

[REDACTED] - 11/8/05

IN RE: THE CLERGY CASES I

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

COORDINATION PROCEEDING SPECIAL
TITLE (Rule 1550(b))

vs.
IN RE:
THE CLERGY CASES I & III

) NO. JCCP 4286
) and JCCP 4359
) NO. BC308555
) NO. 01130925
) NO. 01129592
)

[REDACTED]
Plaintiffs,
vs.
DEFENDANT DOE 1, et al.,
Defendants.

) DEPOSITION OF
) [REDACTED]
) SAN FRANCISCO, CALIFORNIA
) TUESDAY, NOVEMBER 8, 2005
)

[REDACTED]
[REDACTED]
Plaintiffs,
vs.
ARCHDIOCESE, et al.,
Defendants.

[REDACTED],
Plaintiff,
vs.
ARCHDIOCESE, et al.,
Defendants.

1	[REDACTED],)	
)	
2	Plaintiffs,)	
)	
3	vs.	)	NO. BC308365
)	
4	DEFENDANT DOE 1, et al.,)	
)	
5	Defendants.)	
)	
6	[REDACTED],)	
)	
7	Plaintiffs,)	
)	
8	vs.	)	NO. 01132360
)	
9	XAVIER HARRIS, et al.,)	
)	
10	Defendants.)	
)	
11	[REDACTED],)	
)	
12	Plaintiff,)	
)	
13	vs.	)	NO. 01129866
)	
14	XAVIER HARRIS, et al.,)	
)	
15	[REDACTED],)	
)	
16	Plaintiff,)	
)	
17	vs.	)	NO. BC307493
)	
18	DEFENDANT DOE 1, et al.,)	
)	
19	Defendants.)	
)	
20	[REDACTED],)	
)	
21	Plaintiff,)	
)	
22	vs.	)	NO. 01132382
)	
23	ARCHDIOCESE, et al.)	
)	
24)	
25)	

1	██████████,)	
2	Plaintiffs,)	
3	vs.	)	NO. 01164855
4	ARCHDIOCESE, et al.,)	
5	Defendants.)	
6	_____ JOHN DOE 1,)	
7	Plaintiff,)	
8	vs.	)	NO. BC308364
9	DEFENDANT DOE 1, et al.,)	
10	Defendants.)	
11	_____ ██████████,)	
12	Plaintiff,)	
13	vs.	)	NO. 01110943
14	DEFENDANT DOE 1, et al.,)	
15	Defendants.)	
16	_____ ██████████,)	
17	Plaintiff,)	
18	vs.	)	NO. 01132999
19	ARCHDIOCESE, et al.,)	
20	Defendants.)	
21	_____ JOHN DOE 22,)	
22	Plaintiff,)	
23	vs.	)	NO. RG03 105954
24)	
25)	

PROVINCE OF SANTA BARBARA OF THE
ORDER OF PRIESTS MINOR OF THE
ROMAN CATHOLIC CHURCH, et al.,

Defendants.

JOHN DOE 39,

Plaintiff,

VS.

NO. RG03 105954

FRANCISCAN FRIARS OF CALIFORNIA,
INC., et al.,

Defendants.

[REDACTED] /

Plaintiff,

VS.

NO. BC 307934

DEFENDANT DOE 1, et al.,

Defendants.

_____,

_____ /

Plaintiffs,

VS.

NO. BC 304904

DEFENDANT DOE 1, et al.,

Defendants.

_____ /

Plaintiff,

VS.

NO. BC 308608

DEFENDANT DOE 1, et al.,

1)	
	Defendants.)	
2	_____)	
3	████████████████████,)	
)	
4	Plaintiffs,)	
)	
5	vs.	)	NO. BC 307919
)	
6	DEFENDANT DOE 1, et al.,)	
)	
7	Defendants.)	
	_____)	
8	██████████,)	
)	
9)	
	Plaintiff,)	
10)	
	vs.	)	NO. BC 308364
11)	
	DEFENDANT DOE 1, et al.,)	
12)	
	Defendants.)	
13	_____)	
14	██████████,)	
)	
15	Plaintiff,)	
)	
16	vs.	)	NO. 01132381
)	
17	DEFENDANT DOE 1, et al.,)	
)	
18	Defendants.)	
	_____)	
19	JOHN ROE 1,)	
)	
20)	
	Plaintiff,)	
21)	
	vs.)	NO. BC 01132380
22)	
	DEFENDANT DOE 1, et al.,)	
23)	
	Defendants.)	
24	_____)	
)	
25	JOHN ROE 4,)	
)	

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Deposition of FATHER ██████████ taken on
behalf of Plaintiffs, at One Sansome Street, Suite
1400, San Francisco, California, beginning at 10:10
a.m. and ending at 5:03 p.m. on Tuesday, November 8,
2005, before Theresa Darnell, Certified Shorthand
Reporter No. 9966.

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1 San Francisco, California, Tuesday, November 8, 2005

2

3 THE VIDEO OPERATOR: Good morning. My name

10:09:54 4 is William Hanson with Paulson Reporting & Litigation

10:09:58 5 Services located at 44 Montgomery Street, Suite 810 in

10:10:03 6 San Francisco, California 94104. This is the

10:10:06 7 deposition of ██████████ in the matter of the clergy

10:10:09 8 cases. This deposition is taking place at One Sansome

10:10:14 9 Street, Suite 1400, San Francisco, California. This

10:10:16 10 deposition is being videotaped and audio taped at all

10:10:20 11 times unless specified to go off the record. This

10:10:22 12 deposition is now commencing at 10:14 -- or 10:10 a.m.

10:10:26 13 on Tuesday, November 8th, 2005.

10:10:29 14 Would all present please identify themselves

10:10:32 15 beginning with the witness.

10:10:39 16 MR. MATIASIC: State your name for the

10:10:39 17 record.

10:10:40 18 THE WITNESS: My name is Father ██████████.

10:10:46 19 MR. MATIASIC: I'm Paul Matiasic of Lewis,

10:10:46 20 Brisbois, Bisgaard & Smith, appearing for the

10:10:47 21 Franciscan Friars of California and the deponent.

10:10:53 22 MR. HANCE: Bryan Hance, also of Lewis,

10:10:56 23 Brisbois, Bisgaard & Smith, for the Franciscan Friars

10:10:56 24 of California and the deponent.

10:10:57 25 MR. HABEL: James Habel, Hennigan, Bennett &

10:11:00 1 Dorman, for the Archdiocese of Los Angeles and
10:11:06 2 defendant liaison counsel in Clergy I.

10:11:06 3 MR. TISDALE: Jon Tisdale, Gilbert, Kelly,
10:11:09 4 Crowley & Jennett, for the Archdiocese of Los Angeles.

10:11:14 5 MR. WATERS: Rob Waters for the Drivon Law
10:11:16 6 Firm, for plaintiffs [REDACTED],
10:11:18 7 [REDACTED], [REDACTED] and [REDACTED],
10:11:23 8 [REDACTED].

10:11:27 9 MR. NYE: David Nye, Nye, Peabody, for
10:11:27 10 various plaintiffs.

10:11:28 11 MR. HALE: Tim Hale, also of Nye, Peabody,
10:11:32 12 for various plaintiffs.

10:11:34 13 MR. TERRY: Tom Terry, Sutter, O'Connell &
10:11:34 14 Farchione, counsel for potential insurer.

10:11:42 15 MS. SALMON: Susan Salmon, O'Melveny & Myers,
10:11:44 16 for the Archdiocese of Los Angeles.

10:11:57 17 THE VIDEO OPERATOR: Would the court
10:11:57 18 reporter please swear in the witness.

10:11:57 19 (The oath was administered.)

10:11:57 20 EXAMINATION

10:11:57 21 BY MR. HALE:

10:11:57 22 Q Good morning, Father [REDACTED]. Have you ever
10:12:00 23 had your deposition taken before?

10:12:01 24 A No.

10:12:02 25 Q Okay. I just want to go over some basic

10:12:05 1 rules for a deposition. Your attorneys have probably
10:12:08 2 already explained the process to you, so I may repeat
10:12:12 3 a few of the things they have told you. Do you
10:12:15 4 understand that your testimony today has the same --
10:12:19 5 I'm sorry, the mike would be good -- the same force
10:12:24 6 and effect as if you were testifying in a court of
10:12:25 7 law?

10:12:26 8 A Uh-huh, right.

10:12:27 9 Q Okay. Do you understand you've been placed
10:12:29 10 under oath by the reporter?

10:12:32 11 A Again, please.

10:12:32 12 Q Do you understand you've been placed under
10:12:32 13 oath by the reporter?

10:12:32 14 A Yes.

10:12:34 15 Q Okay. Have you consumed any alcohol in the
10:12:36 16 last 12 hours that would impair your ability to
10:12:40 17 testify?

10:12:40 18 A No.

10:12:41 19 Q Have you consumed any drugs in the last 24
10:12:44 20 hours that would impair your ability --

10:12:46 21 A No.

10:12:47 22 MR. MATIASIC: Let him finish the question,
10:12:49 23 Father.

10:12:50 24 BY MR. HALE:

10:12:50 25 Q In going through this little explanation of

10:12:51 1 the rules of the deposition, it's very important so we
10:12:53 2 have a clear record. When I ask you a question, make
10:12:56 3 sure you wait until I finish my question before you
10:12:59 4 answer, even though you are probably going to know the
10:13:00 5 answer to the question even before I ask it. And by
10:13:01 6 the same token, I will do my best, although I make the
10:13:05 7 same mistake myself of not interrupting you when
10:13:08 8 you're providing me with a response. So if we just
10:13:11 9 take our time, let the attorneys make their
10:13:13 10 objections, then we'll have a nice clear record for
10:13:17 11 the court. Okay?

10:13:19 12 A (No audible response.)

10:13:19 13 Q The other thing that's very important is that
10:13:22 14 when you respond to a question, you give some sort of
10:13:25 15 affirmative response. In other words, when I ask you
10:13:28 16 a question, so we have a clear record, it's important
10:13:30 17 you not nod your head in agreement or say "uh-huh" or
10:13:34 18 "huh-uh." We need a yes or a no or some kind of clear
10:13:37 19 answer, okay?

10:13:38 20 A Yes or a no. Yes.

10:13:39 21 Q I don't want you to guess to any of the
10:13:40 22 questions to any the questions I ask you today or any
10:13:43 23 of the other attorneys ask you today. If you have any
10:13:45 24 questions about the question itself, if it's not clear
10:13:48 25 to you, please ask me to rephrase and I'll try to put

10:13:52 1 in a way that makes more sense. Although we don't
10:13:53 2 want you to guess, we are entitled to your best
10:13:53 3 estimate. Do you understand the difference between a
10:13:56 4 guess and an estimate?

10:13:59 5 A Oh, yeah, uh-huh.

10:14:00 6 Q At the end of this deposition, your testimony
10:14:02 7 is going to be placed into a typed booklet form.
10:14:07 8 You're going to have a chance to review the transcript
10:14:09 9 of the deposition. You can make any changes you need
10:14:11 10 to as a result of that review, but it's going to be
10:14:15 11 important that we get your best testimony today. If
10:14:17 12 you do make any changes to that transcript, at the
10:14:20 13 time of trial, myself or any of the other attorneys
10:14:23 14 involved will be free to comment on that testimony.
10:14:26 15 Do you understand that?

10:14:28 16 A (No audible response.)

10:14:29 17 Q I can explain it again if you'd like.

10:14:31 18 A Please.

10:14:32 19 Q Sure. What I'm getting at, it's very
10:14:34 20 important you give your best testimony today. If you
10:14:37 21 testify to something today and then you read the
10:14:39 22 transcript and say that's not correct, it's possible
10:14:43 23 another attorney in this room or myself at the time of
10:14:45 24 trial will comment upon whatever changes you made. It
10:14:48 25 could impact your credibility. So for that fact it's

10:14:51 1 important you take your time when you hear a question,
10:14:53 2 think about your answer and give the best response you
10:14:56 3 can here today. Do you understand that?

10:14:58 4 A Yeah.

10:14:58 5 Q Okay. Do you have any questions?

10:15:00 6 A No.

10:15:01 7 Q If you need to take a break, just let me
10:15:05 8 know. We're not holding you prisoner. Just raise
10:15:08 9 your hand and we'll take a break, okay?

10:15:13 10 MR. HABEL: The archdiocese would object to
10:15:18 11 the deposition notice to the extent that it purports
10:15:21 12 to notice Father [REDACTED]'s deposition as a hierarchy
10:15:27 13 witness for the Archdiocese of Los Angeles.

10:15:28 14 MR. HALE: The objections were noted.

10:15:32 15 Q Father [REDACTED], did you review any documents in
10:15:35 16 preparation for today's deposition?

10:15:40 17 A I'm sorry.

10:15:42 18 Q Would you like me to ask --

10:15:44 19 A Please repeat.

10:15:45 20 Q Sure. Did you review any --

10:15:46 21 MR. MATIASIC: Counsel, I was just going to
10:15:51 22 say if you'd keep your voice up.

10:15:54 23 THE WITNESS: And speak a little slower.

10:15:56 24 MR. HALE: Okay.

10:15:57 25 THE WITNESS: I'm 88 years old and I can't

10:16:01 1 catch --

10:16:01 2 BY MR. HALE:

10:16:01 3 Q I'm sorry. Not a problem. I do have a
10:16:03 4 tenancy to accelerate my questions, I'll try to slow
10:16:03 5 down a bit for you.

10:16:03 6 Did you review any documents in preparation for
10:16:04 7 today's deposition?

10:16:05 8 A No.

10:16:05 9 MR. MATIASIC: Wait until he finishes his
10:16:07 10 question.

10:16:08 11 THE WITNESS: Oh, I'm sorry.

10:16:10 12 BY MR. HALE:

10:16:10 13 Q It's okay. This is going to take a little
10:16:14 14 practice once we get into the flow of things, you'll
10:16:14 15 be fine. I'd like to talk a little bit about your
10:16:22 16 educational history to start with. Well, first of
10:16:26 17 all, where were you born?

10:16:27 18 A In Richmond, California.

10:16:28 19 Q That's still up here in Northern California?

10:16:31 20 A Right here.

10:16:31 21 Q Okay. And where did you attend high school?

10:16:34 22 A At St. Anthony's Seminary.

10:16:38 23 Q Okay. Did you attend St. Anthony's for all
10:16:43 24 four years of high school?

10:16:44 25 A Yes.

10:16:44 1 Q And what year did you graduate from St
10:16:46 2 Anthony's?

10:16:46 3 A Well, in those years, we had six years of
10:16:51 4 seminary and I graduated in '37, so that would be '35.

10:17:01 5 Q So in other words you would do your four
10:17:03 6 years of high school followed by two years of what was
10:17:07 7 the equivalent of junior college?

10:17:09 8 A Equivalent, right.

10:17:10 9 Q Okay. After you finished your six years of
10:17:13 10 St. Anthony's, did you then go on to San Luis Rey or
10:17:17 11 what was next?

10:17:18 12 A San Luis Rey.

10:17:19 13 Q Okay. How many years were you there?

10:17:21 14 A Three years.

10:17:24 15 Q And did you receive a degree from there?

10:17:28 16 A Yes.

10:17:28 17 Q And what was that in?

10:17:34 18 A It was a general -- philosophy I guess, yeah.

10:17:38 19 Q Okay. Okay, and what came next after San
10:17:49 20 Luis Rey?

10:17:57 21 MR. MATIASIC: In terms of education?

10:18:00 22 MR. HALE: Yes. Or, well, not necessarily.
10:18:00 23 It could be novitiate as well.

10:18:02 24 THE WITNESS: Novitiate was at San Luis Rey.

10:18:02 25 BY MR. HALE:

10:18:02 1 Q Novitiate, n-o-v-i-t-i-a-t-e, I believe.

10:18:03 2 Novitiate was at San Luis Rey; is that a yes?

10:18:04 3 A Yes.

10:18:04 4 Q What did you do next -- so technically you
10:18:08 5 were studying at San Luis Rey only for two years; is
10:18:11 6 that correct?

10:18:13 7 A Well, right. Studying philosophy for two
10:18:20 8 years.

10:18:21 9 Q Maybe I'm confused. The novitiate program
10:18:23 10 does not involve any academic studies, right?

10:18:28 11 A Not academic, no.

10:18:31 12 Q Just learning how to become a friar?

10:18:33 13 A Right. Spiritual life.

10:18:36 14 Q Where did you go after San Luis Rey? What
10:18:37 15 was the next step?

10:18:37 16 A Santa Barbara theology.

10:18:39 17 Q The Franciscan School of Theology?

10:18:42 18 A Right.

10:18:42 19 Q And if I refer to that as the FST, will you
10:18:47 20 know what I'm talking about?

10:18:48 21 A I know of FST of course. Santa Barbara was
10:18:53 22 not FST.

10:18:54 23 Q What was Santa Barbara called?

10:18:57 24 A School of Theology.

10:18:59 25 Q Okay. So you only know the FST in relation

10:19:02 1 to the school of theology in Berkeley?

10:19:05 2 A Right.

10:19:06 3 Q Okay. How many years were you at the school
10:19:09 4 of theology in Santa Barbara?

10:19:13 5 A Four years. Can I correct that?

10:19:15 6 Q Sure.

10:19:16 7 A Five years. Four years and then I was
10:19:18 8 ordained and then I had the -- what do you call that,
10:19:22 9 the simplex year I still attended classes there in
10:19:26 10 theology.

10:19:26 11 Q Okay. There's a couple of things I want to
10:19:28 12 ask you about there. What year did you actually
10:19:29 13 graduate from the school of theology? Would it have
10:19:37 14 been 1945?

10:19:39 15 A '44. That would be my ordination.

10:19:43 16 Q Okay. So you were --

10:19:44 17 A No, '43 I was ordained.

10:19:47 18 Q Okay. Did you graduate in '44 and you were
10:19:50 19 ordained in '43?

10:19:53 20 A Right. Ordained '43 and then an extra year
10:19:56 21 and then I graduated. That is, I left, we got no
10:20:00 22 ceremony.

10:20:01 23 Q Was the ordination ceremony at the mission or
10:20:05 24 at St. Anthony's?

10:20:07 25 A No, the old mission.

10:20:08 1 Q Who performed the ordination ceremony?

10:20:12 2 A Archbishop -- he wasn't an archbishop then I
10:20:16 3 don't think. McGunkin. Bishop McGunkin.

10:20:17 4 Q Was he an auxiliary bishop?

10:20:19 5 A I think he was as auxiliary at that time.

10:20:34 6 Q Okay. And then I think you said something
10:20:38 7 you described as a simplex year. What was that?

10:20:40 8 A That was the last year of theology, we
10:20:43 9 attended classes and besides that, we served in the
10:20:51 10 ministry as catholic priests locally, weekends we'd go
10:21:00 11 out and help. But we were simplex meaning only
10:21:04 12 priests without faculties, if that means anything to
10:21:11 13 you.

10:21:12 14 Q It does.

10:21:13 15 A We were not supposed to preach, I think
10:21:16 16 sometimes we did and we could not hear confessions.
10:21:22 17 So it was sort of a trial year. Something like the
10:21:28 18 deacon years now.

10:21:30 19 Q Okay. So you already had your degree at that
10:21:33 20 point; is that correct? Well, actually let me
10:21:36 21 backtrack. Did you earn a degree from the school of
10:21:40 22 theology?

10:21:40 23 A How do you mean?

10:21:42 24 Q I assume you earned some kind of bachelor's
10:21:45 25 when you finished at San Luis Rey, a bachelor's degree

10:21:48 1 of some sort?

10:21:50 2 A I guess so. We didn't talk about degrees in
10:21:52 3 those days.

10:21:53 4 Q All right. Fair enough.

10:21:54 5 A And didn't get a certificate, but we went
10:21:56 6 into the books as having finished the course and
10:22:00 7 having been ordained.

10:22:01 8 Q Okay. Do you know, do priest candidates for
10:22:09 9 the Franciscans currently still have this simplex year
10:22:14 10 or is that something that's no longer --

10:22:18 11 A I wouldn't be an expert on that. They have
10:22:21 12 something similar. They don't use that term.

10:22:24 13 Q Okay. I was going to say I've never heard
10:22:27 14 that term before.

10:22:28 15 A Yeah. I'm old.

10:22:30 16 Q You appear quite spry.

10:22:34 17 A Sorry about that.

10:22:35 18 Q No, that's okay. During your simplex year,
10:22:47 19 you said you were working at local parishes in Santa
10:22:52 20 Barbara; is that correct?

10:22:52 21 A Not a whole lot, but, yes, once or twice,
10:22:57 22 yeah.

10:22:59 23 Q Would that include San Roque?

10:23:00 24 A It wasn't even in existence then I don't
10:23:03 25 think.

10:23:03 1 Q What parishes were you working at?

10:23:08 2 A Not regularly at any parish except one time I
10:23:09 3 went up to Santa Maria once.

10:23:13 4 Q And these parishes could be archdiocesan
10:23:17 5 parishes?

10:23:18 6 A Oh, they're always, yes.

10:23:26 7 Q Okay. After your eye -- so your simplex
10:23:28 8 year, was that in 1945?

10:23:31 9 A I finished it, yes.

10:23:32 10 Q Okay. And what did you do next?

10:23:37 11 MR. MATIASIC: In terms of --

10:23:39 12 THE WITNESS: I guess --

10:23:40 13 MR. MATIASIC: Hold on, Father. In terms of
10:23:43 14 what, Counsel?

10:23:44 15 BY MR. HALE:

10:23:44 16 Q In terms of education, if there was any other
10:23:47 17 education or if there was any more education, what was
10:23:50 18 your first assignment?

10:23:50 19 A For the record, I was wrong. I was ordained
10:23:52 20 in '43, 20 years, so in '44, I left the theology
10:23:59 21 house, the old mission, packed my things and went
10:24:01 22 across the hedge to St. Anthony's Seminary.

10:24:07 23 Q Okay. So was your first assignment --

10:24:10 24 A '44.

10:24:10 25 Q -- was at St. Anthony's?

10:24:13 1 A Uh-huh.

10:24:15 2 Q And what was your assignment at
10:24:16 3 St. Anthony's?

10:24:19 4 A Teaching in the seminary.

10:24:22 5 Q What subjects did you teach?

10:24:24 6 A Oh, all kinds of them the first year. They
10:24:28 7 tried me out with all of them. I had a big load the
10:24:32 8 first year and then the second year they decided I'd
10:24:36 9 do best at teaching Latin.

10:24:39 10 Q Who was the rector when you were first
10:24:41 11 assigned to St. Anthony's?

10:24:43 12 A ██████████.

10:24:47 13 Q Who was the prefect of discipline?

10:24:56 14 A Oh, boy, yeah, ██████████ -- and ██████████
10:25:01 15 ██████████.

10:25:02 16 Q Okay. And how long did you -- how long did
10:25:11 17 that assignment at St. Anthony's last? My
10:25:17 18 understanding is you left St. Anthony's around 1968 or
10:25:18 19 1967; is that correct?

10:25:18 20 A Yeah.

10:25:22 21 Q And did your assignment run from 1944 to
10:25:26 22 1968?

10:25:27 23 A No. It was broken, it was two years at our
10:25:34 24 philosophy house in Mission San Luis Rey, Oceanside,
10:25:39 25 California.

10:25:39 1 Q What years do you think that it was?

10:25:45 2 A That was '49 to '51.

10:25:53 3 Q Okay. And what'd you do there?

10:25:55 4 A I was what they -- I was director of the
10:25:59 5 students. I gave a -- I guess it was a weekly
10:26:12 6 instruction on spiritual life, Franciscan life, what a
10:26:18 7 friar was expected to do. And I think I taught a
10:26:21 8 little -- or had a class, I don't think I taught much,
10:26:24 9 but I had a class in Spanish.

10:26:26 10 Q So was the philosophy house an academic
10:26:30 11 institution or it sounds like more of a novitiate?

10:26:33 12 A Yeah, uh-huh. Eventually it got up to date
10:26:37 13 and was called a college.

10:26:38 14 Q Okay. Who else was on the faculty at the
10:26:42 15 philosophy house for those two years you were there,
10:26:45 16 '49 to '51?

10:26:47 17 A On the faculty, ██████████.

10:26:55 18 Q Okay.

10:27:05 19 A Who else? Oh, I can't remember his name now.
10:27:20 20 He later taught theology at Santa Barbara.

10:27:34 21 Q That's okay. That's okay, we can --

10:27:36 22 A Later on the name will come to me.

10:27:38 23 Q Okay. That's not a problem.

10:27:42 24 Why was the change made for you from
10:27:46 25 St. Anthony's in 1949 to Mission San Luis Rey? Do you

10:27:51 1 have a say in that?

10:27:52 2 MR. MATIASIC: Calls for speculation. If you
10:27:54 3 know, Father. And compound. There's two separate
10:27:58 4 questions.

10:27:59 5 THE WITNESS: Well, the reason?

10:28:00 6 BY MR. HALE:

10:28:00 7 Q Yeah.

10:28:00 8 A They never told me.

10:28:03 9 Q Okay. After the two years at Mission San
10:28:08 10 Luis Rey, where next?

10:28:09 11 A '49 I went to Oakland, St. Elizabeth's High
10:28:17 12 School.

10:28:17 13 Q Do you mean in '51?

10:28:19 14 A Yeah, 1951. '49 -- where did I go from
10:28:28 15 there?

10:28:30 16 Q Well, correct me if I'm wrong, '49 to '51 you
10:28:33 17 were at the philosophy house in Mission San Luis Rey;
10:28:37 18 does that sound right?

10:28:39 19 A Yes.

10:28:40 20 Q And in 1951, you were transferred to Oakland,
10:28:40 21 to St. Elizabeth's?

10:28:43 22 A Yeah.

10:28:44 23 Q Is that a parish or a school or both?

10:28:44 24 A Both.

10:28:44 25 Q And were you assigned to both?

10:28:48 1 A Well, as a priest I was assigned there.

10:28:51 2 Q How long --

10:28:52 3 A I -- they made me principal of the high
10:28:56 4 school.

10:29:01 5 Q How long were you assigned to
10:29:02 6 St. Elizabeth's?

10:29:04 7 A As principal, two years.

10:29:06 8 Q So '51 to '53?

10:29:08 9 A Right.

10:29:08 10 Q Okay. Okay. What came after
10:29:21 11 St. Elizabeth's?

10:29:24 12 A '53 went back to St. Anthony's Seminary in
10:29:29 13 Santa Barbara.

10:29:31 14 Q Okay. How long did that last for?

10:29:35 15 A Until '68.

10:29:36 16 Q Okay. I'm going to -- what I'd like to do is
10:29:43 17 just get a time line right now of the places you were
10:29:46 18 at. And then we'll go back and fill in what your
10:29:49 19 assignments were and that kind of thing.

10:29:50 20 After you left St. Anthony's in 1968, what was
10:29:57 21 your next assignment?

10:29:58 22 A I came to St. Elizabeth's as an associate
10:30:02 23 pastor.

10:30:03 24 Q So back to St. Elizabeth's?

10:30:07 25 A Uh-huh.

10:30:11 1 Q How long was that for?

10:30:12 2 A Two years.

10:30:14 3 Q So '68 to '70?

10:30:15 4 A Right.

10:30:23 5 Q Okay, and your next assignment after that?

10:30:26 6 A Portland, Oregon, St. Clare Church, pastor.

10:30:41 7 Q How long did that last for?

10:30:44 8 A Eight years.

10:30:48 9 Q So '70 to '78?

10:30:50 10 A Right.

10:30:56 11 Q Okay. Next assignment?

10:31:00 12 A Back to St. Elizabeth's.

10:31:10 13 Q And what was your position there?

10:31:12 14 A Associate pastor.

10:31:13 15 Q How long did that last for?

10:31:17 16 A Two years.

10:31:17 17 Q So '78 to '80?

10:31:19 18 A Right.

10:31:21 19 Q Okay. Next assignment?

10:31:25 20 A Phoenix, Arizona.

10:31:32 21 Q And where were you at there?

10:31:35 22 A I was associate pastor at St. Mary's. They

10:31:40 23 call her basilica now.

10:31:43 24 Q How long did that last for?

10:31:48 25 A It's hard to say, I started bouncing around

10:31:50 1 down there in Arizona. Three years, I guess.

10:31:53 2 Q So around 1980 to 1983?

10:31:59 3 A Around, about that.

10:32:01 4 Q Maybe if we move the mike phone up.

10:32:07 5 A Maybe if you tied my hands down.

10:32:13 6 MR. MATIASIC: You can close them now.

10:32:17 7 BY MR. HALE:

10:32:17 8 Q So you were in Phoenix, Arizona from 1980 to
10:32:20 9 1983 approximately?

10:32:22 10 A In Phoenix I --

10:32:25 11 Q But it sounds like you were not only at St.
10:32:28 12 Mary's. Where else were you assigned?

10:32:31 13 A During that time?

10:32:32 14 Q Yes, just --

10:32:34 15 A Well, I was there three years.

10:32:36 16 Q Okay. What was your next assignment?

10:32:39 17 A Tucson, Arizona.

10:32:41 18 Q Where was that at?

10:32:44 19 A Tucson --

10:32:45 20 Q But --

10:32:47 21 A Okay. That was at San Javier on the
10:32:55 22 outskirts of Tucson. Indian mission.

10:33:04 23 Q And what years were you there?

10:33:11 24 A It's hard to say. I was there for a while.

10:33:16 25 Q 1983 to --

10:33:25 1 A Then they sent me over to Tularosa in

10:33:30 2 New Mexico to St. Francis Church.

10:33:35 3 Q How do you spell -- is it Tularosa?

10:33:38 4 A Actually, T-u-l-a-r-o-s-a.

10:33:41 5 Q Okay. So what year did you think Tularosa
10:33:46 6 was?

10:33:52 7 A It must have been --

10:33:58 8 Q You said you started at St. Javier's in 1983,
10:34:03 9 so --

10:34:05 10 A I was there about a year.

10:34:07 11 Q At St. Javier's --

10:34:09 12 A I was in St. Javier's about a year and then
10:34:14 13 they sent me over to Tularosa and I was there for six
10:34:17 14 months filling in for a pastor.

10:34:20 15 Q So St. Javier's --

10:34:23 16 A I wasn't a pastor, I was an administrator.

10:34:24 17 Q So St. Javier's would have been about 1983 to
10:34:25 18 1984?

10:34:25 19 A Approximately.

10:34:26 20 Q Okay. And then around 1984 for Tularosa?

10:34:33 21 A Yeah, uh-huh.

10:34:34 22 Q Okay. And you said there was a parish
10:34:38 23 assignment in Tularosa?

10:34:40 24 A I was administrator of St. Francis parish in
10:34:45 25 Tularosa for six months.

10:34:53 1 Q Okay. What was your next assignment?

10:34:58 2 A Then I was -- this would be '84?

10:35:06 3 Q Yes, it sounds like that.

10:35:07 4 A '84, I went back to -- I went to San Miguel,

10:35:14 5 California.

10:35:14 6 Q Up in San Luis Obispo?

10:35:21 7 A Near Paso Robles, San Luis Obispo.

10:35:22 8 Q What'd you do there?

10:35:23 9 A I was add- -- what did you do? I was

10:35:26 10 administrator, yeah, just filling in for the pastor

10:35:31 11 for six months.

10:35:34 12 Q Is there a parish there?

10:35:36 13 A Yes.

10:35:38 14 Q And was that in 1984 as well or do you think

10:35:43 15 that was into '85?

10:35:54 16 A I'd say it was in '84.

10:35:56 17 Q Okay.

10:35:57 18 A Because I was only there six months.

10:35:59 19 Q Okay. What was your next assignment?

10:36:01 20 A Then I went back where I came from.

10:36:05 21 Q Back to Tularosa?

10:36:10 22 A No, Phoenix.

10:36:11 23 Q Back to St. Mary's?

10:36:13 24 A St. Mary's in Phoenix.

10:36:15 25 Q How long did that last for?

10:36:18 1 A Until '86.

10:36:20 2 Q So and 1984, '85 to '86?

10:36:24 3 A Uh-huh.

10:36:26 4 Q Okay. What was your next assignment?

10:36:32 5 A And then in '86 I was sent back to San Miguel

10:36:37 6 as pastor.

10:36:40 7 Q How long did that last four?

10:36:43 8 A Eight years.

10:36:43 9 Q So until '94?

10:36:49 10 A '94, right.

10:36:54 11 Q Okay. And in 1994, what was your next

10:36:58 12 assignment?

10:37:00 13 A Back to St. Elizabeth's.

10:37:04 14 Q How long did that last for?

10:37:06 15 A Until now.

10:37:17 16 Q So did you retire in 1994 or --

10:37:22 17 A No, in '94 I came back as assistant pastor.

10:37:29 18 Q Okay. Are you still an assistant pastor at

10:37:33 19 St. Elizabeth's?

10:37:34 20 A I'm there -- the bulletin is -- I'm listed as

10:37:40 21 assistant pastor, but I don't assist much anymore.

10:37:44 22 Q Okay. All right. Any other assignments that

10:37:47 23 we haven't talked about other than this very lengthy

10:37:53 24 list?

10:37:53 25 A No other assignments.

10:37:54 1 Q Okay. So you were ordained in 1943. Did you
10:38:07 2 receive faculties from the Archdiocese of Los Angeles
10:38:12 3 at that time as well?

10:38:13 4 A No, a year later.

10:38:14 5 Q Okay. So was that after your simplex year
10:38:18 6 that you received faculties?

10:38:23 7 A Yeah.

10:38:27 8 Q How did you know you received faculties?

10:38:30 9 A I think I had a -- that's one time where I
10:38:32 10 received a certificate, yeah.

10:38:41 11 Q Was the certificate mailed to you or did
10:38:44 12 someone present it to you? What was the process for
10:38:49 13 that?

10:38:49 14 A They presented it.

10:38:51 15 Q Who's they?

10:38:52 16 A Whoever the pastor was -- or whoever the
10:38:55 17 superior was at the time. I don't remember who it
10:38:57 18 was.

10:38:58 19 Q And are you referring to the Franciscan
10:39:02 20 superior or to an archdiocesan?

10:39:07 21 A My superior is Franciscans and Franciscans
10:39:12 22 helped diocese cover a parish.

10:39:35 23 Q What was the significance of receiving
10:39:39 24 faculties. What did that allow you to do, in other
10:39:44 25 words?

10:39:46 1 A Be a full-fledged parish minister.

10:39:50 2 Q Anything else?

10:39:52 3 A Nothing.

10:39:52 4 Q During your first assignment at St. Anthony's

10:39:57 5 from 1944 to 1949, I understood you ultimately taught

10:40:01 6 Latin. Did you have any other positions on the

10:40:02 7 faculty other than as a Latin teacher?

10:40:05 8 A Well, I taught a few other things. I taught

10:40:09 9 Greek. I tell everybody when I was there at the

10:40:13 10 seminary, I taught Latin and Greek, that was the main

10:40:17 11 thing I taught.

10:40:18 12 Q Were you a spiritual advisors for students

10:40:21 13 during those --

10:40:24 14 A Never was.

10:40:24 15 MR. MATIASIC: Father, you have to let him

10:40:27 16 finish his question.

10:40:30 17 BY MR. HALE:

10:40:30 18 Q Were there any other positions during those

10:40:33 19 five years that you held as a member of the

10:40:38 20 St. Anthony's faculty?

10:40:42 21 A None.

10:40:42 22 Q Okay. Were there -- were there annual --

10:40:45 23 were there regular faculty meetings in the 1944 to '49

10:40:51 24 time frame?

10:40:52 25 A Faculty meetings, yes, regular.

10:40:56 1 Q How often?

10:40:57 2 A Monthly.

10:41:00 3 Q Did you attend all those meetings?

10:41:01 4 A Oh yeah. I couldn't get away.

10:41:09 5 Q What was discussed at those meetings?

10:41:13 6 A Faculty meetings.

10:41:15 7 Q But what was the subject matter, for the

10:41:19 8 students --

10:41:22 9 A The students.

10:41:24 10 Q And what about the students?

10:41:26 11 A How they were doing.

10:41:28 12 Q Okay. Academically, socially?

10:41:30 13 A Uh-huh.

10:41:30 14 Q All those things?

10:41:32 15 A Oh, yeah.

10:41:34 16 Q Anything else?

10:41:36 17 A Don't know.

10:41:36 18 Q Okay. When you were at Mission San Luis Rey

10:41:46 19 at the philosophy house from 1949 to 1951, I

10:41:50 20 understand you were rector of the students. Did you

10:41:53 21 hold any other positions at that time?

10:41:55 22 A '49 to '51.

10:41:57 23 Q Yes.

10:41:58 24 A I was not a rector.

10:42:01 25 Q No?

10:42:01 1 A No.

10:42:01 2 Q What were you?

10:42:04 3 A Just a teacher.

10:42:06 4 Q Just a teacher.

10:42:08 5 A Latin and Greek. I was -- well, go ahead.

10:42:18 6 Q Were you director of students from -- at

10:42:21 7 Mission San Luis Rey during that time?

10:42:24 8 A We're talking -- can I ask a question.

10:42:29 9 Q Sure.

10:42:30 10 A We're talking about Santa Barbara, aren't we?

10:42:36 11 Q No. No. Mission San Luis Rey 1949 to 1951.

10:42:40 12 Were you the director of students?

10:42:40 13 A Yeah, two years.

10:42:41 14 Q What did that involve? What were your

10:42:43 15 responsibilities as director of students?

10:42:46 16 MR. MATIASIC: Well, he actually just said

10:42:47 17 two years. Why don't you -- what was your position,

10:42:51 18 Father, from '49 to '51. I think that's what he's

10:42:55 19 asking.

10:42:56 20 THE WITNESS: Well, they call me a majister,

10:43:00 21 but that don't mean anything -- that was a director of

10:43:03 22 students.

10:43:04 23 BY MR. HALE:

10:43:04 24 Q Okay. And what were your duties as director

10:43:07 25 of students in that time period?

10:43:11 1 A To -- well, I had weekly instruction on the
10:43:20 2 spiritual life. And then besides that I was their
10:43:31 3 advisor and director for all their activities. If
10:43:39 4 they wanted to go to town, they came and got
10:43:43 5 permission from me. So I was sort of a nursemaid for
10:43:47 6 those guys.

10:43:49 7 Q And when you say "they" when referring to the
10:43:51 8 students --

10:43:52 9 A Students.

10:43:53 10 Q -- these were all priest candidates, correct?

10:43:57 11 A Candidates, yeah.

10:43:59 12 Q Maybe I should rephrase. Some were priest
10:44:01 13 candidates, were any of these students who would
10:44:04 14 become only brothers?

10:44:06 15 A Yeah, uh-huh, a couple, very few.

10:44:08 16 Q On what kinds of things -- you said you were
10:44:11 17 an advisor for these students, on what kinds of things
10:44:15 18 did you give these students advice?

10:44:18 19 A Religious life.

10:44:20 20 Q Would that involve, for instance, the vow of
10:44:21 21 celibacy?

10:44:23 22 A Yes.

10:44:23 23 Q And what kinds of things did you discuss with
10:44:25 24 the students regarding the vow of celibacy?

10:44:29 25 A Well, the importance of being celibate,

10:44:31 1 importance of practicing the virtue of chastity.
10:44:40 2 These are religious, so they had vows of poverty,
10:44:44 3 chastity and obedience, so I would tell them all about
10:44:48 4 that.

10:44:48 5 Q Okay. And when you discussed with the
10:44:49 6 students the importance the being celibate and
10:44:53 7 practicing chastity, what would prompt those
10:44:57 8 discussion?

10:44:59 9 A Pardon.

10:45:00 10 Q What would prompt it?

10:45:00 11 MR. MATIASIC: Lacks foundation that
10:45:01 12 something would prompt it, but go ahead.

10:45:05 13 THE WITNESS: It was the program.

10:45:08 14 BY MR. HALE:

10:45:08 15 Q Okay. So it was part of the curriculum, was
10:45:14 16 there a curriculum?

10:45:14 17 A Right.

10:45:20 18 Q Were there classes taught on celibacy and
10:45:24 19 chastity?

10:45:25 20 MR. MATIASIC: Are you speaking at San Luis
10:45:30 21 Rey from --

10:45:31 22 BY MR. HALE:

10:45:31 23 Q Yeah, we're only talking San Luis Rey now.

10:45:35 24 A That was the class, once a week.

10:45:38 25 Q How long would the class last?

10:45:41 1 A Oh, 30 minutes, maybe longer.

10:45:44 2 Q And were there class discussions or was it
10:45:48 3 simply a case of you lecturing and the students taking
10:45:49 4 notes?

10:45:50 5 A That's right.

10:45:50 6 Q So there were no discussions amongst the
10:45:53 7 students and you?

10:45:54 8 A No.

10:45:54 9 Q They didn't raise any concerns or problems
10:45:57 10 they had with chastity or celibacy or anything like
10:46:02 11 that?

10:46:03 12 MR. MATIASIC: Just in the context of the
10:46:05 13 class?

10:46:06 14 MR. HALE: Uh-huh.

10:46:06 15 MR. MATIASIC: Okay.

10:46:07 16 THE WITNESS: Not you during the class.

10:46:09 17 BY MR. HALE:

10:46:09 18 Q What about after the class?

10:46:11 19 A After class, they were free to come see me.
10:46:17 20 Some did, not much about chastity or celibacy.

10:46:21 21 Q What kinds of things did they come to see you
10:46:23 22 about?

10:46:23 23 A Oh, some disciplinary thing or they'd like to
10:46:26 24 get a new light bulb in their room or some other thing
10:46:36 25 like that.

10:46:37 1 Q During your time at St. Elizabeth's, the
10:46:42 2 first time from '51 to '53, I understand you were
10:46:43 3 principal of the high school?

10:46:44 4 A Yeah.

10:46:45 5 Q Okay, did you assist with the parish at that
10:46:48 6 time as well?

10:46:49 7 A I said a mass once a week.

10:46:51 8 Q Were you teaching classes as well?

10:46:55 9 A Yeah, I taught religion class to the
10:47:02 10 sophomore girls and to the senior boys.

10:47:07 11 Q Okay. All right. Let's go to your time at
10:47:30 12 St. Anthony's when you returned from '53 to '68, when
10:47:34 13 first returned to St. Anthony's, what was your
10:47:34 14 assignment?

10:47:40 15 A Teaching Latin and Greek.

10:47:44 16 Q Anything else?

10:47:49 17 A Nothing.

10:47:57 18 Q And who was the rector when you first arrived
10:48:00 19 in 1953, when you first returned to St. Anthony's in
10:48:05 20 1953?

10:48:06 21 A Father ██████████.

10:48:12 22 Q And was Father ██████████ still the prefect
10:48:15 23 as well?

10:48:17 24 A Yes.

10:48:25 25 Q At some point during that '53 to '68 time

10:48:30 1 frame, did your assignment at St. Anthony's change or
10:48:34 2 was it added to? In other words, did you become the
10:48:38 3 guardian at some point?

10:48:40 4 A Yes, I did.

10:48:41 5 Q What year was that?

10:48:41 6 A I don't remember.

10:48:42 7 Q Do you recall how many years you were the
10:48:44 8 guardian for?

10:48:45 9 A Maybe a year and a half, so that would have
10:48:48 10 been in around -- because they gave me a new
10:48:55 11 assignment.

10:48:55 12 Q So around 1967, 1968 you were the guardian?

10:49:01 13 A Yeah.

10:49:02 14 Q Had you ever been a guardian before that
10:49:04 15 time?

10:49:06 16 A No.

10:49:13 17 Q Prior to becoming the guardian in 1967 or '68
10:49:17 18 and aside from your teaching responsibilities, did you
10:49:19 19 have any other responsibilities at St. Anthony's
10:49:23 20 during that time frame?

10:49:25 21 A Not that I recall.

10:49:26 22 Q Okay. What were your duties as guardian?

10:49:33 23 A To see that the house was run -- was run
10:49:35 24 properly.

10:49:36 25 Q What did that involve?

10:49:40 1 A Oh, mainly giving permissions.

10:49:52 2 Q What kinds of things would you give
10:49:55 3 permissions for?

10:49:56 4 A Oh, if they want to take a day off or go on a
10:50:00 5 vacation or minor things, go buy some toothpaste.
10:50:12 6 Usually they do that on their own, but --

10:50:16 7 Q When you say you ran the house, are you
10:50:19 8 referring to -- is the house referencing all of the
10:50:23 9 Franciscans who are assigned to St. Anthony's?

10:50:26 10 A Right.

10:50:26 11 Q Okay. Did you have -- did you manage
10:50:30 12 financial interests of the house while you were
10:50:34 13 guardian?

10:50:34 14 A Yes.

10:50:35 15 Q And what did that involve?

10:50:37 16 A Well, you said the finance -- finances of the
10:50:42 17 house.

10:50:43 18 Q Such as if they needed money to buy
10:50:45 19 toothpaste, you would allow them to do that?

10:50:48 20 A (No audible response.)

10:50:49 21 Q Is that --

10:50:51 22 A Uh-huh.

10:50:52 23 Q Okay. What else?

10:50:53 24 A Well, actually guardian didn't keep the
10:50:56 25 books. There was a syndic they call him, he was the

10:51:02 1 economist, the one who took care of -- kept track of
10:51:07 2 paying the bills. That was the main thing.

10:51:10 3 Q How do you spell that?

10:51:13 4 A Which one, s-y-n-d-i-c.

10:51:17 5 Q Who was the syndic while you were a guardian?

10:51:21 6 A I don't remember.

10:51:22 7 Q Was it a Franciscan though?

10:51:25 8 A Oh, yeah.

10:51:26 9 Q Always a Franciscan?

10:51:29 10 A None of the friars, yeah.

10:51:31 11 Q What about while you were at guardian, did
10:51:35 12 Franciscans from -- is fair to call it the
10:51:37 13 St. Anthony's House?

10:51:38 14 A We always -- that was the seminary so we
10:51:42 15 always referred to it as The Seminary.

10:51:47 16 Q Okay. From prior testimony, it's my
10:51:51 17 understanding from Franciscans from the seminary at
10:51:55 18 times performed mass and other such ceremonies --

10:52:03 19 A Oh, yeah.

10:52:04 20 MR. MATIASIC: Hold on, there's no question
10:52:04 21 pending, Father. Let Tim talk.

10:52:04 22 BY MR. HALE:

10:52:04 23 Q -- at parishes in the Santa Barbara
10:52:06 24 community, is that your recollection as well?

10:52:09 25 A (No audible response.)

10:52:09 1 Q Yes?

10:52:10 2 A Yes.

10:52:10 3 Q Okay. How would that happen? How would that
10:52:14 4 come about.

10:52:19 5 A The guardian would assign those tasks.

10:52:23 6 Q Would you receive a request from a pastor at
10:52:27 7 one of the local parishes?

10:52:30 8 A The guardians would.

10:52:32 9 Q Okay. But during that time were you
10:52:34 10 guardian, you received those requests; is that
10:52:36 11 correct?

10:52:37 12 A Yes.

10:52:38 13 Q Okay. And then would you decide which
10:52:40 14 Franciscan went to what parish?

10:52:44 15 A Yes.

10:52:45 16 Q Okay. And did you receive requests during
10:52:48 17 your time as a guardian from every parish in Santa
10:52:56 18 Barbara?

10:52:59 19 A Every parish, no.

10:53:00 20 Q Were there primary parishes where Franciscans
10:53:04 21 were more often asked to assist in?

10:53:06 22 A Yes.

10:53:07 23 Q Which ones?

10:53:08 24 MR. MATIASIC: You're talking about during
10:53:10 25 the time he was guardian?

10:53:13 1 MR. HALE: Yes.

10:53:14 2 THE WITNESS: I don't recall.

10:53:16 3 BY MR. HALE:

10:53:16 4 Q Did the seminary receive compensation for the
10:53:21 5 work these Franciscans performed at the parishes?

10:53:28 6 A Oh, yes.

10:53:30 7 Q Was there a stipend of some sort?

10:53:31 8 A Yes.

10:53:32 9 Q And what the stipend would that be a check to
10:53:35 10 the parish?

10:53:35 11 A Yes.

10:53:37 12 Q And would that check be made out to the
10:53:40 13 individual Franciscan who did the work or to the order
10:53:40 14 as a whole?

10:53:40 15 A Depending on the individual pastor for the
10:53:43 16 way he wanted to write his check.

10:53:44 17 Q Do you recall receiving both?

10:53:46 18 A Yes.

10:53:46 19 Q Okay. Was there one more often than the
10:53:53 20 other, was it more often that the check was made out
10:53:56 21 to the individual Franciscans or was it more often
10:54:00 22 made out to the entire order -- or the province I
10:54:04 23 should say?

10:54:05 24 A I don't know that. I didn't keep track of
10:54:08 25 that.

10:54:08 1 Q Would the check be sent to you?

10:54:10 2 A Could have been.

10:54:11 3 Q Do you recall that happening?

10:54:12 4 A I don't recall that.

10:54:13 5 Q Okay. Do you recall giving the checks to the
10:54:16 6 syndic? Would the syndic have been the person who
10:54:21 7 processed the checks?

10:54:22 8 A Do I recall that? I guess I did. I hope I
10:54:24 9 did it.

10:54:25 10 Q Okay.

10:54:26 11 A About how long --

10:54:29 12 MR. MATIASIC: Father, don't guess. If you
10:54:32 13 specifically recall giving the checks to the syndic,
10:54:38 14 tell him that. If you don't remember one way or the
10:54:38 15 other, just tell him that.

10:54:38 16 THE WITNESS: Where are we?

10:54:40 17 BY MR. HALE:

10:54:40 18 Q You're still at St. Anthony's?

10:54:41 19 A And how long was I there? I was there only
10:54:43 20 about a year as a guardian.

10:54:46 21 Q Right.

10:54:46 22 A I have very little recollection of what was
10:54:48 23 going on there.

10:54:50 24 Q That's fine. I'm just asking if you
10:54:51 25 remember, tell me. If you don't, that's okay. But

10:54:53 1 you are confident that there were stipends paid to the
10:54:55 2 Franciscans for the work of the other Franciscans at
10:54:59 3 these parishes?

10:55:01 4 A I'm sure they paid.

10:55:03 5 Q Okay. And you can't recall the breakdown of
10:55:05 6 checks made out to Franciscans individually versus
10:55:10 7 checks made out to the province as a whole?

10:55:13 8 A To the house, not to the province as a whole.

10:55:17 9 Q Okay. So it would have been made out to just
10:55:19 10 the seminary?

10:55:20 11 A Right, uh-huh.

10:55:23 12 Q Do you recall who was the guardian before you
10:55:27 13 became the guardian at the seminary?

10:55:32 14 A I guess -- it must have been -- must have
10:55:45 15 been ██████████.

10:55:52 16 Q Was he on the St. Anthony's faculty during
10:56:00 17 the '60s?

10:56:13 18 A During the '60s. I'm not sure when he -- how
10:56:16 19 long -- when or how long he was there.

10:56:19 20 Q Okay. Let me backtrack one second. When --
10:56:25 21 if -- when the checks were made out for the work at
10:56:29 22 the parishes, when they were made out to individual
10:56:32 23 Franciscans, did those end up going to -- to the
10:56:37 24 house, to the province, in other words?

10:56:40 25 A Right.

10:56:40 1 Q Okay. So it all ended up in one pot?

10:56:43 2 A Right.

10:56:44 3 Q Whether it went to the individual Franciscans
10:56:47 4 or not whether it went to the house, it all ended up
10:56:50 5 in the same place?

10:56:52 6 A That's what it's supposed to do, yes.

10:56:54 7 Q Okay. Do you recall who was guardian when
10:56:58 8 you first returned to St. Anthony's in 1953? I
10:57:02 9 understand ██████████ was the rector and ██████████ was the
10:57:06 10 prefect. Do you remember who the guardian was?

10:57:23 11 A Probably Father ██████████ was the guardian
10:57:28 12 also.

10:57:29 13 Q It sounds like you're not sure about that
10:57:34 14 though?

10:57:35 15 A I'm not sure.

10:57:42 16 Q And I just want to backtrack one more time.
10:57:46 17 Regarding the checks, you said whether they were made
10:57:48 18 out to an individual Franciscan or to the house, they
10:57:53 19 were supposed to end up in the same pot, so to speak,
10:57:55 20 for the house?

10:57:56 21 A Yeah.

10:57:57 22 Q Were there times when they did not?

10:58:01 23 A Not that I know of.

10:58:03 24 Q Have you ever heard of that happening?

10:58:05 25 A Oh, it happened. I've heard of it happening.

10:58:08 1 Q Do you mean an individual Franciscan kept the
10:58:11 2 money for himself?

10:58:13 3 A Right.

10:58:14 4 MR. MATIASIC: Misstates his testimony.

10:58:16 5 BY MR. HALE:

10:58:16 6 Q Is that what you mean?

10:58:17 7 A That's what I mean.

10:58:19 8 Q Okay. Was that a common occurrence?

10:58:22 9 A No.

10:58:22 10 Q Was that something the Franciscan would be
10:58:26 11 disciplined for if that happened?

10:58:28 12 A If they found it out, yeah.

10:58:30 13 Q What would the discipline be?

10:58:32 14 A Ball him out.

10:58:34 15 Q Okay. Do you recall that ever happening
10:58:36 16 while you were at St. Anthony's?

10:58:39 17 A For checks?

10:58:40 18 Q Right.

10:58:41 19 A No.

10:58:41 20 Q Do you recall hearing about that happening
10:58:43 21 somewhere else at any time?

10:58:47 22 A Not that I recall.

10:58:49 23 Q Okay. Did Father ██████████ remain the
10:58:54 24 guardian until Father ██████████ became the guardian at
10:58:59 25 St. Anthony's?

10:59:00 1 A I'm not sure.

10:59:00 2 Q Do you recall when Father ████████ became the
10:59:03 3 guardian at St. Anthony's?

10:59:09 4 A I don't know.

10:59:13 5 Q Do you recall how long Father ████████ was the
10:59:18 6 guardian at St. Anthony's?

10:59:19 7 A No.

10:59:20 8 Q Did you ask to become guardian --

10:59:24 9 A Oh, no.

10:59:25 10 MR. MATIASIC: Let him finish his question,
10:59:28 11 Father.

10:59:28 12 BY MR. HALE:

10:59:28 13 Q Do you know why you were assigned to the
10:59:30 14 guardian at St. Anthony's?

10:59:32 15 MR. MATIASIC: Calls for speculation.

10:59:39 16 THE WITNESS: It's speculation, yeah. Do you
10:59:41 17 want speculation?

10:59:45 18 MR. HALE: Sure.

10:59:45 19 MR. MATIASIC: You can answer.

10:59:46 20 THE WITNESS: There was nobody else
10:59:48 21 available.

10:59:48 22 BY MR. HALE:

10:59:48 23 Q Okay. Was Father ████████ transferred away from
10:59:52 24 St. Anthony's?

10:59:53 25 A Yes.

10:59:54 1 MR. MATIASIC: Object to the term
10:59:55 2 "transferred." Calls for speculation that he was
10:59:57 3 transferred. Go ahead, Father, you can answer if you
11:00:01 4 know.

11:00:01 5 MR. HALE: I think he did.

11:00:03 6 Q And had Father [REDACTED] been on the faculty at
11:00:06 7 St. Anthony's as well or was he only the guardian at
11:00:10 8 St. Anthony's?

11:00:11 9 A Faculty also.

11:00:12 10 Q Okay. During those approximately 15 years
11:00:17 11 from '53 to '68 that you were at St. Anthony's, did
11:00:22 12 you hold any other positions other than was a faculty
11:00:24 13 member who was a teacher and guardian?

11:00:27 14 A No.

11:00:36 15 Q When you were at St. Elizabeth's as an
11:00:39 16 associate pastor from '68 to '70, who was the pastor?

11:00:45 17 A Oliver Lynch.

11:00:49 18 Q Okay. Were there any other Franciscans
11:00:51 19 assigned there?

11:00:52 20 A Yes.

11:00:53 21 Q Who?

11:00:54 22 A I don't recall.

11:00:55 23 Q Okay. When you were in Portland at St. Clare
11:01:03 24 Church from '70 to '78, I understand you were the
11:01:07 25 pastor there for the entire time you were there?

11:01:09 1 A Yes.

11:01:10 2 Q What other Franciscans were assigned there
11:01:12 3 during that approximate eight-year time period?

11:01:15 4 A John Bradley, Richard Juzix. Those two.

11:01:22 5 Q Anyone else?

11:01:24 6 A A deacon, Michael Dougherty.

11:01:36 7 Q So was Father Dougherty doing the equivalent
11:01:42 8 of a simplex year at St. Clare Church?

11:01:48 9 A I think so.

11:01:48 10 Q Okay. And how do you spell Juzix last name?

11:01:53 11 A Juzix.

11:01:57 12 Q Anyone else during your time at St. Clare
11:02:00 13 Church who was assigned there, any other Franciscans?

11:02:09 14 A No other Franciscans.

11:02:11 15 Q Okay. When you returned to St. Elizabeth's
11:02:14 16 in '78 to '80 that was as an associate pastor,
11:02:18 17 correct?

11:02:21 18 A Yes.

11:02:21 19 Q Okay. Who was the pastor?

11:02:24 20 A Oliver Lynch.

11:02:25 21 Q Okay. And who -- what other Franciscans were
11:02:31 22 assigned there during that approximate two-year
11:02:34 23 period?

11:02:37 24 A I don't recall.

11:02:40 25 Q Okay. And when you went out to Phoenix to

11:02:43 1 St. Mary's where you were an -- you were an associate
11:02:46 2 pastor there, correct, from '80 to '83?

11:02:51 3 A Yeah.

11:02:51 4 Q Okay. Did you do any work at the high school
11:02:54 5 while you were there?

11:02:57 6 A There is no high school.

11:02:59 7 Q No high school there anymore. Do you know
11:03:02 8 when the high school closed down at St. Mary's?

11:03:09 9 A Oh, St. Mary's at San Luis, it's still there
11:03:14 10 -- yes.

11:03:15 11 Q Was your assignment limited to the parish at
11:03:16 12 St. Mary's?

11:03:17 13 A Yes.

11:03:18 14 Q Who was the pastor at St. Mary's?

11:03:21 15 A I had two when I got there. A little guy by
11:03:33 16 the name of -- anyhow, he was there for a year or so
11:03:40 17 and then after that the second pastor I had there
11:03:55 18 was -- oh, God. I guess I'm getting too tired.

11:03:58 19 Q Do you need to take a break?

11:04:00 20 A Yeah, I think maybe a break might help if you
11:04:03 21 want to get some --

11:04:05 22 Q Sure. We'll take a five-minute break.

11:04:09 23 THE VIDEO OPERATOR: Off the record at 11:03
11:04:14 24 a.m.

11:17:32 25 (Recess.)

11:17:36 1 THE VIDEO OPERATOR: On the record at 11:17

11:17:39 2 a.m.

11:17:41 3 BY MR. HALE:

11:17:41 4 Q Back on the record. I know we were talking
11:17:45 5 about your time at St. Mary's from '80 to '83, Father.
11:17:52 6 A couple backup questions. When you were guardian, as
11:17:55 7 guardian were you responsible for supervising the
11:17:58 8 students as well as the Franciscans at St. Anthony's
11:18:02 9 or was it simply -- well, let me ask you this. As
11:18:06 10 guardian, did you supervise the Franciscans at the
11:18:10 11 seminary?

11:18:10 12 MR. MATIASIC: By the Franciscans you mean
11:18:14 13 those who were already priests as opposed to
11:18:20 14 seminarians?

11:18:22 15 MR. HALE: Priests and brothers.

11:18:25 16 THE WITNESS: Priests and brothers, yes.

11:18:25 17 BY MR. HALE:

11:18:25 18 Q Yes. And did those supervisory
11:18:27 19 responsibilities also include the students at
11:18:31 20 St. Anthony's?

11:18:33 21 A Indirectly.

11:18:34 22 Q What do you mean by indirectly?

11:18:40 23 A Well, the rector was under me.

11:18:41 24 Q Okay.

11:18:42 25 A So if I wanted to give him some advice, I

11:18:48 1 could do that.

11:18:50 2 Q So you were definitely the top of the food
11:18:54 3 chain, so to speak, as far as the seminary goes?

11:18:56 4 A Yes.

11:18:56 5 Q That would also mean that you were indirectly
11:18:59 6 responsible for supervising any lay employees at the
11:19:02 7 seminary; is that a fair statement?

11:19:03 8 A Yes.

11:19:03 9 Q Did you make the decisions as far as hiring
11:19:06 10 or firing any lay employees at the seminary while you
11:19:11 11 were guardian?

11:19:12 12 A No.

11:19:12 13 Q Who would make that decision?

11:19:17 14 A Well, I would -- the rector and I, the rector
11:19:22 15 of the seminary and I.

11:19:24 16 Q You'd make that decision together?

11:19:27 17 A Yes.

11:19:28 18 Q When you received telephone calls from
11:19:31 19 pastors asking for Franciscans to perform mass -- did
11:19:35 20 you receive telephone calls from pastors asking for
11:19:39 21 Franciscans to perform mass? How was it they
11:19:43 22 communicated to you their need for assistance?

11:19:48 23 MR. MATIASIC: At what time, when he was a
11:19:48 24 guardian or at any time?

11:19:49 25 MR. HALE: Anytime. Well, actually when he

11:19:51 1 was a guardian, because the guardian is the one that
11:19:52 2 receives the calls.

11:19:52 3 Q So while you were a guardian, how did you
11:19:55 4 receive requests for Franciscans to assist at the
11:20:00 5 parishes? In other words, were they telephone calls,
11:20:03 6 did they come and see you in person?

11:20:06 7 A Telephone calls.

11:20:10 8 Q Okay. I'm going to shift gears on you. When
11:20:14 9 you are granted faculties, did that require you to
11:20:17 10 take an oath of obedience to the Archbishop?

11:20:29 11 A I don't recall.

11:20:29 12 Q Okay. What about when you were ordained, did
11:20:34 13 that require you to take an oath of obedience to the
11:20:34 14 Archbishop?

11:20:35 15 A No.

11:20:35 16 Q But it's possible when you received
11:20:37 17 faculties, you did take such an oath?

11:20:40 18 MR. HABEL: Misstates prior testimony.

11:20:44 19 THE WITNESS: Yes.

11:20:45 20 BY MR. HALE:

11:20:45 21 Q Okay. Before you became guardian, while you
11:20:50 22 were at St. Anthony's when you were on the faculty,
11:20:54 23 you taught the two subjects, I think it was Greek and
11:20:58 24 Latin?

11:20:58 25 A Right.

11:20:58 1 Q I assume you assisted at parishes; is that a
11:21:02 2 fair statement?

11:21:03 3 A Yes.

11:21:04 4 Q Did all Franciscans at the seminary assist at
11:21:08 5 parishes?

11:21:09 6 MR. MATIASIC: At what time?

11:21:10 7 MR. HALE: While he was at St. Anthony's.

11:21:12 8 MR. MATIASIC: Well, which time? He
11:21:14 9 testified that --

11:21:17 10 MR. HALE: The later time.

11:21:19 11 MR. MATIASIC: So starting in '53 then?

11:21:24 12 MR. HALE: Right.

11:21:25 13 THE WITNESS: No.

11:21:25 14 BY MR. HALE:

11:21:25 15 Q Who did not assist at parishes?

11:21:28 16 A Those who were not interested in doing so or
11:21:32 17 were too busy to do so.

11:21:37 18 Q Was that usually a large number of
11:21:39 19 Franciscans?

11:21:39 20 MR. MATIASIC: Vague and ambiguous. Go
11:21:41 21 ahead.

11:21:41 22 THE WITNESS: I guess so.

11:21:42 23 BY MR. HALE:

11:21:42 24 Q Okay.

11:21:43 25 A I shouldn't guess.

11:21:46 1 Q No, definitely don't guess. When you were on
11:21:49 2 the faculty of St. Anthony's commencing from '53 to
11:21:55 3 '68, before you were the guardian and when you were
11:21:58 4 only teaching classes, what did you do with your spare
11:22:02 5 time?

11:22:02 6 MR. MATIASIC: You know, I'm going to object
11:22:04 7 on the basis of, A, relevance. It's not likely to
11:22:07 8 lead to the discovery of admissible evidence and, B, I
11:22:10 9 think it's vague and ambiguous. You can answer if you
11:22:12 10 want, Father.

11:22:16 11 THE WITNESS: Free time.

11:22:17 12 BY MR. HALE:

11:22:17 13 Q Sure.

11:22:19 14 MR. MATIASIC: Why don't you narrow it down,
11:22:24 15 Counsel.

11:22:25 16 THE WITNESS: I played golf.

11:22:28 17 MR. MATIASIC: Hold on, Father. Are you
11:22:30 18 talking about on the weekends or after class, why
11:22:30 19 don't you narrow it down, Counsel.

11:22:30 20 BY MR. HALE:

11:22:30 21 Q I think free time after class or on the
11:22:35 22 weekends is definitely what I'm looking for.

11:22:37 23 MR. MATIASIC: Same objections. Go ahead,
11:22:38 24 Father.

11:22:39 25 BY MR. HALE:

11:22:39 1 Q Okay. So you played golf?

11:22:46 2 A Mostly I'd go out and watch the kids play
11:22:50 3 baseball or football, whatever they were doing.

11:22:54 4 Q Okay. Who'd you play golf with?

11:22:56 5 A Pardon?

11:22:57 6 MR. MATIASIC: I'm going to object, again, on
11:23:00 7 relevancy grounds. Counsel, if you'd like to make an
11:23:05 8 offer of proof of why you are asking who he played
11:23:06 9 golf with in his free time.

11:23:09 10 MR. HALE: I don't have to make any offer of
11:23:10 11 proof, Paul. It's discovery, Paul. You are way off.
11:23:12 12 If you want to instruct him not to answer, please feel
11:23:12 13 free and we'll take this to the judge and you'll lose.

11:23:13 14 MR. MATIASIC: Listen, you didn't hear an
11:23:18 15 instruction not to --

11:23:18 16 MR. TISDALE: Who he played golf with.

11:23:22 17 MR. HALE: No, I'm sorry, if he's playing
11:23:24 18 golf with any other priests around town including
11:23:28 19 perpetrator priests, I'm entitled to know that.
11:23:31 20 That's absolutely discoverable evidence. There's
11:23:33 21 definitely a line in which I'm going, so don't --

11:23:33 22 MR. TISDALE: Why don't you ask that
11:23:35 23 question.

11:23:36 24 MR. HALE: I don't have to ask that question.
11:23:36 25 I can ask a more vague question, and he can answer it

11:23:36 1 and it if leads to that, I can ask that.

11:23:36 2 MR. MATIASIC: You know, Counsel, we can
11:23:37 3 start getting into instructions if you are going to
11:23:40 4 ask everything in the world.

11:23:42 5 MR. HALE: Please do.

11:23:42 6 MR. MATIASIC: If you want to know if he
11:23:43 7 played with other priests, why don't you ask him, did
11:23:47 8 you play golf with other priests in your free time.

11:23:48 9 MR. HALE: If you want to instruct him not to
11:23:48 10 answer, instruct him not to answer.

11:23:48 11 MR. MATIASIC: If he's playing with somebody
11:23:51 12 who's not a priest, I don't think that's any of your
11:23:54 13 business. And I don't think you prevailed, but go
11:23:55 14 ahead and ask your question.

11:23:56 15 MR. HALE: Certainly could be a Franciscan
11:23:58 16 brother, so there's not a priest.

11:24:01 17 MR. MATIASIC: Okay. So ask him if he played
11:24:01 18 golf with some other priests.

11:24:02 19 MR. HALE: I don't think I have to.

11:24:04 20 MR. MATIASIC: If you'd narrow your questions
11:24:05 21 down, you wouldn't get objections.

11:24:08 22 MR. HALE: The question stands.

11:24:09 23 Q So if you can answer it, please do.

11:24:11 24 A The question?

11:24:12 25 Q Who did you play golf with?

11:24:14 1 A Another priest on the faculty.

11:24:17 2 Q From St. Anthony's?

11:24:18 3 A Uh-huh.

11:24:19 4 Q Anyone else?

11:24:20 5 A No.

11:24:21 6 Q Who was the priest from the faculty you
11:24:24 7 played golf with?

11:24:32 8 A Martin McKune, I played with him.

11:24:38 9 Q And he became a prefect at some point, didn't
11:24:43 10 he, during your stay at St. Anthony's?

11:24:45 11 A He taught at St. Anthony's Seminary. He was
11:24:48 12 a priest.

11:24:49 13 Q And he became a prefect as well?

11:24:52 14 A Prefect, uh-huh.

11:24:54 15 Q Going back to your time at San Luis Rey, how
11:25:02 16 would you -- you said you taught classes regarding
11:25:05 17 celibacy and chastity. How would you define celibacy?

11:25:12 18 MR. MATIASIC: Vague and ambiguous. I'm
11:25:13 19 sorry, are you talking about the word or were you
11:25:16 20 talking about in the context of the vow?

11:25:18 21 BY MR. HALE:

11:25:18 22 Q I think in the context of how you taught the
11:25:21 23 class.

11:25:25 24 A Well, I taught them that as -- I never -- I
11:25:34 25 never -- I don't think I ever talked to them about

11:25:38 1 celibacy because the priesthood was a long way off, so
11:25:43 2 I taught them about their vow of chastity.

11:25:47 3 Q Okay.

11:25:48 4 A And then that follows celibacy, which is
11:25:52 5 following the law of chastity according to the stay of
11:25:57 6 life.

11:25:58 7 Q Okay. What did you teach them as far as the
11:26:01 8 vow of chastity?

11:26:03 9 A I told them that sex was very holy and
11:26:08 10 necessary part of life and that they should respect
11:26:11 11 it, especially their own sex. And since they had the
11:26:15 12 vow of chastity, that they should not indulge in
11:26:21 13 sexual activity.

11:26:21 14 Q Do you mean sexual activity of any kind was
11:26:26 15 off limits?

11:26:28 16 A Right.

11:26:28 17 Q No qualifications?

11:26:29 18 A No.

11:26:30 19 Q Okay. All right. Going back to Santa Mary's
11:26:36 20 from '83 -- I know we took a break because you were
11:26:39 21 trying to remember who was on the -- who the pastor
11:26:42 22 was and what other Franciscans were assigned. Have
11:26:45 23 you recalled who else was assigned with you at St.
11:26:51 24 Mary's?

11:26:51 25 A Yeah, the present -- Rouse, Perry Rouse was

11:27:04 1 pastor there. The other one I can't recall right now.

11:27:08 2 Q Were there any other Franciscans in residence
11:27:11 3 there?

11:27:12 4 A Oh, yes.

11:27:13 5 Q Who?

11:27:17 6 A The faculty at the high school, the -- what's
11:27:29 7 his name, Cronin.

11:27:38 8 Q Okay.

11:27:39 9 A And Alonzo DeBlas.

11:27:49 10 Q Okay.

11:27:57 11 A I can't recall the others.

11:27:58 12 Q Okay. What about at St. Javier's in Tucson,
11:28:04 13 who was the pastor there?

11:28:07 14 A Walter Holly.

11:28:09 15 Q Okay. And what other Franciscans were
11:28:12 16 assigned there?

11:28:27 17 A I don't recall.

11:28:27 18 Q Okay. What about in residence there?

11:28:31 19 A I don't recall.

11:28:32 20 Q Okay. Let's go to Tularosa. What other
11:28:43 21 Franciscans were assigned there?

11:28:46 22 A The brother -- a brother was with me, Gus
11:29:00 23 Hootka.

11:29:03 24 Q How do you spell that name?

11:29:04 25 A Augustin Hootka, H-o-o-t-k-a.

11:29:09 1 Q Okay. Anyone else?

11:29:11 2 A Not that I recall.

11:29:12 3 Q Okay. And then in 1984, you went back to San
11:29:20 4 Miguel. Who was the pastor you were filling in for
11:29:24 5 there?

11:29:25 6 A ██████████.

11:29:27 7 Q And why were you filling in for Father ████████?

11:29:30 8 A He was on --

11:29:32 9 MR. MATIASIC: Calls for speculation. Go
11:29:34 10 ahead and answer, Father, if you know.

11:29:37 11 THE WITNESS: He was on leave -- he was on
11:29:41 12 sick leave.

11:29:44 13 BY MR. HALE:

11:29:44 14 Q Okay. What other Franciscans were assigned
11:29:46 15 there, assuming there were any?

11:29:49 16 A Brother Bartholomew, Brother Quinten, I don't
11:30:03 17 know his last name, and Father ██████████,
11:30:30 18 ██████████.

11:30:32 19 Q Okay. Anyone else?

11:30:34 20 A No.

11:30:34 21 Q All right. And then you went back to St.
11:30:37 22 Mary's from '84 to '86. And who was assigned with you
11:30:44 23 there?

11:30:44 24 A The pastor was Walter Holly.

11:30:48 25 Q Okay.

11:30:49 1 A I took his place, he went off.

11:30:52 2 Q Okay.

11:30:53 3 A Took a year of studies.

11:30:54 4 Q And were there any associate pastors?

11:30:57 5 A No.

11:30:57 6 Q Any other Franciscans in residence?

11:31:00 7 A Yes, but I don't recall who they were.

11:31:02 8 Q Okay. And then you went back to San Miguel

11:31:08 9 for about eight years from 1986 to '94; is that

11:31:17 10 correct?

11:31:17 11 A Correct.

11:31:18 12 Q And who were you assigned with there?

11:31:20 13 A The same people, ██████████ was there

11:31:24 14 with the guardian. And so were the brothers that I

11:31:26 15 mentioned.

11:31:27 16 Q Okay. Anyone else in residence there during

11:31:29 17 that eight-year time period?

11:31:33 18 A I don't recall.

11:31:38 19 Q And then finally you returned to

11:31:41 20 St. Elizabeth's in '94 to the present, that's correct?

11:31:47 21 A Right.

11:31:47 22 Q Who else have you been assigned with there,

11:31:52 23 who else has been there in your -- gosh, it's been

11:31:54 24 almost 11 years now, correct?

11:31:56 25 A Right. Kenny Scott has been there the whole

11:32:04 1 time and we have students there also, they're
11:32:12 2 attending FST, the theology -- Franciscan School of
11:32:19 3 Theology in Berkeley.

11:32:20 4 Q Okay. So in other words, you have Franciscan
11:32:25 5 priest candidates in residence at St. Elizabeth's?

11:32:31 6 A Right. Five or six of them. That varies
11:32:35 7 from year to year.

11:32:36 8 Q But has Franciscan priest candidates been
11:32:40 9 living at St. Elizabeth's for how long, how long has
11:32:45 10 that been going on?

11:32:47 11 MR. MATIASIC: If you know, Father.

11:32:48 12 THE WITNESS: Pardon?

11:32:49 13 MR. MATIASIC: If you know. Don't speculate
11:32:51 14 or guess.

11:32:52 15 THE WITNESS: I don't know.

11:32:53 16 BY MR. HALE:

11:32:53 17 Q Were there priest candidates living there
11:32:56 18 when you returned in '94?

11:32:57 19 A Yes.

11:32:58 20 Q Okay. What about when you were at
11:33:04 21 St. Elizabeth's from '78 to '80, were there priest
11:33:09 22 candidates living there then?

11:33:13 23 A '78 to what did you say?

11:33:18 24 Q To 1980.

11:33:19 25 A I came there -- in '78 to '80.

11:33:26 1 Q Right.

11:33:27 2 A Yeah. I don't know.

11:33:28 3 Q Okay. During the time that you were

11:33:39 4 guardian, how did your duties and your

11:33:43 5 responsibilities differ from the rectors, what was the

11:33:47 6 difference between being the guardian and being the

11:33:49 7 rector at St. Anthony's?

11:33:52 8 A I was in charge -- I was the friar as

11:33:56 9 Franciscans and the rector was in charge of his

11:33:59 10 students, he was the principal of the school.

11:34:04 11 Q Okay. Have you ever served as a prefect of

11:34:08 12 discipline?

11:34:09 13 A Yes.

11:34:10 14 Q What year did you serve as prefect the

11:34:14 15 discipline?

11:34:15 16 A I don't recall.

11:34:16 17 Q But was it at St. Anthony's?

11:34:18 18 A Yes.

11:34:18 19 Q And was it sometime in that '53 to '68 time

11:34:24 20 period?

11:34:24 21 A Yes.

11:34:25 22 Q Did you serve more than a year?

11:34:29 23 A Two years I think.

11:34:30 24 Q What were your responsibilities as prefect of

11:34:36 25 discipline at St. Anthony's?

11:34:39 1 A To be concerned with the discipline of the
11:34:47 2 students.

11:34:47 3 Q Okay. Anything else?

11:34:50 4 A No.

11:34:50 5 Q Did the prefect have responsibilities as the
11:34:54 6 infirmarian?

11:34:57 7 A No.

11:34:58 8 Q Who was the infirmarian while you were the
11:35:01 9 prefect of discipline?

11:35:03 10 A I don't recall.

11:35:08 11 Q Do you recall while you were at St. Anthony's
11:35:15 12 any other prefects also serving as infirmarians?

11:35:24 13 A No.

11:35:26 14 Q Do you recall Father Cimmarrusti also serving
11:35:31 15 as the infirmarian?

11:35:33 16 A Yes.

11:35:33 17 Q While you were?

11:35:34 18 A Yes.

11:35:35 19 Q And do you recall Father McKeon also serving
11:35:37 20 as the infirmarian?

11:35:37 21 A No.

11:35:37 22 Q Do you know why Father Cimmarrusti served as
11:35:41 23 both the prefect and the infirmarian?

11:35:44 24 MR. MATIASIC: Calls for speculation.

11:35:47 25 MR. WATERS: I don't think that calls for

11:35:50 1 speculation. It's a yes-or-no question for
11:35:54 2 foundational purposes. I mean, we don't need to try
11:35:56 3 to coach the witness, Paul. Let the witness answer
11:36:02 4 with any recollection he has.

11:36:04 5 MR. HANCE: I think it's a fair objection.

11:36:06 6 MR. MATIASIC: My objection stands.

11:36:07 7 Go ahead, Father.

11:36:08 8 BY MR. HALE:

11:36:08 9 Q You can answer.

11:36:09 10 A Am I supposed to answer his question?

11:36:11 11 MR. MATIASIC: You can go ahead.

11:36:13 12 MR. HALE: Strike that question, I'll
11:36:14 13 rephrase.

11:36:15 14 Q During your time from '53 to '68 at
11:36:17 15 St. Anthony's, did you have a recollection of any
11:36:20 16 other prefects other than Mario Cimmarrusti serving as
11:36:24 17 both the prefect and the infirmarian?

11:36:27 18 A No.

11:36:27 19 Q Do you know why Mario served as both the
11:36:30 20 prefect and the infirmarian?

11:36:36 21 A It would be speculation. Do you want me to
11:36:40 22 speculate?

11:36:41 23 MR. MATIASIC: Calls for speculation.

11:36:43 24 THE WITNESS: I could speculate. I have a
11:36:45 25 couple good ideas.

11:36:48 1 MR. MATIASIC: Don't speculate.

11:36:51 2 MR. WATERS: Are his ideas based upon

11:36:53 3 personal knowledge?

11:36:53 4 MR. MATIASIC: There's no question pending,

11:36:53 5 Father.

11:36:53 6 BY MR. HALE:

11:36:53 7 Q Do you have a belief as to why Mario served

11:36:58 8 both as the prefect and the infirmarian?

11:37:02 9 MR. MATIASIC: Vague and ambiguous. Go

11:37:03 10 ahead, Father.

11:37:04 11 THE WITNESS: Do I have a belief? Well,

11:37:09 12 that's speculation too, is it not?

11:37:17 13 BY MR. HALE:

11:37:17 14 Q You can answer.

11:37:18 15 A You want to know what I thought about that?

11:37:20 16 Q Right.

11:37:21 17 A I thought why he took over that job on his

11:37:25 18 own because he was very much interested in the

11:37:27 19 medical -- he's still doing that, he's still taking

11:37:35 20 care of friars, taking care of their medical needs.

11:37:39 21 Q What makes you think Mario was interested

11:37:42 22 in -- in medical care; is that a fair --

11:37:46 23 A Yes.

11:37:47 24 Q What makes you think he was interested in

11:37:50 25 that?

11:37:50 1 A Because he liked to be with the students in
11:37:53 2 the infirmary.

11:37:56 3 Q And how did you -- did you observe that, did
11:37:59 4 you hear him say something or --

11:38:01 5 A Everybody knew that he was there. He acted
11:38:07 6 as the infirmarian. I never went over there.

11:38:11 7 Q But how did you know that he liked to be with
11:38:13 8 the students at the infirmary?

11:38:18 9 A I presumed. You asked me for what reason I
11:38:21 10 had for thinking -- he took over that job because he
11:38:21 11 like it.

11:38:21 12 Q But what led you to presume that, what did
11:38:25 13 you observe that led you to presume that he liked --

11:38:29 14 A He was there all the time. I mean, he was
11:38:31 15 there every night when the kids went in to get their
11:38:35 16 medicine or asked for a cold pill or whatever it was.

11:38:41 17 Q What was your understanding of the duties of
11:38:43 18 the infirmarian?

11:38:46 19 A To be an infirmarian, period.

11:38:48 20 Q Okay. Can you -- what does that mean -- what
11:38:53 21 does it mean to be a infirmarian?

11:38:56 22 A To ask the kid what's wrong with you, okay,
11:38:59 23 here, take this pill. Be an infirmarian -- you know
11:39:03 24 better than I do what an infirmarian is.

11:39:06 25 Q Actually, I don't, but -- were there any

11:39:15 1 medical treatment obligations on the part of the
11:39:18 2 infirmarian to your knowledge?

11:39:19 3 A No.

11:39:43 4 Q Do you know if Mario had any medical
11:39:45 5 training?

11:39:46 6 MR. MATIASIC: Calls for speculation. Go
11:39:49 7 ahead.

11:39:49 8 THE WITNESS: No.

11:39:52 9 BY MR. HALE:

11:39:52 10 Q To your knowledge, did any of the prior
11:39:54 11 infirmarians before Mario, but in that '53 to '68 time
11:39:59 12 frame, did any of them have medical training?

11:40:02 13 A Infirmarians did, yes. They had a retired
11:40:07 14 doctor for a while.

11:40:07 15 Q Who acted as infirmarian?

11:40:10 16 A Right.

11:40:10 17 Q Okay. Who was that, who was the --?

11:40:19 18 A We called him Doc. I don't recall his name.

11:40:23 19 Q To your knowledge, did the infirmarians who
11:40:26 20 served prior to Mario have medical training?

11:40:32 21 A No.

11:40:32 22 Q None of them did?

11:40:34 23 A Could have. I don't know.

11:40:34 24 Q You don't know. Do you recall who the
11:40:36 25 infirmarians were prior to Mario?

11:40:40 1 MR. MATIASIC: Are you talking about from '53
11:40:42 2 to '68 or --

11:40:43 3 MR. HALE: We'll work our way back. I think
11:40:49 4 if we get to '53, we're beyond his knowledge.

11:40:49 5 THE WITNESS: I don't know.

11:40:50 6 BY MR. HALE:

11:40:50 7 Q Do you recall who any of the infirmarians
11:40:52 8 were from '53 to '68, other than Mario?

11:40:55 9 A No.

11:41:03 10 Q Where were your living quarters at
11:41:05 11 St. Anthony's?

11:41:06 12 MR. MATIASIC: At what time, Counsel?

11:41:08 13 BY MR. HALE:

11:41:08 14 Q From '53 to '68. Let's start with '53
11:41:12 15 and --

11:41:12 16 A The question is where?

11:41:14 17 Q Yeah.

11:41:15 18 A In the main building.

11:41:16 19 Q What floor?

11:41:18 20 A Second floor.

11:41:21 21 Q During the time you were at St. Anthony's
11:41:23 22 from '53 to '68, did you have the same living quarters
11:41:26 23 for that entire period?

11:41:31 24 A Well, during the year I was a guardian, I did
11:41:36 25 not, I had the guardian's room.

11:41:39 1 Q Okay. But other than when you were the
11:41:41 2 guardian, were your living quarters the same at
11:41:44 3 St. Anthony's in that '53 to '68 time period?

11:41:48 4 A I don't know.

11:41:54 5 Q Do you recall moving, changing rooms?

11:41:59 6 A I know I had two different rooms, yeah.

11:42:02 7 Q So you had two different rooms before you
11:42:05 8 became the guardian?

11:42:07 9 A Yes.

11:42:07 10 Q Okay. In the first room, did you have
11:42:11 11 neighbors? Did you have Franciscans living next door
11:42:16 12 to you, in other words?

11:42:17 13 A Yes.

11:42:18 14 Q Who were they?

11:42:18 15 A I don't know. Don't recall.

11:42:20 16 Q Okay. And when did you move to the second
11:42:22 17 room?

11:42:23 18 A I don't recall.

11:42:24 19 Q Do you have any recollection of how many
11:42:27 20 years you were in the first room?

11:42:30 21 A Don't know.

11:42:31 22 Q Was it for more than a year?

11:42:33 23 A Yes.

11:42:34 24 Q Okay. Was Mario the infirmarian while you
11:42:47 25 were the guardian?

11:42:49 1 A Don't know. No.

11:42:51 2 Q Who was the infirmarian?

11:42:53 3 A One of the students.

11:42:54 4 Q Okay. Had a student ever been infirmarian
11:42:59 5 before during your time at St. Anthony's?

11:43:02 6 A Oh, yes.

11:43:03 7 Q Okay.

11:43:05 8 A Usually it was a senior.

11:43:06 9 Q Okay. Was it normal for a student,
11:43:17 10 as opposed to a Franciscan, to be the infirmarian?

11:43:20 11 A Yes.

11:43:20 12 Q Was Mario, to your knowledge, the first
11:43:24 13 Franciscan who had become an infirmarian?

11:43:27 14 A Yes.

11:43:27 15 Q Did it strike you as unusual when Mario
11:43:31 16 became the infirmarian?

11:43:34 17 A No.

11:43:34 18 Q Why not in light of the fact that students --

11:43:39 19 MR. MATIASIC: Hold on. Argumentative. Go
11:43:42 20 ahead, Father.

11:43:43 21 BY MR. HALE:

11:43:43 22 Q You can answer.

11:43:44 23 A What was the question?

11:43:45 24 Q Did you think it was unusual in light of the
11:43:47 25 fact that prior -- well, let me ask you this, is Mario

11:43:50 1 Cimmarrusti the only Franciscan, to your knowledge,
11:43:53 2 who has served as infirmarian at St. Anthony's?

11:43:57 3 A To my -- yes.

11:43:58 4 Q So you're not aware of any other Franciscans
11:44:01 5 who ever served as the infirmarian at St. Anthony's?

11:44:06 6 MR. MATIASIC: Asked and answered, but --

11:44:15 7 THE WITNESS: Usually it would have been the
11:44:19 8 prefect who would go down to the -- the infirmary and
11:44:30 9 take care of anything that had to be taken care of,
11:44:32 10 yeah.

11:44:33 11 BY MR. HALE:

11:44:33 12 Q So while you were prefect, did you serve as
11:44:36 13 the infirmarian?

11:44:37 14 A No.

11:44:37 15 Q Was a student the infirmarian?

11:44:39 16 A Pardon?

11:44:39 17 Q Was a student the infirmarian?

11:44:39 18 A Yes.

11:44:40 19 Q And while Father McKeon was the prefect, did
11:44:44 20 he serve as the infirmarian?

11:44:45 21 A Possibly.

11:44:46 22 Q Do you recall?

11:44:47 23 A I don't recall.

11:44:48 24 Q Okay. What about Father ██████████, do you
11:44:49 25 recall him serving both as the infirmarian and the

11:44:56 1 prefect?

11:44:58 2 A As I mentioned, when there was a need they'd
11:45:01 3 go down and find out what -- if this kid should go to
11:45:07 4 the hospital or not and so on. So if they had a
11:45:10 5 student for infirmarian they could not make those
11:45:13 6 decisions. And so the student would tell the prefect
11:45:18 7 or the rector and tell them, so and so is sick?

11:45:21 8 Q So it sounds like if an important decision
11:45:25 9 needed to be made regarding whether a student needed
11:45:28 10 treatment, a Franciscan would be consulted but the
11:45:36 11 students were serving as infirmarians; is that a fair
11:45:39 12 statement?

11:45:40 13 A A Franciscan would be consulted, a priest,
11:45:40 14 yeah.

11:45:40 15 Q But the students served as infirmarians,
11:45:40 16 correct?

11:45:40 17 MR. MATIASIC: Misstates his testimony.

11:45:41 18 THE WITNESS: I don't know.

11:45:42 19 BY MR. HALE:

11:45:42 20 Q Okay. Was it unusual that Mario Cimmarrusti
11:45:50 21 was the infirmarian?

11:45:53 22 MR. MATIASIC: Asked and answered.

11:45:54 23 BY MR. HALE:

11:45:54 24 Q You can answer.

11:46:02 25 A Yes.

11:46:03 1 Q Okay. Were there any discussions amongst the
11:46:12 2 faculty regarding Mario serving as the infirmarian?

11:46:17 3 MR. MATIASIC: At what time, Counsel?

11:46:20 4 BY MR. HALE:

11:46:20 5 Q Well, from the '53 to -- well, that's not
11:46:23 6 true because -- do you recall Father Cimmarrusti
11:46:27 7 arriving at St. Anthony's in 1964?

11:46:33 8 A No.

11:46:34 9 Q Okay. Do you recall when Father Cimmarrusti
11:46:37 10 arrived there being any discussion of the fact he was
11:46:41 11 serving as the infirmarian?

11:46:43 12 A No, no discussion.

11:46:44 13 Q Do you recall at any time there being any
11:46:46 14 discussion of the fact Mario was serving as the
11:46:53 15 infirmarian?

11:46:54 16 A No.

11:46:55 17 Q While you were on the faculty and Mario was
11:47:00 18 the infirmarian, did you see him -- did you observe
11:47:04 19 him in the infirmary on a daily basis?

11:47:09 20 A See him, no, I never went down there.

11:47:12 21 Q Okay. Did you hear him discussing going down
11:47:15 22 to the infirmary on a daily basis?

11:47:18 23 A No.

11:47:19 24 Q Were you aware in any other way that he was
11:47:22 25 going to the infirmary on a daily basis?

11:47:29 1 MR. MATIASIC: And, Counsel, this again is
11:47:31 2 while Cimmarrusti was infirmarian and he was on the
11:47:31 3 faculty?

11:47:31 4 MR. HALE: Right.

11:47:31 5 THE WITNESS: No.

11:47:32 6 BY MR. HALE:

11:47:32 7 Q During your time at St. Anthony's from the
11:47:34 8 '53 to '68 time period, have you ever been aware of
11:47:37 9 any other Franciscan who went to the infirmary on a
11:47:42 10 daily basis?

11:47:43 11 A I'm sorry, I lost that.

11:47:45 12 Q Sure. From the '53 to '68 time period, have
11:47:48 13 you ever been aware of -- were you ever aware of any
11:47:51 14 Franciscan who went to infirmary on a daily basis?

11:47:56 15 A No.

11:48:18 16 Q Okay. Going back to your living quarters. I
11:48:21 17 understand you had two different living quarters
11:48:23 18 before you became the guardian. Do you recall who
11:48:26 19 your neighbors were in your second living quarters?
11:48:30 20 Who lived around you? Did Franciscans live around
11:48:32 21 you?

11:48:33 22 A Not really. I had a room on the corner so
11:48:38 23 only on the other side was the -- the rector was his
11:48:42 24 bedroom.

11:48:43 25 Q Father Harris?

11:48:44 1 A Yes.

11:48:44 2 Q Okay. Was his room the closest Franciscan's
11:48:48 3 room to you?

11:48:49 4 A Yes.

11:48:50 5 Q Okay. Do you recall where Father
11:48:52 6 Cimmarrusti's room was?

11:48:55 7 A No.

11:48:56 8 MR. MATIASIC: At what time, Counsel?

11:48:57 9 MR. HALE: From '64 until he left in '68.

11:49:04 10 THE WITNESS: That's what we're talking
11:49:06 11 about.

11:49:06 12 BY MR. HALE:

11:49:06 13 Q No.

11:49:06 14 A No.

11:49:11 15 Q Okay. Where was your room when you were
11:49:13 16 guardian?

11:49:14 17 A Right next door to where I was later on.

11:49:16 18 Q Where was that exactly at St. Anthony's I
11:49:19 19 should say where was that since St. Anthony's no
11:49:19 20 longer exists.

11:49:20 21 A In the end there towards the old mission.
11:49:24 22 You know the area?

11:49:25 23 Q So if we were standing in front of the
11:49:30 24 seminary, it's to the right?

11:49:32 25 A Right. The last two rooms to the right. My

11:49:35 1 room was on the corner.

11:49:37 2 Q So is it kind of across the driveway from the
11:49:41 3 swimming pool at the mission?

11:49:43 4 A Right.

11:49:43 5 Q And what floor was your room on?

11:49:46 6 A On the first floor -- next to the guardian's
11:49:51 7 office, which was on the first floor.

11:49:54 8 Q Okay. And did you have any neighbors when
11:49:56 9 you were in that room?

11:49:57 10 A No, only the guardian.

11:49:59 11 Q No other Franciscans lived around you?

11:50:04 12 A Across the hall perhaps. I don't recall who
11:50:06 13 it was though.

11:50:08 14 Q Okay. During any of the time you were on the
11:50:19 15 faculty at St. Anthony's Seminary -- let me backtrack
11:50:27 16 a second. While you were the guardian, you were still
11:50:29 17 on the faculty; is that correct?

11:50:31 18 A Yes.

11:50:31 19 Q During any of the time that you served on the
11:50:33 20 faculty at St. Anthony's Seminary, did you ever
11:50:37 21 observe a student having what appeared to you to be an
11:50:42 22 emotional breakdown of some sort?

11:50:44 23 MR. MATIASIC: Vague and ambiguous.

11:50:46 24 THE WITNESS: No.

11:50:46 25 BY MR. HALE:

11:50:46 1 Q Did you ever hear about a student appearing
11:50:48 2 to have some sort of emotional breakdown?

11:50:51 3 MR. MATIASIC: Same objection.

11:50:52 4 THE WITNESS: No.

11:50:52 5 BY MR. HALE:

11:50:52 6 Q Or did you ever learn in any other fashion
11:50:56 7 about a student at St. Anthony's having what appeared
11:50:59 8 to be some sort of emotional breakdown?

11:51:02 9 MR. MATIASIC: Same objection.

11:51:04 10 THE WITNESS: No.

11:51:10 11 BY MR. HALE:

11:51:10 12 Q Do you know who ██████████ is?

11:51:14 13 A No.

11:51:15 14 Q Are you familiar with the concept of
11:51:17 15 sensitivity training?

11:51:27 16 A Slightly.

11:51:29 17 Q What's your familiarity with it?

11:51:35 18 A I was exposed to a course in it once, yeah.

11:51:38 19 Q Okay.

11:51:41 20 A No, what do you mean by sensitivity training?

11:51:44 21 Q Well, I'm asking you those questions.

11:51:47 22 A I don't know what you mean by sensitivity
11:51:49 23 training.

11:51:50 24 MR. MATIASIC: Vague and ambiguous.

11:51:51 25 BY MR. HALE:

11:51:51 1 Q I think we're on the same page. Was the
11:51:56 2 course you were exposed to, was that in the 1960s?

11:51:59 3 A I retract that. I was not exposed. I was
11:52:05 4 thinking of the Briggs Myers course. I took that.

11:52:10 5 Q Okay. Do you know who William Coulson is?

11:52:13 6 A I've heard the name.

11:52:14 7 Q How have you heard the name?

11:52:16 8 A Don't know.

11:52:17 9 Q Okay. And what about -- have we refreshed
11:52:24 10 your recollection at all as far as who ██████████ is?

11:52:28 11 A I've heard the name.

11:52:29 12 Q How have you heard the name?

11:52:31 13 A Well, I read about it.

11:52:32 14 Q Okay. Do you recall there being sensitivity
11:52:34 15 training at the seminary in the 1960s?

11:52:37 16 A I recall that they had that, yes.

11:52:41 17 Q Do you recall there being sensitivity
11:52:43 18 training for the Franciscans at the Serra Retreat
11:52:49 19 House at one point in the 1960s?

11:52:52 20 A I recall -- I think the seniors -- a group
11:52:55 21 went somewhere, I don't know where they went.

11:52:58 22 Q So you did not participate in the training at
11:53:01 23 the Serra Retreat House?

11:53:03 24 A No.

11:53:04 25 Q Do you know what the purpose of the training

11:53:06 1 at the Serra Retreat House was?

11:53:09 2 A No.

11:53:09 3 Q Do you recall hearing about training in La
11:53:13 4 Jolla related to [REDACTED]' teaches?

11:53:17 5 A No.

11:53:18 6 Q Were you aware at some point that the
11:53:21 7 students at the Franciscan Schooling of Theology
11:53:27 8 received sensitivity training?

11:53:30 9 A Franciscan School of Theology, FST?

11:53:31 10 Q Yes.

11:53:31 11 A No.

11:53:32 12 Q And I'm referring to that time frame in Santa
11:53:35 13 Barbara in the 1960s?

11:53:37 14 A I don't know anything about that.

11:53:40 15 Q Okay. Do you recall -- did you know [REDACTED]
11:53:47 16 [REDACTED]?

11:53:48 17 A Yes.

11:53:50 18 Q How did you know [REDACTED]?

11:53:53 19 A He was -- where was it? He was on the
11:53:56 20 faculty.

11:53:58 21 Q At the school of theology?

11:54:02 22 A I don't -- he was -- short time he was there
11:54:09 23 with -- it must have been at St. Anthony's.

11:54:13 24 Q Okay. [REDACTED]. Do you recall
11:54:27 25 there being a retreat in the 1960s at St. Anthony's

11:54:32 1 Seminary, where [REDACTED] teaches, were introduced
11:54:35 2 to the St. Anthony's seminary students?

11:54:40 3 A No.

11:54:42 4 Q Do you recall there being any retreats held
11:54:45 5 at St. Anthony's Seminary in the 1960s?

11:54:50 6 A This had an annual retreat for the student
11:54:54 7 body.

11:54:54 8 Q And that was once a year?

11:54:56 9 A Yeah.

11:54:57 10 Q Do you recall Father Cardona ever leading one
11:55:03 11 of those retreats?

11:55:05 12 A No.

11:55:05 13 Q Do you recall Father Cardona ever leading a
11:55:09 14 sensitivity session for the St. Anthony's students?

11:55:13 15 A No.

11:55:13 16 Q Do you recall Father Cardona acting as a
11:55:22 17 moderator for sensitivity training for St. Anthony's
11:55:27 18 students --

11:55:28 19 A No.

11:55:29 20 MR. MATIASIC: Father, let him finish the
11:55:29 21 question.

11:55:29 22 BY MR. HALE:

11:55:29 23 Q Do you recall attending any sessions at
11:55:32 24 St. Anthony's where there was a lot of touching and
11:55:35 25 hugging and hand holding by St. Anthony's students?

11:55:39 1 A No.

11:55:42 2 MR. MATIASIC: Vague and ambiguous.

11:55:52 3 BY MR. HALE:

11:55:52 4 Q How is it you are familiar with William
11:55:57 5 Coulson's name, Coulson, C-o-u-l-s-o-n?

11:56:03 6 A Don't know.

11:56:04 7 Q Okay. But you've heard the name?

11:56:06 8 A I think I've heard the name, yeah.

11:56:09 9 Q Have you ever heard that he blamed the clergy
11:56:13 10 abuse scandal on sensitivity training held at
11:56:19 11 St. Anthony's in the 1960s?

11:56:23 12 A No.

11:56:29 13 Q Do you remember a seminarian name Frank
11:56:34 14 Swendrowski, S-w-e-n-d-r-o-w-s-k-i?

11:56:38 15 A No.

11:56:42 16 Q Do you recall a seminarian ever approaching
11:56:48 17 you at the beginning of a mass in the chapel and
11:56:53 18 trying to embrace you?

11:56:54 19 A No. We do that all the time now.

11:56:58 20 Q But was that uncommon back in the '60s?

11:57:01 21 A Yes.

11:57:02 22 Q Pardon me?

11:57:02 23 A That was unheard of.

11:57:06 24 Q Okay. Have you ever walked out of a mass in
11:57:28 25 the middle of the -- well, let me ask, is a mass

11:57:32 1 considered a ceremony?

11:57:34 2 A Mass is a ceremony.

11:57:36 3 Q Okay. Have you ever walked out of a mass in
11:57:38 4 the middle of the ceremony?

11:57:41 5 A Yeah.

11:57:41 6 Q When was that?

11:57:43 7 MR. MATIASIC: This is any time in his
11:57:44 8 lifetime? Vague and ambiguous, overbroad as to time.

11:57:48 9 BY MR. HALE:

11:57:48 10 Q Was that in the 1960s?

11:57:51 11 A It was '53 to '68, yeah.

11:57:53 12 Q Okay. Why did you walk out of the mass?

11:57:55 13 A I don't recall.

11:57:56 14 Q Do you recall walking out of a mass because a
11:57:59 15 seminarian approached you and tried to embrace you?

11:58:10 16 A No.

11:58:11 17 Q Do you recall walking out of a mass by way of
11:58:13 18 the of the rear sacristy door?

11:58:21 19 A No.

11:58:21 20 Q Do you recall slamming that door?

11:58:23 21 A No.

11:58:27 22 Q Was your 25th ordination in 1968, the
11:58:33 23 anniversary of the 25th anniversary of your
11:58:39 24 ordination?

11:58:40 25 A Right.

11:59:25 1 Q Were there any retreats or ceremonies of any
11:59:28 2 sort at St. Anthony's in 1967 or 1968 that motivated
11:59:35 3 you to want to leave the seminary?

11:59:39 4 A No.

11:59:40 5 MR. MATIASIC: Hold on, Father. Vague and
11:59:41 6 ambiguous.

11:59:42 7 BY MR. HALE:

11:59:42 8 Q Go ahead, you can answer.

11:59:44 9 A No.

12:00:03 10 Q Was there a celebration for the anniversary
12:00:07 11 of your 25th ordination?

12:00:09 12 A Yes.

12:00:11 13 Q Where was that at?

12:00:14 14 A St. Anthony's, two of them.

12:00:15 15 Q Two celebrations?

12:00:18 16 A Yes.

12:00:19 17 Q Who --

12:00:20 18 A St. Anthony's and St. Elizabeth's, my home
12:00:20 19 parish.

12:00:20 20 Q Did someone preside over the one at
12:00:22 21 St. Anthony's, the celebration?

12:00:27 22 A I did.

12:00:28 23 Q Okay. Who attended?

12:00:30 24 A I don't know. My family.

12:00:32 25 Q Okay. When you transferred from

12:00:34 1 St. Anthony's in 1968, did you want to leave?

12:00:43 2 A I don't recall.

12:00:48 3 Q Were you --

12:00:49 4 A But they told me to leave, I was going to
12:00:52 5 leave.

12:00:53 6 Q Were you enjoying your assignment at
12:00:58 7 St. Anthony's at that time?

12:00:59 8 MR. MATIASIC: Vague and ambiguous. You're
12:01:00 9 talking about --

12:01:01 10 THE WITNESS: I don't remember.

12:01:02 11 MR. MATIASIC: Hold on, Father. You're
12:01:03 12 talking about 1968?

12:01:09 13 THE WITNESS: I don't remember.

12:01:10 14 BY MR. HALE:

12:01:10 15 Q Do you recall growing frustrated or
12:01:13 16 dissatisfied with the student body in 1968?

12:01:16 17 A No.

12:01:17 18 MR. MATIASIC: Vague and ambiguous.

12:01:20 19 BY MR. HALE:

12:01:20 20 Q Do you recall being frustrated with the
12:01:26 21 curriculum in 1968?

12:01:29 22 MR. MATIASIC: Vague and ambiguous.

12:01:31 23 THE WITNESS: No.

12:01:31 24 BY MR. HALE:

12:01:31 25 Q Was there anything about your experience at

12:01:34 1 St. Anthony's in 1968 that you were dissatisfied with?

12:01:38 2 A No.

12:01:55 3 Q Were there -- while you were -- during the
12:02:00 4 '53 to '68 time period while you are at St. Anthony's,
12:02:04 5 were there rules forbidding students to have romantic
12:02:12 6 relationships, for the seminarians in other words?

12:02:16 7 MR. MATIASIC: Vague and ambiguous as to
12:02:18 8 "romantic relationships." Go ahead, Father.

12:02:22 9 THE WITNESS: The ordinary rules of religious
12:02:25 10 vows of chastity.

12:02:29 11 BY MR. HALE:

12:02:29 12 Q So those applied to the seminarians?

12:02:33 13 A Yes, but not under vows, but --

12:02:38 14 Q Okay. Was there a student handbook of some
12:02:42 15 sort or anything like that that set forth those rules?

12:02:48 16 A No.

12:02:48 17 Q Were there sometimes memorandums issued to
12:02:52 18 students to make them aware of certain rules?

12:02:54 19 MR. MATIASIC: Again, you're talking about
12:02:56 20 from '53 to '68?

12:02:58 21 MR. HALE: Right.

12:03:04 22 THE WITNESS: Verbal. Verbal memorandums.

12:03:06 23 BY MR. HALE:

12:03:06 24 Q Okay. But no written memorandums?

12:03:09 25 A No, we didn't communicate that way.

12:03:18 1 Q Okay. Were there rules about when a student
12:03:24 2 could go and not go into town?

12:03:26 3 A Yes.

12:03:28 4 Q Were those rules in effect when you were a
12:03:31 5 student at St. Anthony's?

12:03:33 6 A Yes.

12:03:34 7 Q It had always been, to your knowledge, a part
12:03:37 8 of the seminary life?

12:03:38 9 A Yes.

12:03:38 10 Q Was being alone frowned upon as a seminarian?

12:03:44 11 MR. MATIASIC: Vague and ambiguous.

12:03:45 12 THE WITNESS: Again, please.

12:03:48 13 BY MR. HALE:

12:03:48 14 Q Being alone. Was a seminarian being a loner
12:03:52 15 or independent frowned upon?

12:03:55 16 MR. MATIASIC: Vague and ambiguous.

12:03:57 17 THE WITNESS: That's a very ambiguous thing.

12:03:59 18 You mean a loner? We did not like loners.

12:04:03 19 BY MR. HALE:

12:04:03 20 Q Why not?

12:04:04 21 A If somebody wanted to go into church and say
12:04:07 22 the Rosary or something, fine, but if he went off by
12:04:12 23 himself all the time, like he was a loner.

12:04:18 24 Q Why?

12:04:18 25 A He wasn't part of the community.

12:04:20 1 Q There was there a rule against buying daily
12:04:27 2 newspapers at St. Anthony's Seminary for seminarians?

12:04:31 3 A Yes.

12:04:32 4 Q Why?

12:04:33 5 MR. MATIASIC: Calls for speculation. What
12:04:33 6 time period are you talking about.

12:04:35 7 MR. HALE: The '53 to '68.

12:04:38 8 THE WITNESS: Why?

12:04:40 9 BY MR. HALE:

12:04:40 10 Q Yeah. Do you know what the reason was for
12:04:42 11 that rule?

12:04:43 12 A Because the kids are high -- immature and
12:04:51 13 they were not ready for those things at that time.

12:04:53 14 Q Okay. Were students allowed -- in your time
12:05:10 15 at St. Anthony's from '53 to '68, were your students
12:05:14 16 allowed to send mail without a faculty member
12:05:18 17 reviewing it?

12:05:19 18 A No.

12:05:19 19 Q Why not?

12:05:20 20 A Because that was the practice.

12:05:22 21 Q Do you know the origin of that practice?

12:05:24 22 A Origin was way back when the -- you mean the
12:05:33 23 reason why?

12:05:34 24 Q Right.

12:05:35 25 A Because in order to have a good discipline

12:05:43 1 amongst the students, you had to know who you had
12:05:48 2 there. If you had someone who was dealing on the
12:05:51 3 side, it was not conducive to a good community.

12:06:03 4 Q Was there a person responsible for reviewing
12:06:05 5 student correspondence before it was sent out?

12:06:08 6 A Prefect.

12:06:10 7 Q And was the prefect responsible for doing
12:06:14 8 that while you were there for '53 to '68?

12:06:15 9 A Yes.

12:06:16 10 Q Was the prefect responsible for doing that
12:06:16 11 while you were a student at St. Anthony's yourself?

12:06:17 12 A Yes.

12:06:19 13 Q Has that always been the rule as far as you
12:06:20 14 know?

12:06:21 15 A Yeah, yeah.

12:06:22 16 MR. MATIASIC: Let him finish his question,
12:06:24 17 Father You are doing a good job anticipating, but
12:06:25 18 you've got to let him finish, okay.

12:06:25 19 BY MR. HALE:

12:06:25 20 Q And did that rule apply to both outgoing and
12:06:30 21 incoming mail?

12:06:30 22 A Yes.

12:06:30 23 Q So it was always going to be reviewed by the
12:06:33 24 prefect?

12:06:35 25 MR. MATIASIC: Again are we talking '53 to

12:06:38 1 '68 or when he was a student?

12:06:44 2 BY MR. HALE:

12:06:44 3 Q Anytime you were at St. Anthony's, has that
12:06:47 4 always been the rule?

12:06:48 5 A Yeah.

12:06:48 6 Q Do you recall reviewing student mail while
12:06:53 7 you were the prefect?

12:06:55 8 A Yes.

12:06:56 9 Q Did you ever stop mail from going out?

12:07:00 10 A No.

12:07:00 11 Q Did you ever stop mail from coming in?

12:07:03 12 A No, we would never do that.

12:07:04 13 Q Did you ever ask a student to rewrite a
12:07:06 14 letter?

12:07:07 15 A No.

12:07:08 16 Q Are you aware of any Franciscan or prefect
12:07:12 17 asking a student to rewrite a letter?

12:07:14 18 A No.

12:07:15 19 Q Were you aware of any Franciscan who ever
12:07:19 20 stopped mail from coming in?

12:07:21 21 A No.

12:07:27 22 Q While you were on the faculty at
12:07:30 23 St. Anthony's -- actually, let me strike that.

12:07:33 24 While you were the guardian, did you monitor
12:07:36 25 students' attitude towards their experience at

12:07:41 1 St. Anthony's?

12:07:42 2 MR. MATIASIC: Vague and ambiguous as to
12:07:42 3 "monitor their attitude towards their experience."

12:07:42 4 THE WITNESS: I don't understand.

12:07:44 5 BY MR. HALE:

12:07:45 6 Q Did you ask them if they were happy at the
12:07:49 7 school?

12:07:51 8 A No.

12:07:52 9 Q Did you do anything to try and learn if they
12:07:55 10 were happy at the school?

12:07:57 11 A No.

12:07:57 12 Q Do you know if anyone else at the faculty
12:08:01 13 did?

12:08:02 14 A No.

12:08:03 15 Q Was there a no fraternization policy while
12:08:06 16 you were on the faculty from '53 to '68?

12:08:12 17 A No.

12:08:26 18 Q Again, during the '53 to '68 time period,
12:08:30 19 were there rules requiring all students to attend
12:08:36 20 study hall?

12:08:38 21 A Yeah.

12:08:38 22 Q What did those rules entail?

12:08:40 23 A Be there.

12:08:41 24 Q Could a -- was there a Franciscan who
12:08:45 25 supervised study hall?

12:08:48 1 A Yes.

12:08:50 2 Q Was there one person who was generally
12:08:51 3 responsible for supervising study halls?

12:08:55 4 A Yes.

12:08:57 5 Q And who was that in the '53 to '68 time
12:09:00 6 period?

12:09:01 7 A Faculty member assigned to the job.

12:09:05 8 Q Would there just be one person each school
12:09:12 9 year or would it be a rotating position?

12:09:13 10 A Both.

12:09:14 11 Q Do you recall who was responsible for
12:09:19 12 supervising study hall in the 1964 to '68 time frame?

12:09:24 13 A No.

12:09:27 14 Q Was -- was fraternization between faculty and
12:09:34 15 students frowned upon?

12:09:38 16 MR. HANCE: Vague and ambiguous.

12:09:39 17 THE WITNESS: Yes.

12:09:40 18 BY MR. HALE:

12:09:40 19 Q What kinds of conduct -- and that's during
12:09:43 20 the '53 to '68 time frame?

12:09:46 21 A Uh-huh (Nods affirmatively).

12:09:47 22 Q Yes?

12:09:48 23 A Yes.

12:09:49 24 Q Okay. What kind of conduct would have been
12:09:52 25 frowned upon with regard to student faculty

12:09:56 1 fraternization?

12:10:01 2 MR. MATIASIC: Calls for speculation.

12:10:04 3 MR. HANCE: Vague and ambiguous.

12:10:05 4 THE WITNESS: I don't know.

12:10:13 5 BY MR. HALE:

12:10:13 6 Q Would one-on-one student faculty interaction
12:10:21 7 have been acceptable in that '53 to '68 time frame?

12:10:27 8 MR. MATIASIC: Same objection.

12:10:28 9 THE WITNESS: I don't understand.

12:10:30 10 BY MR. HALE:

12:10:30 11 Q Would it be acceptable for a faculty member
12:10:33 12 and a student to take a walk around the St. Anthony's
12:10:37 13 campus, just the two of them?

12:10:38 14 MR. MATIASIC: Same objections.

12:10:45 15 THE WITNESS: It would depend.

12:10:49 16 BY MR. HALE:

12:10:49 17 Q What would it depend on?

12:10:51 18 A Whether it was some reason for doing that.

12:10:55 19 Q What would be an acceptable reason for the
12:11:02 20 student and the faculty member to take such a walk?

12:11:09 21 MR. MATIASIC: Same objections.

12:11:10 22 THE WITNESS: Counseling. Rather than
12:11:12 23 staying in a room, go out and take a walk.

12:11:16 24 BY MR. HALE:

12:11:16 25 Q Okay. Any other?

12:11:17 1 A I can't think of any.

12:11:19 2 Q Okay. Let's talk about some other possible
12:11:22 3 examples. Would it have been acceptable for a student
12:11:26 4 and a faculty member to spend time in the faculty
12:11:29 5 member's office with the door closed?

12:11:32 6 MR. MATIASIC: Incomplete hypothetical.
12:11:33 7 Vague and ambiguous.

12:11:45 8 THE WITNESS: I think it would be acceptable.
12:11:48 9 It was done.

12:11:50 10 BY MR. HALE:

12:11:50 11 Q How do you know it was done?

12:11:52 12 A I did it.

12:11:55 13 Q Did you observe anyone else doing it?

12:11:59 14 A Don't know.

12:11:59 15 Q When would you have a student in your office
12:12:02 16 with the door closed? In other words, under what
12:12:05 17 circumstances?

12:12:05 18 MR. MATIASIC: You're talking about from '53
12:12:07 19 to '68, or what are you talking about, Counsel?

12:12:17 20 THE WITNESS: He might come and ask me for
12:12:24 21 advice.

12:12:25 22 BY MR. HALE:

12:12:25 23 Q Okay. What about, same question, but in a
12:12:28 24 faculty member's living quarters, would that ever be
12:12:31 25 acceptable?

12:12:32 1 A No.

12:12:32 2 Q To have the door closed?

12:12:33 3 MR. MATIASIC: Incomplete hypothetical.

12:12:34 4 Vague and ambiguous.

12:12:35 5 THE WITNESS: No.

12:12:36 6 BY MR. HALE:

12:12:36 7 Q Just for a clear record, would it ever be
12:12:39 8 acceptable for a faculty member to have a student in
12:12:43 9 the faculty member's living quarters with the door
12:12:47 10 closed?

12:12:48 11 MR. MATIASIC: Same objections.

12:12:49 12 THE WITNESS: No.

12:12:51 13 BY MR. HALE:

12:12:51 14 Q Did you ever hear of that taking place?

12:12:52 15 A No.

12:12:52 16 Q Did you ever observe that?

12:12:54 17 A No.

12:12:54 18 Q Would it ever have been acceptable for a
12:12:58 19 student to spend the night in a faculty member's room?

12:13:03 20 MR. MATIASIC: Incomplete hypothetical.

12:13:03 21 Vague and ambiguous.

12:13:04 22 THE WITNESS: No.

12:13:04 23 BY MR. HALE:

12:13:05 24 Q Would it ever been acceptable for a student
12:13:08 25 to sit on a faculty member's lap?

12:13:10 1 MR. MATIASIC: Same objection.

12:13:13 2 THE WITNESS: No.

12:13:14 3 BY MR. HALE:

12:13:14 4 Q Would there have been any circumstances
12:13:17 5 where it would have been acceptable for a faculty
12:13:19 6 member to instruct a student to take his clothes off?

12:13:30 7 MR. MATIASIC: Same objection.

12:13:34 8 THE WITNESS: No.

12:13:38 9 BY MR. HALE:

12:13:38 10 Q Would there have been any circumstance
12:13:41 11 where it would have been acceptable for a faculty
12:13:43 12 member to wrestle with a student?

12:13:46 13 MR. MATIASIC: Same objection.

12:13:47 14 THE WITNESS: No.

12:13:50 15 BY MR. HALE:

12:13:50 16 Q Would there have been any circumstance
12:13:53 17 where it would have been acceptable for a faculty
12:13:56 18 member to hug a student?

12:13:58 19 MR. MATIASIC: Same objections.

12:14:06 20 THE WITNESS: Generally, no. Might be an
12:14:11 21 exception, a relative or something.

12:14:14 22 BY MR. HALE:

12:14:14 23 Q You mean if the student was a relative of the
12:14:18 24 faculty member?

12:14:20 25 MR. MATIASIC: Well, if they're relatives,

12:14:24 1 they're both relatives.

12:14:26 2 THE WITNESS: I don't know if that ever
12:14:28 3 happened.

12:14:29 4 BY MR. HALE:

12:14:29 5 Q Well, yeah, has there ever been a case where
12:14:33 6 a faculty member had a relative who was a seminarian?

12:14:40 7 A Yes.

12:14:41 8 MR. MATIASIC: Calls for speculation.

12:14:41 9 BY MR. HALE:

12:14:41 10 Q You recall that?

12:15:01 11 A Yeah.

12:15:02 12 Q Was it unusual for Franciscans to socialize
12:15:08 13 with families off the seminary campus?

12:15:11 14 MR. MATIASIC: Vague and ambiguous.

12:15:14 15 Overbroad as to time. Incomplete hypothetical.

12:15:16 16 BY MR. HALE:

12:15:16 17 Q In other words, to go have dinner at a
12:15:21 18 family -- a family's house in Santa Barbara?

12:15:25 19 MR. MATIASIC: Same objections.

12:15:26 20 THE WITNESS: You're speaking about not
12:15:32 21 relations -- not a family.

12:15:34 22 BY MR. HALE:

12:15:34 23 Q Right.

12:15:35 24 A That would be unusual.

12:15:36 25 Q Okay. And I'm talking about priests or

12:15:41 1 brothers.

12:15:43 2 A Uh-huh.

12:15:43 3 Q You understand that?

12:15:44 4 MR. MATIASIC: Same objection.

12:15:46 5 THE WITNESS: Yeah.

12:15:46 6 BY MR. HALE:

12:15:46 7 Q Okay. Would that change your answer in any
12:15:51 8 way?

12:15:51 9 A No.

12:15:51 10 Q Okay. Would it have been unusual for a
12:15:58 11 Franciscan -- and when I say Franciscan, I mean priest
12:16:04 12 or brother, for a Franciscan to house-sit for a family
12:16:10 13 outside of the seminary?

12:16:13 14 MR. MATIASIC: Incomplete hypothetical.
12:16:14 15 Vague and ambiguous. And, Counsel, I think all these
12:16:17 16 questions are overbroad as to time. Are you asking
12:16:19 17 for '53 to '68? Are you asking when the seminary was
12:16:19 18 closed? What time are you asking?

12:16:22 19 MR. HALE: Well, in his experience as a
12:16:27 20 Franciscan.

12:16:27 21 Q Has that ever been acceptable for a
12:16:29 22 Franciscan to house-sit for a family outside of
12:16:34 23 whatever community the Franciscan was living in?

12:16:34 24 MR. MATIASIC: Hold on, Father. This is
12:16:35 25 anywhere, anytime. Vague and ambiguous. Overbroad.

12:16:37 1 Incomplete hypothetical.

12:16:38 2 THE WITNESS: Don't know. I don't know.

12:16:41 3 BY MR. HALE:

12:16:41 4 Q Do you have an opinion one way or the other
12:16:43 5 as to whether that would be acceptable?

12:16:45 6 MR. MATIASIC: Same objections.

12:16:46 7 THE WITNESS: Depends on the occasion.

12:16:48 8 BY MR. HALE:

12:16:48 9 Q Have you ever heard of a Franciscan
12:16:50 10 house-sitting for a family outside of the community in
12:16:58 11 which the Franciscan was living?

12:17:00 12 A You're talking about outside of Santa Barbara
12:17:04 13 I never heard of it.

12:17:05 14 MR. MATIASIC: Hold on, Father. I have to
12:17:05 15 lodge a belated objection. Vague and ambiguous as to
12:17:06 16 the term "house-sitting" whatever that means.

12:17:09 17 BY MR. HALE:

12:17:09 18 Q Would it ever have been acceptable for a
12:17:13 19 Franciscan to house-sit for a family outside of the
12:17:18 20 community in which the Franciscan was living?

12:17:22 21 MR. MATIASIC: Same objections. Vague and
12:17:23 22 ambiguous. Overbroad as to time. Incomplete
12:17:24 23 hypothetical.

12:17:24 24 THE WITNESS: No.

12:17:25 25 BY MR. HALE:

12:17:25 1 Q Would it have raised any concerns if you
12:17:28 2 heard that a Franciscan was house-sitting for a family
12:17:33 3 outside of the community?

12:17:39 4 A No.

12:17:40 5 MR. MATIASIC: Same objections. You can
12:17:41 6 answer, Father.

12:17:42 7 BY MR. HALE:

12:17:42 8 Q It would not have raised any concerns?

12:17:44 9 A No.

12:17:45 10 MR. MATIASIC: Counsel, it looks like we've
12:17:47 11 been going for a while here. Would this be is good
12:17:50 12 time to take a lunch break?

12:17:52 13 MR. HALE: Sure, that's fine.

12:17:53 14 THE VIDEO OPERATOR: Off the record at 12:17
12:17:57 15 p.m.

12:17:57 16 (Lunch recess.)

13:30:16 17 THE VIDEO OPERATOR: On the record at 1:30
13:30:19 18 p.m.

13:30:23 19 BY MR. HALE:

13:30:23 20 Q Father, we had been talking about the no
13:30:29 21 fraternization concept, and I want to throw a few more
13:30:35 22 scenarios at you. From your time at St. Anthony's
13:30:39 23 from '53 to '68, can you think of any circumstance
13:30:44 24 where it would have been acceptable for a Franciscan
13:30:47 25 priest or brother to touch a student's genitals?

13:30:51 1 MR. MATIASIC: Vague and ambiguous.

13:30:51 2 Overbroad, incomplete hypothetical.

13:30:53 3 THE WITNESS: No.

13:30:54 4 BY MR. HALE:

13:30:54 5 Q Same question, but can you think of any
13:30:57 6 circumstance where it would have been acceptable for a
13:30:59 7 priest to order a student to drop his pants in order
13:31:05 8 so that the Franciscan could look at the student's
13:31:09 9 genitals?

13:31:11 10 MR. MATIASIC: Same objections.

13:31:14 11 THE WITNESS: No.

13:31:19 12 BY MR. HALE:

13:31:19 13 Q Can you think of any circumstance where it
13:31:21 14 would have been appropriate for a Franciscan to --
13:31:24 15 and, again, same time frame, '53 to '68, any
13:31:27 16 circumstance where it would have been appropriate for
13:31:30 17 a Franciscan to take a student's temperature?

13:31:39 18 MR. MATIASIC: Same objections.

13:31:40 19 THE WITNESS: Yes.

13:31:42 20 BY MR. HALE:

13:31:42 21 Q Under what circumstances?

13:31:45 22 A When he has a temperature.

13:31:46 23 Q Can you think of any circumstances where it
13:31:49 24 would have been appropriate for a Franciscan to take a
13:31:53 25 student's temperature rectally?

13:31:57 1 MR. MATIASIC: Same objections.

13:31:59 2 THE WITNESS: I would say no.

13:32:00 3 BY MR. HALE:

13:32:00 4 Q Okay. Was it common or uncommon for
13:32:10 5 Franciscans from the mission to spend time at
13:32:13 6 St. Anthony's?

13:32:14 7 MR. MATIASIC: Incomplete hypothetical.
13:32:15 8 Vague and ambiguous.

13:32:17 9 BY MR. HALE:

13:32:17 10 Q Same time frame, '53 to '68?

13:32:21 11 A Common. Yes, it was common.

13:32:26 12 Q For what purposes?

13:32:28 13 A To visit.

13:32:28 14 Q Did they come over for dinner?

13:32:31 15 A Sure. Yes, I mean.

13:32:33 16 Q What other reasons would Franciscans from the
13:32:36 17 mission come to St. Anthony's?

13:32:41 18 MR. MATIASIC: Calls for speculation.

13:32:42 19 THE WITNESS: You want some reasons?

13:32:45 20 BY MR. HALE:

13:32:45 21 Q Sure.

13:32:45 22 A How many?

13:32:47 23 Q As many as you have.

13:32:48 24 A I mean he's tired of looking at the old
13:32:50 25 mission. Maybe he has a duty to converse with one of

13:32:51 1 the other friars over there. Hundreds of
13:32:51 2 possibilities why he would go over there. Maybe he
13:32:51 3 wanted to just go over there for a little relaxation.
13:32:56 4 That should be enough.

13:32:58 5 Q Was there a place at the seminary that could
13:33:01 6 be used for relaxation purposes?

13:33:03 7 A The whole gardens.

13:33:05 8 Q Okay. So in other words, they'd come and
13:33:10 9 walk through the gardens?

13:33:12 10 A Sure.

13:33:14 11 Q Okay. We were talking about study hall and
13:33:17 12 then we got off on some tangents. With regard to that
13:33:20 13 same time frame, we were talking about the people who
13:33:24 14 supervised students in study hall. Were all -- during
13:33:28 15 that time frame, were all students required to attend
13:33:32 16 study hall?

13:33:32 17 A Yeah.

13:33:33 18 Q And during that same time frame, could a
13:33:36 19 student leave study hall whenever he wanted to?

13:33:39 20 A No, there was a -- no.

13:33:41 21 Q Would he need permission from the Franciscan
13:33:45 22 supervising the study hall?

13:33:46 23 A Right, yes.

13:33:48 24 Q Are you aware of any circumstances where a
13:33:50 25 Franciscan sent for a student in study hall and had

13:33:52 1 that student come -- leave study hall?

13:33:58 2 A Do I, no.

13:34:00 3 Q Did you ever hear of that?

13:34:01 4 A Yes.

13:34:02 5 Q In what context did you hear about it?

13:34:07 6 A Don't know.

13:34:08 7 Q But you do recall hearing about that
13:34:11 8 happening?

13:34:11 9 A Yeah.

13:34:12 10 Q Did you ever send for a student and have them
13:34:16 11 pulled out of study hall?

13:34:18 12 A I could have. I don't remember any.

13:34:20 13 Q Okay. Are you aware of something called
13:34:27 14 faculty confrontation during the time you were at
13:34:32 15 St. Anthony's in the '50s and '60s?

13:34:35 16 A No.

13:34:44 17 Q If you observed a student that was frequently
13:34:47 18 touching or hugging other students, would that have
13:34:50 19 been cause for concern, again, same time frame?

13:34:53 20 MR MATIASIC: Vague and ambiguous.

13:34:54 21 Overbroad, lacks foundation. Incomplete hypothetical.

13:34:56 22 THE WITNESS: Again, the question?

13:34:58 23 BY MR. HALE:

13:34:58 24 Q If you had observed a students who was
13:35:00 25 frequently touching or hugging other students, would

13:35:03 1 that have been cause for concern on your part?

13:35:08 2 A Yes.

13:35:09 3 MR. MATIASIC: Same objections.

13:35:13 4 BY MR. HALE:

13:35:13 5 Q Why would that be cause for concern?

13:35:21 6 A It's obscene.

13:35:22 7 Q Did you ever observe anything like that while
13:35:26 8 you were at --

13:35:27 9 A No.

13:35:27 10 MR. MATIASIC: Let him finish his question.

13:35:27 11 BY MR. HALE:

13:35:27 12 Q -- while you were at St. Anthony's in the
13:35:27 13 '50s and '60s?

13:35:27 14 A No, I'm sorry.

13:35:30 15 MR. MATIASIC. There's no question pending.

13:35:37 16 THE WITNESS: Oh, gosh.

13:35:40 17 BY MR. HALE:

13:35:40 18 Q While you were at St. Anthony's, did the
13:35:42 19 students have spiritual advisors?

13:35:44 20 A Yes.

13:35:46 21 MR. MATIASIC: Were you talking about when he
13:35:47 22 was at the faculty or as a student or what are you
13:35:53 23 talking about?

13:35:53 24 MR. HALE: Yes, I'm sorry.

13:35:54 25 Q In the '50s and '60s?

13:35:55 1 A Yes.

13:35:58 2 Q And what were their duties?

13:36:00 3 A To advise them spiritually.

13:36:05 4 Q Okay. Did you ever serve as a spiritual
13:36:09 5 advisor?

13:36:11 6 A Not officially.

13:36:13 7 Q Did you ever unofficially serve as a
13:36:16 8 spiritual advisor?

13:36:17 9 A I think so.

13:36:18 10 Q For which students?

13:36:20 11 A For what students?

13:36:21 12 Q For which students?

13:36:23 13 A I don't know who they were.

13:36:24 14 Q And what did you do as an unofficial
13:36:27 15 spiritual advisor?

13:36:29 16 A I advised them. Spoke with them.

13:36:31 17 Q On what?

13:36:32 18 A On what?

13:36:35 19 Q Yeah.

13:36:35 20 A On spiritual matters.

13:36:37 21 Q Can you give me any examples?

13:36:38 22 A Well, maybe the student wanted to ask me
13:36:41 23 about prayer. I would tell them something about
13:36:44 24 prayer.

13:36:44 25 Q Okay, any other examples?

13:36:46 1 A Oh, I could give you a lot of examples, but I
13:36:49 2 don't care to.

13:36:49 3 Q Okay. We'll, you're obligated to give me
13:36:52 4 those examples that you can recall.

13:36:54 5 A That I can recall.

13:36:55 6 Q Can you think of any other examples?

13:36:59 7 A I can think of other, I'm not sure that they
13:37:02 8 were -- actually happened. You mean you want me to
13:37:04 9 think of reasons why I would call -- what are we
13:37:09 10 talking about, a student -- what I would advise a
13:37:14 11 student.

13:37:14 12 Q No, I'm just looking for examples of you
13:37:18 13 acting as a spiritual advisor during that '50s-'60s
13:37:22 14 time period.

13:37:23 15 MR. MATIASIC: Well, Counsel, he's already
13:37:25 16 indicated that he didn't recall a specific reason. So
13:37:28 17 are you asking him to guess or speculate?

13:37:31 18 MR. HALE: I don't think that's --

13:37:32 19 MR. MATIASIC: He's already testified that he
13:37:33 20 doesn't recall the specific reasons or examples.

13:37:34 21 MR. HALE: I don't think that's what he
13:37:34 22 testified to. But let me see if I can clear it up.

13:37:34 23 Q Can you think of any specific examples of
13:37:36 24 other than what you've already told us of you acting
13:37:43 25 as a spiritual advisor?

13:37:46 1 A No.

13:37:48 2 Q When the students went home for the summer
13:37:53 3 for summer break, did you do anything to monitor their
13:37:58 4 activities?

13:37:58 5 A No.

13:37:59 6 Q Do you know if they were required to write to
13:38:02 7 the rector on summer breaks?

13:38:07 8 A No.

13:38:07 9 Q Do you know if anyone else did anything to
13:38:12 10 monitor their activities?

13:38:14 11 MR. MATIASIC: Anyone else he associated with
13:38:15 12 the friars or the parents?

13:38:17 13 BY MR. HALE:

13:38:17 14 Q With the province?

13:38:18 15 A Yeah, the local -- the parish in which they
13:38:23 16 would be, whether Franciscan parish, the nearest
13:38:27 17 Franciscan parish where they could contact the
13:38:29 18 Franciscans, that would be encouraged.

13:38:35 19 MR. HANCE: You're talking about '53?

13:38:38 20 MR. HALE: Right.

13:38:38 21 THE WITNESS: Yeah.

13:38:39 22 BY MR. HALE:

13:38:39 23 Q Were there approved methods of discipline at
13:38:43 24 St. Anthony's Seminary in the '50s and '60s when you
13:38:46 25 were there?

13:38:46 1 A Yes.

13:38:47 2 Q And what were those approved methods of
13:38:49 3 discipline?

13:38:49 4 A That they would get up in the morning and
13:38:52 5 that they would appear for breakfast and that then
13:38:56 6 they -- they would go to mass, attend the spiritual
13:39:04 7 exercises in the chapel, which we call mass, and then
13:39:08 8 after that they would go to breakfast, after that
13:39:11 9 have -- well, you want the routine, on a weekday that
13:39:14 10 would be a study hall before breakfast I think. And
13:39:18 11 it was a morning study hall.

13:39:19 12 Q Can I stop you for a second. What I'm
13:39:22 13 looking for is discipline against a student. Were
13:39:26 14 there approved methods of discipline against students
13:39:30 15 when you at St. Anthony's in the '50s and the '60s?

13:39:35 16 MR. MATIASIC: Approved by the order?

13:39:36 17 MR. HALE: Or the faculty.

13:39:40 18 Q In other words, let me give you an example.
13:39:43 19 Detention. Are you familiar with that concept?

13:39:45 20 A Oh, yeah.

13:39:46 21 Q Or maybe a rapping a ruler across the
13:39:51 22 knuckles or --

13:39:52 23 A Oh, no.

13:39:52 24 Q My question is, were there any approved
13:39:56 25 methods of discipline while you were at St. Anthony's

13:39:58 1 in the '50s and '60s?

13:40:01 2 MR. MATIASIC: Vague and ambiguous.

13:40:01 3 THE WITNESS: Any approved method. What do
13:40:04 4 you mean by approved?

13:40:05 5 BY MR. HALE:

13:40:05 6 Q That either the faculty agreed was acceptable
13:40:09 7 or the province agreed was acceptable?

13:40:15 8 A That's very vague. The ordinary rules was
13:40:20 9 there of politeness, of charity, all those things that
13:40:25 10 they're supposed to be learning, all those rules would
13:40:30 11 apply.

13:40:31 12 Q Would if a student misbehaved, would the
13:40:35 13 student be subject to any punishment?

13:40:37 14 A Oh, sure, yes.

13:40:38 15 Q What kind of punishment and, again, same time
13:40:42 16 frame?

13:40:42 17 MR. MATIASIC: Vague and ambiguous.

13:40:43 18 Incomplete hypothetical. If you can answer, Father,
13:40:47 19 go ahead.

13:40:47 20 THE WITNESS: What kinds of punishments?

13:40:52 21 BY MR. HALE:

13:40:52 22 Q Uh-huh.

13:40:53 23 A We had a nice one. You want me to mention
13:40:55 24 some of them?

13:40:56 25 Q Please.

13:40:57 1 A In study hall if the guy was fooling around,
13:41:00 2 the priest that was walking the study hall would tell
13:41:05 3 him if you're not going to behave, take your book and
13:41:08 4 go up there and stand in front of the -- in the space
13:41:12 5 in the front of the hall And do your studying up
13:41:17 6 there.

13:41:18 7 Q Okay, that's a good example. Any other
13:41:21 8 examples you can think of?

13:41:22 9 A Oh, all kinds of them, but I can't think of
13:41:26 10 them now.

13:41:27 11 Q Okay. But there was more than one it sounds
13:41:29 12 like?

13:41:31 13 A More than one priest in the house.

13:41:33 14 Q No, no, no, no. Methods of punishment?

13:41:37 15 A Depending upon the priest.

13:41:39 16 Q So did each priest have a right to administer
13:41:44 17 punishment according to his own decision making?

13:41:47 18 MR. MATIASIC: Vague and ambiguous.
13:41:48 19 Incomplete hypothetical.

13:41:50 20 THE WITNESS: According to his intelligence
13:41:53 21 and the appropriateness of -- if he had no reason, if
13:41:58 22 he had no authority, if he was not teaching that kid
13:42:01 23 that he wanted to make -- to help him to do his work,
13:42:06 24 well, he wouldn't be expected to butt into that. And
13:42:09 25 generally that was the prefect who was the one who

13:42:15 1 took care of instructing, telling the students how
13:42:21 2 they could improve their conduct.

13:42:24 3 BY MR. HALE:

13:42:24 4 Q Were there any rules that governed what kind
13:42:25 5 of punishment a priest could administer at
13:42:29 6 St. Anthony's in the '50s or the '60s?

13:42:31 7 MR. MATIASIC: Vague and ambiguous, and
13:42:32 8 overbroad.

13:42:34 9 THE WITNESS: No written rules. We all had
13:42:38 10 brains, we'd expected the individual priest to use his
13:42:42 11 brains.

13:42:43 12 BY MR. HALE:

13:42:43 13 Q Okay. So was -- was -- did each priest have
13:42:48 14 the right to make a subjective determination as to
13:42:50 15 what appropriate punishment was for each student?

13:42:53 16 MR. MATIASIC: Vague and ambiguous.

13:42:54 17 THE WITNESS: Yes.

13:42:55 18 BY MR. HALE:

13:42:55 19 Q Okay. Were there any rules against corporal
13:43:01 20 punishment?

13:43:03 21 A Corporal punishment?

13:43:05 22 Q During the time you were at St. Anthony's in
13:43:07 23 the '50s and the '60s?

13:43:09 24 A What do you mean by rules, written rules?

13:43:11 25 Q Written rules, oral rules?

13:43:14 1 A Oral rules, yeah.

13:43:15 2 Q Any kinds of rules --

13:43:16 3 A Corporal punishment was not inflicted.

13:43:21 4 Q Was not inflicted?

13:43:22 5 A No.

13:43:23 6 Q Was there a rule against it?

13:43:24 7 A No.

13:43:26 8 Q How do you know corporal punishment was not
13:43:30 9 inflicted?

13:43:30 10 MR. MATIASIC: What time are you asking
13:43:32 11 about, Counsel?

13:43:33 12 BY MR. HALE:

13:43:33 13 Q Same time frame.

13:43:34 14 A Because I didn't see it and they never did
13:43:38 15 it.

13:43:38 16 Q Did you ever hear that corporal punishment
13:43:42 17 was being inflicted?

13:43:44 18 A Not that I know of. Not that I recall.

13:43:46 19 Q Have you ever heard that corporal punishment
13:43:49 20 was inflicted on St. Anthony's students?

13:43:52 21 A I might have. I can't recall it now.

13:43:54 22 Q Have you ever heard that Mario Cimmarrusti
13:43:56 23 was inflicting corporal punishment on students?

13:44:00 24 A No.

13:44:00 25 Q Have you ever heard that Mario Cimmarrusti

13:44:02 1 was spanking St. Anthony's students?

13:44:05 2 A No.

13:44:12 3 Q Was it common during your time at
13:44:14 4 St. Anthony's in the '50s and '60s to hear screaming
13:44:17 5 or yelling in the school?

13:44:21 6 MR. MATIASIC: Vague, ambiguous, overbroad.
13:44:23 7 If you can answer that, Father, go ahead.

13:44:28 8 THE WITNESS: Again?

13:44:29 9 BY MR. HALE:

13:44:29 10 Q During your time at St. Anthony's in the '50s
13:44:32 11 and '60s, was it common or uncommon to hear students
13:44:36 12 screaming or yelling in the school?

13:44:38 13 A Uncommon.

13:44:41 14 MR. MATIASIC: Same objections and incomplete
13:44:42 15 hypothetical.

13:44:43 16 MR. HALE: I'm sorry, was it --

13:44:45 17 THE WITNESS: Uncommon.

13:44:45 18 BY MR. HALE:

13:44:45 19 Q Okay. Do you recall ever hearing a student
13:44:49 20 scream or yell in the school?

13:44:51 21 A It must have happened, but I don't recall any
13:44:54 22 incident.

13:44:55 23 Q If you had heard that, would you have gone
13:44:58 24 and investigated?

13:44:59 25 A Yes.

13:45:01 1 Q Did anyone ever tell you they heard screaming
13:45:03 2 or yelling within the school?

13:45:05 3 A No.

13:45:18 4 Q Could anyone other than the prefect of
13:45:22 5 discipline discipline the students?

13:45:23 6 A Again, please.

13:45:25 7 Q During the same time frame, the '50s and the
13:45:27 8 '60s, was anyone other than the prefect of discipline,
13:45:31 9 did they have the authority to discipline the
13:45:33 10 students?

13:45:38 11 A Yes.

13:45:38 12 Q Who?

13:45:39 13 A Me.

13:45:41 14 Q Because you were the guardian?

13:45:43 15 A No. Because I was a teacher.

13:45:46 16 Q Okay. Did all teachers have that authority?

13:45:48 17 A Sure. Many teachers had that authority.

13:45:51 18 Otherwise, the class would go to -- do I have to tell
13:45:55 19 you these things? Oh, boy.

13:45:57 20 Q Did a faculty member need anyone's permission
13:46:02 21 before they disciplined a student?

13:46:06 22 MR. MATIASIC: Vague and ambiguous.

13:46:07 23 THE WITNESS: Say again, please.

13:46:10 24 BY MR. HALE:

13:46:10 25 Q During the '50s and the '60s, did a faculty

13:46:13 1 member need anyone's permission before they
13:46:16 2 disciplined a student?

13:46:18 3 MR. MATIASIC: Incomplete hypothetical.
13:46:19 4 Lacks foundation.

13:46:19 5 THE WITNESS: No. Gosh, no.

13:46:20 6 BY MR. HALE:

13:46:20 7 Q Did a prefect need anyone's permission before
13:46:27 8 a prefect disciplined a student in the '50s or '60s?

13:46:36 9 MR. MATIASIC: Vague and ambiguous.
13:46:37 10 Incomplete hypothetical.

13:46:38 11 THE WITNESS: Again, please.

13:46:39 12 BY MR. HALE:

13:46:39 13 Q Did a prefect need permission to discipline a
13:46:40 14 student anyone's, and again the '50s and '60s, before
13:46:40 15 the prefect ever disciplined the student?

13:46:40 16 MR. MATIASIC: Same objections.

13:46:40 17 THE WITNESS: The prefect was there to
13:46:42 18 discipline the student. That was his job.

13:46:45 19 BY MR. HALE:

13:46:45 20 Q So in other words, the answer's no, he did
13:46:47 21 not need permission, correct?

13:46:48 22 A No, it's his job.

13:46:49 23 Q Okay. Other than corporal punishment, were
13:47:03 24 there any other disapproved methods of discipline
13:47:06 25 during the time you were at St. Anthony's Seminary in

13:47:11 1 the '50s and '60s?

13:47:16 2 A No.

13:47:16 3 MR. MATIASIC: Vague, ambiguous, overbroad.

13:47:18 4 BY MR. HALE:

13:47:18 5 Q Would it ever have been permissible for a

13:47:21 6 teacher to force a class to take an exam in its

13:47:27 7 underwear?

13:47:29 8 MR. MATIASIC: Vague, ambiguous, overbroad.

13:47:31 9 Lacks foundation --

13:47:32 10 BY MR. HALE:

13:47:32 11 Q To punish the class for cheating?

13:47:35 12 MR. MATIASIC: Sorry, Counsel, lacks

13:47:37 13 foundation, incomplete hypothetical.

13:47:37 14 THE WITNESS: No.

13:47:39 15 BY MR. HALE:

13:47:39 16 Q Did you ever hear about an incident in the

13:47:40 17 '67/'68 school year where a group of seminarians were

13:47:46 18 caught cheating on a quarterly exam in their

13:47:48 19 sacredDoctrine class and they were forced to take an

13:47:54 20 exam, as a result, in their underwear?

13:47:57 21 A No.

13:47:58 22 Q Did you ever hear any discussion of such an

13:48:00 23 incident?

13:48:01 24 A No.

13:48:01 25 Q If you'd heard about such an incident, would

13:48:04 1 you have taken any action?

13:48:09 2 MR. MATIASIC: Vague, ambiguous, incomplete
13:48:10 3 hypothetical.

13:48:11 4 THE WITNESS: I certainly would ask the --
13:48:14 5 spoken to the teacher or the prefect in charge, yeah.

13:48:20 6 BY MR. HALE:

13:48:20 7 Q Can you think of any circumstance where it
13:48:23 8 would have been appropriate for a teacher to punish
13:48:25 9 students who had been caught cheating on a test by
13:48:30 10 forcing them to take a test in their underwear?

13:48:36 11 MR. MATIASIC: Vague, ambiguous. Incomplete
13:48:38 12 hypothetical.

13:48:39 13 THE WITNESS: No.

13:48:41 14 (Counsel and faculty witness confer).

13:48:59 15 BY MR. HALE:

13:48:59 16 Q At any time were you aware that Father
13:49:01 17 Cimmarrusti was having -- well, let me ask you this.
13:49:03 18 Were you ever aware that Father Cimmarrusti's office
13:49:05 19 was also in the same space as his living quarters?

13:49:12 20 MR. MATIASIC: At what time?

13:49:13 21 BY MR. HALE:

13:49:13 22 Q From '64 to '68, the time you left?

13:49:16 23 A No.

13:49:17 24 Q Okay. From '64 to '68, did you ever go in
13:49:28 25 Father Cimmarrusti's office?

13:49:31 1 A Don't remember.

13:49:35 2 Q At the same time frame, did you ever go into
13:49:37 3 his living quarters?

13:49:41 4 A Never did.

13:49:41 5 Q Have you ever heard that Father Cimmarrusti
13:49:43 6 had students in his office?

13:49:45 7 A No.

13:49:45 8 Q Have you ever heard that Father Cimmarrusti
13:49:47 9 had students in his living quarters?

13:49:50 10 A No.

13:49:50 11 Q Can you think of any circumstance in the '50s
13:49:59 12 or '60s where it would have been appropriate for a
13:50:03 13 Franciscan to have a student on that Franciscan's bed?

13:50:09 14 MR. MATIASIC: Vague and ambiguous.
13:50:10 15 Incomplete hypothetical.

13:50:11 16 THE WITNESS: No.

13:50:12 17 BY MR. HALE:

13:50:12 18 Q Did any Franciscan ever tell you that they
13:50:15 19 observed a student on another Franciscan's bed?

13:50:22 20 A No.

13:50:32 21 Q Has anyone ever told you they observed Father
13:50:38 22 Cimmarrusti engaging in inappropriate conduct with a
13:50:40 23 student?

13:50:41 24 MR. MATIASIC: Vague and ambiguous as to
13:50:42 25 "inappropriate conduct." Father, go ahead.

13:50:42 1 THE WITNESS: No.

13:50:43 2 BY MR. HALE:

13:50:43 3 Q Did you ever observe Father Cimmarrusti
13:50:44 4 engaging in what you considered to be inappropriate
13:50:47 5 conduct with a student?

13:50:49 6 MR. MATIASIC: Vague and ambiguous.

13:50:50 7 THE WITNESS: No.

13:51:05 8 BY MR. HALE:

13:51:05 9 Q Between '64 to '68, do you believe you
13:51:10 10 attended every faculty meeting?

13:51:12 11 A Yes.

13:51:13 12 Q And who would attend the faculty meetings
13:51:17 13 between '64 to '68 generally?

13:51:19 14 A The faculty.

13:51:21 15 Q Right, but which priests?

13:51:24 16 A All of them.

13:51:26 17 Q Including --

13:51:27 18 A Who they were, I couldn't tell you.

13:51:29 19 Q Okay. Including Father Cimmarrusti, correct?

13:51:31 20 A Yeah.

13:51:32 21 Q And Father Harris as well?

13:51:34 22 A Yeah.

13:51:35 23 Q Okay.

13:51:36 24 A He conducted the meeting. You should know
13:51:39 25 that.

13:51:42 1 Q Before students -- were you involved in
13:51:45 2 admissions at St. Anthony's?

13:51:48 3 A No.

13:51:53 4 Q Were you ever involved in recruiting students
13:51:57 5 to come to St. Anthony's?

13:51:59 6 A No.

13:52:00 7 Q Do you know whether students were required to
13:52:02 8 take physical exams before they were admitted into
13:52:10 9 St. Anthony's, in other words have a physical exam by
13:52:14 10 a physician?

13:52:15 11 A Yes.

13:52:16 12 Q And do you know if they were required to have
13:52:18 13 those done in the '50s and '60s while you were on the
13:52:21 14 faculty?

13:52:23 15 A Have what done?

13:52:25 16 Q In other words, have physical exams performed
13:52:27 17 by a physician before they were admitted to
13:52:29 18 St. Anthony's?

13:52:30 19 A Yes.

13:52:30 20 Q And would the results of that physical
13:52:33 21 examination be submitted to the faculty before those
13:52:36 22 students were admitted to St. Anthony's, do you know?

13:52:40 23 A That was the purpose. Yes.

13:52:41 24 Q Okay. Did you ever review any of these
13:52:43 25 physical exams --

13:52:45 1 A No.

13:52:58 2 Q -- or reports? Do you recall there being a
13:53:01 3 discussion at any of the faculty meetings, from '64 to
13:53:06 4 '68, about the development of a program to assess
13:53:14 5 seminarians' physical maturity?

13:53:19 6 MR. MATIASIC: Vague and ambiguous,
13:53:20 7 overbroad.

13:53:20 8 THE WITNESS: No.

13:53:22 9 BY MR. HALE:

13:53:22 10 Q Do you recall there being any discussion at a
13:53:23 11 faculty meeting from '64 to '68 about a program to
13:53:29 12 assess seminarians' physical development?

13:53:31 13 MR. MATIASIC: Vague and ambiguous as to
13:53:32 14 "physical development".

13:53:32 15 THE WITNESS: No.

13:53:33 16 BY MR. HALE:

13:53:33 17 Q Okay. Do you recall Father Cimmarrusti
13:53:43 18 putting into place a program where he assessed each
13:53:50 19 seminarian's physical maturity and, again, I'm looking
13:53:59 20 into the '64 to '68 time frame?

13:54:01 21 MR. MATIASIC: Ambiguous as to "physical
13:54:01 22 maturity." Go ahead, Father.

13:54:01 23 THE WITNESS: No.

13:54:03 24 BY MR. HALE:

13:54:03 25 Q Same question, do you recall Father

13:54:05 1 Cimmarrusti putting into place a program where Father
13:54:08 2 Cimmarrusti assessed each seminarian's physical
13:54:12 3 development?

13:54:13 4 MR. MATIASIC: Again, ambiguous as to
13:54:15 5 "physical development".

13:54:17 6 THE WITNESS: No.

13:54:17 7 BY MR. HALE:

13:54:17 8 Q Do you recall any discussions at the faculty
13:54:19 9 meetings where Father Cimmarrusti expressed concern
13:54:24 10 that some seminarians were not physically maturing or
13:54:29 11 developing appropriately?

13:54:30 12 A No.

13:54:31 13 Q Do you recall any discussions at a faculty
13:54:35 14 meeting where any Franciscan expressed concern about
13:54:39 15 students not developing appropriately either in their
13:54:42 16 physical maturity or their physical development?

13:54:48 17 A No.

13:54:50 18 Q Have you ever heard that there was a program
13:54:54 19 put in place by Father Cimmarrusti in the '50s and the
13:54:58 20 '60s wherein he was assessing or attempting to assess
13:55:04 21 seminarians' physical maturity?

13:55:06 22 A No.

13:55:07 23 Q Have you ever heard he put such a program in
13:55:10 24 place to assess seminarian's physical development?

13:55:17 25 A No.

13:55:17 1 MR. HANCE: Vague and ambiguous.

13:55:18 2 BY MR. HALE:

13:55:18 3 Q In your time -- now, you've served on
13:55:22 4 faculties at more than one high school, St. Anthony's,
13:55:25 5 weren't you -- were you a principal at another school
13:55:28 6 as well, correct, another high school?

13:55:30 7 A Yeah.

13:55:31 8 Q Okay. In your experience as a member of a
13:55:32 9 high school faculty, have you ever encountered a
13:55:37 10 program where faculty were examining students to
13:55:43 11 assess their physical maturity?

13:55:47 12 A No.

13:55:47 13 MR. MATIASIC: Vague and ambiguous.
13:55:49 14 Incomplete hypothetical.

13:55:49 15 THE WITNESS: No.

13:55:50 16 BY MR. HALE:

13:55:50 17 Q Okay. Same question, but, again, in your
13:55:52 18 experience as a member of high school faculties, have
13:55:56 19 you ever encountered a program where a faculty member
13:55:58 20 was examining students to assess their physical
13:56:02 21 development?

13:56:03 22 MR. MATIASIC: Same objections.

13:56:04 23 THE WITNESS: No.

13:56:10 24 BY MR. HALE:

13:56:10 25 Q If you had come across a situation where a

13:56:14 1 faculty member was examining high school students to
13:56:18 2 assess their physical maturity or their physical
13:56:22 3 development, would that have caused you any concern?

13:56:25 4 MR. MATIASIC: Incomplete hypothetical.

13:56:26 5 THE WITNESS: Yes.

13:56:28 6 BY MR. HALE:

13:56:28 7 Q Why would it have caused you concern?

13:56:31 8 A Because I considered it inappropriate.

13:56:34 9 Q Okay. And would you have taken any action if
13:56:37 10 you had come across that?

13:56:41 11 A If I thought the -- if I thought there was
13:56:46 12 action to be taken, I would go to a superior and
13:56:48 13 inform him.

13:56:52 14 Q Okay. Any other action other than going to
13:56:55 15 the superior?

13:56:57 16 A Not that I know of.

13:56:59 17 Q Okay. Can you think of any circumstance
13:57:05 18 where it would have been appropriate for a faculty
13:57:07 19 member at St. Anthony's Seminary to examine a
13:57:12 20 student's genitals to determine whether they were
13:57:14 21 developing appropriately insofar as their physical
13:57:18 22 maturity?

13:57:19 23 MR. MATIASIC: Vague and ambiguous.

13:57:20 24 Incomplete hypothetical.

13:57:21 25 THE WITNESS: No.

13:57:22 1 BY MR. HALE:

13:57:22 2 Q Can you think of any circumstance where it
13:57:23 3 would have been appropriate for a faculty member at
13:57:26 4 St. Anthony's to examine a student's genitals to
13:57:33 5 determine whether they are developing physically?

13:57:36 6 MR. MATIASIC: Same objections.

13:57:39 7 THE WITNESS: No.

13:57:40 8 BY MR. HALE:

13:57:40 9 Q Can you think of any circumstance where it
13:57:41 10 would have been appropriate for a faculty member to
13:57:43 11 view a student's genitals in order to assess whether
13:57:48 12 they were developing appropriately physically?

13:57:50 13 MR. MATIASIC: Same objections.

13:57:52 14 THE WITNESS: No.

13:57:56 15 BY MR. HALE:

13:57:56 16 Q Do you recall there being any discussions
13:57:57 17 about whether a student's voice was changing
13:58:06 18 appropriately while you were on the faculty at
13:58:09 19 St. Anthony's?

13:58:09 20 A Again, please.

13:58:11 21 Q Whether their voice was maturing while you
13:58:15 22 were on the faculty at St. Anthony's?

13:58:15 23 MR. MATIASIC: Vague and ambiguous as to
13:58:16 24 "voice maturing." You can answer that, Father.

13:58:17 25 BY MR. HALE:

13:58:17 1 Q You understand that when a child reaches
13:58:20 2 adolescence there's a change in their voice, correct?

13:58:23 3 A Right, uh-huh, right.

13:58:26 4 Q Do you recall there being any discussions,
13:58:27 5 while you were on the faculty at St. Anthony's,
13:58:27 6 wherein a faculty member commented on the fact that a
13:58:32 7 seminarian's voice was not changing?

13:58:36 8 A Many times.

13:58:37 9 Q Okay. Who was involved in those discussions?

13:58:39 10 MR. MATIASIC: Meaning who talked about it or
13:58:41 11 who was the subject of it?

13:58:47 12 BY MR. HALE:

13:58:47 13 Q Who talked about it?

13:58:48 14 A The faculty.

13:58:50 15 Q Was Mario Cimmarrusti one of the people who
13:58:55 16 talked about it?

13:58:56 17 A I don't know. If he was on the faculty, I
13:58:57 18 guess he was.

13:58:57 19 Q And did the faculty discuss any steps that
13:58:59 20 would be taken that address the facts that the
13:59:01 21 student's voice was not changing?

13:59:03 22 A I don't know.

13:59:05 23 Q Do you recall what the outcome of those
13:59:06 24 discussions was?

13:59:09 25 A No.

13:59:11 1 Q How many -- how many times do you recall
13:59:16 2 there being discussions regarding a student's voice
13:59:18 3 not changing?

13:59:19 4 A Very few.

13:59:20 5 Q Okay. Were there ever -- do you recall there
13:59:26 6 ever being discussions, while you were at
13:59:29 7 St. Anthony's, regarding a student's -- well, strike
13:59:34 8 that.

13:59:42 9 Do you recall there ever being any
13:59:45 10 discussions amongst the faculty just in general about
13:59:47 11 a student's lack of physical development?

13:59:49 12 MR. MATIASIC: Vague and ambiguous.

13:59:51 13 BY MR. HALE:

13:59:51 14 Q While you were at St. Anthony's?

13:59:55 15 MR. MATIASIC: Counsel, again, you're talking
13:59:59 16 about '53 to '68 or '44 to '49?

14:00:03 17 BY MR. HALE:

14:00:03 18 Q '53 to '68.

14:00:06 19 A Again, please.

14:00:07 20 Q Do you recall there ever being any
14:00:09 21 discussions amongst faculty members regarding -- well,
14:00:16 22 strike that.

14:00:17 23 Let me ask this, do you recall ever there
14:00:19 24 ever being any discussions amongst faculty members,
14:00:24 25 again, same time frame '53 to '68, while you were on

14:00:27 1 the faculty, regarding a student having an undescended
14:00:34 2 testicle?

14:00:35 3 A No.

14:00:35 4 Q Okay. Do you recall there being -- ever
14:00:42 5 hearing any discussions amongst faculty members,
14:00:45 6 again, same time frame, while you were on the faculty
14:00:49 7 at St. Anthony's from '53 to '68, regarding whether or
14:00:54 8 not a student had developed pubic hair?

14:00:58 9 A No.

14:01:13 10 Q Do you recall [REDACTED] -- do you know who
14:01:17 11 [REDACTED] is?

14:01:18 12 A Yes.

14:01:19 13 Q Do you recall [REDACTED] ever being called in
14:01:23 14 to assess a student's physical development?

14:01:25 15 MR. MATIASIC: Vague and ambiguous.

14:01:26 16 BY MR. HALE:

14:01:26 17 Q Same time frame?

14:01:28 18 A No.

14:01:28 19 Q Do you recall [REDACTED] ever being called in
14:01:32 20 to examine a student because a student had an
14:01:35 21 undescended testicle?

14:01:41 22 A No. You're -- well --

14:01:44 23 Q Do you recall [REDACTED] ever being called in
14:01:46 24 to examine a student because a student was not
14:01:50 25 developing pubic hairs?

14:01:52 1 A No.

14:01:58 2 Q Was it common or uncommon for ██████████ to be
14:02:01 3 called into the school?

14:02:03 4 MR. MATIASIC: Vague and ambiguous. At what
14:02:04 5 time?

14:02:06 6 BY MR. HALE:

14:02:06 7 Q While he was on the faculty at St. Anthony's?

14:02:10 8 A Uncommon. If a student needed a doctor, we
14:02:14 9 sent the student to the doctor. A doctor rarely came.

14:02:19 10 Q Did you ever send a student to ██████████ to
14:02:24 11 be assessed for a lack of physical development?

14:02:27 12 A I never -- no, I didn't.

14:02:28 13 Q Did you ever hear of anyone else sending a
14:02:32 14 student to ██████████ for a lack of physical
14:02:37 15 development?

14:02:39 16 A No.

14:02:39 17 Q Any doctor at all?

14:02:41 18 A No.

14:02:55 19 Q Were you ever at any faculty meetings where
14:02:58 20 there was a discussion where one or more faculty
14:03:01 21 members at St. Anthony's, in the '53 to '68 time
14:03:05 22 frame, expressed concern that a student was too
14:03:09 23 effeminate?

14:03:12 24 MR. MATIASIC: Vague and ambiguous as to the
14:03:12 25 term "too effeminate".

14:03:16 1 THE WITNESS: Do not recall.

14:03:32 2 BY MR. HALE:

14:03:32 3 Q Was it fairly common for the school to put on
14:03:35 4 theater productions?

14:03:37 5 A Yes.

14:03:41 6 Q And that would be put on by the students I
14:03:46 7 would assume?

14:03:46 8 A Yes.

14:03:47 9 Q Do you remember a student named [REDACTED]?

14:03:51 10 A I don't remember him, I remember the name.

14:03:53 11 Q I'm sorry, you do remember the name or you
14:03:55 12 don't?

14:03:56 13 A I remember the name. Kind of picture him.

14:04:01 14 Q Was it common or uncommon for students to be
14:04:04 15 expelled from St. Anthony's while you were there from
14:04:10 16 '53 to '68?

14:04:11 17 A Uncommon.

14:04:13 18 Q How many times do you think students were
14:04:15 19 expelled from St. Anthony's during that '53 to '68
14:04:20 20 time period?

14:04:22 21 A Once every three to four years.

14:04:26 22 Q Okay. Who do you recall being expelled?

14:04:28 23 A I do not remember anyone.

14:04:31 24 Q Do you recall [REDACTED] being expelled?

14:04:36 25 A No.

14:04:39 1 Q Do you recall ever seeing a play where
14:04:47 2 seminarians parodied faculty members during that '53
14:04:54 3 to '68 time period?

14:04:56 4 A No.

14:04:57 5 Q Was there any kind of annual students'
14:04:59 6 presentation where there were -- kinds of fun was made
14:05:04 7 of different faculty members by different students?

14:05:11 8 A No.

14:05:12 9 Q That was not acceptable?

14:05:13 10 A Not acceptable.

14:05:15 11 Q Was there ever an instance where students
14:05:17 12 were expelled for performing a play parodying faculty
14:05:19 13 members?

14:05:26 14 MR. MATIASIC: From '53 to '68?

14:05:26 15 THE WITNESS: The question again was?

14:05:26 16 BY MR. HALE:

14:05:26 17 Q Was there ever an instance that you recall
14:05:28 18 where students were expelled for performing a play
14:05:31 19 where in they parodied faculty members?

14:05:34 20 A No.

14:05:34 21 Q Did you ever expel any students?

14:05:36 22 A I?

14:05:37 23 Q Yes.

14:05:41 24 A Couldn't.

14:05:41 25 Q You didn't have authority?

14:05:43 1 A No. Other -- only the Rector was the only
14:05:49 2 one that's ever done it.

14:05:54 3 Q Did Father Harris ever come to you and tell
14:05:57 4 you he intended to expel students?

14:06:01 5 A No, he never consulted me much.

14:06:06 6 Q Are you aware of Father Harris expelling
14:06:11 7 students?

14:06:13 8 A No.

14:06:14 9 Q Did you ever observe a -- a play wherein the
14:06:20 10 students parodied Father Cimmarrusti spanking other
14:06:26 11 students?

14:06:26 12 A No.

14:06:27 13 Q Did you ever hear about such a play?

14:06:29 14 A No.

14:06:37 15 Q Did you ever hear about a play where the
14:06:42 16 students parodied Father Cimmarrusti spanking Fern
14:06:51 17 Sayobitz, S-a-y-o-b-i-t-z?

14:06:52 18 A No.

14:06:54 19 Q Did you ever observe a play where the
14:06:56 20 students parodied Father Cimmarrusti spanking ██████████

14:07:02 21 ██████████?

14:07:02 22 A No.

14:07:03 23 Q Do you know who Fern Sayobitz is?

14:07:06 24 A Say it?

14:07:07 25 Q Do you know who Fern Sayobitz is, or maybe

14:07:12 1 it's Sayobitz?

14:07:13 2 A The name's familiar, but I can't place him.

14:07:16 3 Q What about ██████████?

14:07:21 4 A A student.

14:07:24 5 Q Okay. Did you ever hear about a play
14:07:25 6 where the students parodied spanking Mrs. Sayobitz or
14:07:32 7 ██████████?

14:07:35 8 A No.

14:07:41 9 Q Do you remember a student named ██████████?

14:07:47 10 A No.

14:07:48 11 Q Have you ever heard of a student named ██████████
14:07:51 12 ██████████?

14:07:52 13 A Might have, but I don't remember it.

14:07:53 14 Q How about ██████████?

14:07:56 15 A No.

14:07:58 16 Q ██████████?

14:08:02 17 A A student?

14:08:04 18 Q Uh-huh.

14:08:05 19 A No.

14:08:05 20 Q Do you remember the twin brothers ██████████ and
14:08:09 21 ██████████?

14:08:11 22 A How do you spell ██████████?

14:08:18 23 Q ██████████.

14:08:23 24 A No.

14:08:25 25 Q Do you remember a student named ██████████,

14:08:30 1 [REDACTED]?

14:08:30 2 A No.

14:08:30 3 Q Do you remember a student named [REDACTED]?

14:08:36 4 A No.

14:08:38 5 Q Did the seminary start each day with morning
14:08:41 6 prayers?

14:08:42 7 MR. MATIASIC: At what time?

14:08:43 8 MR. HALE: '53 to '68.

14:08:47 9 THE WITNESS: Yes, it did.

14:08:49 10 BY MR. HALE:

14:08:49 11 Q And did that usually involve a seminarian
14:08:52 12 reading a meditation of some sort?

14:08:55 13 A Yeah.

14:08:58 14 Q Do you ever recall hearing on one of these
14:09:03 15 morning prayer -- one of these morning prayers a
14:09:06 16 student launch into a tirade against the Franciscans
14:09:14 17 after reading a meditation?

14:09:16 18 A No.

14:09:16 19 Q Did you ever hear about that happening?

14:09:19 20 A Didn't hear about it.

14:09:21 21 Q Did you ever hear that after one of these
14:09:22 22 morning prayers a student had -- talked about how bad
14:09:27 23 the Franciscans were?

14:09:29 24 A No.

14:09:30 25 Q Did you ever hear about a student being

14:09:32 1 expelled for mouthing off during morning prayers?

14:09:37 2 A No.

14:09:37 3 MR. MATIASIC: Vague and ambiguous "mouthing
14:09:40 4 off."

14:09:58 5 BY MR. HALE:

14:09:58 6 Q Do you recall there being any kind of
14:09:59 7 screening process, again, '53 to '68, for seminarians
14:10:04 8 who wanted to be priests?

14:10:05 9 MR. MATIASIC: Vague and ambiguous as to
14:10:07 10 "screening process."

14:10:08 11 THE WITNESS: No.

14:10:10 12 MR. MATIASIC: If you can answer, Father, go
14:10:12 13 ahead.

14:10:12 14 BY MR. HALE:

14:10:12 15 Q Were there interviews conducted?

14:10:15 16 A By whom?

14:10:16 17 Q By the faculty or by --

14:10:18 18 A No. Interviews were not conducted by the
14:10:22 19 faculty.

14:10:23 20 Q Well, if a student said I want to become a
14:10:26 21 Franciscan, what steps did that student have to take
14:10:29 22 to make that happen?

14:10:31 23 A To see his pastor where he lives.

14:10:33 24 Q A parish pastor?

14:10:38 25 A Uh-huh.

14:10:39 1 Q What if a student was a seminarian?

14:10:45 2 A Pardon?

14:10:46 3 Q What if a student was a seminarian at
14:10:46 4 St. Anthony's?

14:10:46 5 A He was already accepted.

14:10:48 6 Q So once a student was accepted into the
14:10:50 7 seminary, were they guaranteed to become a priest?

14:10:54 8 A No, you want me to tell you what they were
14:10:54 9 guaranteed for?

14:10:57 10 Q Sure.

14:10:57 11 A They were guaranteed for instruction
14:11:00 12 necessary to become a priest. It was up to them to do
14:11:03 13 what they had to do or to decide. Well, I don't want
14:11:07 14 to do this, I will leave, so a lot of students left on
14:11:13 15 their own.

14:11:13 16 Q And if a student leave, was that student
14:11:17 17 guaranteed to become a priest?

14:11:19 18 A No.

14:11:19 19 Q So what kind of process was there to
14:11:21 20 determine whether one of those students could become a
14:11:25 21 priest, what steps did they have to take?

14:11:29 22 MR. MATIASIC: At the seminary or after? At
14:11:34 23 the seminary?

14:11:35 24 MR. HALE: Yes.

14:11:36 25 THE WITNESS: I guess the two main things is

14:11:37 1 that they do the work, accomplish the work, they show
14:11:41 2 the qualities for becoming a priest and that they want
14:11:47 3 to.

14:11:47 4 BY MR. HALE:

14:11:47 5 Q Okay. And would there be some kind of
14:11:52 6 evaluation process by the seminary faculty or by
14:11:55 7 members of the province. What exactly would happen
14:11:59 8 there?

14:12:00 9 A Faculty continually. Faculty meetings.

14:12:04 10 Q Would there be interviews conducted of the
14:12:09 11 candidate?

14:12:09 12 A Not interviews. Reports on progress.

14:12:13 13 Q Okay. Was there any psychological screening
14:12:19 14 done during the '53 to '68 time frame that you're
14:12:25 15 aware of?

14:12:26 16 A I think there were.

14:12:27 17 MR. MATIASIC: Vague and ambiguous as to
14:12:29 18 "psychological screening." You have a - formal
14:12:30 19 psychological screening?

14:12:34 20 THE WITNESS: Yes, possibly yes.

14:12:37 21 BY MR. HALE:

14:12:37 22 Q Are you aware of what the specific screening
14:12:39 23 process was?

14:12:40 24 A No.

14:12:40 25 Q Stop for a second. I forgot to ask you about

14:12:43 1 this. During your career as a Franciscan, have you
14:12:51 2 ever served on the Definitorium?

14:12:53 3 A No.

14:12:53 4 Q Is there something called the provincial
14:12:54 5 counsel?

14:12:56 6 A Yes.

14:12:56 7 Q Is that separate from the Definitorium?

14:13:00 8 A No, that's the Definitorium.

14:13:02 9 Q Have you ever served in any other capacity
14:13:05 10 other than something like -- in something like the
14:13:08 11 Definitorium for the province?

14:13:12 12 A No.

14:13:13 13 Q You've never been the vice provincial?

14:13:17 14 A No.

14:13:19 15 Q Have you ever been on any boards or
14:13:21 16 committees for the province?

14:13:23 17 A No.

14:13:25 18 Q How about a vocation committee?

14:13:30 19 A No.

14:13:30 20 Q So has your career been strictly -- you've
14:13:35 21 been pastor?

14:13:36 22 A Yeah.

14:13:36 23 Q You've been a guardian. You've been a
14:13:39 24 faculty member for the high schools. You've been a
14:13:42 25 principal at a high school. Am I missing anything?

14:13:49 1 A (No audible response.)

14:13:50 2 Q Have I forgotten anything?

14:13:52 3 A No.

14:13:52 4 Q Have you served the province in any other
14:13:56 5 capacity other than in those four positions?

14:14:01 6 A No.

14:14:14 7 Q Okay.

14:14:15 8 MR. HANCE: Can we go ahead and restate our
14:14:19 9 objection to the notice?

14:14:20 10 MR. HALE: Sure.

14:14:24 11 MR. HABEL: Join.

14:14:39 12 BY MR. HALE:

14:14:39 13 Q Were you ever involved in the process where a
14:14:42 14 candidate was being considered for ordination with
14:14:47 15 regards to the recommendation that has to be made to
14:14:50 16 provincial?

14:14:52 17 A No.

14:14:58 18 Q Did you ever make a recommendation as to
14:15:01 19 whether or not a student had you been allowed to go on
14:15:06 20 and become a priest?

14:15:08 21 A No.

14:15:10 22 Q When was the last time you spoke with [REDACTED]
14:15:13 23 [REDACTED]?

14:15:14 24 A Spoke to him?

14:15:16 25 Q Right.

14:15:25 1 A Greeted him the other day, but I didn't speak
14:15:29 2 to him.

14:15:29 3 Q Where did you see him?

14:15:33 4 A St. Elizabeth's.

14:15:33 5 Q Is he still assigned to St. Boniface?

14:15:38 6 A No. No longer.

14:15:39 7 Q When did he leave St. Boniface?

14:15:43 8 A Recently.

14:15:43 9 Q Where is he assigned now?

14:15:46 10 A ██████████.

14:15:50 11 Q Did you have a secretary when you were the
14:15:54 12 guardian at St. Anthony's?

14:15:55 13 A No.

14:15:56 14 Q Did you ever have a secretary during your
14:15:57 15 time at St. Anthony's?

14:15:59 16 A No.

14:16:07 17 Q As the guardian at St. Anthony's, were you
14:16:10 18 also responsible for giving instructions to brothers
14:16:14 19 with regards to maintenance of the grounds and that
14:16:16 20 kind of thing?

14:16:17 21 A Yeah.

14:16:17 22 Q Okay. Did the same brothers who conducted
14:16:23 23 maintenance on, for instance, the mission grounds, did
14:16:26 24 they also conduct maintenance for the seminary
14:16:38 25 grounds, or were those two separate --

14:16:40 1 A Separate.

14:16:42 2 Q So there would be separate groundskeepers,
14:16:46 3 separate maintenance men for the seminary versus the
14:16:49 4 mission?

14:16:50 5 MR. MATIASIC: Are you asking while he was
14:16:51 6 the guardian or --

14:16:52 7 MR. HALE: While he was guardian.

14:16:54 8 THE WITNESS: Yes, but sometimes they would
14:16:58 9 help each other.

14:16:59 10 BY MR. HALE:

14:16:59 11 Q Okay. Did you ever -- well, strike that.

14:17:03 12 If there was a manual labor task to be
14:17:07 13 performed, again, while you were the guardian, if
14:17:12 14 there was a manual labor task to be performed at
14:17:15 15 St. Anthony's, did you have the authority to order a
14:17:17 16 brother who was assigned to the mission to perform
14:17:21 17 that task, or would you have to go through the
14:17:21 18 guardian at the mission to have that done?

14:17:21 19 A I had nothing to say about what the members
14:17:25 20 of the mission did. If I wanted that, I'd have to get
14:17:29 21 permission.

14:17:30 22 Q Okay. While you were at St. Anthony's --
14:17:34 23 well, let me ask you this: In the time since you've
14:17:36 24 left Santa Barbara, have you gone back and visited
14:17:39 25 St. Anthony's and the mission?

14:17:42 1 A Rarely.

14:17:44 2 Q How often?

14:17:45 3 A Once every few years.

14:17:47 4 Q Okay. And have you spent the night at the
14:17:53 5 mission or at St. Anthony's when you have gone back?

14:17:56 6 A Yes.

14:17:57 7 Q And which one?

14:18:00 8 A Mission.

14:18:00 9 Q What's the procedure for spending the night
14:18:04 10 at the mission, do you have to check in with the
14:18:07 11 guardian?

14:18:08 12 A Call ahead, make a reservation.

14:18:11 13 Q And when you get there, do you have to check
14:18:14 14 in?

14:18:15 15 A Yes.

14:18:16 16 Q Okay. Is there any kind of sign-in book or
14:18:19 17 something to that effect?

14:18:21 18 A Yes.

14:18:24 19 Q And while you were in the St. Anthony's in
14:18:27 20 that '53 to '68 time period, was it common for
14:18:31 21 Franciscans not assigned in Santa Barbara to come in
14:18:34 22 and visit the mission to your knowledge?

14:18:36 23 MR. MATIASIC: Vague and ambiguous.

14:18:37 24 THE WITNESS: To visit the mission?

14:18:39 25 BY MR. HALE:

14:18:39 1 Q Right.

14:18:39 2 A Yes.

14:18:40 3 Q And would they -- I understand you've stayed
14:18:44 4 at the mission. While you were at St. Anthony's,
14:18:48 5 was it common for Franciscans to come in and visit and
14:18:50 6 stay at St. Anthony's as well or was the mission kind
14:18:55 7 of the Franciscan hotel, so to speak?

14:19:00 8 A Yeah. Franciscan hotel, the mission.

14:19:02 9 Q So Franciscans would not come and visit and
14:19:03 10 stay at St. Anthony's?

14:19:03 11 A Rarely.

14:19:03 12 Q So it was more common for them to come stay
14:19:07 13 at the mission?

14:19:09 14 A Oh, yes.

14:19:10 15 Q Are there any limitations on how long a
14:19:14 16 Franciscan visiting the mission can stay?

14:19:18 17 A How long?

14:19:19 18 Q Uh-huh, how many days?

14:19:20 19 MR. MATIASIC: You're talking about now, Tim?

14:19:24 20 BY MR. HALE:

14:19:24 21 Q To your knowledge at any time?

14:19:25 22 A Not specified. It's up to the guardian.

14:19:29 23 Q Okay. And to your knowledge has a Franciscan
14:19:33 24 always needed a reservation before they can just -- in
14:19:37 25 other words, has it ever been possible for a visiting

14:19:40 1 Franciscan simply to show up at the mission and have a
14:19:44 2 bed?

14:19:44 3 A Yeah, it's quite possible. They don't turn
14:19:47 4 him away.

14:19:48 5 Q Okay. So you don't necessarily have to have
14:19:50 6 a reservation?

14:19:51 7 A Not necessarily, but it's a -- it's common --

14:19:57 8 Q Courtesy?

14:19:58 9 A Yeah, right.

14:19:59 10 Q Is it common -- in your experience, has it
14:20:02 11 been common or at least in your time at Santa Barbara,
14:20:07 12 was it common for priests from other religious orders
14:20:12 13 to come and stay overnight at the mission?

14:20:15 14 A Not common, but it would happen rarely.

14:20:22 15 Q But not as common as the Franciscans?

14:20:27 16 A No.

14:20:28 17 Q What about Diocesan priests, did they ever
14:20:28 18 come spend the night at the mission?

14:20:28 19 A Rarely.

14:20:28 20 Q Would a non-Franciscan priest who was
14:20:31 21 spending the night at the mission be subject to any
14:20:34 22 different rules or regulations than a Franciscan
14:20:38 23 priest?

14:20:38 24 MR. MATIASIC: At any time?

14:20:39 25 MR. HALE: At any time.

14:20:40 1 THE WITNESS: No.

14:20:42 2 BY MR. HALE:

14:20:42 3 Q In your experience at -- in Santa Barbara
14:20:48 4 was it ever acceptable for a Franciscan to bring a
14:20:54 5 minor to the mission for an overnight visit?

14:20:58 6 MR. MATIASIC: Vague and ambiguous.
14:21:00 7 Incomplete hypothetical.

14:21:00 8 THE WITNESS: No.

14:21:01 9 BY MR. HALE:

14:21:01 10 Q Same question but with St. Anthony's, in your
14:21:04 11 experience in Santa Barbara was it ever acceptable for
14:21:07 12 a Franciscan to bring a minor for St. Anthony's for an
14:21:14 13 overnight visit?

14:21:16 14 A No.

14:21:17 15 MR. MATIASIC: Same objections.

14:21:18 16 BY MR. HALE:

14:21:18 17 Q As the guardian at St. Anthony's, would you
14:21:22 18 have been notified if there was a visitor at the
14:21:25 19 mission or only if there was a visitor at
14:21:28 20 St. Anthony's?

14:21:29 21 A Only at St. Anthony's.

14:21:30 22 Q Okay. And you would have expected to have
14:21:33 23 been notified if a visitor appeared at St. Anthony's;
14:21:37 24 is that a fair statement?

14:21:38 25 A To stay overnight?

14:21:40 1 Q Yes.

14:21:41 2 A Oh, sure, yeah.

14:22:11 3 Q I'm sorry, I forget, you do or you do not
14:22:14 4 know ██████████?

14:22:17 5 MR. MATIASIC: Asked and answered.

14:22:17 6 THE WITNESS: I know him.

14:22:19 7 BY MR. HALE:

14:22:20 8 Q Okay. Have you ever read his book?

14:22:23 9 A No.

14:22:23 10 Q Have you ever discussed his book with any
14:22:26 11 Franciscans?

14:22:28 12 A Didn't know he wrote a book.

14:22:31 13 Q Okay.

14:22:31 14 MR. MATIASIC: Lacks foundation.

14:22:32 15 BY MR. HALE:

14:22:32 16 Q Have you ever discussed with any Franciscans
14:22:34 17 Mr. ██████████ claim that in the early 1970s at the
14:22:41 18 Franciscan School of Theology there were Franciscan
14:22:44 19 priest candidates who were openly discussing their
14:22:49 20 homosexuality?

14:22:52 21 MR. MATIASIC: Vague and ambiguous.

14:22:53 22 THE WITNESS: No.

14:22:55 23 BY MR. HALE:

14:22:55 24 Q Have you ever heard anything like that?

14:22:56 25 A Like what, about discussing homosexuality?

14:23:02 1 Q Yes.

14:23:03 2 A Personal homosexuality, no.

14:23:06 3 Q Okay. Do you know [REDACTED]?

14:23:10 4 A Yeah.

14:23:10 5 Q Have you ever talked with him about his

14:23:12 6 experience -- and [REDACTED] is [REDACTED].

14:23:18 7 Have you ever talked with him about his experience at

14:23:23 8 the Franciscan Schooling of Theology in Berkeley?

14:23:28 9 A No.

14:23:38 10 Q In your time as a Franciscan, have you ever

14:23:42 11 heard any discussions about Franciscan candidates

14:23:48 12 openly discussing their sexual preferences?

14:23:54 13 MR. MATIASIC: Vague and ambiguous.

14:23:54 14 THE WITNESS: No.

14:23:55 15 BY MR. HALE:

14:23:55 16 Q And in your time as a Franciscan, have you

14:23:58 17 ever heard of any instances of Franciscan candidates

14:24:02 18 openly discussing their interest in experiencing

14:24:05 19 sexual activities?

14:24:07 20 MR. MATIASIC: Same objection.

14:24:08 21 THE WITNESS: No.

14:24:10 22 BY MR. HALE:

14:24:10 23 Q Okay. Are you familiar with the Archdiocese

14:24:33 24 Advisory Board of Education?

14:24:35 25 A No.

14:24:36 1 Q You never heard of it?

14:24:40 2 A Might have.

14:24:45 3 Q While you are on the faculty at

14:24:51 4 St. Anthony's, do you recall that there were any

14:24:57 5 archdiocesan statute or rules that govern conduct at

14:25:04 6 St. Anthony's?

14:25:06 7 MR. MATIASIC: Is this '53 to '68 or '44 to

14:25:10 8 '49 or both?

14:25:13 9 MR. HALE: '53 to '68 is fine.

14:25:14 10 THE WITNESS: No.

14:25:15 11 BY MR. HALE:

14:25:15 12 Q Are you familiar with the position of

14:25:18 13 vicar-general for religious within the Archdiocese of

14:25:21 14 Los Angeles?

14:25:21 15 A I know there is one.

14:25:23 16 Q Okay. Have you ever known any of the --

14:25:25 17 A No.

14:25:26 18 Q Did you ever know Bishop John Ward?

14:25:31 19 A Saw him. Didn't know him.

14:25:35 20 Q Where did you see him?

14:25:36 21 A Oh, at ordinations and official celebrations.

14:25:40 22 Q To your knowledge -- or have you ever been

14:25:42 23 aware of a Franciscan serving in Santa Barbara without

14:25:48 24 faculties from the archdiocese?

14:25:53 25 A No.

14:25:56 1 Q Do you recall, were -- in your time at
14:26:02 2 St. Anthony's, were weddings or baptisms ever
14:26:08 3 performed at St. Anthony's? I'm not talking about the
14:26:11 4 mission, just St. Anthony's.

14:26:13 5 A It's possible, but I can't recall any.

14:26:29 6 Q Have you ever heard of the archdiocese of
14:26:33 7 Los Angeles taking faculties away from a religious
14:26:39 8 priest?

14:26:40 9 A You mean individual.

14:26:41 10 Q Uh-huh.

14:26:42 11 A I have not heard of any, no.

14:26:46 12 Q Do you recall whether mass was ever performed
14:26:52 13 at the St. Anthony's chapel while you were on the
14:26:59 14 faculty there?

14:27:00 15 A Mass was offered daily.

14:27:03 16 Q That's St. Anthony's chapel?

14:27:06 17 A That's their morning prayer.

14:27:10 18 Q Was it open to the public?

14:27:11 19 A No. Oh, they could come, but they never
14:27:14 20 came. It was early in the morning.

14:27:15 21 Q Do you know if the Franciscans had to get
14:27:20 22 permission from the archdiocese to perform mass at the
14:27:24 23 chapel?

14:27:25 24 A The question is have I heard?

14:27:28 25 Q Do you know?

14:27:29 1 A Do I know?

14:27:30 2 Q Yeah.

14:27:30 3 A No.

14:27:32 4 Q Do you recall there being any limitations on
14:27:33 5 what ceremonies could be performed at St. Anthony's
14:27:39 6 while you were on the faculty?

14:27:42 7 A No.

14:27:43 8 Q Could weddings be performed there?

14:27:46 9 A They could, it's a possibility. With all the
14:27:50 10 necessary things taken care of, permission from their
14:27:55 11 own pastor, from both parties, and all the rest of
14:27:55 12 the -- it's a complicated affair, a lot of paperwork.

14:28:01 13 Q When you say permission from their pastor,
14:28:05 14 which pastor?

14:28:06 15 A Their pastor, the parish in which they live.
14:28:11 16 So they would live in this parish and they wanted to
14:28:15 17 go to St. Anthony's because maybe a former seminary
14:28:19 18 and they liked the chapel and the gal is okay with it.
14:28:23 19 He could get permission from his pastor to go down
14:28:23 20 there and get married.

14:28:24 21 Q Would they need permission from anyone else?

14:28:29 22 A I don't think so.

14:28:29 23 Q What about a baptism? Would anyone -- would
14:28:33 24 someone need a permission to have a baptism performed
14:28:36 25 at the St. Anthony's chapel while you were on the

14:28:46 1 faculty?

14:28:47 2 A If they have permission from the local
14:28:48 3 rector. They don't need -- if they are in this parish
14:28:48 4 and they want to be baptized in another parish, well,
14:28:55 5 they can do that without permission. But I think you
14:29:02 6 possibly could do that if the rector would let them do
14:29:06 7 it.

14:29:06 8 Q Did you ever hear that Father Harris was
14:29:09 9 summoned to Bishop Ward's office for giving communion
14:29:17 10 to a non Catholic?

14:29:20 11 A No.

14:29:21 12 Q Have you ever heard that the archdiocese
14:29:24 13 removed [REDACTED] faculties?

14:29:30 14 A No.

14:29:30 15 Q During the time you were at St. Anthony's in
14:29:33 16 the '60s from the friars -- were the Franciscans
14:29:37 17 conducting rock music masses?

14:29:40 18 MR. MATIASIC: Vague and ambiguous as to
14:29:41 19 "rock music masses."

14:29:44 20 MR. HALE: Not my word.

14:29:46 21 THE WITNESS: Modern --

14:29:47 22 BY MR. HALE:

14:29:47 23 Q Yeah, I think that's a fair way to put it.
14:29:51 24 Did you ever hear that there was modern music being
14:29:53 25 played at St. Anthony's at masses in the 1960s?

14:29:57 1 A Yes, I think I heard that.

14:29:59 2 Q Did you attend any of those?

14:30:00 3 A I might have.

14:30:01 4 Q Did you ever hear that the archdiocese
14:30:04 5 learned of those masses?

14:30:10 6 A Learned of them?

14:30:11 7 Q Right.

14:30:12 8 A No.

14:30:12 9 Q Did you ever hear that the archdiocese sent
14:30:16 10 Bishop Ward to observe one of these masses and
14:30:20 11 determine whether it was appropriate?

14:30:22 12 A No.

14:30:22 13 Q Do you ever recall the Franciscans being
14:30:25 14 instructed to stop performing these, for lack of a
14:30:28 15 better word, rock and roll masses?

14:30:35 16 A Never heard that.

14:30:43 17 MR. MATIASIC: Father, let him finish his
14:30:46 18 question.

14:30:48 19 BY MR. HALE:

14:30:48 20 Q Are you familiar with the concept of
14:30:51 21 particular friendships?

14:30:53 22 A Yes.

14:30:53 23 Q And there's a rule against particular
14:30:57 24 friendship, right?

14:30:58 25 MR. MATIASIC: At the seminary or in the

14:31:00 1 order or what are you talking about?

14:31:01 2 MR. HALE: In the order.

14:31:02 3 THE WITNESS: In the order, the rule, I don't
14:31:04 4 know -- I don't know if there's a rule. It's commonly
14:31:10 5 disapproved of.

14:31:11 6 BY MR. HALE:

14:31:11 7 Q Okay. And what's your understanding of
14:31:13 8 particular friendships?

14:31:15 9 A Well, it's particular, so this is your friend
14:31:17 10 and the rest of you -- the rest of the guys I
14:31:23 11 shouldn't have as friends are secondary.

14:31:28 12 Q Okay. How did you first hear about that
14:31:30 13 rule?

14:31:30 14 A Oh, early on in the minor seminary. They
14:31:34 15 didn't want us going off in pairs and setting up their
14:31:40 16 own little bailiwick.

14:31:42 17 Q Do you know what the purpose of that rule is?

14:31:45 18 A So we'd have a community. And not have
14:31:51 19 people going out and doing their own thing. You don't
14:31:51 20 have a community anymore.

14:31:52 21 Q And is the rule taught while you were a
14:31:56 22 candidate?

14:31:56 23 A Oh, yeah, those particular friendships are
14:31:59 24 discouraged. Definitely heard a lot about that.

14:32:01 25 Q Is it communicated to you in a classroom

14:32:03 1 setting?

14:32:04 2 A Well, no, more -- more in the spiritual

14:32:07 3 setting, instructions and --

14:32:08 4 Q So during the nobishop?

14:32:14 5 A Uh-huh.

14:32:14 6 Q Is that where --

14:32:14 7 A All along. In the minor seminary too. It's
14:32:17 8 a big problem there. The kids want to, you know, want
14:32:22 9 to get together and don't want to bother with the
14:32:25 10 other guys.

14:32:27 11 Q Okay. So as soon as a candidate enters into
14:32:32 12 the seminary, you would expect that they would learn
14:32:34 13 about the rule against particular friendship?

14:32:39 14 A Yeah, uh-huh.

14:32:41 15 Q And in the seminary context, is it discussed
14:32:44 16 in a class or how would it be communicated to the
14:32:49 17 candidate?

14:32:50 18 A Well, it was conducted in -- it's part of the
14:32:56 19 instructions that we wanted to build a community, we
14:33:00 20 want to make it everybody working together and so if
14:33:04 21 two of you go off by yourself, have your own little
14:33:08 22 activity, nobody else can come into it, we tell them
14:33:14 23 that.

14:33:15 24 Q Okay.

14:33:16 25 A It's part of the instruction, it's part of

14:33:19 1 the -- at the minor seminary, the prefect or spiritual
14:33:28 2 director.

14:33:29 3 Q Do you recall specifically someone coming to
14:33:33 4 you when you were a candidate and telling you about
14:33:33 5 the rule of against particular friendships?

14:33:33 6 A No, I heard that when the instruction was
14:33:36 7 given to the whole group.

14:33:37 8 Q So it was in group setting when you heard
14:33:39 9 about it.

14:33:40 10 A Oh, yes.

14:33:40 11 Q But it wasn't a classroom setting?

14:33:43 12 A No.

14:33:43 13 Q Okay. Did you ever have to counsel specific
14:33:50 14 students while you were on the faculty at
14:33:52 15 St. Anthony's from '53 to '68 about crossing the --
14:33:56 16 violating the rule against particular friendship?

14:33:59 17 A I can't remember any incidents, but I might
14:34:02 18 possibly have done it. I would have if I was -- I
14:34:05 19 would usually tell the prefect about these two kids,
14:34:09 20 they're always together, check on them.

14:34:12 21 Q Okay. While you were on the faculty, did you
14:34:18 22 ever have to counsel another faculty member about
14:34:23 23 violating the rule against particular friendships?

14:34:26 24 A No.

14:34:27 25 Q Do you think Father Cimmarrusti ever violated

14:34:28 1 the rule against particular friendships?

14:34:33 2 MR. MATIASIC: Are you talking about did he
14:34:37 3 ever see him or did he think he ever did --

14:34:38 4 MR. HALE: Right.

14:34:38 5 MR. MATIASIC: -- because otherwise it's
14:34:38 6 calling for speculation.

14:34:39 7 MR. HALE: Right.

14:34:40 8 THE WITNESS: I don't know.

14:34:40 9 BY MR. HALE:

14:34:40 10 Q Did you ever personally observe something
14:34:44 11 that you thought was in violation of that rule by
14:34:48 12 Father Cimmarrusti?

14:34:48 13 A No.

14:34:49 14 Q Did you ever hear anyone saying that they had
14:34:50 15 to counsel Father Cimmarrusti on violations of this
14:34:54 16 rule?

14:34:56 17 A No.

14:34:59 18 Q Can you think of any circumstances where it
14:35:01 19 would be appropriate for a priest -- for a Franciscan
14:35:04 20 to give a student a massage?

14:35:07 21 MR. MATIASIC: Vague and ambiguous.
14:35:07 22 Incomplete hypothetical.

14:35:10 23 THE WITNESS: Incident, well, a charley horse
14:35:16 24 would be okay.

14:35:18 25 BY MR. HALE:

14:35:18 1 Q Okay. Any other instances where it would be
14:35:24 2 appropriate for a priest or a Franciscan to give a
14:35:28 3 student a massage?

14:35:30 4 MR. MATIASIC: Same objections.

14:35:34 5 THE WITNESS: I can't think of any. If it
14:35:37 6 was a full-scale massage, they could go to a masseur,
14:35:42 7 somebody that really knows what they're doing, going
14:35:46 8 to a chiropractor maybe.

14:35:48 9 BY MR. HALE:

14:35:48 10 Q During your time on the faculty, was it
14:35:51 11 common for students to go to the infirmary for an
14:35:56 12 alcohol rubdown?

14:35:57 13 MR. MATIASIC: Vague and ambiguous.

14:35:57 14 THE WITNESS: In my time? Not common, I
14:35:59 15 never heard of it.

14:35:59 16 BY MR. HALE:

14:35:59 17 Q And who would perform the rubdowns?

14:36:01 18 A I don't know.

14:36:04 19 Q The infirmarian?

14:36:06 20 MR. MATIASIC: Asked and answered. He said
14:36:06 21 he didn't know.

14:36:07 22 MR. HALE: I'm entitled to see if I can
14:36:10 23 refresh his recollection.

14:36:11 24 Q I'm sorry. I didn't catch the last answer.

14:36:14 25 A Whoever was qualified to do it. If there was

14:36:18 1 a faculty member, for example, who knew how to give a
14:36:22 2 massage or a rubdown -- that's what you're talking
14:36:26 3 about, a rubdown, isn't it?

14:36:28 4 Q Are there any faculty members during your
14:36:30 5 time on the faculty who were in your mind qualified to
14:36:35 6 give a massage?

14:36:36 7 A Well, a massage is different than a rubdown.
14:36:40 8 Are you talking about a rubdown?

14:36:42 9 Q Let's talk about both. During your time on
14:36:45 10 the faculty, were there any faculty members who in
14:36:48 11 your mind were qualified to give a massage?

14:36:52 12 A No.

14:36:52 13 Q Same question, but in your time on the
14:36:54 14 faculty, were there any faculty members in your mind
14:36:54 15 who were qualified to give rubdowns?

14:36:54 16 A Yeah.

14:37:02 17 MR. MATIASIC: Vague and ambiguous.

14:37:03 18 BY MR. HALE:

14:37:03 19 Q Okay, who?

14:37:04 20 A Well, anyone who got permission from the
14:37:09 21 authority, from the authority -- in the thing.

14:37:14 22 Q What authority?

14:37:16 23 A The rector or the prefect.

14:37:24 24 Q Do you know anyone who actually did get that
14:37:27 25 permission from the rector or the prefect to give

14:37:32 1 rubdowns?

14:37:34 2 MR. MATIASIC: Same objection.

14:37:35 3 THE WITNESS: No.

14:37:36 4 BY MR. HALE:

14:37:36 5 Q As prefect, in your mind, did -- and, again,

14:37:39 6 same time frame '53 to '68, did the prefect

14:37:43 7 automatically have authority to give rubdowns?

14:37:45 8 MR. MATIASIC: Same objections.

14:37:48 9 THE WITNESS: Automatically, no.

14:37:48 10 BY MR. HALE:

14:37:48 11 Q Did the prefect have to ask for authority

14:37:51 12 from someone?

14:37:53 13 A No.

14:37:54 14 Q So the prefect could unilaterally decide to

14:37:58 15 give a student a rubdown?

14:38:00 16 A I think so.

14:38:03 17 Q Was there any training necessary for a -- for

14:38:06 18 a faculty member to -- strike that.

14:38:09 19 Was there any training required for a faculty

14:38:13 20 member to give a student a rubdown?

14:38:15 21 MR. MATIASIC: You're talking about required

14:38:16 22 by the province or in general or --

14:38:19 23 BY MR. HALE:

14:38:19 24 Q Let's -- required by the province or by the

14:38:23 25 seminary?

14:38:25 1 A No train -- no.

14:38:26 2 Q Okay. Were you aware of Father Cimmarrusti
14:38:29 3 giving students rubdowns?

14:38:31 4 A No.

14:38:32 5 Q But you did hear of rubdowns occurring while
14:38:36 6 you were on the faculty at St. Anthony's?

14:38:41 7 MR. MATIASIC: Vague and ambiguous.

14:38:42 8 THE WITNESS: No.

14:38:43 9 BY MR. HALE:

14:38:43 10 Q So you've never heard of any rubdowns
14:38:48 11 occurring during that time while you were on the
14:38:49 12 faculty at St. Anthony's?

14:38:54 13 MR. MATIASIC: Asked and answered.

14:38:55 14 THE WITNESS: Might have, but I don't
14:38:56 15 remember any incident.

14:38:57 16 BY MR. HALE:

14:38:57 17 Q Can you think of any circumstance where it
14:39:00 18 would be appropriate for a Franciscan to have his
14:39:02 19 hands on a student's thighs?

14:39:06 20 A No.

14:39:07 21 MR. MATIASIC: Vague, ambiguous, incomplete,
14:39:10 22 hypothetical.

14:39:10 23 THE WITNESS: No.

14:39:22 24 BY MR. HALE:

14:39:22 25 Q Can you think of any circumstance where it

14:39:26 1 would be appropriate for a Franciscan to give a minor
14:39:29 2 a back rub?

14:39:30 3 MR. MATIASIC: Same objections.

14:39:34 4 THE WITNESS: No.

14:39:37 5 BY MR. HALE:

14:39:37 6 Q Can you think of any circumstances where it
14:39:39 7 would have been appropriate for a Franciscan from the
14:39:41 8 mission to pull a seminary student out of class?

14:39:47 9 MR. MATIASIC: Same objections.

14:39:51 10 THE WITNESS: Yes.

14:39:52 11 BY MR. HALE:

14:39:52 12 Q What circumstances?

14:39:56 13 A You wanted to tell him that his mother died,
14:40:01 14 ordinary -- if he received -- if he used the proper
14:40:07 15 procedure he would go to the rector or the prefect
14:40:11 16 for -- to get permission.

14:40:13 17 Q Okay. Any other circumstance that you can
14:40:14 18 think of where it would be appropriate for a
14:40:18 19 Franciscan from the mission to pull a seminary student
14:40:22 20 out of class?

14:40:24 21 A No.

14:40:24 22 MR. MATIASIC: Tim, you want to finish that
14:40:26 23 line and we'll take a break.

14:40:29 24 MR. HALE: Yeah. I've got two more.

14:40:32 25 Q Can you think of any circumstance where it

14:40:35 1 would have been acceptable for a Franciscan from the
14:40:39 2 mission to take a seminary student to the mission?

14:40:44 3 MR. MATIASIC: Vague and ambiguous.

14:40:45 4 THE WITNESS: Yeah.

14:40:46 5 BY MR. HALE:

14:40:46 6 Q What circumstances?

14:40:47 7 A He wanted to show him a flower in the garden.

14:40:52 8 Q Any other circumstances?

14:40:55 9 A Other similar circumstances.

14:40:57 10 Q Would there have been any circumstances where
14:41:01 11 it would have been acceptable for that priest, that
14:41:03 12 Franciscan from the mission, to take the seminary
14:41:04 13 student out of the seminary from the mission into a
14:41:07 14 vacant room in the mission?

14:41:09 15 MR. MATIASIC: Vague and ambiguous.

14:41:10 16 Incomplete hypothetical.

14:41:12 17 THE WITNESS: I don't think -- no.

14:41:13 18 BY MR. HALE:

14:41:13 19 Q Last question. Would there have been any
14:41:15 20 circumstances where it would have been appropriate for
14:41:17 21 a Franciscan from the mission to take a seminary
14:41:21 22 student for a walk off of the campus grounds?

14:41:29 23 MR. MATIASIC: Same objection.

14:41:31 24 THE WITNESS: Possibly.

14:41:31 25 BY MR. HALE:

14:41:31 1 Q Under what circumstances?

14:41:33 2 A Of course he'd get permission first from the
14:41:36 3 authorities at the seminary.

14:41:38 4 Q Did you ever hear of that happening?

14:41:40 5 A I don't recall ever hearing it.

14:41:45 6 MR. HALE: All right. Let's take a break.

14:41:48 7 THE VIDEO OPERATOR: Off the record at 2:41
14:41:53 8 p.m.

14:41:55 9 (Recess.)

14:55:37 10 THE VIDEO OPERATOR: On the record at 2:55
14:55:39 11 p.m.

14:55:40 12 BY MR. HALE:

14:55:40 13 Q Father, I've got a couple pretty fundamental
14:55:44 14 questions regarding confessions. I assume you've
14:55:50 15 heard a guardian of confessions in your career as a
14:55:54 16 Franciscan?

14:55:54 17 A Oh, yeah.

14:55:55 18 Q Okay. When a priest hears a confession, is
14:55:58 19 it normal for the priest hearing -- well, strike that.

14:56:00 20 Does a confession become a conversation?

14:56:04 21 A In a sense, yes.

14:56:05 22 Q Okay. Is it normal for a priest hearing a
14:56:08 23 confession to commiserate with the confessor?

14:56:12 24 MR. MATIASIC: Incomplete hypothetical.

14:56:13 25 Vague and ambiguous.

14:56:14 1 BY MR. HALE:

14:56:14 2 Q Let me give you an example if this would be
14:56:17 3 an ordinary -- out of the ordinary. If the confessor
14:56:20 4 admits, for instance, that he's got a problem with
14:56:24 5 eating too much of a certain food, would it be
14:56:27 6 uncommon for the priest hearing the confession to say,
14:56:31 7 yes, I've had a similar problem and found myself of
14:56:36 8 eating too much of dot, dot, dot?

14:56:43 9 MR. MATIASIC: Same objection. Incomplete
14:56:43 10 hypothetical, lacks foundation. It's vague and
14:56:43 11 ambiguous. If you can answer that, Father, go ahead.

14:56:43 12 THE WITNESS: Would it be uncommon?

14:56:46 13 BY MR. HALE:

14:56:49 14 Q It would be uncommon?

14:56:49 15 A I would say, yes, it would be uncommon.

14:56:52 16 Q Okay.

14:56:53 17 A Well, that's not our business now to tell you
14:56:56 18 how to go to confession, so --

14:56:59 19 Q And is it fair to say that the priest's role
14:57:04 20 in confession is kind of -- it is limited to the
14:57:07 21 priest making a recommendation to the person
14:57:11 22 confessing as far as how they should atone for their
14:57:15 23 sins?

14:57:17 24 MR. MATIASIC: Vague and ambiguous.

14:57:18 25 BY MR. HALE:

14:57:18 1 Q Is that accurate or is that inaccurate?

14:57:21 2 A That's subsidiary, that's not the main idea.

14:57:24 3 The main idea of confession is the person has done

14:57:27 4 wrong, is sorry for it and that's the main thing, is

14:57:31 5 that he's sorry. He doesn't want to do that anymore.

14:57:34 6 And so he comes and so he can get rid of that sin off

14:57:38 7 of his conscience and then the future it's really --

14:57:42 8 the confession really looks to the future.

14:57:45 9 Q Okay. So when the person confessing says --

14:57:48 10 you know, he confesses and wants to absolve himself of

14:57:54 11 that sin, what is the -- how is the priest supposed to

14:57:57 12 respond?

14:57:58 13 MR. MATIASIC: Vague and ambiguous,

14:57:58 14 incomplete hypothetical.

14:58:01 15 THE WITNESS: Encourage the penitent as much

14:58:07 16 as possible, and tell him -- make sure that the

14:58:11 17 penitent understands what his -- what he -- he already

14:58:18 18 knows he's done something wrong, but now he has to

14:58:22 19 also include the idea that he doesn't want to do it

14:58:24 20 again.

14:58:26 21 BY MR. HALE:

14:58:26 22 Q Okay. So it wouldn't be a circumstance

14:58:28 23 where the priest hearing the confession would say --

14:58:31 24 would commiserate in the example that I gave to you?

14:58:35 25 MR. MATIASIC: Same objection.

14:58:37 1 THE WITNESS: Commiserate, not to a great
14:58:39 2 extent. To be sympathetic, that's better --

14:58:44 3 BY MR. HALE:

14:58:44 4 Q Okay.

14:58:44 5 A -- sympathetic -- should be sympathetic, but
14:58:45 6 not commiserating.

14:58:48 7 Q Okay. Is there any aspect of Franciscan
14:58:57 8 education or training that would encourage a
14:59:00 9 Franciscan not to report an act of childhood sexual
14:59:06 10 abuse by another Franciscan?

14:59:09 11 MR. MATIASIC: Vague and ambiguous,
14:59:10 12 overbroad.

14:59:11 13 THE WITNESS: Can I hear that again?

14:59:13 14 BY MR. HALE:

14:59:13 15 Q Sure. Is there any aspect of Franciscan
14:59:16 16 education and training that would encourage a
14:59:19 17 Franciscan not to report an act of childhood sexual
14:59:23 18 abuse by another Franciscan?

14:59:26 19 MR. MATIASIC: Same objections and it is
14:59:28 20 compound.

14:59:29 21 THE WITNESS: Yeah, I think there is.

14:59:30 22 BY MR. HALE:

14:59:30 23 Q What aspect of the education and training?

14:59:34 24 A Well, it's the same as you don't squeal on
14:59:37 25 the other person unless it's necessary.

14:59:40 1 Q And where would a Franciscan learn that?

14:59:43 2 A Where would you learn it, well --

14:59:46 3 Q Would that be in the seminary or would that
14:59:49 4 be in novitiate or --

14:59:52 5 A I would say he begins to learn that in
14:59:56 6 elementary school, not to be overly concerned or
15:00:01 7 unnecessarily concerned about the mistakes that other
15:00:04 8 people make.

15:00:05 9 Q But is there an aspect of the Franciscan
15:00:08 10 educational process or Franciscan training where that
15:00:11 11 would come up again?

15:00:13 12 A Come up, not only Franciscan, Christian
15:00:17 13 spirituality would include that I think.

15:00:24 14 Q Okay.

15:00:26 15 A It's part of charity.

15:00:33 16 Q When you returned to St. Anthony's in 1953,
15:00:39 17 was there a lot of interaction between priests in the
15:00:43 18 Santa Barbara community?

15:00:45 19 MR. MATIASIC: Vague and ambiguous.

15:00:45 20 THE WITNESS: You mean the city?

15:00:48 21 BY MR. HALE:

15:00:48 22 Q Right.

15:00:48 23 A No.

15:00:49 24 Q No?

15:00:49 25 A Not that I know of. I wasn't interactive.

15:00:52 1 Q Were there deanary meetings?

15:00:55 2 A We were not -- the faculty at seminary was
15:00:59 3 not included in deanary meetings.

15:01:02 4 Q Okay. What about when you became the
15:01:04 5 guardian, were you included there?

15:01:06 6 A No. They -- Franciscans are separate from
15:01:10 7 diocesan priests.

15:01:17 8 Q Okay. Do you know if the -- whoever the
15:01:22 9 pastor was at the mission while you were at the
15:01:24 10 seminary in the '50s and '60s, would he attend the
15:01:24 11 deanary meetings?

15:01:24 12 MR. HABEL: Calling for speculation.

15:01:24 13 THE WITNESS: Yeah, because the bishop is
15:01:27 14 responsible for the parish.

15:01:31 15 MR. WATERS: Can you define that? I don't
15:01:31 16 know what that --

15:01:31 17 MR. HALE: A deanary meeting?

15:01:32 18 MR. WATERS: Yeah.

15:01:32 19 BY MR. HALE:

15:01:32 20 Q Father, do you know what a deanary meeting
15:01:32 21 is?

15:01:32 22 A A meeting of the priests in the local
15:01:36 23 deanary. They have the diocese divided into different
15:01:41 24 deanaries according to area, and they have a dean in
15:01:46 25 each area and he calls the pastor and -- not only the

15:01:51 1 pastors, also other priests working in the parish, he
15:01:56 2 calls them to the meeting.

15:01:58 3 Q Other than the deanary meetings, were you
15:02:04 4 aware, again, this is the '53 to '68 time frame, were
15:02:04 5 aware of any other monthly meetings for priests in
15:02:08 6 Santa Barbara?

15:02:10 7 A No.

15:02:11 8 MR. MATIASIC: Tim, are you talking about
15:02:12 9 formal meetings?

15:02:14 10 BY MR. HALE:

15:02:14 11 Q Formal or informal?

15:02:17 12 A Oh, informal, well -- I'm not -- no, I'm
15:02:26 13 assuming no. There probably were informal meetings.

15:02:32 14 Q Other than in assisting at the parishes in
15:02:35 15 the community of Santa Barbara, were there any other
15:02:37 16 circumstances where you would encounter Santa Barbara
15:02:40 17 priests?

15:02:41 18 MR. MATIASIC: In the '50s and '60s?

15:02:43 19 MR. HALE: Yeah, '53 to '68.

15:02:46 20 THE WITNESS: Oh, religious celebrations, for
15:02:53 21 example, if the Bishop comes, especially if the Bishop
15:03:00 22 comes, then all his priests are expected to come and
15:03:03 23 be with him.

15:03:05 24 BY MR. HALE:

15:03:05 25 Q And that would include religious order

15:03:08 1 priests?

15:03:09 2 A Yes, especially the religious order priests
15:03:12 3 who work in a parish. The others would be optional.

15:03:16 4 Q Okay. How often would the Bishop come to
15:03:20 5 Santa Barbara during that '53 to '68 time period?

15:03:21 6 A At least once a year.

15:03:24 7 Q And what about the auxiliary bishops, would
15:03:27 8 they come once a year or more than once a year?

15:03:30 9 A Once, yeah. They have it now one of the
15:03:33 10 auxiliary bishops is living in Santa Barbara.

15:03:38 11 Q Right. But what about during that '53 to '68
15:03:41 12 time frame, for what purposes did the auxiliary
15:03:45 13 bishops come and visit you in Santa Barbara?

15:03:51 14 A Well, the ordination of course.

15:03:54 15 Q Any other reasons?

15:03:55 16 A Any other time that we invite them for having
15:03:57 17 a big celebration, you know, celebrating something.

15:04:01 18 Q Like the feast of San Francis or something
15:04:03 19 like that?

15:04:03 20 A Yeah.

15:04:05 21 Q Did they ever come up for, I don't know,
15:04:07 22 plays put on by the seminary?

15:04:11 23 A If they're invited they might come, but
15:04:14 24 they're not very often invited. Yeah. They don't
15:04:17 25 have time for that.

15:04:19 1 Q Did you ever perform mass at Our Lady of
15:04:23 2 Guadalupe?

15:04:25 3 A Yes, I have.

15:04:26 4 Q On more than one occasions?

15:04:28 5 A Not many times. A few times.

15:04:30 6 Q Did you know the pastor there?

15:04:33 7 A ██████████?

15:04:34 8 Q Yes.

15:04:35 9 A Yeah, well, I don't know him. I heard about
15:04:38 10 him. I didn't know him personally. I don't think I
15:04:39 11 ever had a conversation with him.

15:04:40 12 Q Did he call you when he needed assistance?

15:04:44 13 A Well, he would probably call the pastor or
15:04:46 14 the guardian at the old mission.

15:04:49 15 Q And then the guardian at the old mission
15:04:52 16 would call you?

15:04:53 17 A Yeah, if he say I don't have -- no, I can't
15:04:57 18 give him help. No, he would tell him, no, I can't
15:04:59 19 help you but you call over there.

15:05:04 20 Q Okay. So did you ever socialize with Father
15:05:08 21 ██████████?

15:05:08 22 A Never did.

15:05:09 23 Q Did you attend his funeral in 2002?

15:05:15 24 A I didn't.

15:05:15 25 Q Were you aware that he passed away in 2002?

15:05:20 1 A Well, I heard that he died.

15:05:22 2 Q How did you hear that he died?

15:05:26 3 A I don't know.

15:05:28 4 Q Did you know any of the associate pastors at
15:05:31 5 Our Lady of Guadalupe?

15:05:34 6 MR. MATIASIC: At any time?

15:05:36 7 MR. HALE: At any time.

15:05:36 8 THE WITNESS: Not very long. I might have
15:05:38 9 heard their name. I might have met them. Didn't know
15:05:38 10 them personally.

15:05:39 11 BY MR. HALE:

15:05:39 12 Q Did you ever meet Father Landreau,
15:05:45 13 L-a-n-d-r-e-a-u?

15:05:45 14 A No. I might have met him once or twice.

15:05:49 15 Q Go ahead, I'm sorry.

15:05:50 16 A Just at friends' of ours meeting.

15:05:50 17 Q How about Father Romero?

15:05:52 18 A No.

15:05:55 19 Q Did he ever come and visit St. Anthony's, to
15:05:58 20 your knowledge, Father [REDACTED] is who I'm asking about?

15:06:04 21 A Father [REDACTED] coming. No, I never heard of
15:06:07 22 him coming.

15:06:09 23 Q Were you aware of Father [REDACTED] owned a cabin
15:06:16 24 in the San Ynez Mountains?

15:06:19 25 A No.

15:06:22 1 Q Were you aware of a club Father ██████████ started
15:06:24 2 for Catholic boys called the Blue Jackets Club?

15:06:30 3 A Never heard of it.

15:06:31 4 Q Did you ever see Father ██████████ around town
15:06:35 5 other than at Our Lady?

15:06:38 6 A No.

15:06:48 7 Q Are there any places where it is unacceptable
15:06:51 8 for a priest to hear a confession, or is it really
15:06:55 9 flexible? Can a priest hear a confession anywhere?

15:06:59 10 A Yes, and -- per- -- individually.

15:07:04 11 Q Is it out of the ordinary for a priest to
15:07:07 12 hear a confession, for instance, at the beach?

15:07:12 13 A Well, it's out of -- it's not ordinary. Yes,
15:07:17 14 it's out of the ordinary. Could possibly happen.

15:07:20 15 Q Have you ever heard of any allegations of
15:07:22 16 childhood sexual abuse by Father ██████████?

15:07:28 17 A No.

15:07:29 18 Q When was the first time you met Father
15:07:32 19 Cimmarrusti?

15:07:32 20 A When he entered the first -- the freshman
15:07:39 21 class at St. Anthony's Seminary.

15:07:46 22 Q So you were on the faculty at the time?

15:07:49 23 A Uh-huh.

15:07:50 24 Q What was your impression of him as a
15:07:52 25 seminarian?

15:07:53 1 A Oh, it was good.

15:07:56 2 Q What was your relationship with him?

15:07:57 3 A I was his teacher.

15:07:59 4 Q Were you close -- I'm sorry, I didn't mean to
15:08:01 5 interrupt you.

15:08:03 6 A That's okay. I was his teacher. I saw him
15:08:07 7 in class, probably met him out on the ballpark. I
15:08:13 8 don't think he was much of an athlete, but he was very
15:08:17 9 active as a school kid in the 9th grade.

15:08:27 10 Q Were you close with him?

15:08:28 11 MR. MATIASIC: Vague and ambiguous.

15:08:30 12 THE WITNESS: No.

15:08:30 13 BY MR. HALE:

15:08:30 14 Q Was he a good student?

15:08:32 15 A Yes.

15:08:33 16 Q Did you observe him interacting with his
15:08:36 17 fellow students?

15:08:37 18 A Yes.

15:08:38 19 Q And did you reach any conclusions as far as
15:08:40 20 the appropriateness of his conduct with other
15:08:42 21 students?

15:08:43 22 MR. MATIASIC: Vague and ambiguous.

15:08:45 23 THE WITNESS: Conclusions, they were good.

15:08:49 24 Nothing wrong that I was aware of.

15:08:53 25 BY MR. HALE:

15:08:53 1 Q I assume you're aware of the current
15:08:56 2 allegations against him?

15:08:59 3 A I have heard of the allegations.

15:09:01 4 Q Are you shocked by those?

15:09:02 5 A Yes.

15:09:03 6 Q Do you believe those allegations?

15:09:16 7 MR. HANCE: Lack of information.

15:09:16 8 THE WITNESS: Do I believe them?

15:09:17 9 MR. MATIASIC: And, Counsel, what specific
15:09:19 10 allegations are you speaking of?

15:09:21 11 MR. HABEL: Let me interpose an objection on
15:09:24 12 relevance. Father [REDACTED] opinion is irrelevant and
15:09:28 13 not calculated to lead to the discovery of admissible
15:09:31 14 evidence. Speculation, lacks foundation.

15:09:34 15 MR. HALE: Sure. Anyone else?

15:09:37 16 MR. HABEL: Give us a minute.

15:09:39 17 BY MR. HALE:

15:09:39 18 Q You can answer unless --

15:09:42 19 A And the question is?

15:09:43 20 Q Do you believe the allegations against Father
15:09:46 21 Cimmarrusti?

15:09:46 22 MR. MATIASIC: Well, Counsel, what
15:09:47 23 allegations are you speaking of? Do you want to ask
15:09:50 24 specific allegations?

15:09:53 25 BY MR. HALE:

15:09:53 1 Q The childhood sexual abuse allegations by
15:09:58 2 Father Cimmarrusti. Do you believe them?

15:09:58 3 MR. MATIASIC: Just generally?

15:09:58 4 THE WITNESS: Maybe I could answer your
15:10:01 5 question partly by saying I was very surprised.

15:10:07 6 BY MR. HALE:

15:10:07 7 Q Okay.

15:10:09 8 A Believe them, I don't -- I don't have to
15:10:12 9 believe them.

15:10:12 10 Q Have you ever spoken with anyone who told you
15:10:16 11 they were a victim of abuse by Father Cimmarrusti?

15:10:21 12 A No.

15:10:22 13 Q Has anyone ever told you they spoke with
15:10:26 14 someone who was a victim of abuse by Father
15:10:26 15 Cimmarrusti?

15:10:27 16 A Not that I recall.

15:10:30 17 Q Before he arrived at St. Anthony's in 1964,
15:10:34 18 had you ever been assigned with him anywhere else?

15:10:37 19 A No.

15:10:44 20 Q When was the last time you spoke with Father
15:10:47 21 Cimmarrusti?

15:10:51 22 A I was up there where he lives in Danville not
15:10:55 23 too long ago.

15:10:56 24 Q At San Damiano?

15:10:59 25 A San Damiano.

15:11:03 1 Q And when was the last time?

15:11:04 2 A I don't remember the date. It was in the
15:11:06 3 last year.

15:11:07 4 Q Have you talked to him about this deposition
15:11:09 5 you're giving?

15:11:11 6 A No. I wouldn't do that.

15:11:12 7 Q Between 1964 and 1968, did you ever observe
15:11:15 8 any behavior by Father Cimmarrusti that you thought
15:11:19 9 was inappropriate?

15:11:20 10 MR. MATIASIC: Vague and ambiguous.

15:11:21 11 THE WITNESS: '64 to '68, did I observe?

15:11:24 12 Nothing, no.

15:11:27 13 BY MR. HALE:

15:11:27 14 Q How about at any time in your career as a
15:11:30 15 Franciscan, have you ever observed any behavior by
15:11:33 16 Father Cimmarrusti that you thought was inappropriate?

15:11:37 17 MR. MATIASIC: Vague and ambiguous.

15:11:38 18 Overbroad to time.

15:11:40 19 THE WITNESS: No.

15:11:40 20 BY MR. HALE:

15:11:40 21 Q At any time in your career as a Franciscan,
15:11:42 22 have you ever heard anyone say they observed behavior
15:11:45 23 by Father Cimmarrusti that they felt was
15:11:48 24 inappropriate?

15:11:48 25 MR. MATIASIC: Same objections.

15:11:51 1 THE WITNESS: No.

15:12:00 2 BY MR. HALE:

15:12:00 3 Q While you were on the faculty at
15:12:06 4 St. Anthony's from '53 to '68, was it common or
15:12:09 5 uncommon for students to just suddenly quit school?

15:12:13 6 A Uncommon. It happened.

15:12:15 7 Q How many times did it happen?

15:12:17 8 A Don't know.

15:12:17 9 Q More than five?

15:12:18 10 A During that whole time?

15:12:20 11 Q '53 to '68, yes?

15:12:23 12 A '53 to '68, yeah, it would be more than five.

15:12:26 13 Q More than 20?

15:12:28 14 A I'd say -- how many years is that, 20 years?

15:12:32 15 Q 15.

15:12:34 16 A '54 to '68, yeah, maybe 20. One a year, give
15:12:38 17 him one a year.

15:12:40 18 Q Okay. And did any of those occur between '64
15:12:44 19 to '68?

15:12:46 20 A I have no way of telling that.

15:12:48 21 Q Okay. Did you ever have the opportunity to
15:12:53 22 ask any of those students why they were quitting,
15:12:57 23 those 20?

15:12:58 24 A No.

15:12:58 25 Q Did anyone ever tell you that they talked to

15:13:01 1 one of those students about why they were quitting?

15:13:04 2 A No.

15:13:05 3 Q Were the circumstances under which any of
15:13:07 4 those students quit unusual, in other words did they
15:13:12 5 run away from school or anything like that?

15:13:14 6 MR. MATIASIC: Vague and ambiguous.

15:13:17 7 THE WITNESS: No.

15:13:17 8 BY MR. HALE:

15:13:17 9 Q Do you remember ██████████?

15:13:20 10 A Yeah.

15:13:21 11 Q Do you remember him quitting school?

15:13:25 12 A Well, I remember him in school. I don't
15:13:29 13 remember when he quit. He was in several years,
15:13:35 14 wasn't he?

15:13:36 15 Q He was. Do you remember when he quit, are
15:13:39 16 you surprised to hear that he had quit?

15:13:43 17 A No.

15:13:43 18 Q Why not?

15:13:43 19 A Because -- maybe I was. I don't know. He
15:13:47 20 was a pretty good student, so I might have said, well,
15:13:51 21 sorry he couldn't have continued. I might have been a
15:13:55 22 little surprised that way.

15:13:57 23 Q Did you talk to anyone about why he quit?

15:14:00 24 A No.

15:14:07 25 Q Have you ever heard any complaints of

15:14:10 1 misconduct towards St. Anthony's students by Father
15:14:16 2 Cimmarrusti?

15:14:16 3 MR. MATIASIC: Other than anything he's heard
15:14:18 4 from his attorneys obviously.

15:14:21 5 BY MR. HALE:

15:14:21 6 Q Right. Right excluding conversations you've
15:14:24 7 had with your counsel?

15:14:25 8 A Have I ever heard of Father Cimmarrusti?

15:14:29 9 Q Of there being any complaints against Father
15:14:32 10 Cimmarrusti of child a --

15:14:34 11 A Oh, complaints against him. I wouldn't be in
15:14:38 12 a setting where people would be complaining about him.
15:14:41 13 No.

15:14:42 14 Q Did anyone ever tell you, aside from your
15:14:44 15 attorneys, that they had received childhood sexual
15:14:48 16 abuse by Father Cimmarrusti?

15:14:55 17 A I think it was in the newspapers, wasn't it?

15:14:58 18 Q But did anyone actually tell you?

15:15:01 19 A They told me that -- yeah, I guess they did.
15:15:04 20 They told me that that was in the papers.

15:15:06 21 Q Who told you that?

15:15:08 22 A I don't know.

15:15:09 23 Q How long ago was that?

15:15:14 24 A Quite a while ago. Ten years ago. Would
15:15:20 25 that be too long?

15:15:21 1 Q Did Father Harris ever come to you and tell
15:15:23 2 you that he had received complaints of abuse by Father
15:15:28 3 Cimmarrusti?

15:15:28 4 A No.

15:15:32 5 Q If the rector of St. Anthony's Seminary
15:15:36 6 received complaints of childhood sexual abuse by a
15:15:41 7 faculty member, would you have expected the rector to
15:15:45 8 tell that to the guardian?

15:15:48 9 MR. MATIASIC: Incomplete hypothetical.

15:15:49 10 MR. HANCE: Calls for speculation.

15:15:59 11 THE WITNESS: Well, no.

15:16:01 12 BY MR. HALE:

15:16:01 13 Q And what I'm looking for here, Father, is the
15:16:04 14 chain of common so to speak. Would you have expected
15:16:08 15 the rector to tell anyone in the province if he had
15:16:14 16 received a complaint of childhood sexual abuse by a
15:16:20 17 faculty member?

15:16:21 18 MR. MATIASIC: Same objections.

15:16:22 19 THE WITNESS: No.

15:16:22 20 BY MR. HALE:

15:16:22 21 Q Would you have expected the rector to have
15:16:27 22 kept that to himself?

15:16:30 23 MR. MATIASIC: Same objections.

15:16:30 24 THE WITNESS: Well, not necessarily, no.

15:16:31 25 BY MR. HALE:

15:16:31 1 Q Who would you have expected him to tell?

15:16:33 2 A Somebody who could give him advice -- I would
15:16:36 3 expect him to tell the faculty. And then they would
15:16:41 4 talk it over and see. Get the opinion --

15:16:43 5 Q Were there ever any faculty meetings while
15:16:47 6 you were on the faculty, from '53 to '68, where there
15:16:53 7 was a discussion of allegations of childhood sexual
15:16:56 8 abuse against a Franciscan -- I'm sorry, by a
15:16:56 9 Franciscan?

15:16:57 10 A I don't remember any.

15:16:59 11 Q Do you think you would have remembered if
15:17:00 12 there were such?

15:17:01 13 A I think I would have remembered.

15:17:03 14 Q Do you remember a student named ██████████
15:17:11 15 ██████████?

15:17:12 16 A ██████████ who?

15:17:12 17 Q ██████████, ██████████?

15:17:12 18 A I don't.

15:17:13 19 Q Do you recall ever hearing about a student
15:17:15 20 while you were on the faculty running away from
15:17:19 21 St. Anthony's and stowing away on an airplane?

15:17:23 22 A No. Did that happen? Never heard of it.

15:17:32 23 Q Before you left St. Anthony's, did you -- did
15:17:36 24 Father Cimmarrusti stop being the prefect of
15:17:41 25 discipline?

15:17:42 1 A I don't know.

15:17:43 2 Q Did you ever hear that Father Cimmarrusti was
15:17:48 3 no longer the prefect of discipline at St. Anthony's?

15:17:55 4 A No.

15:18:24 5 Q So if the St. Anthony's rector received a
15:18:27 6 complaint of childhood sexual abuse, would you expect
15:18:30 7 that rector to report that to the archdiocese?

15:18:36 8 A No.

15:18:37 9 MR. MATIASIC: Incomplete hypothetical.

15:18:37 10 THE WITNESS: No, I wouldn't do that.

15:18:39 11 BY MR. HALE:

15:18:39 12 Q What about the provincial?

15:18:43 13 MR. MATIASIC: Same objections.

15:18:45 14 MR. HANCE: Calls for speculation.

15:18:46 15 THE WITNESS: Would I expect is -- no.

15:18:51 16 BY MR. HALE:

15:18:51 17 Q What about to the Definitorium?

15:18:55 18 A No.

15:18:56 19 MR. MATIASIC: Same objections.

15:19:00 20 BY MR. HALE:

15:19:00 21 Q Is there anyone above the rector who you
15:19:03 22 would expect the rector to report such a complaint to?

15:19:08 23 MR. MATIASIC: Same objections.

15:19:10 24 THE WITNESS: No one. He has -- it's his job
15:19:15 25 to take care of it right there. Give the kid the help

15:19:23 1 he needs.

15:19:48 2 BY MR. HALE:

15:19:48 3 Q Do you know why Father Cimmarrusti was
15:19:51 4 transferred from Santa Barbara to Guaymas in 1971?

15:19:57 5 MR. MATIASIC: Calls for speculation. Lacks
15:19:58 6 foundation.

15:19:59 7 THE WITNESS: I don't know. I do not know.

15:20:01 8 BY MR. HALE:

15:20:01 9 Q Have you ever talked with anyone about why
15:20:05 10 Father Cimmarrusti was transferred to Guaymas in 1978?

15:20:09 11 A Never, never talked about it.

15:20:11 12 Q Did you ever hear that Father Cimmarrusti got
15:20:13 13 into trouble in Guaymas?

15:20:15 14 A No.

15:20:15 15 MR. MATIASIC: Vague and ambiguous.

15:20:16 16 BY MR. HALE:

15:20:16 17 Q Was Father Cimmarrusti responsible for
15:20:18 18 providing medical care to St. Anthony's students?

15:20:22 19 MR. MATIASIC: In his role as infirmarian?

15:20:27 20 BY MR. HALE:

15:20:27 21 Q In any role.

15:20:28 22 A No.

15:20:31 23 Q Are the duties and responsibilities of the
15:20:33 24 infirmarian set forth in writing anywhere?

15:20:36 25 A No.

15:20:47 1 Q Do you recall the name of the student who was
15:20:51 2 infirmarian while you were prefect of discipline?

15:20:55 3 A No.

15:20:59 4 Q Have you ever discussed with an incoming
15:21:04 5 infirmarian their duties as infirmarian?

15:21:07 6 A No.

15:21:07 7 Q Do you know if anybody ever did?

15:21:09 8 A No.

15:21:09 9 Q Do you know how a new infirmarian would be
15:21:12 10 made aware of his responsibilities as a infirmarian?

15:21:16 11 A Through his boss, the prefect.

15:21:47 12 Q Do you have any knowledge of who informed
15:21:50 13 Father Cimmarrusti of his duties as infirmarian given
15:21:55 14 that he was both the prefect and the infirmarian at
15:21:59 15 the same time?

15:22:00 16 MR. MATIASIC: Calls for speculation.

15:22:02 17 THE WITNESS: I have no information on that.

15:22:11 18 BY MR. HALE:

15:22:11 19 Q Did you ever go down to the infirmary to
15:22:21 20 check on students?

15:22:24 21 A No.

15:22:24 22 Q Did you ever observe any students with
15:22:26 23 bruising or injury to their buttocks or their upper
15:22:31 24 thigh?

15:22:34 25 MR. MATIASIC: At what time, Counsel?

15:22:36 1 MR. HALE: During the time at St. Anthony's.

15:22:38 2 MR. MATIASIC: While he was a student or?

15:22:42 3 MR. HALE: '53 to '68.

15:22:42 4 THE WITNESS: No.

15:22:43 5 BY MR. HALE:

15:22:43 6 Q Or actually at any time. At any time while
15:22:44 7 you were at St. Anthony's, did you ever observe such
15:22:46 8 an injury?

15:22:46 9 A No.

15:22:47 10 Q Did anyone ever tell you they observed such
15:22:47 11 an injury on a St. Anthony's student?

15:22:48 12 A What kind of an injury?

15:22:51 13 Q Bruising to the buttocks, upper thigh area?

15:22:54 14 A Could happen, but I don't remember anything
15:22:57 15 about it. It could happen in a football game,
15:23:01 16 couldn't it.

15:23:02 17 Q Okay. But do you remember hearing anything
15:23:03 18 about that?

15:23:04 19 A No.

15:23:05 20 Q If you'd seen such an injury, would you have
15:23:08 21 taken any action?

15:23:09 22 MR. MATIASIC: Incomplete hypothetical.

15:23:12 23 THE WITNESS: Well, I would -- depends how
15:23:15 24 serious the injury was. If it looked like a serious
15:23:22 25 injury, I'd send them to the doctor or the hospital,

15:23:27 1 emergency room.

15:23:28 2 BY MR. HALE:

15:23:28 3 Q Would you have tried to investigate as to how
15:23:31 4 the injury came about?

15:23:33 5 A Oh, yeah, I would ask how they ever got that.

15:23:37 6 Q As guardian, did you have the authority to
15:23:40 7 terminate faculty members?

15:23:43 8 A No.

15:23:44 9 Q Could only the provincial do that?

15:23:47 10 A Yeah.

15:23:48 11 Q Rector could not do that?

15:23:50 12 A Oh, no. They could recommend. If someone
15:23:54 13 wasn't doing their job, he would recommend it and the
15:23:57 14 provincial usually would help him out and find
15:24:02 15 somebody else. You wouldn't be able to just ship him
15:24:06 16 out without having a replacement.

15:24:08 17 Q Okay. Have you ever visited Guaymas?

15:24:22 18 A No.

15:24:43 19 Q What year do you think it was when you first
15:24:45 20 heard that Father Cimmarrusti had been accused of
15:24:51 21 childhood sexual abuse?

15:24:54 22 A I don't know.

15:24:55 23 Q Within the last ten years?

15:24:57 24 MR. MATIASIC: Counsel, I believe -- I
15:24:59 25 believe that's asked and answered. I think you

15:25:01 1 already asked him and he thought he said around ten

15:25:06 2 years ago, but if you want to keep asking him --

15:25:10 3 BY MR. HALE:

15:25:10 4 Q You can answer.

15:25:13 5 A Pardon?

15:25:14 6 Q You can answer.

15:25:16 7 A What would you like?

15:25:19 8 Q I'm trying to pin down when you first believe

15:25:23 9 you heard allegations of childhood sexual abuse by

15:25:28 10 Father Cimmarrusti?

15:25:30 11 MR. MATIASIC: Asked and answered.

15:25:30 12 THE WITNESS: When it became known. When was

15:25:33 13 that, ten years ago?

15:25:35 14 BY MR. HALE:

15:25:35 15 Q Are you referring to the board of inquiry?

15:25:38 16 A I've heard of it.

15:25:39 17 Q Is that when you first heard of allegations

15:25:42 18 of Father Cimmarrusti --

15:25:45 19 A Yeah. When was that, ten years ago?

15:25:48 20 Q A little more than that.

15:25:50 21 A Yeah.

15:25:50 22 Q Do you know Dave Johnson?

15:25:52 23 A Yes.

15:25:53 24 Q How do you know Dave Johnson?

15:25:55 25 A He was one of our -- he is a priest and was

15:25:58 1 with us as a Franciscan.

15:26:01 2 Q And you believe he is still a priest?

15:26:03 3 A I don't know. I haven't heard of him.

15:26:06 4 Q Do you know where he's assigned?

15:26:08 5 A He's -- what did I hear lately? I think he
15:26:12 6 withdrew from the priesthood. Is that right? I
15:26:17 7 think.

15:26:17 8 Q Do you know why he withdrew from the
15:26:19 9 priesthood?

15:26:21 10 A No.

15:26:22 11 Q Have you ever discussed with anyone why he
15:26:25 12 withdrew from the priesthood?

15:26:27 13 A Never occurred for me to ask.

15:26:29 14 Q Where did you first meet him?

15:26:31 15 A In the seminary. He was a student.

15:26:33 16 Q So he was a student of St. Anthony's in the
15:26:37 17 '60s?

15:26:38 18 A I think so.

15:26:39 19 Q Okay. Was he one of your students? Was he
15:26:44 20 in your classes?

15:26:45 21 A Yeah, oh, yeah.

15:26:47 22 Q Did you have any contact with him outside of
15:26:52 23 the student-teacher relationship?

15:26:53 24 A No.

15:26:54 25 Q Have you ever been assigned anywhere with

15:26:57 1 him?

15:26:59 2 A No.

15:26:59 3 Q Were you involved in evaluating his
15:27:02 4 candidacies while he was a student at St. Anthony's?

15:27:06 5 A As a student I guess we had faculty meetings
15:27:10 6 and he would come up.

15:27:11 7 Q Do you believe the discussions involving --

15:27:14 8 A I don't recall him.

15:27:17 9 Q Do you recall anyone saying anything negative
15:27:19 10 with him?

15:27:20 11 A No, nothing negative about him at the
15:27:22 12 seminary.

15:27:24 13 Q Anywhere else?

15:27:27 14 A No.

15:27:27 15 Q Have you ever supervised Johnson?

15:27:29 16 A No.

15:27:29 17 Q Have you ever disciplined Johnson?

15:27:32 18 A No.

15:27:32 19 Q Did you ever report Johnson to one of your
15:27:36 20 superiors?

15:27:36 21 A No.

15:27:37 22 Q Have you ever praised him to one of your
15:27:39 23 superiors?

15:27:40 24 A No.

15:27:41 25 Q Have you ever reviewed the board of inquiry

15:27:44 1 report?

15:27:44 2 A No.

15:27:45 3 Q Do you know anyone who has reviewed the board
15:27:49 4 of inquiry report?

15:27:51 5 A No.

15:27:52 6 Q When I refer to the board of inquiry report,
15:27:55 7 do you know what I'm talking about?

15:27:56 8 A The report of that board to provincial,
15:27:59 9 right?

15:28:00 10 Q Okay. Do you know if Johnson was identified
15:28:02 11 as a perpetrator in the board of inquiry report?

15:28:06 12 A I didn't know that.

15:28:07 13 Q Have you ever heard that?

15:28:08 14 A No.

15:28:15 15 Q Did you know Father David Carrier?

15:28:19 16 A Yes.

15:28:20 17 Q When did you first meet him?

15:28:22 18 A Well, I guess I met him at St. Elizabeth's.
15:28:27 19 He was in the elementary school, I saw him around the
15:28:32 20 parish. It was his parish.

15:28:35 21 Q St. Elizabeth's was David Carrier's parish?

15:28:39 22 A That's where he grew up.

15:28:56 23 MR. HALE: I'm going to take a break right
15:28:58 24 now and give my co-counsel some time.

15:29:01 25 THE VIDEO OPERATOR: Do you want to go off

15:29:02 1 the record?

15:29:03 2 MR. HALE: Yeah, let's go off the record.

15:29:05 3 THE VIDEO OPERATOR: Off the record at

15:29:08 4 3:28 p.m.

15:29:50 5 (Pause in the proceedings.)

15:29:50 6 THE VIDEO OPERATOR: On the record at

15:30:18 7 3:30 p.m.

15:30:18 8 EXAMINATION

15:30:18 9 BY MR. WATERS:

15:30:19 10 Q Good afternoon, Father. My name is Rob
15:30:23 11 Waters. I'm from the Drivon Law Firm. We represent
15:30:27 12 various plaintiffs in these matters. You've given
15:30:30 13 testimony today regarding various subject matters and
15:30:33 14 I have some questions I'd like to ask you.

15:30:37 15 A Uh-huh.

15:30:38 16 Q And the same ground rules apply. You
15:30:40 17 understand that you're certainly under oath, correct?

15:30:43 18 A I understand the ground rules -- do I? I
15:30:47 19 hope so.

15:30:47 20 Q And you understand you're under oath?

15:30:50 21 A Oh, yeah, I remember that.

15:30:51 22 Q Okay. And so --

15:30:52 23 A I'm trying to tell the truth the best I know
15:30:56 24 how.

15:30:57 25 Q That's great. The same rule, if you don't

15:30:59 1 understand a question I ask, just let me know and I'll
15:31:02 2 try to rephrase it in such a way that you do
15:31:05 3 understand.

15:31:06 4 A Okay.

15:31:07 5 Q If I do ask a question and you provide a
15:31:10 6 response, I'm going to assume that you understood my
15:31:14 7 question and that the response that you gave me was
15:31:16 8 the response to that question?

15:31:17 9 A All right.

15:31:18 10 Q You testified today regarding various conduct
15:31:21 11 which you believe is inappropriate. Remember the
15:31:25 12 testimony that you believed was inappropriate for a
15:31:27 13 Franciscan to put his hands on a seminarian's thighs?
15:31:30 14 Do you remember testifying to that?

15:31:35 15 A Yeah.

15:31:36 16 Q Remember testifying that it's inappropriate
15:31:39 17 conduct for a Franciscan to engage in back rubs of a
15:31:44 18 seminarian?

15:31:45 19 MR. HANCE: Misstates testimony.

15:31:45 20 MR. MATIASIC: Yeah. First of all, Counsel,
15:31:46 21 I think this is an age-infirmed witness. He's already
15:31:51 22 been asked the questions once. I think it's badgering
15:31:55 23 him to start asking him the same questions and ask
15:31:56 24 whether he remembers testifying about things this
15:32:01 25 morning. So if you have new questions, ask him new

15:32:05 1 questions, but you're not going to ask him the same
15:32:05 2 ones or if he remembers every single question that he
15:32:05 3 testified to today, because then we'll be here all
15:32:05 4 night.

15:32:05 5 So I'll have a running objection that it
15:32:07 6 was -- this line of questioning was asked and answered
15:32:11 7 and that the record speaks for itself.

15:32:16 8 MR. WATERS: That's fine.

15:32:17 9 Q You can answer the question. Do you remember
15:32:18 10 that testimony, sir?

15:32:20 11 A Pardon.

15:32:21 12 Q Do you remember testifying that it was
15:32:22 13 inappropriate for a Franciscan to engage in back rubs
15:32:28 14 of a seminarian?

15:32:33 15 MR. MATIASIC: And I'll incorporate all of my
15:32:33 16 previous objections regarding vague and ambiguous and
15:32:33 17 incomplete hypothetical in this line of questioning
15:32:33 18 too.

15:32:34 19 MR. WATERS: That's fine.

15:32:35 20 MR. HANCE: Misstates his testimony.

15:32:36 21 THE WITNESS: Yes.

15:32:41 22 BY MR. WATERS:

15:32:41 23 Q Do you remember testifying that it was
15:32:42 24 inappropriate for a Franciscan to touch the genitals
15:32:51 25 of a seminarian?

15:32:51 1 MR. MATIASIC: And, Rob, if we could have a
15:32:51 2 running objection on misstating his testimony, so I
15:32:51 3 don't have to say it every time and interrupt you.

15:32:51 4 MR. WATERS: You may.

15:32:52 5 MR. HABEL: Well, in this line of
15:32:52 6 questioning, if we're just going to ask him if he
15:32:53 7 remembers testifying in the morning, it violates our
15:32:58 8 protocol where we have a lead attorney ask the
15:33:03 9 questions and then we have --

15:33:04 10 MR. WATERS: I'm going to ask a follow-up
15:33:08 11 question. I just don't want to ask a follow-up
15:33:12 12 question and have you guys object that it lacks
15:33:12 13 foundation. So after I get through this I'm going to
15:33:12 14 ask a question. Your objections are noted.

15:33:13 15 MR. HABEL: Okay, I think we're out of the
15:33:13 16 danger zone, I think you laid a foundation, but let's
15:33:13 17 keep it going.

15:33:13 18 MR. MATIASIC: If it's in the record earlier
15:33:14 19 today, suffice it to say, it's probably a lack of
15:33:20 20 foundation. Go ahead, Rob.

15:33:20 21 BY MR. WATERS:

15:33:20 22 Q Okay. If you observed this type of conduct
15:33:22 23 which you testified was inappropriate, did you have a
15:33:25 24 duty to report --

15:33:27 25 A Is this genitals? What are you talking

15:33:29 1 about?

15:33:30 2 Q Yeah, any of the testimony which you
15:33:32 3 testified that was inappropriate.

15:33:33 4 MR. MATIASIC: That's vague and ambiguous.

15:33:34 5 Father, if you understand the question and
15:33:35 6 can answer it, go ahead.

15:33:38 7 THE WITNESS: I don't understand it.

15:33:39 8 MR. MATIASIC: I don't either.

15:33:40 9 THE WITNESS: You want to mention every one
15:33:43 10 of those things?

15:33:44 11 BY MR. WATERS:

15:33:44 12 Q Yeah. Well, you testified this morning that
15:33:46 13 you thought it was inappropriate for a Franciscan to
15:33:49 14 touch the genitals of a seminarian, correct?

15:33:53 15 A Oh, sure. Everybody knows that.

15:33:55 16 Q Okay. Well, if you observed that type of
15:33:57 17 conduct, did you have a duty to report that to your
15:34:01 18 superiors?

15:34:03 19 MR. MATIASIC: Vague and ambiguous as to the
15:34:04 20 term "duty."

15:34:06 21 THE WITNESS: Well, we don't have any law for
15:34:10 22 so it's common sense. If the -- it depends on all the
15:34:14 23 circumstances, so you don't report it the superior
15:34:17 24 unless that's necessary.

15:34:19 25 BY MR. WATERS:

15:34:19 1 Q Okay. So back when you were at St. Anthony's
15:34:21 2 from 19-- what is it, 1953 to 1968, if you observed
15:34:29 3 a Franciscan touching the genitals of a seminarian,
15:34:35 4 would you have reported that to your superiors?

15:34:38 5 MR. MATIASIC: Once again, vague and
15:34:40 6 ambiguous. Incomplete hypothetical and
15:34:40 7 asked and answered.

15:34:44 8 THE WITNESS: Reported it, yes.

15:34:46 9 BY MR. WATERS:

15:34:46 10 Q And to whom would you have reported it?

15:34:52 11 MR. MATIASIC: Same objection.

15:34:53 12 THE WITNESS: Prefect.

15:34:54 13 BY MR. WATERS:

15:34:54 14 Q What if it was the prefect who was engaging
15:34:58 15 in that conduct?

15:35:00 16 MR. MATIASIC: Same objections.

15:35:00 17 THE WITNESS: I'd report it to the rector.

15:35:02 18 BY MR. WATERS:

15:35:02 19 Q Is it your understanding then that the rector
15:35:04 20 then had an obligation to report that to the
15:35:07 21 provincial?

15:35:08 22 MR. MATIASIC: Vague and ambiguous to the
15:35:10 23 term "obligation." Go ahead, Father.

15:35:15 24 THE WITNESS: Had an obligation. I could see
15:35:17 25 circumstances where it would not be an obligation.

15:35:22 1 BY MR. WATERS:

15:35:22 2 Q Could you provide me an example when it would
15:35:26 3 not be an obligation in your mind?

15:35:29 4 A When he sees that it was an extraordinary
15:35:32 5 thing for this kid and he wants to help him. He'll
15:35:35 6 check him, if you just find one sin or one mistake,
15:35:42 7 you don't condemn the kid right away, you find out is
15:35:45 8 he going to continue this or is he not. We're trying
15:35:50 9 to help the people. If you do this, or get out of
15:35:54 10 here, no, that's not the way you do it.

15:35:57 11 Q Was there anybody on the faculty at
15:36:00 12 St. Anthony's while you were there, who was authorized
15:36:03 13 to check the genitals of seminarians?

15:36:12 14 MR. MATIASIC: I'm going to object. Once
15:36:13 15 again, Counsel, this was asked and answered this
15:36:14 16 morning. You can't -- if you keep asking the same
15:36:14 17 questions, I'm telling you an instruction's going to
15:36:14 18 be coming very quickly about not to answer, because
15:36:14 19 he's not going to repeat all his testimony all over
15:36:15 20 again. So asked and answered --

15:36:16 21 THE WITNESS: -- exactly authorized to do
15:36:16 22 what?

15:36:16 23 MR. MATIASIC: Asked and answered, incomplete
15:36:17 24 hypothetical, vague and ambiguous. Go ahead.

15:36:18 25 MR. HABEL: And under the protocol I'm just

15:36:21 1 going to end the depo. I mean, we don't have
15:36:21 2 cumulative, repetitive questions.

15:36:21 3 MR. HALE: Well, hang on, hang on, hang on --

15:36:21 4 MR. HABEL: We don't and we're not going to,
15:36:21 5 and that's all I've heard.

15:36:21 6 MR. HALE: You're not going it -- if you want
15:36:21 7 to end the line of questioning, maybe you can do that,
15:36:21 8 but certainly I've got non repetitive questions I
15:36:21 9 still need to ask.

15:36:21 10 MR. HABEL: Maybe you better jump back in the
15:36:21 11 seat then.

15:36:21 12 MR. MATIASIC: Because we're getting
15:36:21 13 dangerously close, because -- and you know, you're
15:36:21 14 badgering the witness. This is an age-infirmed,
15:36:21 15 witness, he testified this morning. You're not going
15:36:21 16 to get three or four bites of the apple. You asked
15:36:21 17 him a question, he gave you an answer. Move on with
15:36:21 18 new testimony.

15:36:21 19 MR. WATERS: Can you please read back the
15:36:21 20 last question.

15:36:21 21 (Record read as requested.)

15:37:08 22 MR. MATIASIC: All the same objections.

15:37:12 23 THE WITNESS: No one.

15:38:02 24 BY MR. WATERS:

15:38:02 25 Q This morning you testified you couldn't

15:38:06 1 review the exact dates which you were a prefect of
15:38:10 2 discipline, correct?

15:38:10 3 MR. MATIASIC: All right, here it comes, Rob.
15:38:14 4 Here's where the instruction not to answer comes. He
15:38:18 5 answered this question this morning. Do you have a
15:38:20 6 follow-up question?

15:38:21 7 MR. WATERS: Yes, I am going to ask a
15:38:22 8 follow-up question.

15:38:23 9 Q Were you a prefect of discipline before
15:38:28 10 Father McKeon?

15:38:31 11 A No. When was he a prefect, tell me that.

15:38:35 12 Q I'll make the representation to you that he
15:38:37 13 was prefect of discipline right before Father
15:38:41 14 Cimmarrusti.

15:38:41 15 A Oh. I don't remember.

15:38:49 16 Q But you were prefect of discipline before
15:38:55 17 Father Cimmarrusti, correct?

15:38:56 18 A Oh, yeah.

15:38:57 19 Q Was that a follow-up question?

15:38:59 20 MR. MATIASIC: If you have a question,
15:39:00 21 Counsel, I'm not testifying. But it certainly was
15:39:07 22 better than the last 12 questions, Rob, that's for
15:39:10 23 sure.

15:39:11 24 MR. WATERS: I start slow.

15:39:22 25 MR. HABEL: So stipulated.

15:39:25 1 BY MR. WATERS:

15:39:25 2 Q When an individual was appointed infirmarian,
15:39:30 3 who appointed that individual?

15:39:37 4 A Ultimately the rector, but -- ordinarily the
15:39:44 5 prefect would find a -- one of the senior students who
15:39:52 6 was able to -- to, you know, manage these kids and
15:39:58 7 care of their little aspirins and other things that
15:40:02 8 might come up, or their wounds.

15:40:05 9 Q Would faculty members nominate various
15:40:11 10 seminarians?

15:40:11 11 A I don't think they would. Usually the
15:40:13 12 prefect would consult with the rector or could consult
15:40:19 13 with the members of the faculty, or if he wanted to,
15:40:23 14 he could bring it up at a faculty meeting and say, how
15:40:29 15 about this guy, should we make him the infirmarian.

15:40:33 16 Q But the primary appointment came from the
15:40:36 17 rector?

15:40:37 18 A The rector would, yeah, if he didn't want it,
15:40:42 19 then he was out.

15:40:44 20 Q Is it your understanding that [REDACTED] was a
15:40:47 21 retired doctor who volunteered at St. Anthony's?

15:40:51 22 MR. MATIASIC: At what time?

15:40:52 23 BY MR. HALE:

15:40:52 24 Q While you were there?

15:40:52 25 A While he was there, he was not retired.

15:40:55 1 Towards the end of his career, I don't know when that
15:41:01 2 was, but, anyhow, he did retire eventually. But when
15:41:04 3 I was there he was still a doctor using his own good
15:41:08 4 time to help us.

15:41:09 5 Q And do you know where his practice was
15:41:11 6 located?

15:41:12 7 A It was located in Santa Barbara. I forget
15:41:15 8 the name of the street. We used to walk down there.

15:41:25 9 Q Have you had any conversations -- or do you
15:41:27 10 recall a seminarian by the name of [REDACTED],
15:41:33 11 [REDACTED]?

15:41:34 12 A No.

15:41:34 13 Q What about -- do you recall a seminarian by
15:41:38 14 the name of [REDACTED]?

15:41:40 15 A No.

15:41:41 16 Q Do you recall a seminarian by the name of [REDACTED]
15:41:44 17 [REDACTED]?

15:41:47 18 A No.

15:41:58 19 Q Have you ever had a conversation with Father
15:42:02 20 Cimmarrusti about allegations of sexual misconduct
15:42:06 21 levied against him?

15:42:17 22 A No.

15:42:25 23 Q It's my understanding that the current
15:42:26 24 provincial is Melvin Jurisich, is that right?

15:42:33 25 A Jurisich we call him, yeah.

15:42:37 1 Q Have you ever had a conversation with

15:42:38 2 Mr. Jurisich --

15:42:41 3 A Jurisich.

15:42:43 4 Q -- regarding your deposition here today?

15:42:44 5 A No.

15:42:44 6 Q Have you ever had conversation with him

15:42:46 7 regarding allegations of sexual abuse levied against

15:42:53 8 Father Cimmarrusti?

15:42:54 9 A I can't -- no, I don't recall. I don't think

15:42:56 10 so.

15:42:58 11 Q It's my understanding that the former

15:43:00 12 provincial was a man by the name of [REDACTED];

15:43:05 13 is that how you pronounce it?

15:43:09 14 A [REDACTED].

15:43:12 15 Q [REDACTED]. Have you ever had any

15:43:13 16 conversations with him regarding the allegation of

15:43:17 17 childhood sexual abuse?

15:43:19 18 A No.

15:43:19 19 Q Have you ever any conversations with him

15:43:21 20 regarding any acts of sexual impropriety at

15:43:26 21 St. Anthony's Seminary?

15:43:28 22 MR. MATIASIC: Vague and ambiguous as to the

15:43:30 23 acts of "sexual impropriety." You can answer, Father.

15:43:36 24 THE WITNESS: No.

15:43:36 25 BY MR. WATERS:

15:43:36 1 Q I believe you testified that approximately
15:43:40 2 ten years ago was the first time you recall hearing
15:43:43 3 allegations of sexual misconduct levied against Father
15:43:43 4 Cimmarrusti, correct?

15:43:47 5 MR. MATIASIC: Asked and answered, Counsel.

15:43:47 6 BY MR. WATERS:

15:43:47 7 Q When's the first time you ever heard of acts
15:43:49 8 of sexual impropriety regarding any faculty member at
15:43:54 9 St. Anthony's Seminary?

15:43:55 10 A When they began to speak about this -- what
15:43:57 11 do you call it -- sexual -- what do you call it? They
15:44:03 12 set up a group of people to monitor the business, what
15:44:08 13 do you call it? Come on, tell me. When they spoke
15:44:15 14 about that.

15:44:15 15 Q The independent board of inquiry?

15:44:18 16 A Yeah. That would be the first time that it
15:44:21 17 was public --

15:44:21 18 Q So the first time you ever heard of any
15:44:24 19 allegations of sexual misconduct with minors from
15:44:29 20 anybody associated with St. Anthony's Seminary was the
15:44:33 21 same time period that they were setting up this board
15:44:37 22 of inquiry?

15:44:38 23 A Yes.

15:44:40 24 Q And what's your understanding of when that
15:44:42 25 was, what year can you give me?

15:44:46 1 A I don't recall when they started that board.

15:44:49 2 Q Did anybody from the board of inquiry contact

15:44:52 3 you?

15:44:52 4 A No.

15:45:14 5 Q Do you know Father ██████████?

15:45:18 6 A Yes, I do.

15:45:20 7 Q Was he a member of the faculty at

15:45:23 8 St. Anthony's while you were a member of the faculty?

15:45:25 9 A No.

15:45:27 10 Q How do you know Father ██████████?

15:45:31 11 A He was a student.

15:45:37 12 Q While you were a --

15:45:38 13 A While I taught. Yeah, he was in the minor

15:45:42 14 seminary.

15:45:44 15 Q To your knowledge, did he ever return to

15:45:49 16 St. Anthony's as a faculty member?

15:45:52 17 A Again, please.

15:45:52 18 Q Did Father ██████████ ever return to St. Anthony's

15:45:52 19 as a faculty member?

15:45:52 20 A No.

15:46:01 21 Q Do you know Father ██████████?

15:46:05 22 A Yes.

15:46:06 23 Q Was he a member of the faculty at

15:46:11 24 St. Anthony's?

15:46:11 25 A Yes.

15:46:12 1 Q What was his job function at St. Anthony's?

15:46:15 2 A He was on the faculty. I don't remember what
15:46:20 3 he taught.

15:46:25 4 Q To your knowledge --

15:46:28 5 A No.

15:46:29 6 Q It's your understanding though that he was a
15:46:31 7 teacher?

15:46:31 8 A He was a teacher.

15:46:33 9 Q To your knowledge, did he hold any other
15:46:36 10 positions on the faculty of St. Anthony's?

15:46:40 11 A He might have been the vice prefect I think.

15:46:45 12 Q Do you have an understanding of who was the
15:46:47 13 prefect when he was the vice prefect?

15:46:55 14 A I couldn't be sure of that.

15:46:57 15 Q Do you know if it was Father Cimmarrusti?

15:47:03 16 A It may have been.

15:47:07 17 Q What are the duties of the vice prefect?

15:47:11 18 A To help out the prefect.

15:47:13 19 Q Are there any written job descriptions for
15:47:15 20 the duties of the vice prefect?

15:47:28 21 A He would do whatever the prefect asked him to
15:47:31 22 do to help him.

15:47:32 23 Q Okay, my question was a little different.
15:47:35 24 Are you aware of any --

15:47:36 25 MR. MATIASIC: Counsel, the videographer's

15:47:38 1 indicating he needs to change the tape.

15:47:42 2 THE VIDEO OPERATOR: Off the record at 3:47

15:56:25 3 p.m.

15:56:25 4 (Recess.)

15:56:31 5 THE VIDEO OPERATOR: We're on the record at

15:56:33 6 3:56 p.m.

15:56:35 7 BY MR. WATERS:

15:56:35 8 Q Father, before the break to change the tape,

15:56:38 9 we were talking about the job duties of a vice

15:56:41 10 prefect. My question was whether or not you're aware

15:56:44 11 as to whether there were any written job descriptions

15:56:48 12 for the --

15:56:55 13 A No, nothing written.

15:56:58 14 Q When you were a prefect of discipline, did

15:57:01 15 you have a vice prefect?

15:57:05 16 A Yes.

15:57:06 17 Q Who was your vice prefect?

15:57:08 18 A Anthony Bower.

15:57:11 19 Q To your knowledge, was a vice prefect also

15:57:19 20 the vice infirmarian?

15:57:25 21 A He was not.

15:57:26 22 MR. MATIASIC: Rob, let me clarify, you're

15:57:28 23 talking about when he was a prefect or just generally?

15:57:33 24 MR. WATERS: Okay, good question.

15:57:34 25 Q Generally, was the vice prefect also the vice

15:57:35 1 infirmarian?

15:57:35 2 A No.

15:57:37 3 Q You were not the -- Father Cimmarrusti's vice
15:57:43 4 prefect was [REDACTED], correct? That's your
15:57:48 5 recollection?

15:57:49 6 A I think so, yeah.

15:57:50 7 Q To your knowledge, was Father [REDACTED] the
15:57:56 8 vice infirmarian as well?

15:57:58 9 A No, I never heard of that.

15:58:01 10 Q You testified earlier that students entering
15:58:04 11 St. Anthony's would have to submit to a physical by a
15:58:08 12 doctor?

15:58:08 13 A Oh, yes.

15:58:12 14 Q And then that physical report would be sent
15:58:14 15 to the seminary, correct?

15:58:16 16 A Yeah.

15:58:16 17 Q After they were accepted into the seminary,
15:58:19 18 would they have to submit to annual physicals by
15:58:23 19 the --

15:58:23 20 A Oh, no.

15:58:24 21 Q There was no procedure that would require
15:58:28 22 seminarians to submit to annual physicals?

15:58:37 23 A No. Unless they needed it.

15:58:42 24 Q And how would you determine which students
15:58:45 25 needed it?

15:58:45 1 A If their health was doubtful or -- if their
15:58:52 2 health was poor, then we'd send them to the doctor.

15:58:56 3 Q And a doctor would perform this physical
15:58:59 4 examination?

15:58:59 5 A Correct, yeah, sure.

15:59:01 6 Q At any time that you were affiliated with
15:59:04 7 St. Anthony's, did the infirmarian perform the
15:59:07 8 physical examination?

15:59:08 9 A I never heard of it.

15:59:10 10 Q You attended faculty meetings, correct?

15:59:14 11 A I was very faithful. I said that.

15:59:17 12 MR. MATIASIC: Asked and answered.

15:59:18 13 BY MR. WATERS:

15:59:18 14 Q Well, I have to lay some foundation. During
15:59:18 15 a faculty meeting, did you ever hear the term
15:59:23 16 "undescended testicle"?

15:59:26 17 A Again, please.

15:59:26 18 Q Yes, during the faculty meeting, while you
15:59:31 19 were at St. Anthony's, did you ever hear the term
15:59:37 20 "undescended testicle"?

15:59:41 21 MR. MATIASIC: Hold on, Father. Rob, I
15:59:43 22 believe Tim already asked whether that subject was
15:59:44 23 discussed at the faculty meetings. To that extent
15:59:44 24 that question overlaps with the previous ones. So
15:59:44 25 asked and answered. So I'll allow it this last time,

15:59:51 1 but we're not going to ask repetitive questions.

15:59:55 2 MR. WATERS: Whatever.

15:59:56 3 Q Do you understand the question?

15:59:57 4 A Did I ever hear about that?

15:59:59 5 Q Did you ever hear the term "undescended
16:00:01 6 testicle" at a faculty meeting?

16:00:03 7 A At a faculty meeting, I don't think so. We
16:00:06 8 did not bother about that much. If they were normal
16:00:11 9 boys, let it go.

16:00:13 10 Q At a faculty meeting, did -- do you recall
16:00:17 11 Father Cimmarrusti ever talking about a program he
16:00:21 12 initiated to analyze seminarians for undescended
16:00:29 13 testicles?

16:00:29 14 MR. MATIASIC: Father, Father, don't answer
16:00:31 15 that. Rob, I'm pretty sure and, Counsel, correct me
16:00:34 16 if I'm wrong, but I believe this area was already
16:00:37 17 covered, so the asked and answered objection stands.
16:00:40 18 I'm going to instruct him not to answer because you're
16:00:43 19 not going to ask him the same questions three times.
16:00:45 20 Just because there are two lawyers, doesn't mean you
16:00:49 21 are going to ask the same questions. You guys need to
16:00:49 22 get together and talk about who's going to ask what
16:00:49 23 questions, that's fine.

16:00:49 24 MR. HABEL: We covered that at length with
16:00:53 25 Tim.

16:00:53 1 MR. WATERS: I understand. I'm just asking
16:00:55 2 specific questions which I don't think were answered.

16:00:57 3 MR. MATIASIC: Rob, I'll represent to you
16:00:59 4 that it has.

16:01:01 5 MR. HABEL: Rob, you haven't been to one of
16:01:04 6 our Clergy I depos. We have a protocol. We don't
16:01:10 7 revisit areas and ask the same sort of general
16:01:10 8 questions that the first counsel has visited. If you
16:01:10 9 had a hyper specific question or a client specific
16:01:13 10 question that you needed to follow up on, that's one
16:01:16 11 thing. But we don't revisit the same general areas.
16:01:20 12 And my strong recommendation is either you move on to
16:01:25 13 something we haven't talked about, you let Tim jump
16:01:30 14 back in and finish up, or we're done, because I'm not
16:01:34 15 going to sit here and listen to repetitive questions.

16:01:37 16 MR. WATERS: I don't think they are
16:01:39 17 repetitive questions.

16:01:40 18 MR. HABEL: Trust me, they are.

16:01:40 19 MR. MATIASIC: I'm representing that it is,
16:01:42 20 you know. And if it's not, if we go back and look at
16:01:45 21 it, you can send us an interrogatory, Rob, and we'll
16:01:50 22 be happy to answer it. But I'll tell you right now,
16:01:50 23 I'm fairly certain that you asked that specific
16:01:50 24 question, and if other counsel disagrees, please let
16:01:52 25 me know.

16:01:52 1 MR. WATERS: So you'll allow me to send you
16:01:55 2 an interrogatory and you'll answer those questions?

16:02:01 3 MR. MATIASIC: If that question wasn't asked
16:02:07 4 this morning, you're free to do so.

16:02:13 5 MR. TISDALE: In fact, you can find out
16:02:13 6 tomorrow. She'll send you a dirty transcript and you
16:02:13 7 can go through it and satisfy yourself before we even
16:02:13 8 leave here tomorrow.

16:02:13 9 MR. NYE: For what it's worth, that's my
16:02:13 10 recollection as well.

16:02:13 11 MR. MATIASIC: That's fine.

16:02:14 12 MR. WATERS: That specific question was asked
16:02:15 13 this morning, okay.

16:02:22 14 Q Do you recall when ██████████ stopped
16:03:02 15 performing services for St. Anthony's?

16:03:06 16 A No.

16:03:09 17 Q When you left St. Anthony's in 1968, was ██████████
16:03:13 18 ██████████ still performing services?

16:03:15 19 A I think so.

16:03:16 20 Q Do you know what type of doctor ██████████
16:03:19 21 was?

16:03:20 22 A M.D.

16:03:21 23 Q Do you know what his specialty --

16:03:23 24 A Family doctor.

16:03:24 25 Q Family practice?

16:03:26 1 A Uh-huh (nods affirmatively).

16:04:03 2 MR. WATERS: I have no further questions at this
16:04:09 3 time.

16:04:22 4 FURTHER EXAMINATION

16:04:22 5 BY MR. HALE:

16:04:22 6 Q All right, Father, let's see if we can finish
16:04:27 7 this, what do you say?

16:04:29 8 A I'm in favor of that.

16:04:31 9 Q I thought you would be. I want to show you
16:04:34 10 correspondence dated October 5th, 1992. It's from
16:04:38 11 [REDACTED] to Mario Cimmarrusti and you are one
16:04:43 12 of the people cc'd on it. It's marked as Exhibit 1.
16:04:54 13 I'll show this to your counsel.

16:04:57 14 A My name's on there?

16:04:59 15 Q Yeah, your name's on the back page. Take a
16:05:09 16 second to read that. Just let me know when you're
16:05:12 17 done, okay?

16:07:00 18 A Ready.

16:07:01 19 Q Okay. My first question, Father, is do you
16:07:04 20 know why you were cc'd on this correspondence?

16:07:09 21 A I was the pastor there, at Mission San
16:07:13 22 Miguel.

16:07:14 23 Q And was Father Cimmarrusti assigned to San
16:07:18 24 Miguel?

16:07:19 25 A According to this, yes.

16:07:21 1 Q Do you have a recollection of that happening?

16:07:23 2 A My memory is lousy. I don't remember that.

16:07:26 3 Q You don't remember Father Cimmarrusti being
16:07:29 4 assigned to San Miguel?

16:07:32 5 A Vaguely.

16:07:32 6 Q Okay. How long was he assigned to San Miguel
16:07:35 7 for?

16:07:36 8 A I don't know. This was in '92. I left
16:07:41 9 in '94, so --

16:07:42 10 Q Okay. Refresh my recollection as to San
16:07:45 11 Miguel, that's a parish, correct?

16:07:47 12 A It is a parish, yes.

16:07:49 13 Q Okay. Is there a school there?

16:07:50 14 A No, it's just a church.

16:07:52 15 Q Just a church?

16:07:53 16 A An old mission and small parish, farming
16:07:57 17 land.

16:07:58 18 Q And were you the pastor there, correct?

16:08:00 19 A Right.

16:08:01 20 Q And were you there about six years I think?

16:08:04 21 A '36 (sic) to '94, yeah.

16:08:07 22 Q Okay. Then it says -- see at the bottom of
16:08:10 23 the first page, it says, "I have discussed these
16:08:13 24 arrangements orally with Father ██████████." I assume
16:08:17 25 that's with reference to you?

16:08:19 1 A Uh-huh.

16:08:19 2 Q Okay. So you discussed the arrangements with
16:08:23 3 Father [REDACTED]?

16:08:26 4 A I don't remember that.

16:08:27 5 Q You don't recall that discussion?

16:08:28 6 A I don't recall that.

16:08:30 7 Q Do you recall any limitations on Father
16:08:35 8 Cimmarrusti's ministry while you were at San Miguel?

16:08:39 9 A Oh. I don't recall his ministry. What was
16:08:45 10 he allowed to do? Not too much, uh-huh.

16:08:51 11 MR. MATIASIC: Father, there's no question
16:08:53 12 pending.

16:08:54 13 THE WITNESS: But what did he do there?

16:08:57 14 BY MR. HALE:

16:08:57 15 Q Right.

16:08:59 16 A I remember we used to let him play the organ
16:09:03 17 up in the organ loft. He played the organ --

16:09:05 18 Q Okay.

16:09:06 19 A -- and we had a new electric organ and he
16:09:12 20 liked it and he -- I guess -- I don't know what he
16:09:12 21 played, if he improvised or whether he was playing
16:09:12 22 classical music or whatever, but the people loved to
16:09:12 23 hear him.

16:09:12 24 Q Okay. Did he perform mass?

16:09:15 25 A No, I don't think he did.

16:09:16 1 Q Did he hear confessions?

16:09:18 2 A No.

16:09:19 3 Q Was there a CCD program at San Miguel?

16:09:26 4 A We had two sisters who taught the CCD, yeah.

16:09:34 5 Q Okay. Was he involved in any way in the CCD
16:09:37 6 program?

16:09:39 7 A Not that I know of.

16:09:40 8 Q Would you have known if he was?

16:09:43 9 A Yes.

16:09:48 10 Q And was Father [REDACTED] at San Miguel the
16:09:55 11 same time that you were?

16:09:57 12 A He was. He was our boss. The superior. The
16:10:00 13 guardian.

16:10:01 14 Q So you were the pastor and he was the
16:10:03 15 guardian?

16:10:04 16 A Yes.

16:10:04 17 Q You see Paragraph No. 3 that says, "you must
16:10:08 18 refrain from counseling of any kind in the context of
16:10:09 19 your ministry at San Miguel." Do you know why Father
16:10:17 20 Cimmarrusti was required to refrain from counseling?

16:10:21 21 MR. MATIASIC: Calls for speculation.

16:10:23 22 THE WITNESS: Do I know why? I guess I
16:10:25 23 should because he was restricted in ministry.

16:10:35 24 BY MR. HALE:

16:10:35 25 Q Were the restrictions based on allegations of

16:10:40 1 childhood sexual abuse by Father Cimmarrusti?

16:10:44 2 MR. MATIASIC: Calls for speculation.

16:10:45 3 THE WITNESS: Yeah, I don't know.

16:10:47 4 BY MR. HALE:

16:10:47 5 Q When Father Cimmarrusti was transferred to
16:10:49 6 San Miguel, did Father [REDACTED] tell you that he was
16:10:56 7 being transferred because of prior allegations of
16:10:57 8 childhood sexual abuse?

16:10:57 9 MR. MATIASIC: Lacks foundation that he was
16:10:57 10 actually transferred.

16:10:57 11 THE WITNESS: I think so.

16:11:00 12 BY MR. HALE:

16:11:00 13 Q Did those allegations involving Father
16:11:04 14 Cimmarrusti's time at St. Anthony's Seminary or
16:11:06 15 sometime subsequent?

16:11:06 16 MR. MATIASIC: Calls for speculation.

16:11:07 17 THE WITNESS: I would not know that.

16:11:08 18 BY MR. HALE:

16:11:08 19 Q Did Father [REDACTED] tell you the date for
16:11:11 20 those allegations?

16:11:13 21 A Date?

16:11:13 22 Q Right?

16:11:13 23 A No. Just generally that there were
16:11:15 24 allegations and therefore they wanted him to -- spend
16:11:22 25 his time with us.

16:11:24 1 Q Okay. What other duties, if any, did Father
16:11:27 2 Cimmarrusti have in the context of the parish?

16:11:31 3 MR. MATIASIC: At San Miguel?

16:11:34 4 BY MR. HALE:

16:11:34 5 Q At San Miguel?

16:11:36 6 A Parish, well. He was pretty well restricted
16:11:39 7 here. So he didn't have -- other duties, I don't
16:11:42 8 know. He was a good -- he worked in the garden and so
16:11:46 9 on. He's a very active person.

16:11:49 10 Q Anything else?

16:11:50 11 A Nothing that I recall.

16:11:52 12 Q Okay. Were there any restrictions on his
16:12:08 13 ability to interact with minors during his time at San
16:12:14 14 Miguel while you were there?

16:12:16 15 A Uh-huh, yeah, that was restricted.

16:12:19 16 Q Okay. And who supervised Father Cimmarrusti
16:12:24 17 to insure that he complied with those restrictions?

16:12:27 18 A I don't think anyone did.

16:12:29 19 Q Okay.

16:12:35 20 A He was an adult. He knew what to do.

16:12:39 21 Q Okay. Were you given updates regarding
16:12:44 22 Father Cimmarrusti's treatment in Los Angeles?

16:12:46 23 A No.

16:12:53 24 Q Do you know who Frank Clayman-Cook is?

16:12:57 25 A No.

16:12:58 1 Q I'm sorry, the back page, the second page.

16:13:00 2 Do you know if that's the person Father Cimmarrusti
16:13:02 3 was treating with?

16:13:04 4 A I don't know him.

16:13:05 5 Q Okay. And Father ██████████ is the --
16:13:09 6 the Franciscan who was the guardian; is that correct?

16:13:12 7 A He was the guardian.

16:13:14 8 Q And who was Sylvester Ryan?

16:13:16 9 A He's the Bishop.

16:13:19 10 Q Of?

16:13:19 11 A Oh, no, he's the Bishop up at Monterey.

16:13:31 12 Q What is DD, what religious order is that?

16:13:35 13 A He's -- for Sylvester Ryan.

16:13:38 14 Q Yes.

16:13:39 15 A No, DD is the degree, Doctor of Divinity.

16:13:43 16 Q Okay, thank you. And then Father ██████████ was
16:13:46 17 a member of the -- do you know why he was cc'd on
16:13:51 18 this, was he a member of the Definitorium or --

16:13:54 19 A Who?

16:13:56 20 Q Father ██████████?

16:13:59 21 A ██████████ and ██████████, yeah, he was in
16:14:02 22 the --

16:14:02 23 MR. MATIASIC: I'm just going to object
16:14:05 24 because it's compound because you asked, one, do you
16:14:06 25 know why he was sent and two, was he a member of the

16:14:06 1 Definitorium, so why don't you just break it out.

16:14:07 2 MR. HALE: Okay, I'll break it up.

16:14:07 3 Q Do you know what Father ██████████'s
16:14:11 4 position in the province was at this time in '92?

16:14:15 5 A Yeah, I think it was Definitorium.

16:14:18 6 Q Do you know why he was cc'd on in
16:14:21 7 correspondence?

16:14:21 8 MR. MATIASIC: Calls for speculation.

16:14:21 9 THE WITNESS: No.

16:14:23 10 BY MR. HALE:

16:14:23 11 Q Do you have any idea why he was cc'd on this
16:14:27 12 correspondence?

16:14:30 13 A No, I don't know.

16:14:31 14 Q Okay. Do you recall what exactly were the
16:14:34 15 restrictions regarding Father Cimmarrusti's contact
16:14:36 16 with the children at San Miguel?

16:14:46 17 A It's mentioned here, isn't it? In ministry.
16:14:51 18 Ministry would include Catechesics.

16:14:56 19 Q Okay. What -- in Paragraph 3 when it refers
16:15:00 20 to counseling, what kind of counseling is -- do you
16:15:03 21 know what kind of counseling that's referring to?

16:15:05 22 MR. MATIASIC: Calls for speculation.

16:15:07 23 THE WITNESS: Counseling for his -- what do
16:15:10 24 you call it, what his -- counseling to help him
16:15:17 25 overcome his weaknesses.

16:15:21 1 BY MR. HALE:

16:15:21 2 Q But I think paragraph --

16:15:25 3 A Weaknesses of character.

16:15:30 4 MR. MATIASIC: Father, he's referring to
16:15:34 5 Paragraph 3 here.

16:15:36 6 BY MR. HALE:

16:15:38 7 Q Where it says, "You must refrain from
16:15:39 8 counseling of any time." In other words, I read that
16:15:39 9 that to say that Father Cimmarrusti may not engage in
16:15:39 10 any kind of counseling. With that restriction, what
16:15:39 11 kind of counseling would Father Cimmarrusti normally
16:15:39 12 have engaged in?

16:15:39 13 A Ministry counseling.

16:15:41 14 MR. MATIASIC: Incomplete hypothetical. Go
16:15:42 15 ahead, Father.

16:15:43 16 THE WITNESS: Ministry constellations.

16:15:48 17 BY MR. HALE:

16:15:48 18 Q With parishioners, you mean?

16:15:50 19 A Yeah, uh-huh.

16:15:51 20 Q And what would the nature of those counseling
16:15:54 21 sessions be? Are we talking about marital counseling?

16:16:01 22 MR. MATIASIC: And this is, again, if the
16:16:03 23 restriction weren't in place?

16:16:05 24 MR. HALE: Right.

16:16:07 25 MR. MATIASIC: Calls for speculation.

16:16:08 1 BY MR. HALE:

16:16:08 2 Q In other words, what did this restriction
16:16:11 3 prohibit him from doing?

16:16:14 4 A Ministry, ministry is what a priest does,
16:16:17 5 mass, sermons, instructions, visiting the kids in the
16:16:21 6 catechism classes. All those things that are --
16:16:26 7 where the priest is supposed help.

16:16:27 8 Q Okay. And who imposed these restrictions on
16:16:33 9 Father Cimmarrusti, was that by Father [REDACTED]?

16:16:36 10 A Oh, yeah, he's the boss of the whole
16:16:39 11 province.

16:16:41 12 MR. MATIASIC: I believe that the document
16:16:42 13 speaks for itself.

16:16:43 14 MR. HALE: Okay.

16:16:44 15 Q Other than this correspondence and the
16:16:47 16 correspondence I'm going to show you in a second, was
16:16:50 17 there anything else that you received in writing from
16:16:56 18 Father [REDACTED] regarding restrictions on Father
16:17:01 19 Cimmarrusti?

16:17:01 20 MR. MATIASIC: When he was at San Miguel?

16:17:05 21 MR. HALE: At San Miguel, yes.

16:17:07 22 THE WITNESS: There might have been. I don't
16:17:08 23 recall.

16:17:08 24 BY MR. HALE:

16:17:08 25 Q Okay. When you received this correspondence,

16:17:10 1 did you and Father [REDACTED], or you and any other
16:17:14 2 Franciscan for that matter, have any discussions about
16:17:17 3 whether or not parishioners should be warned or
16:17:20 4 notified about the allegations against Father
16:17:23 5 Cimmarrusti?

16:17:24 6 MR. MATIASIC: Vague and ambiguous.

16:17:25 7 THE WITNESS: No.

16:17:25 8 BY MR. HALE:

16:17:25 9 Q Okay. Why not?

16:17:27 10 MR. MATIASIC: Argumentative.

16:17:28 11 THE WITNESS: Maybe I was just too lazy to do
16:17:31 12 it. I don't know.

16:17:32 13 BY MR. HALE:

16:17:32 14 Q Okay. Did you know if there was ever any
16:17:41 15 kind of notice or warning given to parishioners at San
16:17:47 16 Miguel regarding the allegations against him?

16:17:52 17 MR. MATIASIC: Calls for speculation.

16:17:53 18 THE WITNESS: Do I know?

16:17:54 19 BY MR. HALE:

16:17:54 20 Q Do you know?

16:17:55 21 A I should know, but I don't think there were
16:17:57 22 any, no. So the answer was there were no
16:18:02 23 instructions.

16:18:02 24 Q Okay. That's all I have. I'll just attach
16:18:08 25 this as Exhibit 1.

16:18:10 1 (Deposition Exhibit 1 marked.)

16:18:10 2 BY MR. HALE:

16:18:10 3 Q Okay. The next thing I want to show is
16:18:13 4 correspondence dated October 22nd, 1992 and this one,
16:18:18 5 again, is from -- well, it's to Father Cimmarrusti --
16:18:23 6 maybe you can tell me who this is, I should know this,
16:18:26 7 but you're cc'd on the correspondence and maybe
16:18:31 8 through these initials you can tell me who this
16:18:34 9 correspondence was from. But take a second and read
16:18:40 10 it and then I'll --

16:18:42 11 A This is to me.

16:18:49 12 MR. MATIASIC: Father, there's no question
16:18:51 13 pending, just take a second and read it.

16:18:56 14 MR. HALE: We'll attach this as Exhibit 2.

16:19:04 15 (Deposition Exhibit 2 was marked.)

16:19:04 16 MR. HALE: You know what, let's go off the
16:19:06 17 record.

16:21:23 18 THE VIDEO OPERATOR: Off the record at 4:18
16:21:23 19 p.m.

16:21:24 20 (Pause in the proceedings.)

16:21:32 21 THE VIDEO OPERATOR: Back on the record at
16:21:34 22 4:21 p.m.

16:21:35 23 BY MR. HALE:

16:21:35 24 Q Father, have you had a chance to review this
16:21:39 25 correspondence now?

16:21:40 1 A Uh-huh.

16:21:41 2 Q Do you recognize this correspondence?

16:21:43 3 A No.

16:21:43 4 Q You don't recall receiving it?

16:21:45 5 A I don't recall seeing it. I don't know who
16:21:48 6 it's from.

16:21:51 7 Q These initials, it's either from RJB or JHS
16:21:57 8 -- do you know anyone with those initials in the
16:22:03 9 province?

16:22:04 10 A Where is it?

16:22:04 11 Q See the RJB? I know I'll be able to find it
16:22:04 12 out.

16:22:04 13 A JHS, so this is his name. And then the JHS I
16:22:10 14 don't know who it belongs to.

16:22:14 15 Q Well, the JHS is probably the secretary to
16:22:20 16 who addressed the letter --

16:22:20 17 A Oh, the secretary.

16:22:22 18 Q Who would RJB be?

16:22:28 19 A I don't know. It must have been his
16:22:29 20 assistant or vice provincial.

16:22:29 21 MR. MATIASIC: Don't spend time, Father, if
16:22:29 22 you know, tell him, if not.

16:22:29 23 THE WITNESS: I don't know.

16:22:29 24 BY MR. HALE:

16:22:29 25 Q It talks about memorandum of understanding of

16:22:32 1 the province has authored has been approved by the
16:22:37 2 diocese. I assume that's referring to the Diocese of
16:22:42 3 Monterey?

16:22:44 4 A Yes.

16:22:45 5 Q Were you involve at all in the drafting of
16:22:48 6 this memorandum of understanding between the province
16:22:50 7 and the diocese?

16:22:51 8 A No.

16:22:52 9 Q Do you know what the conditions that were set
16:22:54 10 by the diocese were?

16:22:55 11 A No.

16:22:58 12 Q Do you know were there any limitations on
16:23:01 13 Father Cimmarrusti's faculties, do you know that, that
16:23:05 14 were set by the diocese?

16:23:07 15 A By the diocese, no.

16:23:09 16 Q Okay. And then do you know why you were --
16:23:15 17 were you cc'd on this correspondence because you're
16:23:19 18 the pastor at San Miguel or do you know?

16:23:23 19 MR. MATIASIC: Calls for speculation.

16:23:23 20 THE WITNESS: Again, please.

16:23:24 21 BY MR. HALE:

16:23:24 22 Q Were you cc'd on this correspondence simply
16:23:28 23 because you were the pastor of San Miguel?

16:23:32 24 MR. MATIASIC: Same objection.

16:23:33 25 THE WITNESS: Could have been, but I don't

16:23:34 1 remember it.

16:23:36 2 BY MR. HALE:

16:23:36 3 Q Okay. Fair enough. I'll take that now. And
16:23:38 4 I've got one other question about Exhibit 1.

16:23:41 5 Can you tell me where in Exhibit 1, Page 1 or 2
16:23:46 6 it references restrictions on Father Cimmarrusti with
16:23:53 7 regard to interaction with minors?

16:23:56 8 MR. MATIASIC: Counsel, the document speaks
16:23:57 9 for itself. If you want to direct him somewhere and
16:24:01 10 ask him --

16:24:04 11 MR. HALE: No, seriously, I don't honestly
16:24:10 12 see -- and I'm just wondering if I missed something.

16:24:14 13 THE WITNESS: You must engage.

16:24:16 14 MR. MATIASIC: Well, Counsel, if I can help
16:24:20 15 out here, I think he testified before refrain from
16:24:25 16 ministry and Father referred and said that that
16:24:27 17 included everything that --

16:24:28 18 BY MR. HALE:

16:24:28 19 Q Did you have discussions with Father [REDACTED]
16:24:31 20 about limiting Father Cimmarrusti's contact with
16:24:34 21 children in his assignment at San Miguel?

16:24:39 22 A No, I didn't, not that I remember.

16:24:40 23 Q Okay. All right. Back to Father Carrier.
16:24:59 24 You did know Father Carrier?

16:25:01 25 A Yes.

16:25:02 1 Q And when did you first meet Father Carrier?

16:25:12 2 MR. MATIASIC: Asked and answered.

16:25:12 3 MR. HALE: You are right. I apologize for
16:25:12 4 that.

16:25:12 5 THE WITNESS: I knew him from the parish when
16:25:16 6 he was a boy and --

16:25:18 7 BY MR. HALE:

16:25:18 8 Q That's right. At St. Elizabeth's?

16:25:20 9 A Yeah.

16:25:21 10 Q Okay. When was the first time you met him as
16:25:24 11 a Franciscan candidate?

16:25:26 12 MR. MATIASIC: Vague and ambiguous.

16:25:27 13 BY MR. HALE:

16:25:27 14 Q In other words, did you meet him when he was
16:25:30 15 a freshman at St. Anthony's or sometime thereafter?

16:25:33 16 A Yeah, that's -- when did he go to
16:25:36 17 St. Anthony's? I left there -- I would have had him
16:25:39 18 at St. Anthony's, yeah.

16:25:40 19 Q Okay. How well did you know Father Carrier?

16:25:50 20 A I knew him very well. He was in the same
16:25:54 21 parish. Came from the same parish.

16:25:58 22 Q Have you ever been -- were you ever assigned
16:26:03 23 anywhere with him?

16:26:04 24 A No.

16:26:05 25 Q Did he study under you while you were at

16:26:09 1 St. Anthony's?

16:26:09 2 A Yes.

16:26:10 3 Q Anywhere else?

16:26:10 4 A No.

16:26:11 5 Q And were you on the faculty at St. Anthony's

16:26:14 6 for the entire time he was a student or a candidate at

16:26:21 7 St. Anthony's?

16:26:21 8 A Yes.

16:26:21 9 Q Did he study under you when were you at San

16:26:25 10 Luis Rey?

16:26:27 11 A I think he came later.

16:26:28 12 Q Okay. After you were gone?

16:26:33 13 A Uh-huh.

16:26:33 14 Q Were you involved in evaluating his

16:26:36 15 candidacies for priesthood?

16:26:37 16 A No.

16:26:38 17 Q What about in evaluating his candidacies for

16:26:42 18 becoming a friar?

16:26:44 19 A No.

16:26:46 20 Q Have you ever supervised Father Carrier?

16:26:51 21 A No.

16:26:52 22 Q Did you ever discipline him?

16:26:54 23 A No.

16:26:56 24 Q Ever evaluate his performance as a priest?

16:27:00 25 A No.

16:27:01 1 Q Ever report him to a supervisor?

16:27:03 2 A No.

16:27:09 3 Q Ever praise him to a supervisor?

16:27:10 4 A No.

16:27:11 5 Q Did you maintain contact with him over the
16:27:13 6 years from the time he became a Franciscan to the time
16:27:17 7 he passed away?

16:27:19 8 A Well, when we would bump into each other as
16:27:21 9 he visited in Oakland or elsewhere.

16:27:25 10 Q Okay. Do you know whether -- have you ever
16:27:28 11 heard where was identified as a perpetrator in the
16:27:32 12 board of inquiry report?

16:27:33 13 A I never knew that.

16:27:35 14 Q Okay. Are you familiar with the Servants of
16:27:43 15 the Paraclete?

16:27:44 16 A I've heard of them.

16:27:46 17 Q Are you familiar with the Servants of the
16:27:49 18 Paraclete center in Jemez Springs?

16:27:52 19 A I've heard of it.

16:27:54 20 Q How have you heard of it?

16:27:55 21 A They advertise I think in the Catholic
16:27:59 22 periodicals.

16:27:59 23 Q Okay. When was the first time you heard the
16:28:02 24 Servants of the Paraclete?

16:28:06 25 A I read it somewhere in with the periodicals,

16:28:11 1 their ad or maybe somebody told me about them or maybe

16:28:17 2 it was -- no, I read about him.

16:28:22 3 Q How long ago do you think it was, ten years,
16:28:25 4 20 years?

16:28:28 5 A 20 years.

16:28:29 6 Q Have you ever discussed the Servants of the
16:28:31 7 Paraclete with anyone?

16:28:32 8 A Not seriously. Might have mentioned. I
16:28:36 9 didn't know much about their activities.

16:28:38 10 Q Do you know if David Carrier ever went there?

16:28:43 11 A I didn't know that.

16:28:59 12 Q Did you know, Father Edmund Austin?

16:29:01 13 A Yes.

16:29:02 14 Q How did you know him?

16:29:05 15 A I tried to remember his name the other day,
16:29:08 16 I couldn't. He was guardian down there at San Luis
16:29:14 17 Rey.

16:29:15 18 Q While you were there?

16:29:16 19 A Uh-huh.

16:29:23 20 Q Did -- has anyone ever told you that -- well,
16:29:29 21 strike that.

16:29:30 22 Have you ever heard that [REDACTED] has
16:29:34 23 accused him of childhood sexual abuse?

16:29:38 24 A No.

16:29:46 25 Q Are you aware Father Carrier was diagnosed

16:29:52 1 with a manic depressive illness?

16:29:56 2 A I don't think we used that term, but we knew
16:29:59 3 that he was -- had psychological problems.

16:30:03 4 Q What was the term you understood?

16:30:06 5 A The term we used?

16:30:07 6 Q Yes.

16:30:08 7 A Depression maybe I don't know.

16:30:10 8 Q Okay. Was there an incident involving Father
16:30:14 9 Carrier at San Juan Bautista?

16:30:16 10 A I never heard --

16:30:18 11 MR. MATIASIC: Vague and ambiguous as to the
16:30:19 12 term "incident." Go ahead, Father.

16:30:21 13 THE WITNESS: Never heard of one.

16:30:23 14 BY MR. HALE:

16:30:23 15 Q Was there an incident involving Father
16:30:31 16 Carrier at the mission or at St. Anthony's where he
16:30:31 17 dumped a drink on a another franciscan?

16:30:33 18 A I heard about that.

16:30:35 19 Q What did you hear about that?

16:30:36 20 A I don't know.

16:30:37 21 Q Who was the Franciscan?

16:30:39 22 A I might have heard it, but I don't remember.

16:30:46 23 Q Have you ever talked to [REDACTED] about
16:30:49 24 Father Carrier?

16:30:51 25 A Never have.

16:30:56 1 Q Did anyone ever -- have you ever heard that
16:31:04 2 they were having problems in San Barbara keeping
16:31:08 3 Father Carrier away from the novitiate candidates?

16:31:16 4 MR. MATIASIC: Vague and ambiguous.

16:31:17 5 THE WITNESS: I never heard that.

16:31:19 6 BY MR. HALE:

16:31:19 7 Q Did you ever hear that Father Carrier was
16:31:22 8 acting inappropriately with the seminarians?

16:31:25 9 MR. MATIASIC: Same objections.

16:31:27 10 THE WITNESS: No.

16:31:27 11 BY MR. HALE:

16:31:27 12 Q Have you ever heard of any allegations of
16:31:29 13 misconduct by Father Carrier?

16:31:32 14 MR. MATIASIC: Same objections.

16:31:33 15 THE WITNESS: Have I ever heard --
16:31:35 16 misconduct, no.

16:31:38 17 BY MR. HALE:

16:31:38 18 Q Have you ever heard allegations of childhood
16:31:42 19 sexual abuse by Father Carrier?

16:31:49 20 A No.

16:31:51 21 Q Did you spend much time with Father Carrier
16:31:53 22 in the last -- well, let me ask you this, around --
16:31:58 23 did you spend any time with Father Carrier in the late
16:32:02 24 1970s and the early 1980s?

16:32:04 25 A Spend time with him. I remember once we

16:32:09 1 drove from Santa Barbara or vice versa -- to Oakland
16:32:16 2 or vice versa and we stopped at Pismo Beach.

16:32:21 3 Q Just you and him drove together?

16:32:26 4 A No, there was four of us.

16:32:28 5 Q Who else was in the car?

16:32:29 6 A I don't remember.

16:32:30 7 Q What year do you think that was?

16:32:31 8 A I don't know.

16:32:32 9 Q Did you ever hear him make inappropriate
16:32:38 10 sexual comments?

16:32:39 11 A No.

16:32:42 12 Q Did you ever hear him talk openly about his
16:32:45 13 homosexuality?

16:32:45 14 A No.

16:32:45 15 Q Was it [REDACTED] who he poured the drink
16:32:50 16 on?

16:32:50 17 A Again, please.

16:32:50 18 Q Was it [REDACTED] who he poured the drink
16:32:50 19 on?

16:32:50 20 MR. MATIASIC: Counsel, I think you already
16:32:51 21 asked if he remembered a name and he said he didn't
16:32:52 22 remember his name.

16:32:55 23 MR. HALE: I'm trying to refresh his
16:32:55 24 recollection.

16:32:55 25 Q Was it [REDACTED] who he poured the drink

16:32:57 1 on?

16:32:57 2 A Reported --

16:32:59 3 Q Poured the drink on?

16:33:04 4 A Oh, no. I never heard of that. Did you hear
16:33:05 5 that? The provincial? I never thought of that.

16:33:11 6 MR. MATIASIC: Father, there's no question
16:33:13 7 pending.

16:33:15 8 THE WITNESS: I'm sorry.

16:33:16 9 BY MR. HALE:

16:33:16 10 Q It's okay.

16:33:25 11 A ██████████ wouldn't do that.

16:33:28 12 MR. MATIASIC: Father, there's no question
16:33:29 13 pending.

16:33:30 14 BY MR. HALE:

16:33:30 15 Q Are you aware that Father Carrier was ever
16:33:34 16 checked into a mental health facility of any kind?

16:33:39 17 A I don't think they ever gave him that
16:33:42 18 privilege. I don't know, I never heard of it.

16:33:47 19 Q Okay. Are you familiar with the House of
16:33:49 20 Affirmation?

16:33:51 21 A I think we've mentioned it before.

16:33:52 22 Q No, we were talking about the Servants of
16:33:52 23 Paraclete before.

16:33:52 24 A House of Affirmation, I've heard of it. I
16:33:53 25 don't know anything about it.

16:33:54 1 Q What was your understanding of the purpose of
16:33:56 2 the Servants of the Paraclete?

16:33:57 3 A It was to help mainly people who had a
16:34:00 4 problem with alcohol, isn't that right?

16:34:04 5 Q Okay. Did you have an understanding of any
16:34:08 6 other purpose for the Servants of the Paraclete
16:34:11 7 centers?

16:34:12 8 A Oh, I think in their blurbs, ads I think they
16:34:15 9 mention that they help people, priests with other --
16:34:20 10 or religious with other problems.

16:34:23 11 Q For instance?

16:34:24 12 A I wouldn't know what they are.

16:34:24 13 Q Have you ever heard that they helped treat
16:34:25 14 priests with sexual problems?

16:34:27 15 A Yes.

16:34:28 16 Q Okay. Have you ever heard that House of
16:34:30 17 Affirmations helped treat priests with sexual
16:34:35 18 problems?

16:34:35 19 A I guess I heard it, but if I didn't hear it,
16:34:38 20 I presumed it.

16:34:38 21 Q When did you first hear about the House of
16:34:41 22 Affirmations?

16:34:42 23 A I don't remember.

16:34:43 24 Q Has it been a while?

16:34:44 25 A Uh-huh.

16:34:47 1 Q 20 years?

16:34:48 2 A Oh, has it been in existence that long?

16:34:52 3 Q Possibly longer than 20 years?

16:34:56 4 A I don't think so.

16:34:57 5 Q Do you know of anybody who's ever been sent
16:34:58 6 to a House of Affirmation?

16:34:58 7 A Where is it?

16:35:02 8 Q Oh, there's one back in Massachusetts. There
16:35:04 9 was one in Northern California.

16:35:07 10 A No, I haven't heard.

16:35:08 11 Q Okay. Have you ever discussed with anyone
16:35:10 12 allegations of childhood sexual abuse by Father
16:35:14 13 Carrier?

16:35:15 14 A No.

16:35:16 15 Q Do you know who Father Robert Van Handel is?

16:35:21 16 A Yes.

16:35:22 17 Q How do you know him?

16:35:23 18 A I taught him at the seminary.

16:35:27 19 Q Are you aware that Father Van Handel has
16:35:31 20 stated that he was sexually abused by Father, is it
16:35:35 21 McKeon?

16:35:36 22 A No.

16:35:37 23 Q Have you ever heard that before?

16:35:37 24 A Never heard it.

16:35:39 25 Q Does that shock you?

16:35:40 1 A Yes.

16:35:45 2 Q Have you ever heard of any other allegations
16:35:47 3 involving Father McKeon regarding childhood sexual
16:35:53 4 abuse?

16:35:54 5 A No.

16:35:55 6 Q Did you first meet Father Van Handel at
16:35:59 7 St. Anthony's?

16:35:59 8 A He was in minor seminary.

16:36:01 9 Q Okay. Was he one of your students?

16:36:04 10 A Yeah.

16:36:05 11 MR. MATIASIC: Asked and answered.

16:36:06 12 BY MR. HALE:

16:36:06 13 Q I don't know if I asked that specific
16:36:08 14 question, but whatever.

16:36:14 15 Were you close with Father Van Handel?

16:36:17 16 A I was never close with him, no.

16:36:19 17 Q Were you his spiritual advisor?

16:36:23 18 A Never.

16:36:24 19 Q Did you ever discuss celibacy with him?

16:36:27 20 A No.

16:36:29 21 Q Did he ever express to you his interest in
16:36:31 22 boys choirs?

16:36:34 23 A He never expressed that to me. Everybody
16:36:37 24 knew it.

16:36:38 25 Q When did everyone know about his interest in

16:36:41 1 boys choirs?

16:36:45 2 MR. HANCE: Vague and ambiguous.

16:36:45 3 MR. MATIASIC: Calls for speculation as to
16:36:46 4 who everyone is and when they knew it. But if you can
16:36:50 5 answer that, Father, you go ahead.

16:36:54 6 THE WITNESS: Lots of people at all times
16:36:56 7 knew that.

16:36:56 8 BY MR. HALE:

16:36:56 9 Q Are you saying that it was common knowledge
16:37:00 10 when he was a --

16:37:01 11 A You said interested in boys' choirs? Yeah,
16:37:04 12 he liked music, liked to direct a choir.

16:37:08 13 Q Well, was it common knowledge when he was a
16:37:10 14 student at the seminary that that was one of his
16:37:17 15 interests?

16:37:17 16 MR. MATIASIC: Common knowledge by whom?

16:37:21 17 MR. HALE: By the faculty.

16:37:23 18 THE WITNESS: At the seminary, I didn't know
16:37:25 19 that that was his interest then, no.

16:37:27 20 BY MR. HALE:

16:37:27 21 Q When did you first learn that that was one of
16:37:32 22 his interests?

16:37:33 23 A When I heard that he was directing a choir.

16:37:35 24 Q And that would be in the 1970s?

16:37:38 25 A Uh-huh.

16:37:40 1 Q And how do you know that other people were
16:37:42 2 aware of his interest in choirs?

16:37:45 3 A Well, maybe I don't know it. I just presumed
16:37:49 4 it. I knew it and they knew he was directing choirs,
16:37:49 5 he must have been interested.

16:37:49 6 Q Have you ever been assigned anywhere with
16:37:51 7 him?

16:37:52 8 A No.

16:37:52 9 Q Have you ever been in residence anywhere with
16:37:54 10 him?

16:37:55 11 A No.

16:38:01 12 Q Did he ever study under you anywhere other
16:38:05 13 than at St. Anthony's?

16:38:07 14 A No.

16:38:08 15 Q Did you evaluate him as a student?

16:38:12 16 A At the seminary?

16:38:14 17 Q Yes.

16:38:14 18 A Well, I helped to at the faculty meetings.

16:38:19 19 Q Okay. And what opinions did you offer
16:38:22 20 regarding his ability as a student?

16:38:25 21 A He was a good student.

16:38:28 22 Q Okay. Anything else?

16:38:28 23 A He didn't cause any trouble for me. If he
16:38:28 24 out of order somewhere else, it was a prefect's job.

16:38:28 25 Q Was he an infirmarian?

16:38:31 1 A No.

16:38:31 2 Q Did you evaluate his candidacy for the
16:38:36 3 priesthood.

16:38:38 4 A Did I?

16:38:39 5 Q Uh-huh.

16:38:41 6 A As a minor seminarian, he looked like a good
16:38:46 7 prospect.

16:38:47 8 Q Okay. What about after that?

16:38:50 9 A Did not know him after that.

16:38:51 10 Q Okay. Have you ever supervised Father Van
16:38:57 11 Handel?

16:38:58 12 A No.

16:38:58 13 Q Do you know if he was identified as a
16:39:01 14 perpetrator in the board of inquiry report?

16:39:04 15 A Oh, I knew that, yes.

16:39:07 16 Q Okay. How do you know that?

16:39:09 17 A Well, the board of inquiry I don't know too
16:39:12 18 much about him, but he was big publicity in the
16:39:16 19 newspapers.

16:39:17 20 Q And when was the first time you heard that he
16:39:20 21 was accused of childhood sexual abuse?

16:39:27 22 A I can't recall when was the first time.

16:39:30 23 Q Is he no longer a friar?

16:39:32 24 A Yeah, he's no longer a friar.

16:39:36 25 Q Okay.

16:39:40 1 MR. HANCE: Father, how are you doing?

16:39:43 2 THE WITNESS: Fine.

16:39:44 3 BY MR. HALE:

16:39:44 4 Q Just say the word if you want a break.

16:39:50 5 Do you know a Franciscan brother named Sam Cabot?

16:39:55 6 A Yes.

16:39:56 7 Q How do you know Sam?

16:39:58 8 A I've heard of him. I never lived with him.

16:40:01 9 He was -- I don't know where was I -- he was at

16:40:05 10 Los Angeles when I first heard of him I think.

16:40:09 11 Q How did you hear of him in Los Angeles?

16:40:12 12 A That he was serving there, that's all.

16:40:14 13 Q Were you serving there as well?

16:40:16 14 A No.

16:40:17 15 Q How did you come to hear of him?

16:40:19 16 A Somebody -- his name was mentioned somewhere.

16:40:23 17 Or maybe I looked at the catalog and saw his name

16:40:26 18 there. I don't know.

16:40:27 19 Q Do you know why they brought him up?

16:40:30 20 MR. MATIASIC: Calls for speculation.

16:40:31 21 THE WITNESS: Brought him up. I don't know

16:40:33 22 he was brought up.

16:40:34 23 BY MR. HALE:

16:40:34 24 Q Okay. So have you ever met him?

16:40:36 25 A Yes.

16:40:36 1 Q When did you meet him for the first time?

16:40:39 2 A I don't know. Don't recall.

16:40:41 3 Q Was it while you were at the seminary?

16:40:45 4 A No. More recent years.

16:40:52 5 Q Within the last ten years?

16:40:54 6 A Yeah, I think so.

16:40:55 7 Q Have you ever spoken to him at the Serra
16:40:58 8 Retreat House?

16:40:59 9 A At the house, no.

16:41:00 10 Q Do you know if he's still there?

16:41:03 11 A Don't know.

16:41:03 12 Q Are you friends with him?

16:41:05 13 A Am I friends, no. We haven't been together.

16:41:11 14 Q Did you ever have any encounters with him in
16:41:14 15 Santa Barbara?

16:41:17 16 MR. MATIASIC: Vague and ambiguous as to
16:41:18 17 "encounters."

16:41:19 18 THE WITNESS: At Santa Barbara, encounters
16:41:21 19 with him, I don't think -- I don't remember any.

16:41:23 20 BY MR. HALE:

16:41:23 21 Q Okay. Have you ever been assigned anywhere
16:41:40 22 with Kevin Dunn?

16:41:42 23 A Yes, at St. Anthony's Seminary.

16:41:46 24 Q Stupid question, sorry. Going back to Father
16:41:50 25 Cabot, have you ever heard that he's been accused of

16:41:55 1 childhood sexual abuses -- or, Brother Cabot, have you
16:41:57 2 ever heard that he's been accused of childhood sexual
16:41:57 3 abuse?

16:41:57 4 A No.

16:41:57 5 Q Have you ever heard Father ██████████ been
16:42:00 6 accused of childhood sexual abuse?

16:42:02 7 A No.

16:42:04 8 Q Were you ever assigned with Brother ██████████
16:42:06 9 anywhere other than St. Anthony's Seminary?

16:42:10 10 A I don't think so.

16:42:12 11 Q Where did you first meet Brother ██████████?

16:42:16 12 A At St. Anthony's Seminary.

16:42:17 13 Q Okay. Do you remember a student named ██████████
16:42:24 14 ██████████?

16:42:27 15 A No.

16:42:28 16 Q Did you ever learn that Brother ██████████ had
16:42:35 17 bought a student gifts?

16:42:37 18 MR. MATIASIC: Vague and ambiguous.

16:42:40 19 THE WITNESS: Unclear -- I couldn't get it.

16:42:42 20 BY MR. HALE:

16:42:42 21 Q Sure. Did you ever hear that Brother ██████████
16:42:45 22 had bought any students gifts?

16:42:47 23 A No.

16:42:48 24 MR. MATIASIC: Same objection.

16:42:50 25 THE WITNESS: I don't even remember that man.

16:42:54 1 BY MR. HALE:

16:42:54 2 Q Brother ██████████?

16:42:54 3 A Oh, ██████████. You're talking about ██████████?

16:42:57 4 Q Right.

16:42:58 5 A No, I never heard he bought gifts.

16:43:00 6 Q Would you have considered it inappropriate
16:43:04 7 for a Franciscan to buy a student a gift?

16:43:08 8 MR. MATIASIC: Vague and ambiguous. Lacks
16:43:09 9 foundation, incomplete hypothetical. He's already
16:43:10 10 said he never heard of that.

16:43:13 11 THE WITNESS: Would I consider it
16:43:16 12 inappropriate? Not necessarily.

16:43:20 13 BY MR. HALE:

16:43:20 14 Q Would it have been inappropriate for a
16:43:22 15 Franciscan to buy a student a 35-millimeter camera?

16:43:28 16 MR. MATIASIC: Same objections.

16:43:30 17 THE WITNESS: Who is this -- who's going to
16:43:34 18 buy the camera?

16:43:36 19 BY MR. HALE:

16:43:36 20 Q Well, would it have been inappropriate for
16:43:38 21 any Franciscan to buy a student a 35-millimeter
16:43:43 22 camera?

16:43:43 23 MR. MATIASIC: Same objections.

16:43:44 24 THE WITNESS: Not if he had gotten permission
16:43:46 25 from his superior to buy it.

16:43:52 1 BY MR. HALE:

16:43:52 2 Q Okay. Would it ever have been appropriate
16:43:56 3 for a Franciscan to take a student to dinner?

16:44:03 4 MR. MATIASIC: Same objections.

16:44:06 5 THE WITNESS: No.

16:44:06 6 BY MR. HALE:

16:44:06 7 Q Do you know Gus Crum?

16:44:08 8 A Yes.

16:44:08 9 Q Is Gus Crum still a friar?

16:44:12 10 A Yes.

16:44:13 11 Q Do you know where he is right now? What his
16:44:15 12 current assignment is, I should say?

16:44:17 13 A I don't know.

16:44:20 14 Q Is it in Sacramento?

16:44:22 15 A Could be.

16:44:23 16 Q Do you know if he was identified as a
16:44:24 17 perpetrator in the board of inquiry reports?

16:44:28 18 A No. Maybe I did hear that.

16:44:28 19 Q Are you aware that Father [REDACTED] filed
16:44:29 20 reports to the Oakland Police Department regarding
16:44:29 21 childhood sexual abuse by Father Crum?

16:44:29 22 A Who filed them?

16:44:36 23 Q [REDACTED], [REDACTED]?

16:44:38 24 A [REDACTED] filed --

16:44:39 25 Q -- reports with the Oakland Police Department

16:44:39 1 regarding childhood sexual abuse by Father Crum?

16:44:50 2 A Never heard of that.

16:44:51 3 Q Are you aware of any Franciscan filing any
16:44:54 4 reports with law enforcement regarding childhood
16:44:58 5 sexual abuse committed by any Franciscan?

16:45:01 6 A No.

16:45:02 7 Q Never heard of that happening?

16:45:04 8 A No.

16:45:05 9 Q When was the last time -- when did you first
16:45:08 10 meet Father Crum?

16:45:09 11 A Tom Crum you're talking --

16:45:11 12 Q Gus Crum.

16:45:13 13 A Gus Crum, first time I met him, gee, it's
16:45:17 14 hard to recall. I don't know where I would have met
16:45:20 15 him first, but he comes through -- he used to come
16:45:26 16 through our provincial center, St. Elizabeth's,
16:45:32 17 occasionally, maybe I met him there.

16:45:35 18 Q Have you ever been assigned anywhere with
16:45:38 19 him?

16:45:39 20 A No.

16:45:40 21 Q Do you recall him as a student while you were
16:45:42 22 at St. Anthony's?

16:45:45 23 A I don't think he was there.

16:45:47 24 Q Do you know Father [REDACTED]?

16:45:48 25 A [REDACTED], yes.

16:45:50 1 Q When did you first meet Father ██████████?

16:45:52 2 A He was at the seminary as a student.

16:45:55 3 Q Okay. Have you ever been assigned anywhere

16:45:58 4 with him?

16:45:59 5 A No.

16:45:59 6 Q Do you know where he's assigned currently?

16:46:03 7 A I've heard that he's assigned at St. Boniface

16:46:07 8 of San Francisco.

16:46:08 9 Q Okay.

16:46:09 10 A Is he still there?

16:46:11 11 Q I don't know the answer to that question.

16:46:13 12 I've heard the same thing though -- do you know who's

16:46:15 13 the pastor at St. Boniface now that Father ██████████'s

16:46:24 14 gone?

16:46:24 15 A Oh, they got a new one, eh?

16:46:26 16 Q Maybe I'm wrong --

16:46:28 17 A Oh, Jorge Fernandez, Mexican. A priest from

16:46:36 18 Mexico.

16:46:37 19 Q And is Father ██████████ an associate pastor at

16:46:40 20 St. Boniface?

16:46:42 21 A Oh, no. ██████████?

16:46:44 22 Q Right.

16:46:45 23 A ██████████?

16:46:47 24 Q Do you know what capacity he's in at

16:46:47 25 St. Boniface?

16:46:47 1 A No.

16:46:47 2 Q Do you know if he's performing any ministry
16:46:49 3 at St. Boniface?

16:46:52 4 A I have never heard of him doing anything.

16:46:54 5 Q Okay. Is he still a Franciscan?

16:46:57 6 A As far as I know. I haven't heard if he's
16:47:02 7 left.

16:47:02 8 Q Do you know if there's any restriction on his
16:47:05 9 ministry right now?

16:47:07 10 MR. MATIASIC: Calls for speculation.

16:47:07 11 THE WITNESS: I don't know what his status
16:47:10 12 is.

16:47:10 13 BY MR. HALE:

16:47:10 14 Q Okay. Did you hear about him being accused
16:47:14 15 of childhood sexual abuse while he was at St. Williams
16:47:21 16 in Los Altos?

16:47:22 17 A No.

16:47:23 18 Q Have you ever heard of him being accused of
16:47:26 19 childhood sexual abuse?

16:47:29 20 A Who are we talking about?

16:47:34 21 Q Father [REDACTED]?

16:47:35 22 A [REDACTED]. I didn't know he was down there
16:47:38 23 in Los Altos. And what's the last question?

16:47:40 24 Q Are you okay, do you need a break?

16:47:42 25 A I'd just assume to keep it going. Keep it

16:47:45 1 going if you can. I'm willing to continue.

16:47:46 2 Q If you get foggy though, I don't want you to
16:47:48 3 keep going.

16:47:48 4 MR. HANCE: How we doing, Tim?

16:47:51 5 MR. HALE: I'm getting close. I'm within
16:47:54 6 nine pages. It's good progress, believe me. But they
16:47:57 7 are going fast, I covered ten.

16:47:58 8 Q How do you know Father [REDACTED]?

16:48:00 9 A Don't know him.

16:48:02 10 Q You never met him?

16:48:05 11 A Oh, I met him at St. Anthony's Seminary, that
16:48:10 12 must be it. That's it. Haven't seen him since he was
16:48:14 13 a friar.

16:48:14 14 Q But you knew he was at St. Boniface?

16:48:21 15 A Yes.

16:48:22 16 Q How did you know that?

16:48:24 17 A I heard it, other friars told me.

16:48:25 18 Q And you don't know in what capacity he's
16:48:28 19 serving at St. Boniface?

16:48:31 20 A Don't know.

16:48:32 21 Q Do you know -- let's strike that.

16:48:35 22 A I'll have -- well --

16:48:40 23 Q Father, are you sure you're okay to go on
16:48:43 24 right now?

16:48:44 25 A Oh, yeah. Yeah.

16:48:59 1 Q Do you know Father Chris Berbena?

16:49:02 2 A Berbena. I don't really know him. I heard

16:49:07 3 the name.

16:49:08 4 Q Do you know if he's still a Franciscan?

16:49:11 5 A I don't know.

16:49:12 6 Q Okay. Did you know Berard Connelly?

16:49:17 7 A Yes.

16:49:18 8 Q When did you first meet Berard?

16:49:20 9 A He was at the seminary.

16:49:22 10 Q He studied under you?

16:49:23 11 A I think so.

16:49:24 12 Q Okay. Were you ever assigned anywhere with

16:49:26 13 him?

16:49:27 14 A No.

16:49:31 15 Q Did you ever visit him when he was assigned

16:49:34 16 in Spokane in the '60s?

16:49:36 17 A No.

16:49:39 18 Q Do you know if he was identified as a

16:49:41 19 perpetrator in the board of inquiry report?

16:49:44 20 A Oh, I guess I heard that.

16:49:47 21 Q Okay.

16:49:51 22 A I don't know when.

16:49:53 23 Q When was the first time you heard of

16:49:59 24 childhood sexual abuse allegations involving Brother

16:50:01 25 Connelly?

16:50:02 1 A First time. Oh, recently. Rather recently.

16:50:13 2 I don't know when -- when the first time is.

16:50:16 3 Q Okay. Did you ever hear that he was accused
16:50:21 4 of childhood sexual abuse while was in Spokane in the
16:50:26 5 1960s?

16:50:28 6 A No, I never heard that.

16:50:31 7 Q Do you have any knowledge of the settlement
16:50:33 8 that the province reached with a victim of childhood
16:50:37 9 sexual abuse by Father Connelly from Spokane?

16:50:44 10 MR. MATIASIC: Lacks foundation.

16:50:46 11 THE WITNESS: No.

16:50:46 12 BY MR. HALE:

16:50:46 13 Q Have you ever been involved in a settlement
16:50:51 14 negotiations of a claims of childhood sexual abuse by
16:50:56 15 a Franciscan?

16:50:57 16 A Again, please.

16:50:58 17 Q Have you ever been involved in the settlement
16:50:58 18 negotiations regarding claims of childhood sexual
16:50:58 19 abuse by a Franciscan?

16:50:58 20 A Settlement, no, I never have.

16:51:02 21 Q Have you ever heard -- well, strike that.

16:51:25 22 Were you involved in the creation of the
16:51:27 23 board of inquiry?

16:51:29 24 A No.

16:51:31 25 Q Did anyone ask you whether you thought

16:51:33 1 forming a board would be appropriate with regards to
16:51:36 2 the St. Anthony's situation?

16:51:37 3 A No.

16:51:38 4 Q Have you ever discussed with anyone whether
16:51:41 5 forming a board would be appropriate with regards to
16:51:44 6 the St. Anthony's situation?

16:51:45 7 A No.

16:51:48 8 Q Were you ever interviewed by the board of
16:51:52 9 inquiry?

16:51:52 10 A No.

16:51:54 11 Q Do you think you should have been interviewed
16:51:57 12 by the board of inquiry?

16:52:01 13 MR. MATIASIC: Calls for speculation, lacks
16:52:02 14 foundation.

16:52:02 15 THE WITNESS: No.

16:52:03 16 MR. MATIASIC: If you can answer that,
16:52:04 17 Father, go ahead.

16:52:07 18 BY MR. HALE:

16:52:07 19 Q Did you have an opinion as to whether the
16:52:10 20 province made a mistake or did the right thing in
16:52:13 21 forming the board of inquiry?

16:52:15 22 MR. MATIASIC: I'm going to object that his
16:52:16 23 opinion regarding whether or not the province should
16:52:20 24 have is irrelevant to any of the issues presented in
16:52:24 25 any of these cases. That being said, you can answer

16:52:26 1 if you can, Father.

16:52:30 2 THE WITNESS: I didn't think they made a
16:52:31 3 mistake.

16:52:32 4 BY MR. HALE:

16:52:32 5 Q Okay. Were you involved in any debates
16:52:34 6 regarding whether the board of inquiry should be
16:52:37 7 formed?

16:52:38 8 A No.

16:52:39 9 Q Do you recall there being any debates
16:52:40 10 regarding whether the board of inquiry should be
16:52:43 11 formed?

16:52:44 12 A No.

16:53:07 13 Q Do you know Gerald Schumick?

16:53:11 14 A I've met him.

16:53:13 15 Q When did you meet him?

16:53:15 16 A When, I don't know the date or the year when
16:53:17 17 I met him.

16:53:19 18 Q Recently?

16:53:19 19 A He was at Los -- when did I meet him? I met
16:53:25 20 him at provincial meetings. He usually came to the
16:53:29 21 meetings.

16:53:31 22 Q Do you know if he was a brother or a priest?

16:53:36 23 A He was a brother, to my understanding.

16:53:38 24 Q Okay. How long ago do you think you met him?

16:53:42 25 A Ten years ago, rough estimate.

16:53:46 1 Q Do you know where he was assigned at that
16:53:48 2 time?

16:53:48 3 A I think it was Los Angeles.

16:53:50 4 Q Okay. Have you ever heard there were
16:53:52 5 allegations of childhood sexual abuse by Brother
16:53:56 6 Schumick?

16:53:58 7 A Never heard it.

16:54:02 8 Q Do you know Sister ██████████,
16:54:05 9 ██████████?

16:54:11 10 A No.

16:54:12 11 Q Is Father ██████████ still alive?

16:54:15 12 A ██████████.

16:54:18 13 Q You say ██████████, is he in poor health?

16:54:21 14 A Oh, ██████████ I think.

16:54:26 15 Q Okay, what is -- never mind, you answered my
16:54:30 16 question.

16:54:30 17 Do you know Salvador Parisi?

16:54:35 18 A Yes.

16:54:35 19 Q Have you ever spoken with him about the
16:54:37 20 scandal?

16:54:39 21 MR. MATIASIC: Counsel, vague and ambiguous.

16:54:42 22 Counsel, what scandal are you referring to?

16:54:42 23 THE WITNESS: Never have.

16:54:45 24 MR. MATIASIC: I just mean for the purpose of
16:54:49 25 asking the question.

16:54:50 1 MR. HALE: Okay. Give me five minutes. I

16:54:56 2 think we're on the cusp of closing this thing down.

16:55:05 3 THE VIDEO OPERATOR: We're off the record at

16:55:09 4 4:54 p.m.

16:55:21 5 (Recess.)

17:00:04 6 THE VIDEO OPERATOR: On the record at

17:00:06 7 4:59 p.m.

17:00:07 8 BY MR. HALE:

17:00:07 9 Q Okay. Back on. Just a couple more

17:00:10 10 questions, Father [REDACTED], and we're out of here. Other

17:00:14 11 than your attorneys, have you talked to anyone about

17:00:16 12 the fact you were going to be deposed?

17:00:18 13 A I might have. I don't recall who I did --

17:00:21 14 oh, at morning prayer I said a prayer for Tim and Tony

17:00:31 15 who would take my deposition.

17:00:33 16 Q Okay. Have you ever talked to Father

17:00:37 17 [REDACTED] --

17:00:40 18 A So they'll probably be asking me how it went.

17:00:45 19 Shall I tell them?

17:00:48 20 Q That's good. Have you talked to Father

17:00:52 21 [REDACTED] within the last week or two?

17:00:56 22 A Yes, I did.

17:00:57 23 MR. MATIASIC: Hold on, other than,

17:01:01 24 obviously, any communications with counsel.

17:01:02 25 THE WITNESS: I haven't talked to him other

17:01:04 1 than yesterday. I didn't say anything. I mean, I
17:01:04 2 didn't know anything.

17:01:04 3 MR. MATIASIC: Hold on, Father, let him ask
17:01:04 4 the question.

17:01:04 5 BY MR HALE:

17:01:05 6 Q Excluding communications where your attorneys
17:01:07 7 were present, have you spoken with Father [REDACTED] in
17:01:11 8 the last two weeks?

17:01:12 9 A I spoke with him, yeah.

17:01:14 10 MR. MATIASIC: Excluding any communications
17:01:17 11 when the attorneys were present, have you spoken with
17:01:19 12 Father [REDACTED].

17:01:21 13 THE WITNESS: About anything? Is that what
17:01:23 14 you mean or about what?

17:01:26 15 BY MR. HALE:

17:01:26 16 Q Well, I'm leading to that, yeah.

17:01:28 17 A Whenever I see him, we have a little chat.

17:01:32 18 Q Father [REDACTED]'s at St. Elizabeth's?

17:01:36 19 A He's in the parish. He's retired there at
17:01:38 20 Mercy Center. It's about four blocks from our place.
17:01:44 21 But he belongs to his extended community, he's
17:01:46 22 visisted with us.

17:01:46 23 Q So he's in residence at St. Elizabeth's?

17:01:51 24 A Well, no, not at St. Elizabeth's. He's in
17:01:53 25 retirement up at a assisted living center.

17:01:58 1 Q Okay. Okay. Aside from where your attorneys
17:02:01 2 were present, have you discussed with Father [REDACTED]
17:02:03 3 the fact that you were going to be deposed?

17:02:06 4 A Yes.

17:02:07 5 Q And what did you guys talk about?

17:02:10 6 A About being deposed -- I didn't know we were
17:02:19 7 going to be deposed to this extent until he tried to
17:02:19 8 tell me about it.

17:02:20 9 MR. MATIASIC: Father, particularly don't say
17:02:22 10 anything I may have told you about Tim. I'm just
17:02:25 11 joking. He's just asking about any communications
17:02:30 12 with Father [REDACTED] other than when any of your
17:02:33 13 attorneys were present.

17:02:34 14 THE WITNESS: Oh, okay. He rode over here
17:02:37 15 yesterday on BART with me.

17:02:38 16 BY MR. HALE:

17:02:38 17 Q Okay.

17:02:39 18 A But we didn't say a word the whole trip. You
17:02:44 19 cannot talk on BART anyway. It's such loud noise.

17:02:48 20 Q I agree, it's kind of loud.

17:02:50 21 A Oh, gosh, I'm sorry.

17:02:53 22 MR. HALE: I think we're done here, so let's
17:02:56 23 relieve the reporter of her duties under the code.
17:02:58 24 We'll send the original to -- which one of you?

17:03:02 25 MR. MATIASIC: I'll take it.

17:03:04 1 MR. HALE: Okay. We'll send the original to
17:03:06 2 Paul's office, he can maintain custody of the
17:03:08 3 original. If you could then forward that over to
17:03:09 4 Father [REDACTED] and he'll have -- let's give him 15, 30,
17:03:12 5 45, what do you want?

17:03:13 6 MR. MATIASIC: Give him 30.

17:03:13 7 MR. HALE: You'll have 30 days to review the
17:03:16 8 transcript. You can make any changes that you feel
17:03:17 9 are necessary and then you've got to sign it under the
17:03:20 10 penalty of perjury. If you'll then return the
17:03:22 11 transcript to Mr. Matiasic, and then he can forward
17:03:27 12 the -- well, actually forward the signed original back
17:03:29 13 to Mr. Matiasic and Mr. Matiasic will make us all
17:03:33 14 aware of any changes that you make as soon as
17:03:34 15 possible. And if a signed original is not available
17:03:38 16 at trial, a signed certified copy can be used for all
17:03:38 17 purposes.

17:03:38 18 MR. MATIASIC: That's fine.

17:03:39 19 MR. HALE: Fair enough.

17:03:41 20 MR. MATIASIC: Fine with us.

17:03:44 21 MR. HALE: Thank you, Father.

17:03:45 22 THE VIDEO OPERATOR: This concludes today's
17:03:46 23 deposition of [REDACTED] The master videotape will
17:03:50 24 be retained by Paulson Reporting and Litigation
17:03:52 25 Services. We are off the record at 5:03 p.m.

1 PENALTY OF PERJURY

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7 I, FATHER [REDACTED], do hereby declare under
8 penalty of perjury that I have read the foregoing
9 transcript; that I have made any corrections as appear
10 noted, in ink, initialed by me, or attached hereto;
11 that my testimony as contained herein, as corrected,
12 is true and correct.

13 EXECUTED this _____ day of _____,
14 200____, at _____, _____.
15 (City) (State)

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18 _____
19 [REDACTED]

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REPORTER'S CERTIFICATION

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney or any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

THERESA A. DARNELL
CSR No. 9966