
11 religion with you, and if you don't, nothing to build  
12 on.

13          Q.    Okay.

14                    Was it your sense a lot of Franciscans were  
15 leaving the province during the '60s? Is that what you  
16 are referring to?

17          A.    Well, not that I am aware of. I wasn't too  
18 conscious of things like that. I was knowing what I  
19 wanted to do with my life and I did it, and I don't  
20 question other people and what they want to do with  
21 their lives.

22          Q.    Was there a point in your time as a Franciscan  
23 where you no longer felt like the religious life was  
24 failing, as you described?

25          A.    Not failing. It's just the people that have

1 come into it, if they have given it thought, they never  
2 would have entered it.

3 Q. Can you think of any Franciscans in  
4 particular --

5 A. No. I can't.

6 Q. -- that you contribute that to?

7 A. I don't look at the private lives of other  
8 people. I make my decisions and they make theirs.

9 Q. Have you ever visited any Franciscan orphanages  
10 in Mexico?

11 MR. MATIASIC: Calls for speculation.

12 Q. BY MR. HALE: Were you ever aware of Brother  
13 Cabot visiting any orphanages in Mexico?

14 A. No.

15 Q. Were you aware of Brother Cabot bringing --  
16 helping bring any orphans back from Mexico?

17 A. No.

18 Q. Do you know [REDACTED]?

19 A. No.

20 Q. Do you know that name, [REDACTED]?

21 A. [REDACTED] is a familiar name.

22 Q. But not [REDACTED]'s name, though?

23 A. No.

24 Q. Have you ever known a Brother Henry?

25 A. No.

1 Q. Have you heard that Brother Cabot was accused  
2 of childhood sexual abuse in the Philippines?

3 A. No.

4 Q. Have you heard that Brother Cabot has been  
5 accused of childhood sexual abuse?

6 MR. MATIASIC: Other than from any lawyer.

7 MR. HALE: Right.

8 THE WITNESS: No.

9 Q. BY MR. HALE: When was the last time that you  
10 spoke with Brother Cabot?

11 A. After I had my open heart surgery he came to my  
12 room to visit.

13 Q. When did you have your open heart surgery?

14 A. In 2000.

15 Q. Did you discuss with him the fact that he had a  
16 similar --

17 A. I was in my room, and he came to visit, and he  
18 said he was sorry. It was a short conversation, and he  
19 left, and --

20 MR. MATIASIC: You have answered the question,  
21 Brother [REDACTED].

22 Q. BY MR. HALE: Did you discuss with him that he  
23 had a similar surgery?

24 A. No.

25 Q. Are you aware that he has had a surgery?

1 A. No.

2 Q. Are you aware of him having any health  
3 problems?

4 A. No.

5 Q. Do you know whether he's still assigned to  
6 Sierra?

7 A. No.

8 Q. Do you know where he's assigned?

9 A. I don't know.

10 Q. Do you know if he is still a member of the  
11 province?

12 A. I don't think about him.

13 Q. Was the last time that you spoke to him in 2000  
14 after your surgery?

15 A. Yes.

16 MR. MATIASIC: Counsel, are you just about  
17 done?

18 MR. HALE: Let me finish this section. I may  
19 be done. We went through it real quick.

20 MR. MATIASIC: Brother █████, are you okay?

21 THE WITNESS: Yes.

22 MR. HALE: Unless you need a break right now.

23 THE WITNESS: I'm okay.

24 MR. HALE: Okay.

25 Q. Do you recall when Brother Cabot was

1 transferred from Santa Barbara to Sierra?

2 MR. MATIASIC: Lacks foundation.

3 THE WITNESS: I don't think about him.

4 Q. BY MR. HALE: Did he ever complain to you about  
5 being transferred?

6 A. No.

7 Q. Do you recall continuing to see Brother Cabot  
8 in Santa Barbara after he left Santa Barbara?

9 A. No.

10 Q. Did he ever talk to you about being friends  
11 with the families of some of the [REDACTED]?

12 A. No.

13 Q. Did he ever complain to you about allegations  
14 of childhood sexual abuse against two boys at the Sierra  
15 Retreat House?

16 A. No.

17 Q. Did he ever talk to you about that?

18 A. No.

19 Q. Did he ever talk to you about --

20 Do you know who Father Roemer was?

21 R-o-e-m-e-r.

22 A. No.

23 Q. Did he ever talk to you about any priests in  
24 Santa Barbara being transferred from Santa Barbara after  
25 being accused of childhood sexual abuse?

1 A. No.

2 Q. Did he ever show you any photo albums he had of  
3 the families that he was friends with?

4 A. No.

5 Q. Did he ever show you any photo albums?

6 A. No.

7 Q. Were you aware that he had photo albums?

8 A. No.

9 Q. Were you aware of parts of the Mission that are  
10 off limits to the laity?

11 A. No.

12 Q. Is it your understanding that the laity could  
13 go anywhere in the Mission?

14 MR. MATIASIC: At what time? Right now?

15 THE WITNESS: Not that I know of, no.

16 Q. BY MR. HALE: I'm sorry. There are parts that  
17 are off limits or that there are?

18 A. Well, we have cloistered, which the living  
19 quarters ordinarily are closed to the public. Other  
20 than that --

21 Q. Any other areas that are off limits to the  
22 laity that you are away of in the Mission?

23 A. No.

24 Q. During your time with the Franciscans, have you  
25 ever been aware of any other areas other than the

1 cloistered of the Mission that were off limits to the  
2 laity?

3 A. No.

4 MR. MATIASIC: Overbroad.

5 MR. HALE: Bear with me. I'm almost through  
6 with this section.

7 This is as good of a place to stop.

8 Where are we at time-wise?

9 MR. MATIASIC: 12:25, by my watch.

10 MR. HALE: We have gone a little over an  
11 hour-and-a-half today.

12 MR. MATIASIC: Do you have more questions for  
13 him?

14 MR. HALE: I'm close. I probably have maybe a  
15 half an hour, depending on what he has to say. I can't  
16 speak for Ryan or Patrick.

17 MR. LAURENCE: I don't anticipate asking more  
18 than two or three.

19 MR. DIMARIA: I have a number of questions.

20 MR. MATIASIC: Well --

21 MR. HALE: It's your call.

22 MR. MATIASIC: We are definitely stopping for  
23 the day.

24 MR. HALE: I think the next one will be short.

25 MR. MATIASIC: I mean, if someone has a



1 specific -- I don't know if there's going to be a next  
2 one. We may move for a protective order. I think given  
3 his involvement at St. Anthony's, you should be able to  
4 ask any questions in an hour and a half. And based upon  
5 the protocol in place in both coordinated proceedings,  
6 counsel on the other side need to get together and  
7 coordinate your questions. It's not just a  
8 free-for-all, keep passing the baton, and our  
9 85-year-old witness in a wheelchair is going to sit for  
10 deposition as long as you want. We could have  
11 another -- a few more specific questions, and he will  
12 answer them now.

13 MR. DIMARIA: We have never gone for longer  
14 than a day. I think to try and wedge it into an hour  
15 and a half is unreasonable.

16 MR. MATIASIC: Given his involvement at  
17 St. Anthony's, it's not unreasonable. Let's call it for  
18 the day because he needs to stop.

19 MR. HALE: I just want to be clear, we are not  
20 in agreement as far as the position you are taking.

21 MR. MATIASIC: That's fine. You don't have to  
22 agree with the position, but I'm just stating that is  
23 going to be the position.

24 THE VIDEOGRAPHER: Off the record, Counsel?

25 MR. HALE: Let's do the stipulation.

1 (Interruption by the Reporter.)

2 MR. HALE: We will incorporate the stipulation  
3 used in Father ██████'s deposition and Mr. ██████'s depo.

4 MR. MATIASIC: So stipulated.

5 THE VIDEOGRAPHER: This concludes today's  
6 deposition of Brother ████████████████████. The number of  
7 videotapes used was one. The time is 12:25 p.m., and we  
8 are off the record.

9 (The deposition adjourned at 12:25 p.m.)

10 (Stipulation re Deposition of Bernard Wehe:

11 "MR. HALE: Let's stipulate we will relieve the  
12 reporter of her duties under the Code. We will send the  
13 original to Mr. Matiasic's office, and he can maintain  
14 custody of the original. Then forward the original to  
15 Mr. ██████, and 30 days to review.

16 "Is that okay?

17 "MR. MATIASIC: Thirty days from when he  
18 receives it?

19 "MR. HALE: Yes.

20 "Make any changes you feel are necessary and  
21 sign under the penalty of perjury. If you could then  
22 forward it back to Mr. Matiasic, and he will make any  
23 changes known to all counsel as soon as possible  
24 especially with this trial date coming up. If the  
25 signed original is not available before trial, an

1 unsigned certified copy can be used for all purposes.

2 "MR. MATIASCI: So stipulated.")

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--ooOoo--

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I hereby declare, under penalty of perjury,

10

that the foregoing is true and correct.

11

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

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at \_\_\_\_\_, California.

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**[REDACTED]**

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REPORTER'S CERTIFICATE

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STATE OF CALIFORNIA, )  
 ) ss  
COUNTY OF SANTA BARBARA. )

I, MARIA G. RABATIN, CSR #6821, Certified Shorthand Reporter, in the County of Santa Barbara, State of California, hereby certify:

That, prior to being examined, the witness named in the foregoing deposition, to wit, [REDACTED], was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

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

I further certify that I am not interested in the event of the action.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2005, at Santa Barbara, California.

\_\_\_\_\_  
Certified Shorthand Reporter  
State of California  
CSR No. 6821