

FATHER [REDACTED] - 11/17/05

IN RE: THE CLERGY CASES I & III

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

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

VIDEOTAPED DEPOSITION OF FATHER [REDACTED]

LOS ANGELES, CALIFORNIA

THURSDAY, NOVEMBER 17, 2005

Reported by Susan B. Sautman, CSR No. 4770

PRS Job No. 34-292826

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11 Loreto Castillo, Videographer

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20
21 DEPOSITION OF FATHER [REDACTED],

22 taken at 221 North Figueroa Street, Suite 1200, Los
23 Angeles, California, on Thursday, November 17, 2005, at
24 10:24 a.m., before Susan B. Sautman, Certified Shorthand
25 Reporter in and for the State of California.

I N D E X

WITNESS	EXAMINATION	PAGE
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	(BY MR. DRIVON)	174

INDEX TO EXHIBITS

EXHIBIT		MARKED
1	Letter to [REDACTED] from Hazelden dated 10/7/81, Bates 129	138
2	Billing Statement dated 11/3/81, Bates 128	140
3	Correspondence dated 5/11/82 from Servants of the Paraclete, Bates 138	142
4	Document dated 10/5/71 to Father [REDACTED] from Brother Connolly, Bates 125	169

1 LOS ANGELES, CALIFORNIA;

2 NOVEMBER 17, 2005; 10:24 A.M.

3

10:23:51 4 THE VIDEOGRAPHER: Good morning. My name
10:23:52 5 is Loreto Castillo with Paulson Reporting &
10:23:54 6 Litigation Services located at 11400 West Olympic
10:23:59 7 Boulevard, Suite 140 in Los Angeles, California.

10:24:03 8 This is the deposition of Father [REDACTED]
10:24:06 9 [REDACTED] in the matter of The Clergy Cases I and III
10:24:10 10 taken on behalf of the plaintiffs.

10:24:13 11 The deposition is taking place at 221
10:24:19 12 North Figueroa Street, Ninth Floor, Los Angeles,
10:24:20 13 California.

10:24:22 14 This deposition is being videotaped and
10:24:24 15 audiotaped at all times unless specified to go off
10:24:27 16 the record.

10:24:29 17 The deposition is now commencing at
10:24:33 18 10:24 a.m. on November 17, 2005.

10:24:38 19 Would all present please identify
10:24:39 20 themselves beginning with the witness.

10:24:41 21 THE WITNESS: I am Father [REDACTED],
10:24:48 22 member of the Franciscan order.

10:24:51 23 MR. HANCE: Bryan Hance of Lewis Brisbois
10:24:53 24 Bisgaard & Smith for the defendant Franciscan
10:24:55 25 Friars of California and the deponent and clergy.

10:24:59 1 MR. MATIASIC: Paul Matiasic, Lewis
10:25:01 2 Brisbois Bisgaard & Smith, San Francisco, for the
10:25:02 3 witness and the Franciscan Friars of California.
10:25:06 4 MR. HABEL: James Habel, Hennigan, Bennett
10:25:08 5 & Dorman for the Archdiocese of Los Angeles and
10:25:11 6 defendants' liaison counsel in Clergy I.
10:25:16 7 MR. GODFREY: Peter J. Godfrey, Gilbert,
10:25:19 8 Kelly, Crowley & Jennett, counsel for the
10:25:19 9 Archdiocese of Los Angeles.
10:25:21 10 MR. LAURENCE: Patrick Laurence from
10:25:23 11 Freberg & Associates on behalf of numerous
10:25:27 12 plaintiffs.
10:25:27 13 MR. NYE: David Nye, Nye, Peabody &
10:25:30 14 Stirling.
10:25:30 15 MR. DRIVON: David Drivon on behalf
10:25:33 16 plaintiffs' liaison counsel, Clergy I and on behalf
10:25:37 17 of four plaintiffs, one of whom is in Clergy III.
10:25:41 18 MR. HALE: Tim Hale, Nye, Peabody. Also
10:25:44 19 for various plaintiffs.
10:25:47 20 MS. DICKERSON: Denise Dickerson, Sutter,
10:25:49 21 O'Connell, Mannion & Farchione, monitoring on
10:25:51 22 behalf of ACE Insurance.
10:25:53 23 MR. BONA: David Bona, Carroll, Burdick &
10:25:55 24 McDonough, the Archdiocese of Los Angeles.
10:25:57 25 THE VIDEOGRAPHER: Thank you. Would the

10:25:59 1 reporter please swear in the witness.

10:26:01 2

3

FATHER [REDACTED],

4

having first duly affirmed, was examined and

5

testified as follows:

6

10:26:02 7

EXAMINATION

10:26:02 8

BY MR. HALE:

10:26:21 9

Q Good morning, Father.

10

A Good morning.

10:26:22 11

Q My name is Tim Hale. Could you spell your

10:26:25 12

name for the record, please.

10:26:27 13

A [REDACTED], [REDACTED], [REDACTED],

10:26:36 14

[REDACTED].

10:26:38 15

Q Thank you.

10:26:40 16

A OFM.

10:26:46 17

MR. HALE: I understand you want to make

10:26:49 18

your records so please fire away.

10:26:50 19

MR. HANCE: We would like to put on the

10:26:52 20

record our objection to the deposition notice of

10:26:54 21

Father [REDACTED] to the extent it purports to

10:26:59 22

notice him as a hierarchy witness.

10:27:05 23

MR. GODFREY: The Archdiocese of

10:27:07 24

Los Angeles specifically objects to the designation

10:27:09 25

of Father [REDACTED] as a hierarchy witness regarding

10:27:14 1 practices and procedures of the Diocese of
10:27:16 2 Los Angeles.

10:27:17 3 MR. HALE: Anyone else?

10:27:18 4 Q Father, have you ever had your deposition
10:27:21 5 taken before?

10:27:21 6 A Yes.

10:27:22 7 Q How many times?

10:27:23 8 A Once.

10:27:24 9 Q And when was that time?

10:27:25 10 A Two years ago.

10:27:34 11 Q What was that lawsuit about?

10:27:36 12 A Mainly about my signatures on a couple of
10:27:46 13 documents from the financial office.

10:27:49 14 Q Was it -- were the Franciscan Friars a
10:27:55 15 defendant in that lawsuit?

10:27:56 16 A Yes.

10:27:56 17 Q Do you know who the plaintiff was?

10:27:58 18 A The plaintiff?

10:27:59 19 Q The party that was suing the Franciscans.

10:28:02 20 A No.

10:28:03 21 Q Was it an individual, a person, or was it
10:28:07 22 a business or a corporate entity?

10:28:09 23 A I don't remember.

10:28:09 24 Q Who represented you in that lawsuit?

10:28:15 25 Strike that. Who represented the Franciscan Friars

10:28:17 1 in that lawsuit?

10:28:19 2 A One -- I forgot the lawyer's name.

10:28:24 3 Q Was it a Brian Brosnhan?

10:28:28 4 A That group, I believe.

10:28:30 5 Q I'm sorry. I didn't catch that.

10:28:32 6 A I think it was from that group.

10:28:34 7 Q Was it an action on a dispute over a
10:28:38 8 contract?

10:28:39 9 A No. It was mainly to verify my signature
10:28:45 10 on a document of some sort.

10:28:54 11 Q What was the subject matter of the
10:28:56 12 document?

10:28:57 13 A I don't remember. I don't remember.

10:29:00 14 Q Okay. Was the lawsuit filed in Oakland or
10:29:03 15 in Southern California?

10:29:05 16 A San Francisco.

10:29:06 17 Q San Francisco. Okay. Did the lawsuit go
10:29:09 18 to trial?

10:29:09 19 A No.

10:29:10 20 Q Was it settled out of court?

10:29:13 21 A As far as I know.

10:29:14 22 Q Okay. Were there any allegations of
10:29:19 23 childhood sexual abuse discussed in the lawsuit?

10:29:23 24 A No.

10:29:23 25 Q That's the only time you have ever been

10:29:27 1 deposed?

10:29:28 2 A Yes.

10:29:28 3 Q Okay. I'm sure your attorneys have
10:29:31 4 discussed the deposition process with you prior to
10:29:33 5 this taking place, but I wanted to go over the
10:29:35 6 ground rules to make sure we're on the same page.

10:29:38 7 Do you understand your testimony today has
10:29:41 8 the same force and effect as if we were in a court
10:29:44 9 of law?

10:29:44 10 A Yes.

10:29:45 11 Q Do you understand you have been placed
10:29:47 12 under oath by the reporter?

10:29:48 13 A Yes.

10:29:49 14 Q Great. Have you consumed any alcohol in
10:29:51 15 the last 12 hours that might somehow impair your
10:29:55 16 ability to testify today?

10:29:56 17 A No.

10:29:56 18 Q Have you consumed any drugs in the last
10:29:58 19 24 hours that might somehow impair your ability to
10:30:01 20 testify?

10:30:01 21 A No.

10:30:01 22 Q Is there any reason you can't give your
10:30:05 23 best testimony today?

10:30:06 24 A No.

10:30:07 25 Q Okay. You're doing a really good job of

10:30:13 1 waiting for me to finish my questions before you
10:30:16 2 respond so we have a clear record. If you can
10:30:18 3 continue to do that, that would be great, and by
10:30:20 4 the same token I will do my best to wait to respond
10:30:23 5 or wait to question you further when you're
10:30:26 6 answering one of my questions.

10:30:27 7 Okay?

10:30:28 8 A Yes.

10:30:28 9 Q We don't want you to guess to any of the
10:30:31 10 answers to any of the questions I ask you but we
10:30:34 11 are entitled to your estimate. I assume you
10:30:36 12 understand the difference between a guess and an
10:30:38 13 estimate?

10:30:38 14 A Yes.

10:30:38 15 Q If I ask you a question and you respond
10:30:42 16 I'm going to assume that you understood when I
10:30:44 17 asked you in the question, so it's very important
10:30:47 18 that if you do not understand a question that you
10:30:49 19 ask me to rephrase or clarify in some manner.

10:30:52 20 Do you understand that?

10:30:52 21 A Yes.

10:30:53 22 Q Great. At the conclusion of this
10:30:56 23 deposition your testimony is going to be placed
10:30:58 24 into a typed booklet and you will get a chance to
10:31:01 25 review your testimony, make any changes that you

10:31:03 1 feel are necessary, but if you do make any changes
10:31:05 2 either myself or some other attorney in this matter
10:31:07 3 would be free to comment on those at the time of
10:31:09 4 trial, so it's very important you give your best
10:31:11 5 testimony today.

10:31:12 6 Do you understand that?

10:31:12 7 A Yes.

10:31:13 8 Q Okay. You're also doing a great job of
10:31:16 9 giving affirmative answers and if you could just
10:31:19 10 continue to do that, that will make for a nice
10:31:21 11 clear record. Shaking of the head and "uh-huh" and
10:31:24 12 "huh-uh" make for a very unclear record.

10:31:26 13 If you just continue testifying the way
10:31:28 14 you're doing we're going to have a nice clear
10:31:32 15 record. Okay?

10:31:33 16 A Yes.

10:31:33 17 Q Okay. Do you have any questions?

10:31:34 18 A No.

10:31:34 19 Q If you need to take a break at any time
10:31:37 20 today just let me know and we will take one. I am
10:31:40 21 definitely not trying to hold you prisoner here.
10:31:43 22 Okay?

10:31:43 23 A Yes.

10:31:44 24 Q Have you reviewed any documents in
10:31:45 25 preparation for your deposition today?

10:31:47 1 A No.

10:31:48 2 Q Okay. I would like to get your
10:31:51 3 educational background and your employment
10:31:53 4 background with the Franciscans.

10:31:55 5 Let's start with your education. Did you
10:31:57 6 attend Saint Anthony's Seminary for high school?

10:32:00 7 A Yes.

10:32:01 8 Q What year did you first attend Saint
10:32:03 9 Anthony's Seminary?

10:32:05 10 A '28. 1928.

10:32:08 11 Q When you attended was the program such
10:32:14 12 that you attended Saint Anthony's for four years of
10:32:17 13 high school and then two years of the equivalent of
10:32:20 14 junior college?

10:32:21 15 A Yes.

10:32:21 16 Q So did you finish from Saint Anthony's in
10:32:27 17 1934?

10:32:28 18 A '34.

10:32:30 19 Q Okay. Before we go any further, where
10:32:36 20 were you born?

10:32:37 21 A Los Angeles.

10:32:42 22 Q After you finished at Saint Anthony's,
10:32:48 23 where did you go next?

10:32:49 24 A San Luis Rey Mission.

10:32:52 25 Q Was that for two years?

10:32:55 1 A That was three years.

10:33:01 2 Q So you finished in '37?

10:33:03 3 A '37.

10:33:04 4 Q Then after that did you go to the
10:33:09 5 Theologate in Santa Barbara?

10:33:12 6 A Santa Barbara.

10:33:13 7 Q Was it called the School of Theology at
10:33:16 8 that time?

10:33:16 9 A Yes.

10:33:17 10 Q What year did you finish at the School of
10:33:21 11 Theology?

10:33:21 12 A In '40. I was ordained in '39.

10:33:31 13 Q Okay. Then you completed your studies in
10:33:38 14 1940?

10:33:39 15 A In 1940 I was assigned to Saint Anthony's
10:33:52 16 Seminary.

10:33:53 17 Q Did you do what is called "a simplex year"
10:33:59 18 while you were at the School of Theology?

10:34:01 19 A From '39 to '40, yes.

10:34:02 20 Q And what was your assignment for that
10:34:06 21 simplex year?

10:34:07 22 A To continue our studies.

10:34:12 23 Q Were you in residence at the Old Mission?

10:34:15 24 A Yes.

10:34:15 25 Q Did you do parish work that year?

10:34:23 1 A No.

10:34:26 2 Q Okay. What exactly -- what went on during
10:34:30 3 your simplex year?

10:34:31 4 A We finished our course of theology and
10:34:39 5 offered mass there at the mission.

10:34:42 6 Q Okay. Was there any work in the parishes
10:34:47 7 in the Santa Barbara community other than at the
10:34:50 8 mission?

10:34:50 9 A Not in our time.

10:34:51 10 Q Okay. Then your first assignment was at
10:34:53 11 Saint Anthony's Seminary in Santa Barbara?

10:34:55 12 A That's right.

10:34:56 13 Q Did you become a member of the faculty?

10:34:59 14 A Yes.

10:35:00 15 Q What subjects did you teach?

10:35:04 16 A Oh, history, algebra, music appreciation.
10:35:22 17 Later on Spanish, geometry.

10:35:29 18 Q Okay. Other than what we already talked
10:35:33 19 about, did you have any other educational studies;
10:35:36 20 in other words, after your time at the School of
10:35:39 21 Theology?

10:35:40 22 A No.

10:35:41 23 Q How many years were you assigned to
10:35:46 24 Saint Anthony's?

10:35:47 25 A 15.

10:35:48 1 Q So did you leave in 1955?

10:35:50 2 A '55.

10:35:52 3 Q I want to come back and talk about your
10:35:59 4 specific assignments at Saint Anthony's, but I
10:36:01 5 first want to get a chronology of your different
10:36:03 6 assignments.

10:36:04 7 So what was your next assignment after
10:36:06 8 Saint Anthony's in 1955?

10:36:08 9 A Secretary of the Province in Oakland,
10:36:18 10 California.

10:36:18 11 Q Is that an elected position?

10:36:21 12 A Yes.

10:36:22 13 Q How long did you hold that position for?

10:36:24 14 A For 30 years.

10:36:28 15 Q So from 1955 to 1985 you were the
10:36:39 16 secretary for the province?

10:36:42 17 A Yes.

10:36:42 18 Q During those three years were you in
10:36:51 19 residence at one place or did you move around?

10:36:54 20 A No. I was at the same place, Saint
10:36:57 21 Elizabeth's, which was also the provincial office.

10:37:03 22 Q So from 1955 to 1985 you were in residence
10:37:20 23 at Saint Elizabeth's?

10:37:22 24 A That's right.

10:37:23 25 Q And in 1985 what was -- was there another

10:37:32 1 assignment?

10:37:33 2 A I continued at Saint Elizabeth's until

10:37:39 3 '86, November, '86.

10:37:42 4 Q Were you the pastor at Saint Elizabeth's?

10:37:45 5 A No.

10:37:45 6 Q Were you an associate or assistant pastor?

10:37:49 7 A No.

10:37:49 8 Q Did you have responsibilities at Saint

10:37:52 9 Elizabeth's?

10:37:53 10 A No. Just in the community.

10:37:55 11 Q Okay. But you were --

10:37:58 12 A Member of the community.

10:37:59 13 Q But you were no longer the secretary from

10:38:03 14 '85 to '86, correct?

10:38:05 15 A That's right.

10:38:05 16 Q Did you have any responsibilities within

10:38:13 17 the province from '85 to '86?

10:38:17 18 A No.

10:38:19 19 Q Were you retired?

10:38:21 20 A No.

10:38:21 21 Q Okay. You just took a year off?

10:38:25 22 A No. I mean --

10:38:32 23 Q Let me ask you this. What did you do with

10:38:34 24 your time in that 1985 to 1986 year?

10:38:37 25 A Well, I was still a member -- I still was

10:38:41 1 in charge of the Franciscan Missionary Union. I

10:38:45 2 was also Commissary of the Holy Land and

10:38:52 3 responsibilities not associated with --

10:38:56 4 Q Okay. You said the Franciscan Missionary

10:39:00 5 Union?

10:39:01 6 A Franciscan Missionary Union.

10:39:04 7 Q And what was the emissary to the Holy

10:39:07 8 Land --

10:39:07 9 A Commissary to the Holy Land.

10:39:12 10 Q Did you have faculties that year?

10:39:16 11 A Sure.

10:39:17 12 Q And what were your duties as -- what was

10:39:25 13 your title with the Franciscan Missionary Union?

10:39:29 14 A Mainly to take care of the needs of the

10:39:40 15 Friars in the missions and try to raise funds for

10:39:48 16 them.

10:39:49 17 Q But did you have a title? Were you

10:39:51 18 president?

10:39:52 19 A No. No.

10:39:53 20 Q No title?

10:39:54 21 A Just in charge.

10:39:58 22 Q When you say you cared for the friars in

10:40:00 23 the missions, are you talking about friars who had

10:40:04 24 retired at the mission or all friars who were at

10:40:08 25 the missions?

10:40:09 1 A There were three or four from our province
10:40:12 2 working in the Philippines.

10:40:14 3 Q Okay. So what you're referring to is not
10:40:19 4 friars at the missions but friars on missions out
10:40:22 5 of the country?

10:40:22 6 A On missions out of the country.

10:40:38 7 Q What were your responsibilities as -- were
10:40:41 8 you the Commissary of the Holy Land?

10:40:44 9 A Commissary of the Holy Land for the
10:40:47 10 Pacific Coast.

10:40:52 11 Q So that was your title?

10:40:53 12 A That was mine, yes.

10:40:55 13 Q What were your responsibilities as the
10:40:58 14 commissary?

10:40:59 15 A Principally to be the source of
10:41:03 16 collections of the Good Friday collections from the
10:41:07 17 provinces on the Pacific Coast.

10:41:21 18 Q Is there more than one Franciscan province
10:41:25 19 on the Pacific Coast?

10:41:25 20 A No.

10:41:26 21 Q Just one?

10:41:27 22 A It's from the different dioceses,
10:41:32 23 dioceses. There are about 20 dioceses that should
10:41:40 24 send me their collections for the Good Friday
10:41:44 25 collections.

10:41:48 1 Q Okay. Go ahead.

10:41:58 2 A These in turn were sent to Washington,
10:42:02 3 D.C. and to Jerusalem.

10:42:05 4 Q Okay. Who were they sent to in
10:42:08 5 Washington, D.C.?

10:42:09 6 A The other commissary there. There are
10:42:11 7 three commissaries in the United States: Myself, a
10:42:14 8 brother in St. Louis and Washington D.C..
10:42:20 9 Washington, D.C. is the main commissary.

10:42:25 10 Q And all Good Friday collections were
10:42:38 11 basically funneled through you to Jerusalem?

10:42:42 12 A To Washington D.C. and then to Jerusalem.

10:42:46 13 Q And those came from diocesan parishes?

10:42:53 14 A Yes.

10:42:53 15 Q Okay. Did they come from diocesan
10:42:55 16 parishes that were only run by Franciscans or all
10:42:58 17 diocesan parishes?

10:42:58 18 A All diocesan parishes. The collections
10:43:03 19 were sent in to the chancery office and the
10:43:08 20 chancery office would send a check to me.

10:43:18 21 Q How was it that -- is the Commissary in
10:43:21 22 the Holy Land a position that's traditionally
10:43:24 23 manned by a Franciscan or did it just happen to be
10:43:27 24 that you were selected?

10:43:29 25 A Franciscans have been in charge of that

10:43:33 1 since the beginning of the order. Saint Francis
10:43:38 2 himself.

10:43:39 3 Q Okay. Do the Franciscans collect any kind
10:43:46 4 of -- I don't know what the right word -- would be
10:43:49 5 a tax or any kind of fee for performing this
10:43:54 6 service?

10:43:57 7 MR. MATIASIC: Are you talking about when
10:43:58 8 he was the commissary or now?

10:44:01 9 BY MR. HALE:

10:44:05 10 Q Sure. To your knowledge.

10:44:05 11 A No.

10:44:06 12 Q So '85-'86 you held those two positions.

10:44:10 13 Were there any other positions you held
10:44:12 14 that year?

10:44:12 15 A No.

10:44:13 16 Q What about -- what was your next
10:44:14 17 assignment after those?

10:44:15 18 A Los Angeles.

10:44:16 19 Q Where?

10:44:18 20 A Saint Joseph's in Los Angeles.

10:44:20 21 Q Was that in 1987?

10:44:21 22 A 1986.

10:44:24 23 Q What were your responsibilities at Saint
10:44:35 24 Joseph's?

10:44:35 25 A Just a member of the community and in

10:44:41 1 charge of the community expenses, finance.

10:44:48 2 Q Did you perform parish work there?

10:44:54 3 A I offered mass, not as a pastor nor the
10:45:03 4 assistant; just a member of the community.

10:45:17 5 Q How long were you at Saint Joseph's?

10:45:20 6 A I'm still there.

10:45:22 7 Q Okay. So 1986 to the present?

10:45:26 8 A Right.

10:45:26 9 Q Are you still handling the community's
10:45:30 10 finances?

10:45:31 11 A No.

10:45:31 12 Q When did that stop?

10:45:33 13 A When we moved to the new location on
10:45:37 14 San Fernando Road.

10:45:39 15 Q Do you know what year that was?

10:45:41 16 A 2000.

10:45:41 17 Q Did you retire in 2000 essentially?

10:45:47 18 A Yeah. Yes.

10:45:48 19 Q Do you still perform mass?

10:45:50 20 A Absolutely.

10:45:55 21 Q Okay. Any other assignments that we
10:46:07 22 haven't already talked about during your career as
10:46:10 23 a Franciscan?

10:46:11 24 A No. That's pretty well covering it.

10:46:15 25 Q Let's go back to Saint Anthony's.

10:46:17 1 Other than as a faculty member, did you
10:46:20 2 hold any other positions during your time at Saint
10:46:24 3 Anthony's?

10:46:24 4 A I was the prefect of the students.

10:46:36 5 Q The prefect of discipline?

10:46:38 6 A Prefect of discipline.

10:46:41 7 Q What year was that?

10:46:42 8 A The whole time I was there.

10:46:44 9 Q Who preceded you as the prefect?

10:46:58 10 A Father Donald Gander.

10:47:07 11 Q When you became prefect did he offer any
10:47:10 12 advice on responsibilities of a prefect?

10:47:13 13 A He was gone already.

10:47:15 14 Q Did you talk to anyone about the duties
10:47:17 15 and responsibilities of a prefect?

10:47:19 16 A The rector.

10:47:22 17 Q Who was that?

10:47:24 18 A I think it was Father Louis Schoen.

10:47:40 19 Q Can you spell that?

10:47:42 20 A S-C-H-O-E-N. I will take that back.

10:47:51 21 Let's make it Father [REDACTED] who was the
10:47:57 22 long-term president.

10:47:58 23 Q What did Father [REDACTED] tell you about
10:48:02 24 your duties as prefect of discipline?

10:48:05 25 A Not too much.

10:48:08 1 Q Okay. Did he offer you any advice?

10:48:14 2 A I don't remember exactly.

10:48:19 3 Q As you sit here now, what is your
10:48:24 4 understanding of what your duties were as prefect
10:48:27 5 of discipline from 1940 to 1955?

10:48:31 6 A Well, to see that order prevailed among
10:48:36 7 the students; to be with them most of the time in
10:48:54 8 chapel and refectory, study hall. Take care of the
10:49:08 9 study hall.

10:49:09 10 Q You mean supervise study hall?

10:49:12 11 A Supervise study hall.

10:49:14 12 Q Okay. Anything else?

10:49:16 13 A Not in particular.

10:49:18 14 Q Were you the infirmarian?

10:49:21 15 A No.

10:49:22 16 Q Who was the infirmarian during your 15
10:49:26 17 years?

10:49:26 18 A Well, an individual boy. Somebody of the
10:49:33 19 student body -- of the upper class -- upper class
10:49:40 20 was appointed the infirmarian for the year.

10:49:43 21 Q And who would appoint that upper classman?

10:49:47 22 A The rector, Father [REDACTED].

10:49:50 23 Q Do you know, were you involved in the
10:49:52 24 selection of that infirmarian?

10:49:55 25 A Yes.

10:49:56 1 Q And what were the criteria for selecting
10:49:59 2 an infirmarian? Were there any criteria?

10:50:03 3 A Not in particular.

10:50:11 4 Q When you were a student at Saint Anthony's
10:50:19 5 who was the prefect of discipline?

10:50:21 6 A Father Matthew Poetrzle.

10:50:29 7 Q Can you spell that?

10:50:32 8 A P-O-E-T-R-Z-L-E. I'm not sure. I'm not
10:50:42 9 sure.

10:50:43 10 Q Fair enough. Was the infirmarian an upper
10:50:52 11 classman as well when you were a student?

10:50:54 12 A I don't remember. Usually we were
10:51:01 13 referred to a doctor in town.

10:51:03 14 Q Was there an infirmary while you were a
10:51:07 15 student?

10:51:07 16 A So-called infirmary, yeah.

10:51:11 17 Q Why do you say "so-called"?

10:51:13 18 A Well, a special room up on the second
10:51:17 19 floor with the medical supplies.

10:51:20 20 Q Okay. Was it in the same location as the
10:51:25 21 infirmary was located while you were on the faculty
10:51:28 22 or did the location change?

10:51:30 23 A It was the same.

10:51:32 24 Q Okay. In your time as a Franciscan do you
10:51:42 25 have any recollection of a faculty member -- strike

10:51:50 1 that.

10:51:50 2 Do you have any recollection of a
10:51:52 3 Franciscan serving as infirmarian of Saint
10:51:57 4 Anthony's?

10:51:57 5 A No.

10:51:57 6 Q During your time on the faculty what were
10:52:09 7 the duties of the infirmarian?

10:52:16 8 A He was a member of the student body
10:52:18 9 attending classes like the rest of them.

10:52:20 10 Q Okay. But in relation to the infirmary
10:52:25 11 what were his duties?

10:52:26 12 A To contact the doctor in town if anything
10:52:37 13 came up.

10:52:37 14 Q Okay. Were there any circumstances where
10:52:39 15 the infirmarian would provide some sort of
10:52:43 16 treatment to a student at Saint Anthony's?

10:52:47 17 MR. MATIASIC: Vague and ambiguous. Go
10:52:49 18 ahead, Father. You can answer.

10:52:50 19 BY THE WITNESS:

10:52:51 20 A Not that I remember.

10:52:52 21 BY MR. HALE:

10:52:53 22 Q Can you think of any circumstances where
10:52:54 23 it would have been appropriate for the infirmarian
10:52:59 24 to provide treatment to a student?

10:53:05 25 MR. HANCE: Calls for speculation.

10:53:11 1 BY THE WITNESS:

10:53:11 2 A No.

10:53:12 3 BY MR. HALE:

10:53:15 4 Q Okay.

10:53:16 5 A They would dispense medication, cold pills
10:53:21 6 mainly.

10:53:21 7 Q So if someone had a headache they would go
10:53:24 8 to the infirmarian for aspirin?

10:53:27 9 A That's right.

10:53:27 10 Q Okay. In your experience, did the
10:53:29 11 infirmarian ever give alcohol rubs to a student?

10:53:33 12 A No.

10:53:34 13 Q In your experience on the faculty, was
10:53:41 14 there ever any instance where -- that you were
10:53:45 15 aware of where the infirmarian would place his
10:53:48 16 hands on a student?

10:53:49 17 A No. I don't recall.

10:53:53 18 Q Can you think of any circumstance in your
10:53:56 19 experience where it would have been appropriate for
10:53:58 20 the infirmarian to place his hands on a student?

10:54:01 21 MR. HANCE: Incomplete hypothetical.

10:54:03 22 Vague and ambiguous.

10:54:04 23 BY THE WITNESS:

10:54:05 24 A No.

25

10:54:05 1 BY MR. HALE:

10:54:15 2 Q So the infirmarian would have a term of
10:54:17 3 one year or actually -- strike that.

10:54:22 4 How many years would an infirmarian
10:54:24 5 typically serve?

10:54:26 6 MR. MATIASIC: When he was on the faculty?

10:54:28 7 MR. HALE: Yes.

8 BY THE WITNESS:

10:54:30 9 Q It would be one year. The following year
10:54:38 10 we would see who might take it over.

10:54:55 11 BY MR. HALE:

10:54:55 12 Q Other than prefect of discipline during
10:54:57 13 your 15 years at Saint Anthony's, did you hold any
10:55:00 14 other titles other than faculty member and prefect
10:55:04 15 of discipline?

10:55:06 16 A No.

10:55:12 17 Q Were you the vice-rector?

10:55:16 18 A Sometimes they called me the vice-rector.

10:55:20 19 Q Well, what were your duties as
10:55:24 20 vice-rector?

10:55:24 21 A Just to keep in touch with the rector.

10:55:33 22 Q Anything specific that you can recall?

10:55:35 23 A No.

10:55:36 24 Q Any other titles you held during your 15
10:55:48 25 years at Saint Anthony's?

10:55:49 1 A No.

10:55:50 2 Q Is the prefect of studies someone who is
10:55:52 3 on the faculty at Saint Anthony's or -- I'm sorry.

10:55:56 4 Was the prefect of studies someone who was
10:55:59 5 on the faculty at Saint Anthony's or is that a
10:56:02 6 position within the province?

10:56:03 7 A A position within the province.

10:56:05 8 Q Where is the prefect of studies' office
10:56:07 9 located?

10:56:10 10 MR. MATIASIC: At what time?

10:56:11 11 MR. HALE: I will split that into two
10:56:14 12 questions.

10:56:14 13 Q Is there still a prefect of studies in the
10:56:18 14 province?

10:56:18 15 A I'm sure there is.

10:56:19 16 Q Do you know where his office is located at
10:56:22 17 this time?

10:56:22 18 A No.

10:56:22 19 Q What about when you were on the faculty?
10:56:25 20 Where was his office located?

10:56:27 21 A No particular office.

10:56:30 22 Q Okay.

10:56:30 23 A Could have been at the mission.

10:56:32 24 Q Okay. Could it have been in Oakland as
10:56:35 25 well?

10:56:35 1 A Could have been in Oakland.

10:56:37 2 Q There were -- there was only one prefect
10:56:43 3 of studies while you were on the faculty?

10:56:45 4 A Right.

10:56:46 5 Q Okay. And what was your understanding of
10:56:48 6 the prefect of studies' duties?

10:57:01 7 MR. MATIASIC: Are you talking about at
10:57:03 8 any time while he was at Saint Anthony's?

10:57:05 9 MR. HALE: Any time. If it changed I
10:57:07 10 would like to hear when it changed.

10:57:10 11 BY THE WITNESS:

10:57:10 12 A I have no idea.

10:57:12 13 BY MR. HALE:

10:57:12 14 Q Okay.

10:57:14 15 Do you recall who the prefect of studies
10:57:17 16 was while you were on the faculty at Saint
10:57:20 17 Anthony's?

10:57:20 18 A No.

10:57:20 19 Q Did you have any contact with the prefect
10:57:22 20 of studies while you were on the faculty of Saint
10:57:26 21 Anthony's?

10:57:26 22 A No.

10:57:26 23 Q Do you know if the rector had any contact
10:57:28 24 with the prefect of studies while you were on the
10:57:32 25 faculty of Saint Anthony's?

10:57:33 1 A Could have had contact.

10:57:35 2 Q But you don't know?

10:57:36 3 A No.

10:57:37 4 Q Okay. Were you ever the spiritual
10:57:49 5 director for students at Saint Anthony's?

10:57:52 6 A No.

10:57:52 7 Q I was looking through the Catholic
10:57:54 8 directory today and for one year -- I think it was
10:58:05 9 '56 -- it listed just that one year you as
10:58:08 10 spiritual director.

10:58:10 11 Do you think that's a mistake by the
10:58:11 12 directory?

10:58:12 13 A I wasn't even there in '56.

10:58:14 14 Q That's right. I may be wrong about what
10:58:18 15 year I saw.

10:58:19 16 You have no recollection; you definitely
10:58:21 17 did not serve as the spiritual director?

10:58:23 18 A Never. I couldn't do it. It was out of
10:58:26 19 my position.

10:58:27 20 Q Because you were prefect it wouldn't have
10:58:29 21 been appropriate?

10:58:31 22 A That's right.

10:58:31 23 Q Do you remember who the spiritual director
10:58:37 24 was or were during your 15 years at Saint
10:58:57 25 Anthony's?

10:58:57 1 MR. MATIASIC: I think the question is
10:58:57 2 overbroad.

10:58:58 3 Are you saying -- are you going to ask
10:59:01 4 whether there was one spiritual director for the
10:59:04 5 entire student body over that time because if each
10:59:10 6 student had their own spiritual director we're
10:59:13 7 talking about scores and scores of --

10:59:13 8 BY MR. HALE:

10:59:13 9 Q Is there a difference between a spiritual
10:59:16 10 director and a spiritual advisor?

10:59:17 11 A No.

10:59:18 12 Q Was there more than one spiritual director
10:59:20 13 while you were on the faculty at Saint Anthony's?

10:59:23 14 A At the time?

10:59:24 15 Q Yes.

10:59:24 16 A No. One.

10:59:25 17 Q Okay. So there was one spiritual director
10:59:28 18 for the entire student body?

10:59:30 19 A That's right.

10:59:31 20 Q Do you recall how many spiritual directors
10:59:33 21 there were for your 15 years?

10:59:35 22 A No. They may have been there for a year
10:59:45 23 or two.

10:59:47 24 Q Did the identity of the spiritual director
10:59:53 25 or did the person assigned -- was there a different

10:59:56 1 person assigned to be spiritual director each
10:59:59 2 school year?

11:00:00 3 A Not necessarily. Some may have gone one
11:00:04 4 or two or three years.

11:00:05 5 Q Okay. Did you have faculties the entire
11:00:12 6 time you were on the faculty at Saint Anthony's?

11:00:15 7 A Sure did.

11:00:15 8 Q Were you aware of any Franciscan priest on
11:00:21 9 faculty at Saint Anthony's during your 15 years
11:00:23 10 there who did not have faculties?

11:00:26 11 A No.

11:00:26 12 Q Have you ever heard at any time in your
11:00:31 13 career of a Franciscan having his faculties removed
11:00:35 14 by the Archdiocese of Los Angeles?

11:00:37 15 MR. MATIASIC: Overbroad.

11:00:40 16 BY THE WITNESS:

11:00:41 17 A No.

11:00:41 18 BY MR. HALE:

11:00:42 19 Q Do you know [REDACTED]? That's
11:00:46 20 [REDACTED].

11:00:47 21 A Yes.

11:00:47 22 Q Do you recall [REDACTED] having his faculties
11:00:51 23 removed?

11:00:52 24 A I don't recall that but I presumed he
11:00:57 25 did -- they were.

11:00:57 1 Q Why do you presume they were?

11:00:59 2 A Because he joined another group.

11:01:02 3 Q You mean when he left the province?

11:01:05 4 MR. GODFREY: Can I have that answer back?

11:01:07 5 I didn't hear it.

11:01:08 6 THE WITNESS: Because he joined the Jewish

11:01:13 7 religion.

11:01:15 8 MR. GODFREY: Thank you.

11:01:16 9 BY MR. HALE:

11:01:16 10 Q Did you ever hear that he was -- he had

11:01:20 11 his faculties removed by the Archdiocese of

11:01:24 12 Los Angeles because he had performed a wedding

11:01:26 13 ceremony for a Jesuit priest who had not given up

11:01:31 14 his vows?

11:01:32 15 A Yes. I just became aware of that a couple

11:01:37 16 weeks ago, first time.

11:01:38 17 Q Okay. Did you become aware of that

11:01:42 18 through your attorneys because if you did I don't

11:01:45 19 want to hear anymore about it?

11:01:46 20 A No.

11:01:47 21 Q Who did you become aware of it through?

11:01:49 22 A A reference to a book by Father Virgil.

11:02:04 23 Q Have you read Father Virgil's book?

11:02:07 24 A Yes.

11:02:08 25 Q Now, [REDACTED] was not referenced by

11:02:13 1 name in that book.

11:02:14 2 A That's right.

11:02:14 3 Q How did you know that that portion of the
11:02:16 4 book was referring to [REDACTED]?

11:02:18 5 A One of the other Franciscans told me.

11:02:24 6 Q Okay. Was that someone from Saint
11:02:28 7 Joseph's?

11:02:28 8 A No. I think it was up in Santa Barbara.

11:02:34 9 Q Who was it that told you?

11:02:35 10 A I don't know. I don't recall.

11:02:36 11 Q Okay. Was it Father [REDACTED]?

11:02:40 12 A No. He wouldn't have. I didn't get it
11:02:46 13 from him.

11:02:51 14 Q How did the subject of Father Cordano's
11:02:56 15 book come up?

11:02:58 16 A Well, I saw it up there in the library, so
11:03:05 17 it was just published so I took time to read it.

11:03:07 18 Q And how did the subject of [REDACTED]
11:03:12 19 [REDACTED]'s faculties being removed come up in
11:03:14 20 conversation?

11:03:15 21 A It didn't come up in conversation at all.
11:03:18 22 I just presumed.

11:03:43 23 Q Have you ever heard of any other
11:03:45 24 Franciscan having their faculties removed by the
11:03:48 25 Archdiocese of Los Angeles?

11:03:51 1 A No.

11:03:51 2 Q Have you ever heard of any other
11:03:53 3 Franciscan having their faculties removed by any
11:03:57 4 diocese or archdiocese in the province?

11:04:00 5 A No.

11:04:00 6 Q Have you ever heard of a Franciscan being
11:04:03 7 disciplined in any way by the Archdiocese of
11:04:07 8 Los Angeles?

11:04:08 9 MR. HANCE: Vague and ambiguous.

11:04:10 10 BY THE WITNESS:

11:04:10 11 A No.

11:04:10 12 BY MR. HALE:

11:04:11 13 Q Have you have heard of a Franciscan being
11:04:13 14 reprimanded by anyone within the Archdiocese of
11:04:17 15 Los Angeles?

11:04:17 16 MR. HANCE: Same objection.

11:04:18 17 BY THE WITNESS:

11:04:18 18 A No.

11:04:18 19 BY MR. HALE:

11:04:19 20 Q Did you know Bishop John Ward?

11:04:24 21 A I know of him, yeah.

11:04:27 22 Q How do you know of him?

11:04:29 23 A He gave me my faculties when I first came
11:04:35 24 to Los Angeles.

11:04:36 25 Q Okay. Did you have any contact with him

11:04:39 1 subsequent to him giving you your faculties?

11:04:43 2 A No.

11:04:43 3 Q Did he personally inform you that you had
11:04:46 4 been granted faculties?

11:04:47 5 A With a letter.

11:04:48 6 Q So he wrote you a letter granting you
11:04:51 7 faculties?

11:04:51 8 A Yeah.

11:04:53 9 Q Do you know who succeeded you as prefect
11:05:07 10 of discipline at Saint Anthony's?

11:05:09 11 A I think it was Martin McKeon.

11:05:17 12 Q And is that M-C-K-E-O-N?

11:05:21 13 A That's right.

11:05:21 14 Q Was Father McKeon on the faculty with you
11:05:24 15 before he became the prefect of discipline?

11:05:27 16 A Yes.

11:05:27 17 Q Did you and Father McKeon discuss what his
11:05:31 18 responsibilities would be as the prefect of
11:05:34 19 discipline?

11:05:34 20 A No.

11:05:35 21 Q Did he ever have any questions for you
11:05:38 22 about his responsibilities as prefect of
11:05:41 23 discipline?

11:05:42 24 A No. That would be between him and the
11:05:46 25 rector.

11:05:47 1 Q Have you ever spoken with Mario
11:05:51 2 Cimmarrusti about the responsibilities of a prefect
11:05:57 3 of discipline?

11:05:59 4 A No.

11:05:59 5 Q Were there any -- in your time -- are you
11:06:02 6 aware of any written guidelines regarding
11:06:05 7 responsibilities of a prefect of discipline?

11:06:07 8 A No.

11:06:08 9 Q As a student at Saint Anthony's were you
11:06:19 10 ever disciplined by a faculty member?

11:06:22 11 A No.

11:06:22 12 Q As a student were you ever aware of other
11:06:24 13 students being disciplined by a faculty member?

11:06:27 14 A No.

11:06:27 15 Q Did students -- while you were a student,
11:06:31 16 did students ever act out or do anything resulting
11:06:37 17 in criticism or reprimand by a faculty member?

11:06:41 18 MR. MATIASIC: Vague and ambiguous.

11:06:42 19 MR. HANCE: Vague and ambiguous.

11:06:44 20 MR. MATIASIC: You can answer if you can.

11:06:45 21 BY THE WITNESS:

11:06:46 22 A No.

11:06:46 23 BY MR. HALE:

11:06:48 24 Q What about while you were on the faculty?
11:06:52 25 Did students ever act out in an inappropriate way

11:06:55 1 that resulted in some kind of reprimand?

11:06:57 2 MR. HANCE: Same objection.

11:06:59 3 BY THE WITNESS:

11:07:00 4 A No.

11:07:01 5 BY MR. HALE:

11:07:04 6 Q Did students ever skip class while you
11:07:06 7 were a faculty member or while you were a student
11:07:08 8 at Saint Anthony's?

11:07:11 9 MR. MATIASIC: Also for speculation.

11:07:13 10 BY MR. HALE:

11:07:14 11 Q To your knowledge.

11:07:14 12 A Not that I know of.

11:07:16 13 Q Is it your testimony that no students were
11:07:18 14 ever disciplined while you were on the faculty at
11:07:22 15 Saint Anthony's, to your knowledge?

11:07:24 16 MR. MATIASIC: Argumentative.

11:07:25 17 BY THE WITNESS:

11:07:26 18 A No.

11:07:26 19 BY MR. HALE:

11:07:27 20 Q Okay. I am just trying to understand.
11:07:28 21 We're talking about when you were on the faculty
11:07:31 22 the age of the students was approximately 14 to 18.

11:07:34 23 A That's right.

11:07:35 24 Q Teenage boys?

11:07:36 25 A Yeah.

11:07:37 1 Q Did the students ever get in fights with
11:07:40 2 each other?

11:07:41 3 A Not that I am aware of.

11:07:44 4 Q So in your 15 years there were never any
11:07:47 5 altercations that you were aware of?

11:07:50 6 A That's right.

11:07:51 7 MR. MATIASIC: Vague and ambiguous as to
11:07:52 8 "altercations." Go ahead, Father. You may answer.

11:07:55 9 BY THE WITNESS:

11:07:56 10 A No.

11:07:56 11 BY MR. HALE:

11:07:57 12 Q No students during your 15 years were ever
11:08:00 13 caught cheating?

11:08:02 14 A Cheating?

11:08:03 15 Q On exams, for instance.

11:08:05 16 A No.

11:08:06 17 Q Did any students ever during your 15 years
11:08:12 18 speak out inappropriately in class?

11:08:14 19 MR. MATIASIC: Calls for speculation. You
11:08:16 20 are asking whether he is aware of it?

11:08:18 21 BY MR. HALE:

11:08:18 22 Q To your knowledge. To your knowledge.

11:08:19 23 A Not to my knowledge.

11:08:20 24 Q Okay. Were students allowed to talk
11:08:24 25 during class during your time on the faculty?

11:08:28 1 A Not in my class.

11:08:30 2 Q No. In any class.

11:08:32 3 MR. MATIASIC: Are you talking about
11:08:33 4 answering a question he poses? What do you mean?

11:08:35 5 BY MR. HALE:

11:08:36 6 Q Allowed to talk with each other, in other
11:08:38 7 words.

11:08:38 8 A No.

11:08:39 9 Q Okay. Did that ever happen while you were
11:08:42 10 prefect of discipline at Saint Anthony's, to your
11:08:44 11 knowledge?

11:08:44 12 A Not in my class.

11:08:46 13 Q Did you ever hear of it happening in
11:08:48 14 another class?

11:08:48 15 A No.

11:08:48 16 Q How did you keep the students in line
11:08:54 17 during your time on the faculty?

11:08:56 18 A We were a happy family.

11:09:05 19 Q There were never any problems?

11:09:09 20 MR. MATIASIC: Vague and ambiguous.
11:09:10 21 Overbroad.

11:09:15 22 BY THE WITNESS:

11:09:16 23 A Not that I recall.

11:09:17 24 BY MR. HALE:

11:09:18 25 Q Okay. You had study hall while you were

11:09:22 1 on the faculty, correct?

11:09:24 2 A Yes.

11:09:25 3 Q Was talking allowed during study hall?

11:09:27 4 A No.

11:09:28 5 Q Were students allowed to leave study hall
11:09:31 6 without permission of a study hall supervisor?

11:09:33 7 A No.

11:09:34 8 Q Did any of those type things occur, to
11:09:37 9 your knowledge, while you were on the faculty at
11:09:40 10 Saint Anthony's?

11:09:40 11 A No.

11:09:41 12 Q Can you think of any actions taken by
11:09:54 13 students during your time as a Franciscan Friar
11:09:59 14 where you are aware of a student being punished for
11:10:03 15 his actions?

11:10:04 16 MR. MATIASIC: Vague and ambiguous.
11:10:05 17 Overbroad.

11:10:06 18 BY THE WITNESS:

11:10:06 19 A No.

11:10:07 20 BY MR. HALE:

11:10:18 21 Q Was there ever any discussion of
11:10:21 22 eliminating the prefect of discipline position in
11:10:24 23 light of the lack of problems that apparently there
11:10:27 24 were at Saint Anthony's?

11:10:28 25 MR. MATIASIC: First of all, mistakes his

11:10:30 1 testimony. Secondly, calls for speculation.

11:10:32 2 Are you asking whether he was ever present
11:10:35 3 when there was discussion about eliminating the
11:10:38 4 position?

11:10:38 5 MR. HALE: Right. No. That's not what I
11:10:41 6 am asking.

11:10:42 7 Q Are you aware of there being any
11:10:43 8 discussions regarding eliminating the position of
11:10:46 9 prefect of discipline while you were on the faculty
11:10:49 10 at Saint Anthony's Seminary?

11:10:50 11 A No.

11:10:52 12 Q Do you know why the position of prefect of
11:10:55 13 discipline continued at Saint Anthony's? What was
11:11:00 14 the purpose of the position?

11:11:04 15 MR. MATIASIC: Vague and ambiguous, again.

11:11:05 16 If you can answer that, Father, go ahead.

11:11:07 17 BY THE WITNESS:

11:11:08 18 A The purpose?

11:11:09 19 BY MR. HALE:

11:11:09 20 Q Yes.

11:11:12 21 A Well, I guess I did a good job and the
11:11:23 22 rector had no complaints; we worked together very
11:11:30 23 well.

11:11:30 24 Q I understand. I am not suggesting you
11:11:33 25 personally should have been fired.

11:11:35 1 A That's what --

11:11:36 2 Q That's not what I'm trying to say.

11:11:39 3 MR. MATIASIC: Vague and ambiguous.

11:11:39 4 BY MR. HALE:

11:11:40 5 Q Was there any discussion perhaps of
11:11:41 6 changing your title from "prefect of discipline" to
11:11:45 7 simply "faculty member"?

11:11:46 8 A No.

11:11:46 9 Q In your opinion, was it necessary to have
11:11:51 10 a prefect of discipline during your time on the
11:11:54 11 faculty?

11:11:55 12 MR. MATIASIC: Objection. Irrelevant.

11:12:04 13 BY THE WITNESS:

11:12:05 14 A Your question again?

11:12:06 15 BY MR. HALE:

11:12:06 16 Q In your opinion, was it necessary to have
11:12:08 17 a prefect of discipline while you were on the
11:12:10 18 faculty at Saint Anthony's?

11:12:12 19 MR. MATIASIC: Same objection.

11:12:16 20 THE WITNESS: Once again.

11:12:18 21 MR. HALE: Can you read my question back.

11:12:22 22 (Record read.)

11:12:38 23 MR. MATIASIC: I renew my relevancy
11:12:41 24 objection and also am going to add that -- I am
11:12:44 25 going to renew the objection that he is not a

11:12:48 1 hierarchy witness, so his opinion as to whether or
11:12:49 2 not there should have been a prefect is not likely
11:12:52 3 to lead to the discovery of admissible evidence.

11:12:56 4 MR. HALE: Just for the record, I think he
11:12:57 5 is a hierarchy witness. He was secretary of the
6 province and that qualifies him as a hierarchy
11:13:00 7 witness.

11:13:00 8 MR. MATIASIC: Not at Saint Anthony's.

11:13:03 9 MR. HALE: Saint Anthony's is within the
11:13:05 10 province and certainly governed by the province.

11:13:08 11 MR. MATIASIC: Right. But at the time he
11:13:10 12 was at Saint Anthony's he wasn't a hierarchy
11:13:13 13 witness so whether or not is irrelevant, but I will
11:13:15 14 let him answer the question.

11:13:16 15 BY MR. HALE:

11:13:17 16 Q Okay. You can answer.

11:13:21 17 Do you want the question again?

11:13:23 18 A Yes. Still confusing.

11:13:25 19 (Record read.)

11:13:40 20 MR. MATIASIC: Same objections.

11:13:42 21 BY THE WITNESS:

11:13:43 22 A Yes.

11:13:43 23 BY MR. HALE:

11:13:44 24 Q Okay. Why?

11:13:44 25 A We had a student body there that

11:13:53 1 happened --

11:13:59 2 MR. MATIASIC: Speak up if you can.

11:14:01 3 THE WITNESS: Yeah.

11:14:04 4 A I don't see the reason for your question.

11:14:09 5 BY MR. HALE:

11:14:10 6 Q Okay. I don't know if that necessarily
11:14:11 7 matters, but I can explain exactly where I'm coming
11:14:15 8 from.

11:14:15 9 How many students were in your student
11:14:19 10 bodies on average at Saint Anthony's?

11:14:21 11 MR. MATIASIC: While he was on faculty?

11:14:22 12 BY MR. HALE:

11:14:23 13 Q While you were on the faculty.

11:14:25 14 A Between 150 and maybe 220.

11:14:30 15 Q Okay. So you have between 150 and 220
11:14:36 16 14-to-18-year-old students under your supervision,
11:14:39 17 correct?

11:14:39 18 A Right. And the rector's. And the
11:14:42 19 rector's.

11:14:42 20 Q So my question is -- unless I am
11:14:46 21 misunderstanding your testimony today -- your
11:14:48 22 testimony is that while you were on the faculty
11:14:50 23 there were no acts of discipline meted out by you
11:14:56 24 as the prefect of discipline.

11:14:58 25 If that is the case, why was the prefect

11:15:00 1 of discipline position even necessary?

11:15:03 2 A To keep order.

11:15:05 3 Q Okay. Did the students ever get out of
11:15:07 4 order?

11:15:09 5 MR. HANCE: Vague and ambiguous.

11:15:10 6 MR. MATIASIC: Asked and answered. Answer
11:15:12 7 again, Father.

11:15:15 8 BY MR. HALE:

11:15:15 9 Q During your 15 years on the faculty.

11:15:19 10 A Yes. Minor things, I guess.

11:15:28 11 Q What kind of minor things?

11:15:37 12 A I don't remember in particular.

11:15:38 13 Q Okay. Is the prefect of discipline a
11:15:43 14 statutorily created position within the province?

11:15:47 15 MR. HANCE: Calls for speculation.

11:16:02 16 BY THE WITNESS:

11:16:03 17 A Well, it was a necessary thing to keep
11:16:07 18 order among the students.

11:16:10 19 BY MR. HALE:

11:16:10 20 Q Okay. But correct me if I'm wrong, but
11:16:12 21 there are specific statutes that govern the
11:16:16 22 province; is that correct?

11:16:18 23 MR. HANCE: Same objections.

11:16:19 24 BY THE WITNESS:

11:16:20 25 A Yes.

11:16:20 1 BY MR. HALE:

11:16:21 2 Q Is that position of prefect of discipline
11:16:24 3 set forth in any of those statutes, to your
11:16:26 4 knowledge?

11:16:27 5 A No.

11:16:27 6 Q Is it set forth in any statutes that
11:16:32 7 originate with the entire order as opposed to just
11:16:36 8 the province?

11:16:37 9 MR. HANCE: Same objection.

11:16:38 10 BY THE WITNESS:

11:16:39 11 A No.

11:16:39 12 BY MR. HALE:

11:16:39 13 Q Do you know what the origin of the prefect
11:16:41 14 of discipline position is?

11:16:43 15 MR. HANCE: Same objection.

11:16:44 16 BY THE WITNESS:

11:16:44 17 A No.

11:16:44 18 BY MR. HALE:

11:16:45 19 Q You referenced a second ago there were
11:16:48 20 some minor acts that necessitated some sort of
11:16:52 21 action on your part but you couldn't remember them.

11:16:56 22 Do you recall what kind of discipline you
11:16:58 23 meted out as a result of those acts?

11:17:00 24 MR. HANCE: Vague and ambiguous.

25

11:17:03 1 BY THE WITNESS:

11:17:04 2 A One would be to keep the individual on the
11:17:09 3 grounds, say on a free afternoon, or to refuse him
11:17:23 4 pie on Friday when the rest of the students were --
11:17:29 5 had pie for their dessert. Little things like
11:17:38 6 that.

11:17:38 7 BY MR. HALE:

11:17:39 8 Q Any other methods of discipline that you
11:17:41 9 can recall as you sit here today while you were on
11:17:43 10 the faculty?

11:17:47 11 A No.

11:17:48 12 Q So there -- you could keep a person on the
11:17:52 13 grounds; essentially detention?

11:17:53 14 A Detention.

11:17:54 15 Q Okay. You could forbid them dessert?

11:17:57 16 A Yeah.

11:17:57 17 Q Anything else?

11:18:00 18 MR. MATIASIC: This is punishment that he
11:18:02 19 meted out himself?

11:18:04 20 MR. HALE: Right.

11:18:05 21 Q That's it?

11:18:06 22 A Yes.

11:18:06 23 Q What about when you were a student
11:18:08 24 yourself? Were you aware of any kind of punishment
11:18:12 25 being meted out by the prefect during your time as

11:18:16 1 a Saint Anthony's student?

11:18:16 2 A No. Too far back.

11:18:18 3 Q Were there ever any discussions between
11:18:26 4 you and the faculty regarding approved methods of
11:18:31 5 punishment at Saint Anthony's?

11:18:33 6 MR. HANCE: Vague and ambiguous.

11:18:34 7 BY THE WITNESS:

11:18:35 8 A No.

11:18:35 9 BY MR. HALE:

11:18:36 10 Q Were there any discussions of disapproved
11:18:38 11 methods of punishment between you and any
11:18:41 12 Franciscan while you were on the faculty?

11:18:44 13 MR. HANCE: Same objection.

11:18:45 14 BY THE WITNESS:

11:18:45 15 A No.

11:18:46 16 BY MR. HALE:

11:18:46 17 Q Were there any rules that governed what
11:18:49 18 kind of punishment you could mete out as the
11:18:53 19 prefect of discipline?

11:18:54 20 A No.

11:18:54 21 Q How did you know what punishment was
11:19:00 22 appropriate while you were the prefect?

11:19:03 23 A Common sense.

11:19:05 24 Q Okay. When I refer to "corporal
11:19:11 25 punishment" what would you understand that to mean?

11:19:14 1 A Hitting a fellow.

11:19:18 2 Q Okay. Were there ever any instances while
11:19:21 3 you were a student or while you were on the faculty
11:19:24 4 where you became aware of instances of corporal
11:19:28 5 punishment of a student?

11:19:30 6 A No.

11:19:30 7 Q Have you ever heard of -- strike that.
11:19:35 8 Have you ever become aware at any time
11:19:37 9 during your career as a Franciscan of corporal
11:19:44 10 punishment of a student at Saint Anthony's
11:19:46 11 Seminary?

11:19:47 12 MR. MATIASIC: Other than anything he
11:19:51 13 heard from his attorneys?

11:19:51 14 BY MR. HALE:

11:19:52 15 Q Right. Excluding anything you heard from
11:19:53 16 your attorneys.

11:19:53 17 A No.

11:19:53 18 Q Can you think of any circumstances where
11:19:55 19 it would have been appropriate while you were on
11:19:57 20 the faculty for a student to be -- to receive
11:20:01 21 corporal punishment?

11:20:02 22 MR. HANCE: Incomplete hypothetical.
11:20:04 23 Vague and ambiguous.

11:20:05 24 MR. MATIASIC: And lacks foundation.

25

11:20:06 1 BY THE WITNESS:

11:20:07 2 A No.

11:20:07 3 BY MR. HALE:

11:20:11 4 Q Aside from your attorneys, have you ever
11:20:14 5 heard of Father Cimmarrusti was engaging in
11:20:18 6 corporal punishment of students at Saint Anthony's
11:20:21 7 Seminary?

11:20:21 8 A No.

11:20:22 9 Q Does that surprise you?

11:20:24 10 A Surprise me?

11:20:25 11 Q I will represent to you that a number of
11:20:27 12 our clients claim they were the victims of corporal
11:20:30 13 punishment by Father Cimmarrusti.

11:20:33 14 Does that surprise you?

11:20:34 15 MR. MATIASIC: Counsel, I object on the
11:20:36 16 grounds of relevance but you can go ahead and
11:20:38 17 answer.

11:20:39 18 BY THE WITNESS:

11:20:40 19 A It would surprise me, yeah.

11:20:41 20 BY MR. HALE:

11:20:43 21 Q Okay. When you became secretary of the
11:20:55 22 province that was a position that -- was that a
11:20:59 23 position that was voted on by the entire province?

11:21:01 24 A By the definitorium.

11:21:07 25 Q Okay. Are there four definitorium

11:21:10 1 members?

11:21:10 2 A There were four at that time but there are
11:21:12 3 six now.

11:21:13 4 Q Okay. What were your duties as secretary
11:21:19 5 of the province?

11:21:20 6 A Well --

11:21:29 7 Q I got the impression you handled a lot of
11:21:31 8 financial matters.

11:21:32 9 A Yes.

11:21:33 10 Q What did that involve?

11:21:34 11 A Paying the bills and sending out checks to
11:21:52 12 the different missions of our province. That is
11:21:57 13 Arizona, New Mexico, the friars working at those
11:22:03 14 places. They were sent a subsidy at the Indian
11:22:13 15 missions in Arizona.

11:22:14 16 Q What else?

11:22:15 17 A And to keep -- take the minutes of the
11:22:22 18 definitorium meetings.

11:22:28 19 Q Okay. What else?

11:22:37 20 A Publish the annual book of assignments for
11:22:47 21 all the members of the province. Type all that
11:22:58 22 out. Run it up and mimeograph and send it to the
11:23:02 23 province.

11:23:03 24 Q Okay. Anything else?

11:23:08 25 A I think there were other minor things, but

11:23:11 1 I don't recall.

11:23:11 2 Q With regard to financial matters, if there
11:23:14 3 was some sort of contract for services that the
11:23:17 4 Franciscans wanted to obtain, would you negotiate
11:23:19 5 that?

11:23:19 6 A That would be negotiated by the provincial
11:23:28 7 or vice-provincial.

11:23:30 8 Q What about insurance coverage? Were you
11:23:33 9 involved as a secretary in obtaining insurance
11:23:37 10 coverage for the province?

11:23:38 11 A Yes.

11:23:38 12 Q Did you continue with those
11:23:45 13 responsibilities -- were you the person who was
11:23:48 14 responsible for obtaining insurance for the
11:23:49 15 province from the time you became secretary in 1955
11:23:54 16 until the time you ceased being secretary in '85?

11:23:57 17 A Yeah.

11:23:58 18 Q Did you continue with any responsibilities
11:24:01 19 for obtaining insurance coverage after you retired
11:24:05 20 as secretary?

11:24:07 21 A No.

11:24:16 22 MR. HANCE: How are you doing, Father?

11:24:19 23 THE WITNESS: Pretty good.

11:24:21 24 MR. HALE: Do you want a break?

11:24:23 25 THE WITNESS: Go for a while yet.

11:24:26 1 MR. HALE: Just say when.

11:24:29 2 Q When you kept minutes at the definitorium
11:24:33 3 meeting, did you attend, to your knowledge, every
11:24:35 4 definitorium meeting?

11:24:36 5 A Yes.

11:24:37 6 Q And would those take place always in
11:24:39 7 Oakland or would there be various locations for
11:24:42 8 definitorium meetings?

11:24:43 9 A They would change to different locations.

11:24:45 10 Q When the meetings took place outside of
11:24:49 11 Oakland, you took meeting notes at those meetings
11:24:52 12 as well, I assume?

11:24:53 13 A Yes.

11:24:54 14 Q And what did you do with those notes when
11:24:56 15 you finished taking them?

11:24:58 16 A At that time -- during that time it was a
11:25:06 17 matter of having them available for the next
11:25:08 18 meeting of the definitorium so they would know what
11:25:12 19 happened the previous meeting.

11:25:14 20 Q Okay. And then once that second meeting
11:25:17 21 finished what would you do with the meeting notes
11:25:20 22 from the prior meeting? Would they be stored
11:25:22 23 somewhere?

11:25:22 24 A They were stored in the provincial office.

11:25:25 25 Q Would that be in your office --

11:25:26 1 A Provincial.

11:25:28 2 Q -- or in the provincial's office?

11:25:31 3 A Provincial office.

11:25:34 4 Q Did you have an office near the

11:25:37 5 provincial's office?

11:25:37 6 A Yes.

11:25:37 7 Q Okay. And would the meeting notes be

11:25:39 8 stored in your office?

11:25:40 9 A The minutes?

11:25:43 10 Q Yes.

11:25:44 11 A Yeah. I guess so.

11:25:48 12 Q Do you recall that happening?

11:25:50 13 A No.

11:25:50 14 Q Did you have a secretary while you were

11:25:53 15 the secretary?

11:25:54 16 A No.

11:25:54 17 Q So you did all your typing yourself?

11:25:57 18 A That's right. Yeah.

11:26:01 19 Q Were there any other meetings other than

11:26:05 20 definitorium meetings where you kept the minute

11:26:08 21 notes?

11:26:08 22 A No. Not that I recall.

11:26:11 23 Q When you published the annual book of

11:26:31 24 assignments for all members of the province, was

11:26:34 25 that derived from you having discussions from the

11:26:36 1 provincial about who was going to be assigned
11:26:39 2 where?

11:26:40 3 A Those were assignments made by the
11:26:42 4 definitorium at their meeting.

11:26:44 5 Q Okay. Why did you leave Saint Anthony's
11:26:57 6 in 1955?

11:26:58 7 A Why did I leave?

11:27:03 8 Q Yes.

11:27:04 9 A Because the provincial and the
11:27:06 10 definitorium decided I should become the secretary
11:27:10 11 of the province. Father David Temple was the
11:27:13 12 provincial.

11:27:14 13 Q Is Father Temple still alive?

11:27:16 14 A No.

11:27:16 15 Q How long was Father Temple the provincial
11:27:22 16 for?

11:27:23 17 A Nine years.

11:27:23 18 Q Do you recall what years his term covered?

11:27:25 19 A Well, '55 was the beginning of his third
11:27:31 20 term.

11:27:32 21 Q Okay.

11:27:32 22 A For three years.

11:27:34 23 Q So '58, '59?

11:27:38 24 A '58 somebody else would be elected
11:27:42 25 provincial.

11:27:43 1 Q Are you familiar or were you aware of
11:27:46 2 Father Temple doing any work with the Servants of
11:27:48 3 the Paraclete?

11:27:51 4 MR. MATIASIC: Vague and ambiguous as to
11:27:52 5 "doing any work."

11:27:53 6 BY THE WITNESS:

11:27:54 7 A Yes.

11:27:54 8 BY MR. HALE:

11:27:55 9 Q When did you become aware of that?

11:27:57 10 A I don't recall.

11:28:02 11 Q How did you become aware of that?

11:28:04 12 A From him, I guess.

11:28:10 13 Q Okay. What did he tell you about the
11:28:12 14 nature of his work with the Paraclete?

11:28:15 15 A Didn't tell me anything.

11:28:16 16 Q Did you have an understanding of the
11:28:19 17 nature of his work with the Paraclete?

11:28:23 18 A I think my understanding was it had to do
11:28:28 19 something with alcoholism.

11:28:29 20 Q Okay.

11:28:31 21 MR. GODFREY: Didn't hear that answer.
11:28:33 22 I'm sorry.

11:28:33 23 THE WITNESS: Alcoholism, I think.

11:28:36 24 MR. GODFREY: Thank you.

25

11:28:37 1 BY MR. HALE:

11:28:39 2 Q Do you know he came to work for the
11:28:40 3 Paraclete?

11:28:41 4 A No.

11:28:42 5 Q Do you know how long he did work with the
11:28:43 6 Paraclete?

11:28:44 7 A No.

11:28:44 8 Q And was that sometime in the 60's, to your
11:28:53 9 recollection, that he was working with the
11:28:55 10 Paraclete?

11:28:55 11 A I don't recall.

11:28:56 12 Q To your knowledge -- go ahead.

11:29:02 13 MR. MATIASIC: There is no question
11:29:03 14 pending, Father.

11:29:04 15 BY MR. HALE:

11:29:05 16 Q To your knowledge, have there been any
11:29:07 17 other Franciscans other than Father Temple that
11:29:10 18 have worked with the Paraclete?

11:29:11 19 A No.

11:29:11 20 Q Did you think it was unusual that he was
11:29:14 21 doing work with the Paraclete?

11:29:16 22 A No.

11:29:40 23 Maybe want to take a break now.

11:29:42 24 Q That's fine.

11:29:44 25 THE VIDEOGRAPHER: We're off the record at

11:29:45 1 11:29 a.m.

11:29:47 2 (Brief recess.)

11:46:38 3 THE VIDEOGRAPHER: We're back on the
11:46:44 4 record at 11:46 a.m.

11:46:46 5 BY MR. HALE:

11:46:48 6 Q Father, a couple questions about the
11:46:50 7 definitorium.

11:46:51 8 Why did the number change from four
11:46:53 9 definitorium members to six? Do you know?

11:46:58 10 A No.

11:46:58 11 Q When did that happen?

11:47:00 12 A Maybe ten years ago.

11:47:15 13 Q Okay. So the entire time you were the
11:47:20 14 secretary, though, it was four members?

11:47:23 15 A I think it went up to six even while I was
11:47:32 16 up there.

11:47:32 17 Q Okay. Who were the four members of the
11:47:36 18 definitorium when you became secretary?

11:47:40 19 A I don't remember.

11:47:43 20 Q Father Temple was the provincial at that
11:47:47 21 time?

11:47:47 22 A Yes.

11:47:48 23 Q Who became provincial after Father Temple?

11:47:54 24 A I think it was Father [REDACTED].

11:48:00 25 Q During your time as secretary what were

11:48:05 1 the -- what was the primary subject matter of
11:48:10 2 definitorium meetings?

11:48:12 3 MR. HANCE: Vague and ambiguous.

11:48:18 4 MR. MATIASIC: And overbroad.

11:48:26 5 BY THE WITNESS:

11:48:27 6 A I don't remember.

11:48:27 7 BY MR. HALE:

11:48:28 8 Q Could you estimate what percentage of the
11:48:30 9 meetings, the definitorium meetings, were spent
11:48:33 10 discussing personnel decisions, assignment
11:48:37 11 decisions?

11:48:38 12 MR. MATIASIC: This is the entire 30
11:48:39 13 years?

11:48:39 14 MR. HALE: Yes.

11:48:44 15 Q Just an estimate.

11:48:45 16 A About how much of -- 20 percent, maybe.
11:48:53 17 20.

11:48:53 18 Q Okay. Were there ever any discussions at
11:49:02 19 any definitorium meeting you attended of childhood
11:49:06 20 sexual abuse?

11:49:07 21 A No.

11:49:07 22 Q Were there ever any discussions of
11:49:11 23 allegations of misconduct by Franciscans at any of
11:49:15 24 the definitorium meetings that you attended?

11:49:19 25 MR. HANCE: Vague and ambiguous.

11:49:19 1 BY THE WITNESS:

11:49:20 2 A No.

11:49:20 3 BY MR. HALE:

11:49:31 4 Q When you were on the faculty at Saint
11:49:35 5 Anthony's was it a common practice for you to do
11:49:40 6 parish work on weekends around the Santa Barbara
11:49:45 7 community?

11:49:46 8 A No.

11:49:46 9 Q Was it common for other Franciscans to do
11:49:50 10 parish work around the community?

11:49:52 11 A Yes.

11:49:53 12 Q Why didn't you?

11:49:54 13 A Because I was prefect.

11:49:57 14 Q So in other words --

11:49:59 15 A Students.

11:49:59 16 Q So you were charged with supervising the
11:50:03 17 students?

11:50:03 18 A Right.

11:50:04 19 Q To your knowledge, were there any
11:50:07 20 Franciscans other than yourself who were assigned
11:50:10 21 to Saint Anthony's while you on the faculty who did
11:50:13 22 not assist at parishes around the Santa Barbara
11:50:17 23 community?

11:50:18 24 A There were two or three that assisted
11:50:33 25 Van Ness -- not Van Ness -- but around that area.

11:50:36 1 Not in Santa Barbara.

11:50:38 2 Q During the 15 years that you were on the
11:50:42 3 faculty, were there any Franciscans that assisted
11:50:45 4 in parishes in the Santa Barbara community?

11:50:48 5 A No.

11:50:48 6 Q Do you know if there were any Franciscans
11:50:51 7 during that time period from the mission who
11:50:52 8 assisted in the Santa Barbara community?

11:50:56 9 A There may have been.

11:50:58 10 Q Were the Franciscans -- during your time
11:51:05 11 on the faculty were they operating the San Roque
11:51:10 12 Parish?

11:51:10 13 A No.

11:51:11 14 Q As the secretary, in addition to paying
11:51:25 15 bills did you also receive checks for the province?

11:51:29 16 A Yes.

11:51:30 17 Q When were you aware -- I understand you
11:51:34 18 did not assist at parishes in the Santa Barbara
11:51:38 19 community, but at some point did you become aware
11:51:41 20 of other Franciscans assisting at parishes in the
11:51:46 21 Santa Barbara community and receiving stipends that
11:51:49 22 were paid to the province?

11:51:51 23 MR. MATIASIC: Compound.

11:51:51 24 BY THE WITNESS:

11:51:52 25 A No.

11:51:53 1 BY MR. HALE:

11:51:53 2 Q And during your time as secretary, did you
11:51:55 3 ever receive any checks written by a Santa Barbara
11:51:59 4 parish to the Order for assistance provided at that
11:52:04 5 parish?

11:52:06 6 A I don't remember.

11:52:12 7 Q Is there anyone -- would you have been the
11:52:14 8 person responsible for receiving -- would anyone
11:52:18 9 else have been responsible for receiving stipends
11:52:21 10 or income of some sort?

11:52:24 11 A No.

11:52:24 12 Q Only you?

11:52:25 13 A (No audible response).

11:52:26 14 Q Who became secretary after you?

11:52:30 15 A Father Jeffrey Bridges.

11:52:36 16 Q Do you know how many years he served as
11:52:39 17 secretary?

11:52:44 18 A I think it was three plus the -- four
11:52:47 19 years together.

11:52:48 20 Q Okay. You lost me. What do you mean by
11:52:54 21 "three plus four years together"?

11:52:56 22 A No, no, no. The first year he supplied
11:53:01 23 for me and the second year -- the second, third and
11:53:05 24 fourth year it was an assignment by the
11:53:08 25 definitorium.

11:53:09 1 Q When you say he supplied for you, what do
11:53:12 2 you mean? Was he your assistant?

11:53:12 3 A Took my place.

11:53:13 4 Q Was that in 1986?

11:53:20 5 A '85. '85 to '86.

11:53:21 6 Q Were you still officially the secretary of
11:53:25 7 the province?

11:53:26 8 A No. I was asked to resign and he was
11:53:30 9 appointed.

11:53:31 10 Q Okay. Do you know who followed him? Was
11:53:43 11 it Father Jurisich?

11:53:47 12 A Could be.

11:53:48 13 Q What did you say the name was again?

11:53:55 14 A Jeffrey Bridges.

11:53:56 15 Q Did you train Father Bridges in the duties
11:53:59 16 as secretary?

11:54:00 17 A No.

11:54:00 18 Q Do you know if anyone else did?

11:54:03 19 A No. He was a former definitur so he was
11:54:13 20 aware of how things go.

11:54:15 21 Q Okay. When did you first become in charge
11:54:27 22 of the Franciscan Missionary Union?

11:54:32 23 A In '55.

11:54:34 24 Q Okay. So from '55 until 1986 you were in
11:54:38 25 charge of the Franciscan Missionary Union?

11:54:41 1 A Uh-huh.

11:54:42 2 Q Is that a "yes"?

11:54:44 3 A Yes.

11:54:44 4 Q And you referenced earlier there were
11:54:46 5 Franciscans working in the Philippines?

11:54:49 6 A Yes.

11:54:50 7 Q Is that the only location where
11:54:53 8 Franciscans performed missionary work while you
11:54:56 9 were in charge of the Franciscan Missionary Union?

11:55:00 10 A Also in Mexico, Guymas, Mexico.

11:55:06 11 Q Anywhere else?

11:55:08 12 A No.

11:55:09 13 Q Is there -- do you know if there is a
11:55:14 14 parish in the Philippines, a Franciscan parish?

11:55:25 15 MR. MATIASIC: You mean associated with
11:55:27 16 this particular province or with the Order?

11:55:29 17 MR. HALE: That's a good question.

11:55:31 18 Q Is there a Franciscan parish related to
11:55:36 19 this province in the Philippines?

11:55:41 20 A Not anymore.

11:55:44 21 Q When did it cease to be related to the
11:55:46 22 province?

11:55:57 23 A 20 years ago.

11:55:58 24 Q So sometime around mid-1980's?

11:56:03 25 A Yeah.

11:56:04 1 Q Okay. Why did it cease to be related to
11:56:07 2 the province?

11:56:10 3 MR. MATIASIC: Calls for speculation.

11:56:13 4 BY MR. HALE:

11:56:13 5 Q If you know.

11:56:14 6 A Because our friars came back to the
11:56:17 7 province.

11:56:17 8 Q When you refer to "friars" that could be a
11:56:20 9 brother or a priest, correct?

11:56:22 10 A That's right.

11:56:23 11 Q How did you become in charge of the
11:56:31 12 Franciscan Missionary Union? Were you appointed by
11:56:35 13 someone from the province to handle that work?

11:56:37 14 A By the definitorium.

11:56:39 15 Q Okay. Were you involved in selecting
11:56:44 16 Franciscans to do that missionary work?

11:56:47 17 A No.

11:56:47 18 Q Who would select the Franciscans to do
11:56:52 19 missionary work?

11:56:53 20 A The provincial of the definitorium.

11:56:56 21 Q Okay. Was there a vote by the provincial
11:57:01 22 of the definitorium on who to send?

11:57:04 23 A Yes.

11:57:04 24 Q Did you have a vote in that
11:57:07 25 decision-making process?

11:57:09 1 A No.

11:57:09 2 Q But you were present for that
11:57:11 3 decision-making process?

11:57:12 4 A Yes.

11:57:13 5 Q How many -- do the Franciscans still have
11:57:31 6 a presence in Guymas, to your knowledge?

11:57:33 7 A Yes.

11:57:34 8 Q Has that been uninterrupted in your time
11:57:37 9 as a Franciscan, to your knowledge?

11:57:39 10 A Yes.

11:57:41 11 Q And how many Franciscans on average are in
11:57:45 12 Guymas every year?

11:57:47 13 MR. MATIASIC: Overbroad.

11:57:52 14 BY THE WITNESS:

11:57:54 15 A Two from our province.

11:57:55 16 BY MR. HALE:

11:57:56 17 Q What is the nature of the work there?

11:57:58 18 A Parish work and social work; feeding the
11:58:07 19 poor.

11:58:07 20 Q What is the name of the parish there?

11:58:10 21 A All I recall is Guymas, Mexico.

11:58:24 22 Q What about the Philippines? Do you recall
11:58:26 23 the name of the parish in the Philippines?

11:58:31 24 A Valle Morso, V-A-L-L-E, M-O-R-S-O. That's
11:58:47 25 the name of the town.

11:58:48 1 Q Okay. Is there more than one parish in
11:58:52 2 the Philippines?

11:58:54 3 A Yes.

11:58:54 4 Q Where is the other one?

11:58:56 5 A I don't recall.

11:59:05 6 Q Okay. And while the Franciscans were
11:59:09 7 doing that missionary work in the Philippines it
11:59:13 8 was always, to your recollection, three to four
11:59:15 9 Franciscans who would do that work?

11:59:18 10 A Yes.

11:59:18 11 Q Do you know who Sam Cabot is?

11:59:30 12 A Please?

11:59:31 13 Q Sam Cabot.

11:59:33 14 A Yes.

11:59:33 15 Q How do you know who Sam Cabot is?

11:59:42 16 A He is a brother at Serra Retreat, Malibu.

11:59:55 17 Q S-E-R-R-A. Do you know if he was ever
11:59:56 18 sent to the Philippines for missionary work?

12:00:00 19 A I don't recall.

12:00:03 20 Q Do you recall Father Cimmarrusti being
12:00:07 21 sent to Guymas for missionary work?

12:00:10 22 A Yes.

12:00:10 23 Q Were you a party to the definitorium
12:00:13 24 meeting where that was discussed?

12:00:15 25 A Yes.

12:00:15 1 Q And why was Father Cimmarrusti sent to
12:00:21 2 Guymas?

12:00:23 3 MR. MATIASIC: Lacks foundation.

12:00:24 4 BY THE WITNESS:

12:00:25 5 A I don't know. I don't recall.

12:00:26 6 BY MR. HALE:

12:00:27 7 Q Do you recall who was involved in that
12:00:31 8 discussion?

12:00:31 9 A The definitorium and the provincial.

12:00:35 10 Q Was Father [REDACTED] a provincial at the time?

12:00:39 11 A I don't know whether he was a provincial
12:00:43 12 then or whether it was Father Terrence Cronin.
12:00:49 13 Maybe Terrence Cronin was before him. I don't
12:00:52 14 know. I don't recall.

12:00:53 15 Q If a Franciscan wanted to come back from a
12:00:57 16 mission, would that be something that was discussed
12:01:00 17 at a definitorium meeting?

12:01:02 18 A Yes.

12:01:02 19 Q Do you recall there being any discussions
12:01:05 20 with Brother Cabot wanting to return from the
12:01:08 21 Philippines?

12:01:08 22 A No.

12:01:09 23 Q Do you recall there being any discussion
12:01:11 24 about Father Cimmarrusti returning from Guymas?

12:01:15 25 A No.

12:01:16 1 Q Do you recall who was assigned with
12:01:21 2 Brother Cabot in the Philippines?

12:01:23 3 A No.

12:01:23 4 Q But do you recall Brother Cabot doing
12:01:28 5 missionary work in the Philippines?

12:01:31 6 MR. MATIASIC: Do you recall that he was
12:01:32 7 there doing missionary work?

12:01:33 8 MR. HALE: Right.

12:01:39 9 BY THE WITNESS:

12:01:39 10 A Yes.

12:01:40 11 BY MR. HALE:

12:01:40 12 Q Did you ever travel to the Philippines or
12:01:43 13 to Guymas to observe the missionary work?

12:01:46 14 A No.

12:01:46 15 Q Did anyone from the province ever travel
12:01:48 16 to any of these locations to observe missionary
12:01:53 17 work?

12:01:53 18 MR. HANCE: Calls for speculation.

12:01:54 19 BY MR. HALE:

12:01:55 20 Q To your knowledge.

12:01:56 21 A No.

12:01:57 22 Q I recall you testified that it was your
12:02:02 23 duties as the -- being in charge of the missionary
12:02:06 24 union to make sure there were funds sent to these
12:02:09 25 two locations; is that correct?

12:02:10 1 A Yes.

12:02:11 2 Q Was that your -- were those your only
12:02:14 3 responsibilities for the Franciscan Missionary
12:02:20 4 Union?

12:02:20 5 A Also, to send over supplies that they
12:02:27 6 might need which they asked for.

12:02:33 7 Q Do you recall who was -- would there be a
12:02:38 8 Franciscan in charge at each one of these two
12:02:40 9 locations?

12:02:41 10 Let me ask you this. Would there be a
12:02:42 11 guardian at one of these locations?

12:02:45 12 A No.

12:02:45 13 Q Would there be a Franciscan in charge at
12:02:49 14 one of these two locations?

12:02:51 15 A Yes.

12:02:51 16 Q And do you recall who was in charge of the
12:02:53 17 Philippines in the 1960's? I know it's been a
12:02:56 18 while. If you can.

12:02:57 19 A No.

12:02:58 20 Q Is there a record somewhere that would
12:03:00 21 reflect who was in charge in the Philippines, to
12:03:04 22 your knowledge?

12:03:05 23 A Probably provincial office.

12:03:08 24 Q Okay. As secretary were you responsible
12:03:15 25 for maintaining personnel files for Franciscans?

12:03:19 1 A No.

12:03:20 2 Q Do you know, was the provincial
12:03:24 3 responsible for maintaining personnel files?

12:03:29 4 MR. MATIASIC: During his time as
12:03:31 5 secretary?

12:03:32 6 MR. HALE: Yes.

12:03:33 7 BY THE WITNESS:

12:03:33 8 A I don't recall.

12:03:34 9 BY MR. HALE:

12:03:35 10 Q Do you know what a sub secreto file --
12:03:40 11 S-U-B, S-E-C-R-E-T-O, file is?

12:03:44 12 A Yes.

12:03:44 13 Q Were those discussed at definitorium
12:03:48 14 meetings?

12:03:48 15 A No.

12:03:49 16 Q How did you become aware of the existence
12:03:51 17 sub secreto files?

12:03:51 18 A The provincial pointed out to me where
12:03:54 19 they were in the safe.

12:03:55 20 Q Okay. Was the safe in the provincial's
12:03:59 21 office?

12:03:59 22 A No.

12:03:59 23 Q Where was the safe located?

12:04:01 24 A In the -- next to the provincial office.

12:04:06 25 Q How long ago was that that the provincial

12:04:10 1 pointed out the safe to you?

12:04:11 2 A 35 years ago, I guess.

12:04:18 3 Q Why did the provincial point out to you
12:04:21 4 where the sub secreto files were?

12:04:24 5 MR. MATIASIC: Calls for speculation.

12:04:26 6 BY THE WITNESS:

12:04:27 7 A Just in case he wanted me to -- he had
12:04:29 8 something he wanted me to put in there.

12:04:31 9 BY MR. HALE:

12:04:32 10 Q Did you ever put anything in the sub
12:04:34 11 secreto files?

12:04:35 12 A Maybe.

12:04:36 13 Q Do you have any specific recollection?

12:04:38 14 A No.

12:04:39 15 Q Do you know if every Franciscan has a sub
12:04:42 16 secreto file?

12:04:43 17 A No.

12:04:43 18 Q Do some Franciscans not have sub secreto
12:04:49 19 files?

12:04:49 20 A That's right.

12:04:50 21 Q Do you know what results in the creation
12:04:51 22 of a sub secreto file for a Franciscan?

12:04:54 23 A No.

12:04:57 24 Q Have you ever created a sub secreto file
12:05:01 25 for a Franciscan?

12:05:02 1 A No.

12:05:02 2 Q Do you know who is responsible for
12:05:05 3 maintaining personnel files for the Franciscans?

12:05:09 4 MR. HANCE: At any time or what time are
12:05:11 5 we talking about?

12:05:12 6 MR. HALE: At any time.

12:05:14 7 MR. MATIASIC: Overbroad.

12:05:15 8 BY THE WITNESS:

12:05:16 9 A I don't know.

12:05:16 10 BY MR. HALE:

12:05:17 11 Q Do you know if it's the provincial's
12:05:19 12 responsibility?

12:05:20 13 MR. MATIASIC: Asked and answered.

12:05:23 14 BY THE WITNESS:

12:05:24 15 A No.

12:05:24 16 BY MR. HALE:

12:05:28 17 Q Do you know if that safe outside the
12:05:30 18 provincial's office still exists today?

12:05:33 19 A It's still there but whether it's used by
12:05:42 20 the provincial I don't know. It's not in the
12:05:44 21 provincial unit.

12:05:46 22 Q So the provincial's offices have moved?

12:05:49 23 A Yeah. Downstairs.

12:05:50 24 Q Do you know if there is a new safe
12:05:53 25 downstairs for storage of sub secreto files?

12:05:56 1 A No, I don't know.

12:05:57 2 Q How did you become aware when a Franciscan
12:06:16 3 that had a mission assignment needed funds from
12:06:19 4 you? Did he contact you for those? Did you
12:06:22 5 contact them regularly? What was the nature of the
12:06:25 6 communications?

12:06:25 7 A They would write to the provincial and the
12:06:29 8 provincial would tell me.

12:06:30 9 Q Other than distributing funds to
12:06:40 10 Franciscans conducting mission work, did you have
12:06:43 11 any other responsibilities with regards to
12:06:44 12 Franciscans conducting missionary work?

12:06:47 13 A No.

12:06:49 14 Q Were you aware of the provincial
12:06:54 15 monitoring missionary work at the Philippines or at
12:07:00 16 Guymas?

12:07:01 17 MR. HANCE: Vague and ambiguous.

12:07:02 18 BY THE WITNESS:

12:07:03 19 A No.

12:07:03 20 BY MR. HALE:

12:07:03 21 Q How would the provincial do that, to your
12:07:06 22 recollection?

12:07:07 23 A No recollection.

12:07:09 24 Q But you are aware the provincial did
12:07:12 25 monitor that work?

12:07:13 1 MR. HANCE: Same objection.

12:07:14 2 BY THE WITNESS:

12:07:15 3 A Yes.

12:07:15 4 BY MR. HALE:

12:07:16 5 Q Okay. Who are you currently in residence

12:07:31 6 with at Saint Joseph's?

12:07:34 7 A [REDACTED], a Gus Cooper, [REDACTED]

12:07:48 8 [REDACTED], Father Robert.

12:08:07 9 Q Anyone else?

12:08:09 10 A Father Paul.

12:08:15 11 Q What is Father Paul's last name?

12:08:18 12 A He is from South Korea.

12:08:23 13 Q Okay. Is he a part of the province?

12:08:27 14 A No. Korea province.

12:08:30 15 Q Is he retired?

12:08:31 16 A He is a young man who studies.

12:08:35 17 Q Is he doing parish work at Saint Joseph's?

12:08:39 18 A No.

12:08:40 19 Q Is he simply in residence to further his

12:08:44 20 academic studies?

12:08:45 21 A Yes.

12:08:46 22 Q Anyone else in residence with you at Saint

12:08:53 23 Joseph's? Is Floyd Lotito in Los Angeles?

12:08:55 24 A San Francisco. [REDACTED].

12:09:08 25 Q Is he also in residence at Saint Joseph's?

12:09:16 1 A Yes.

12:09:22 2 Q What about Father [REDACTED]? Do you know where

12:09:24 3 he is?

12:09:24 4 A Father who?

12:09:25 5 Q [REDACTED].

12:09:29 6 A Santa Barbara.

12:09:30 7 Q He's at the mission?

12:09:31 8 A Yes.

12:09:31 9 Q Do you know whether Father [REDACTED] has been

12:09:40 10 diagnosed with dementia?

12:09:41 11 A With what?

12:09:42 12 Q Dementia.

12:09:44 13 A What do you mean?

12:09:45 14 Q Dementia, mental difficulties, cognitive

12:09:51 15 function difficulties.

12:09:54 16 A His memory is not too good.

12:10:02 17 Q But do you know if he has been diagnosed

12:10:05 18 with dementia?

12:10:06 19 A No, he hasn't.

12:10:07 20 Q He has not?

12:10:08 21 A No.

12:10:20 22 Q Who is the pastor at Saint Joseph's right

12:10:23 23 now?

12:10:23 24 A We have no pastor at Saint Joseph's.

12:10:33 25 Q It's not a parish?

12:10:35 1 A No. We're associated with Saint Francis
12:10:38 2 of Assisi parish and the pastor is Father Dan -- I
12:10:48 3 forget his last name -- Father Daniel.

12:10:54 4 Q Is Brother [REDACTED] in residence at
12:10:59 5 the -- [REDACTED] -- at the Serra Retreat house?

12:11:03 6 A No.

12:11:03 7 Q Do you know where he is in residence at?

12:11:05 8 A I think it's at Danville now, the retreat
12:11:09 9 house in Danville.

12:11:10 10 Q San Damiano, D-A-M-I-A-N-O?

12:11:17 11 A Yes.

12:11:17 12 Q How many years did you serve as the
12:11:23 13 commissary of the Holy Land?

12:11:25 14 A Oh, since about 1957, around there.

12:11:37 15 Q When did you stop serving as the
12:11:45 16 commissary of the Holy Land?

12:11:47 17 A I am still that officially.

12:11:55 18 Q As the prefect, if a student went to the
12:12:20 19 infirmary during your time on the faculty did you
12:12:23 20 go and check on that student?

12:12:26 21 A When he was in the infirmary?

12:12:29 22 Q Strike that.

12:12:30 23 Was there ever any instance where a
12:12:32 24 student would stay in the infirmary while you were
12:12:35 25 on the faculty at Saint Anthony's?

12:12:36 1 A Yes.

12:12:37 2 Q What would those instances with?

12:12:41 3 A Medical or flu.

12:12:46 4 Q And if a student was in the infirmary

12:12:48 5 would you go and check on that student?

12:12:50 6 A Occasionally, yes.

12:12:51 7 Q When you say "occasionally," once a day?

12:12:54 8 Once a week?

12:12:54 9 A Once a day.

12:12:55 10 Q Okay.

12:12:57 11 A If it were serious.

12:12:59 12 Q Was there a shower in the infirmary?

12:13:04 13 MR. MATIASIC: While he was on the

12:13:05 14 faculty?

12:13:06 15 BY MR. HALE:

12:13:06 16 Q While you were on the faculty.

12:13:08 17 A I don't know.

12:13:08 18 Q You don't have a recollection?

12:13:09 19 A No.

12:13:10 20 Q Was there -- when you were on the faculty

12:13:15 21 at Saint Anthony's was there a specific designated

12:13:18 22 living quarters for the prefect of discipline?

12:13:23 23 A It's so far back I don't recall. I think

12:13:29 24 I was with the rest of the faculty members.

12:13:47 25 Q Do you think you lived in the same

12:13:49 1 location for your 15 years at Saint Anthony's?

12:13:51 2 A Yes.

12:13:52 3 Q Do you recall who lived -- who your
12:13:58 4 neighbors were?

12:13:59 5 A No.

12:13:59 6 Q When you were assigned to Saint Anthony's,
12:14:11 7 do you know if you moved in to the prior prefect of
12:14:14 8 discipline's living quarters?

12:14:16 9 A No.

12:14:17 10 Q No, you didn't or no, you don't know?

12:14:20 11 A I don't recall.

12:14:21 12 Q What about when you were transferred from
12:14:25 13 Saint Anthony's? Did the subsequent prefect -- do
12:14:29 14 you know if he moved in to your quarters -- Father
12:14:32 15 McKeon?

12:14:33 16 A No.

12:14:36 17 MR. MATIASIC: No, you don't or no, you
12:14:38 18 don't remember?

12:14:39 19 BY THE WITNESS:

12:14:40 20 A I don't remember.

12:14:41 21 BY MR. HALE:

12:14:41 22 Q Okay. Do you recall, though, that your
12:14:44 23 quarters were the prefect of discipline's living
12:14:48 24 quarters?

12:14:50 25 MR. HANCE: Vague and ambiguous.

12:14:53 1 BY THE WITNESS:

12:14:54 2 A As far as I recall, I was living in the
12:14:57 3 same area as the rest of the faculty members.

12:14:59 4 BY MR. HALE:

12:15:00 5 Q Okay.

12:15:00 6 A Which was --

12:15:02 7 Q Do you understand what I'm getting at,
12:15:03 8 though? In other words, for instance, I'm sure at
12:15:06 9 most schools like, for instance, the rectors, there
12:15:08 10 is a certain office that is the rector's.

11 A Yes.

12:15:11 12 Q In this case was there a specific living
12:15:13 13 quarters that was for the prefect only? Do you
12:15:16 14 recall?

12:15:16 15 A No.

12:15:17 16 Q You don't recall?

12:15:18 17 A No.

12:15:19 18 Q Okay. Were there any students living near
12:15:25 19 you, near your living quarters?

12:15:28 20 A No.

12:15:28 21 Q Different floor?

12:15:30 22 A Different floor.

12:15:32 23 Q Different building?

12:15:34 24 A Same building, one stairway up.

12:15:39 25 Q Okay. Were the walls thin in your living

12:15:44 1 quarters? In other words, if the priest next door
12:15:47 2 is snoring loudly are you going to hear that?

12:15:50 3 A No.

12:15:51 4 Q If your neighbor was playing a radio or a
12:15:59 5 recording of some sort, were you likely to hear
12:16:02 6 that?

12:16:02 7 MR. HANCE: Vague and ambiguous.

12:16:03 8 MR. MATIASIC: This is in '55?

12:16:08 9 MR. HALE: Yes.

12:16:09 10 BY THE WITNESS:

12:16:10 11 A We didn't have those things.

12:16:11 12 BY MR. HALE:

12:16:12 13 Q Okay. If your neighbor's voice was raised
12:16:16 14 were you likely to hear that?

12:16:19 15 MR. HANCE: Vague and ambiguous.

12:16:20 16 MR. MATIASIC: And incomplete
12:16:21 17 hypothetical.

12:16:22 18 BY THE WITNESS:

12:16:22 19 A No.

12:16:22 20 BY MR. HALE:

12:16:23 21 Q Do you recall ever hearing noise from one
12:16:25 22 of your neighbors' rooms?

12:16:27 23 MR. HANCE: Same objection.

12:16:28 24 BY THE WITNESS:

12:16:29 25 A No.

12:16:29 1 BY MR. HALE:

12:16:29 2 Q Did you have an office space separate from
12:16:32 3 your living quarters?

12:16:33 4 A Yes.

12:16:34 5 Q Where was your office located?

12:16:35 6 A It was on the second floor across from the
12:16:47 7 music department, music area, and it was really by
12:16:59 8 myself off from the classrooms.

12:17:02 9 Q Okay.

12:17:07 10 A I was here. Here was the rectory. The
12:17:12 11 friars. My office. Classrooms all here.

12:17:15 12 Q What floor were the student dorms on?

12:17:19 13 A Third floor.

12:17:20 14 Q Were there any offices on the third floor?

12:17:23 15 A No.

12:17:24 16 Q Were there any living quarters other than
12:17:27 17 the dorms on the third floor?

12:17:28 18 A No.

12:17:28 19 Q So there were no Franciscans living on the
12:17:32 20 third floor during your 15 years?

12:17:34 21 A No.

12:17:35 22 MR. HANCE: Are you talking about members
12:17:37 23 of the faculty?

12:17:39 24 MR. HALE: Any Franciscans. I definitely
12:17:42 25 want to know about any.

12:17:48 1 BY THE WITNESS:

12:17:49 2 A No.

12:17:49 3 BY MR. HALE:

12:17:50 4 Q Okay. When you were a student at Saint
12:17:52 5 Anthony's was there a prefect of discipline on the
12:17:54 6 same floor as the dormitories?

12:17:58 7 A I don't recall. I don't remember.

12:18:03 8 Q Okay. In your experience, either as a
12:18:17 9 student or a member of the faculty, was it common
12:18:21 10 or uncommon for a Franciscan to have an office
12:18:24 11 space that doubled as living quarters as well?

12:18:28 12 MR. HANCE: Vague and ambiguous.

12:18:30 13 BY THE WITNESS:

12:18:31 14 A Not that I know of.

12:18:32 15 BY MR. HALE:

12:18:32 16 Q You have no recollection of that ever
12:18:34 17 being the case?

12:18:35 18 A No.

12:18:35 19 Q Okay. Would you have thought that
12:18:46 20 unusual?

12:18:47 21 MR. MATIASIC: Incomplete hypothetical.

12:18:55 22 BY THE WITNESS:

12:18:56 23 A Do you want an answer to that?

12:18:58 24 BY MR. HALE:

12:18:59 25 Q Yes, please.

12:19:00 1 MR. MATIASIC: If you can answer, Father,
12:19:03 2 go ahead.

12:19:03 3 BY THE WITNESS:

12:19:04 4 A Yeah. Unusual.

12:19:05 5 BY MR. HALE:

12:19:06 6 Q Okay. We talked a bit about your duties
12:19:14 7 as secretary and we talked about one of those
12:19:18 8 duties was obtaining insurance coverage for the
12:19:20 9 province.

12:19:21 10 Did you obtain insurance coverage for the
12:19:23 11 province from 1964 until about 1985?

12:19:27 12 A Yes.

12:19:29 13 Q Did anyone assist you in doing that?

12:19:33 14 A I guess the provincial.

12:19:36 15 Q Okay. Did you -- after you ceased being
12:19:39 16 secretary in 1985, did you assist the subsequent
12:19:42 17 secretary in obtaining that insurance coverage?

12:19:46 18 A No.

12:19:46 19 Q During those approximately 30 years you
12:19:54 20 were obtaining insurance coverage, did you use the
12:19:57 21 same insurance agent or firm to obtain that
12:20:00 22 coverage?

12:20:01 23 A I worked with an agent in the parish, in
12:20:12 24 the parish, in our parish, Saint Elizabeth's
12:20:16 25 Parish, provincial parish.

12:20:19 1 Q An insurance agent who attended the
12:20:21 2 parish?

12:20:22 3 A A member of the parish.

12:20:23 4 Q Okay. Was it the same person for the
12:20:25 5 entire 30 years?

12:20:26 6 A Oh, I don't remember.

12:20:30 7 Q Okay. When you became secretary did
12:20:35 8 anyone advise you on how to obtain -- regarding
12:20:38 9 what coverage was necessary and how to obtain it?

12:20:41 10 A Yes. I followed Father [REDACTED]. He was
12:20:46 11 secretary.

12:21:03 12 Q Were there separate policies of insurance
12:21:05 13 for the different properties in the province? In
12:21:08 14 other words, like the Sierra Retreat House or Three
12:21:12 15 Rivers.

12:21:12 16 A Yes.

12:21:13 17 Q Do you know if -- has the province ever
12:21:20 18 been self-insured?

12:21:21 19 MR. MATIASIC: Counsel, when you talk
12:21:23 20 about "the province" are you talking about --
12:21:25 21 because the province covers several states? Are
12:21:27 22 you talking about each corporation?

12:21:29 23 MR. HALE: Correct.

12:21:30 24 Q Has the California corporation within the
12:21:32 25 province ever been self-insured, and I am referring

12:21:36 1 to the Franciscan Friars of California?

12:21:40 2 A Just in liability of car insurance.

12:21:44 3 Q When did that happen?

12:21:45 4 A That was -- we did that -- in '55.

12:21:54 5 Q To your knowledge, has there ever been a
12:21:58 6 period where the province has been unable to obtain
12:22:02 7 liability coverage?

12:22:03 8 A No.

12:22:03 9 Q Has there ever been a period, again to
12:22:06 10 your knowledge, where there have been exclusions
12:22:09 11 from liability policies for liability arising from
12:22:16 12 childhood sexual abuse?

12:22:18 13 MR. MATIASIC: Again, you're speaking
12:22:20 14 specifically with respect to California?

12:22:22 15 MR. HALE: Yes.

12:22:22 16 BY THE WITNESS:

12:22:23 17 A No.

12:22:23 18 BY MR. HALE:

12:22:32 19 Q Has anyone ever asked you about obtaining
12:22:37 20 insurance for the California corporation, the
12:22:41 21 Franciscan Friars, with exclusions for liability
12:22:44 22 for childhood sexual abuse?

12:22:47 23 A No.

12:22:48 24 Q Have you ever heard of such a thing?

12:22:49 25 A No.

12:22:50 1 Q Do you know who [REDACTED] is?

12:23:24 2 A Who?

12:23:25 3 Q [REDACTED].

12:23:26 4 A No, never heard.

12:23:33 5 Q Go ahead. I'm sorry.

12:23:38 6 When you were a student at Saint Anthony's

12:23:39 7 Seminary, was there a policy regarding students

12:23:42 8 sending and receiving mail?

12:23:46 9 A Yes.

12:23:47 10 Q What was the policy?

12:23:48 11 A It had to be submitted to the prefect of
12:23:52 12 discipline.

12:23:52 13 Q And was that true also for mail that was
12:23:56 14 received?

12:23:57 15 A Yes.

12:23:57 16 Q And was that policy in place while you
12:24:01 17 were on the faculty?

12:24:02 18 A Yes.

12:24:02 19 Q Do you know when that policy was put in
12:24:05 20 place?

12:24:06 21 A Before I got there.

12:24:08 22 Q Do you know why that policy was necessary?

12:24:10 23 A No.

12:24:13 24 Q Did you review every piece of
12:24:16 25 correspondence written by a student before it went

12:24:20 1 out?

12:24:20 2 A Most of it.

12:24:22 3 Q Did you review every piece of
12:24:24 4 correspondence that came in to a student before the
12:24:26 5 student was given a copy of that correspondence?

12:24:29 6 A Yes.

12:24:30 7 Q Did you ever read any letters from a
12:24:36 8 student that discussed -- while you were on the
12:24:42 9 faculty discussed dissatisfaction with any faculty
12:24:47 10 member?

12:24:47 11 MR. HANCE: Vague and ambiguous.

12:24:48 12 MR. MATIASIC: And overbroad.

12:24:49 13 BY THE WITNESS:

12:24:50 14 A No.

12:24:50 15 BY MR. HALE:

12:24:51 16 Q Did you ever read any letters that
12:24:53 17 discussed physical abuse by a faculty member?

12:24:58 18 A No.

12:24:58 19 MR. HANCE: Same objections.

12:24:59 20 BY MR. HALE:

12:25:00 21 Q Did you ever read any letters that
12:25:01 22 discussed sexual abuse by a faculty member?

12:25:05 23 MR. HANCE: Same objections.

12:25:07 24 BY THE WITNESS:

12:25:07 25 A No.

12:25:08 1 BY MR. HALE:

12:25:09 2 Q Did you discuss -- read any letters that
12:25:15 3 discussed inappropriate conduct by a faculty
12:25:18 4 member?

12:25:19 5 MR. HANCE: Same objection.

12:25:20 6 BY THE WITNESS:

12:25:20 7 A No.

12:25:21 8 BY MR. HALE:

12:25:31 9 Q While you were on the faculty was there a
12:25:33 10 no fraternization policy regarding faculty and
12:25:37 11 students?

12:25:38 12 MR. HANCE: Vague and ambiguous.

12:25:46 13 BY THE WITNESS:

12:25:47 14 A Not that I know of.

12:25:48 15 BY MR. HALE:

12:25:48 16 Q Okay. As prefect of discipline were you
12:25:59 17 responsible for supervising study hall?

12:26:02 18 A Yes.

12:26:03 19 Q Was anyone else? Did any other
12:26:05 20 Franciscans assist in that job?

12:26:07 21 A We -- different periods of study hall. I
12:26:14 22 had the five o'clock and the morning. Somebody
12:26:19 23 else had the other. We shared --

12:26:23 24 Q Okay.

12:26:24 25 A -- being in the study hall at that time.

12:26:27 1 Q So you had the morning session?

12:26:29 2 A I had the morning session before

12:26:31 3 breakfast.

12:26:32 4 Q And another Franciscan had the evening

12:26:35 5 session?

12:26:35 6 A I had the five o'clock usually.

12:26:38 7 Q Were there ever any instances where during

12:26:41 8 the evening session you called a student to your

12:26:44 9 office?

12:26:44 10 A No.

12:26:44 11 Q Were there ever any times during the

12:26:53 12 morning session when you were supervising where

12:26:55 13 another Franciscan called a student to his office?

12:26:58 14 A No.

12:26:58 15 Q Would it have been unusual for a

12:27:04 16 Franciscan to have called a student to his office

12:27:07 17 while you were supervising study hall?

12:27:10 18 MR. HANCE: Vague and ambiguous.

12:27:12 19 Incomplete hypothetical.

12:27:14 20 BY THE WITNESS:

12:27:15 21 A Yes.

12:27:15 22 BY MR. HALE:

12:27:16 23 Q Do you recall that ever happening?

12:27:17 24 A No.

12:27:17 25 Q Why it would have been unusual?

12:27:19 1 MR. HANCE: Calls for speculation. Same
12:27:20 2 objections.
12:27:25 3 BY THE WITNESS:
12:27:26 4 A Because before 1955 there was never any
12:27:35 5 discussion or anything else about sex.
12:27:38 6 BY MR. HALE:
12:27:39 7 Q Okay. Did students and faculty have
12:27:57 8 one-on-one meetings -- did you ever have one-on-one
12:28:00 9 meetings with students in your office while you
12:28:02 10 were on the faculty?
12:28:03 11 A Yes.
12:28:03 12 Q Did you do that with the door closed?
12:28:05 13 A Yes.
12:28:06 14 Q When would those meetings take place? Was
12:28:11 15 there a specific time during the day?
12:28:12 16 A No.
12:28:13 17 Q Were you ever aware of while you were on
12:28:32 18 the faculty other faculty members asking students
12:28:35 19 to leave study hall to see them in their office?
12:28:38 20 A No.
12:28:39 21 Q Were there rules for supervision of study
12:28:52 22 hall while you were on the faculty?
12:28:54 23 A Yes.
12:28:55 24 Q What were those rules?
12:28:57 25 A To see that the students were studying and

12:29:12 1 occupied at their desks.

12:29:13 2 Q Okay.

12:29:15 3 A In silence.

12:29:17 4 Q Could students come and go at will?

12:29:19 5 A No. Not unless they had to go to the
12:29:23 6 lavatory.

12:29:24 7 Q And did they need to request permission to
12:29:27 8 do that?

12:29:27 9 A Yes.

12:29:28 10 Q Were all the students -- did study hall
12:29:37 11 take place for all the students in the same
12:29:40 12 location while you were on the faculty?

12:29:42 13 A Same location.

12:29:42 14 Q Would it have been possible, while you
12:29:44 15 were on the faculty, for another faculty member to
12:29:47 16 enter the study hall and remove a student without
12:29:50 17 you knowing it?

12:29:51 18 A No.

12:29:52 19 Q Have you ever heard of something called
12:30:03 20 "faculty confrontation"?

12:30:05 21 A No.

12:30:15 22 Q During your time on the faculty there was
12:30:35 23 one spiritual advisor; is that correct?

12:30:39 24 A Yes.

12:30:40 25 Q Only one for the entire student body?

12:30:43 1 A Yes.

12:30:44 2 Q At any point during your time on the
12:30:52 3 faculty was there more than one spiritual advisor
12:30:56 4 on the faculty?

12:30:57 5 A Not that I know of.

12:30:59 6 MR. MATIASIC: You mean in any one given
12:31:01 7 year?

12:31:01 8 MR. HALE: Yeah.

12:31:27 9 You need to change.

12:31:32 10 THE VIDEOGRAPHER: We're off the record at
12:31:35 11 12:31 p.m.

12:31:36 12 This is the conclusion of video number
12:31:41 13 one.

12:31:42 14 (Brief recess.)

15

16 (Whereupon, at 12:31 p.m., the
17 deposition was adjourned for noon
18 recess.)

19

20 (Whereupon, at 1:42 p.m., the
21 deposition of FATHER [REDACTED]
22 was reconvened.)

13:42:51 23

13:42:55 24 THE VIDEOGRAPHER: We're back on the
13:42:56 25 record at 1:42 p.m.

13:42:58 1 This is the beginning of video number two.

2

13:43:00 3 EXAMINATION (Continued)

13:43:00 4 BY MR. HALE:

13:43:01 5 Q Back on the record.

13:43:02 6 I understand Father [REDACTED] wants to

13:43:05 7 clarify something.

13:43:06 8 MR. MATIASIC: That's right, Counsel.

13:43:09 9 Over the lunch break we talked about his earlier

13:43:12 10 testimony and Father [REDACTED] clarified something to

13:43:14 11 us that we thought we should put on the record, so

13:43:16 12 if I can ask him a few questions to clarify and if

13:43:19 13 you want to follow up, then go ahead.

13:43:21 14 MR. HALE: Sure.

13:43:21 15 MR. MATIASIC: Father, before today's

13:43:23 16 deposition had you ever heard of the term "sub

13:43:27 17 secreto"?

13:43:27 18 THE WITNESS: No.

13:43:28 19 MR. MATIASIC: So the files that you were

13:43:30 20 talking about earlier that were in a safe next to

13:43:32 21 the provincial's office were files that other

13:43:35 22 people within the province didn't have access to

13:43:38 23 but weren't necessarily designated or labeled as

13:43:41 24 sub secreto, to the best of your knowledge; is that

13:43:44 25 right?

13:43:44 1 THE WITNESS: That's right.

13:43:45 2 MR. MATIASIC: Okay. Thank you.

13:43:47 3 MR. HALE: Is that it?

13:43:50 4 MR. MATIASIC: Yes.

13:43:51 5 BY MR. HALE:

13:43:51 6 Q Was there a title for those files? Was
13:43:53 7 there a name for them?

13:43:54 8 A No. Just -- no particular title. Just a
13:44:05 9 place to keep these -- this information in a safe
13:44:12 10 place and available only to the provincial.

13:44:15 11 Q That was my next question. Were these
13:44:18 12 public files that anyone could look at?

13:44:19 13 A No. No.

13:44:20 14 Q Okay. But there has never been a specific
13:44:24 15 title for that grouping of documents?

13:44:27 16 A No.

13:44:27 17 Q Some priests have these files and some
13:44:34 18 don't. Is that your testimony as well?

13:44:36 19 A No. It's just one -- one -- one box.

13:44:50 20 Q Okay. And any number of priests could
13:44:54 21 have documents deposited in that box?

13:44:56 22 A Yes.

13:44:58 23 Q And so there's not separate files within
13:45:00 24 that box for each priest?

13:45:02 25 A Yes.

13:45:02 1 Q It's a box?

13:45:03 2 A It's a container of some sort.

13:45:06 3 Q Okay. Your recollection is that was
13:45:08 4 stored in the safe outside of the provincial's old
13:45:12 5 office?

13:45:12 6 A Right.

13:45:13 7 Q And you don't know what happened -- do you
13:45:14 8 know what happened to that box when the provincial
13:45:17 9 moved?

13:45:18 10 A No.

13:45:23 11 Q Did anyone other than the provincial have
13:45:25 12 access to that box while you were secretary?

13:45:28 13 A No.

13:45:29 14 Q This was stored in that safe, correct?

13:45:31 15 A Uh-huh.

13:45:31 16 Q Who had the combination to the safe?

13:45:34 17 A Safe was always open.

13:45:39 18 Q Okay. Did the provincial have a
13:45:42 19 secretary -- not you -- not you secretary but in
13:45:48 20 other words someone who did his typing for him or
13:45:51 21 anything like that?

13:45:52 22 A No.

13:45:52 23 Q Did he have any kind of staff that was
13:45:55 24 assisting him while you were secretary?

13:45:57 25 A No.

13:46:00 1 Q Did you do the typing for the provincial?

13:46:08 2 A He did his own.

13:46:10 3 Q Okay. Did you ever see anyone other than
13:46:17 4 the provincial looking through the safe where this
13:46:22 5 box was located?

13:46:23 6 A No.

13:46:23 7 Q Okay. Going back to your time as
13:46:31 8 secretary.

13:46:32 9 At definitorium meetings were legal
13:46:36 10 matters discussed?

13:46:37 11 A Not that I recall.

13:46:45 12 Q Okay. In your 30 years of experience as a
13:46:51 13 secretary, would you expect that if the province
13:46:55 14 was sued resolution of that lawsuit would be
13:46:58 15 discussed in a definitorium meeting?

13:47:01 16 A Yes.

13:47:02 17 Q Okay. When did you first become aware of
13:47:18 18 a lawsuit -- strike that -- of any kind of claim
13:47:20 19 against the province for childhood sexual abuse?

13:47:25 20 MR. MATIASIC: Other than anything your
13:47:27 21 attorneys might have told you.

13:47:28 22 BY MR. HALE:

13:47:28 23 Q Right.

13:47:30 24 A Please. The question again.

13:47:33 25 Q Yeah. When was the first time you heard a

13:47:35 1 claim being made against the province for childhood
13:47:38 2 sexual abuse?

13:47:39 3 A As secretary?

13:47:41 4 Q At any time. As a Franciscan.

13:47:45 5 MR. MATIASIC: Other than anything you
13:47:46 6 heard from your attorneys.

13:47:48 7 BY MR. HALE:

13:47:48 8 Q From your attorneys.

13:47:50 9 A Just a couple years ago.

13:47:51 10 Q Okay.

13:47:52 11 A Three or four years ago.

13:47:54 12 Q Okay. And what did you hear?

13:48:01 13 MR. MATIASIC: Other than anything you
13:48:02 14 heard from your attorneys.

13:48:03 15 BY MR. HALE:

13:48:03 16 Q Right.

13:48:04 17 A Yeah. Well, I was aware of what was
13:48:10 18 happening in Boston, this type --

13:48:15 19 Q What about are you familiar with the Board
13:48:18 20 of Inquiry?

13:48:18 21 A No.

13:48:20 22 Q Do you recall there being discussions
13:48:22 23 around 1993 of creating a board to investigate
13:48:27 24 allegations of childhood sexual abuse at Saint
13:48:31 25 Anthony's Seminary?

13:48:32 1 A '93, no.

13:48:33 2 Q Do you recall the provincial discussing or
13:48:39 3 sending a memo out to all Franciscans about the
13:48:43 4 creation of a board to investigate claims of
13:48:45 5 childhood sexual abuse against Franciscan friars?

13:48:49 6 A Yes.

13:48:49 7 Q Do you think that was around '93?

13:48:52 8 A I think it was later.

13:48:56 9 Q Okay. How much later?

13:48:58 10 A Couple years.

13:49:00 11 Q Do you recall hearing what the results of
13:49:03 12 that investigation was?

13:49:05 13 A No.

13:49:06 14 Q Okay. Do you recall hearing anything
13:49:10 15 about -- other than from your attorneys -- there
13:49:11 16 being lawsuits filed by people who were interviewed
13:49:17 17 during that investigation?

13:49:20 18 A Yes.

13:49:21 19 Q And did you discuss with anyone whether
13:49:25 20 they were -- who was participating from the
13:49:30 21 province in settlement negotiations, if anyone?

13:49:33 22 A No.

13:49:33 23 Q Do you know who was?

13:49:34 24 A No.

13:49:34 25 Q Do you know who from the province would be

13:49:43 1 responsible for participating in settlement
13:49:45 2 discussions with a victim claiming childhood sexual
13:49:50 3 abuse?

13:49:51 4 A The provincial.

13:49:54 5 Q Anyone else?

13:49:57 6 A I'm sure with the definitorium.

13:50:08 7 Q Okay. Can you think of any circumstances
13:50:27 8 where it would have been appropriate at any time
13:50:29 9 during your time on the faculty for students who
13:50:34 10 were caught cheating on tests to be punished by
13:50:39 11 making them take a test in their underwear?

13:50:44 12 MR. HANCE: Incomplete hypothetical.
13:50:45 13 Vague and ambiguous. Calls for speculation.

13:50:46 14 MR. MATIASIC: And lacks foundation.

13:50:48 15 BY THE WITNESS:

13:50:49 16 A No.

13:50:49 17 BY MR. HALE:

13:50:49 18 Q Have you heard of anything like that
13:50:51 19 happening at Saint Anthony's Seminary?

13:50:53 20 A No.

13:50:53 21 Q Did you ever see a student walking around
13:50:56 22 Saint Anthony's Seminary in his underwear?

13:50:58 23 A No.

13:50:58 24 Q If you had would you have taken any
13:51:00 25 action?

13:51:01 1 A Yes.

13:51:02 2 Q What would you have done?

13:51:04 3 MR. HANCE: Incomplete hypothetical.

13:51:05 4 MR. MATIASIC: Walking around where?

13:51:07 5 Vague and ambiguous. Walking around where?

13:51:10 6 MR. HALE: Anywhere on the campus.

13:51:13 7 MR. HANCE: If he is changing in his room

13:51:18 8 or in his locker room?

13:51:20 9 MR. HALE: Anywhere on the campus.

13:51:22 10 BY THE WITNESS:

13:51:24 11 A No.

13:51:24 12 BY MR. HALE:

13:51:25 13 Q If you saw a student walking through the

13:51:27 14 hallway of Saint Anthony's Seminary in his

13:51:29 15 underwear, would you have taken any action?

13:51:32 16 MR. HANCE: Incomplete hypothetical.

13:51:37 17 BY THE WITNESS:

13:51:38 18 A I'm sure I would.

13:51:38 19 BY MR. HALE:

13:51:39 20 Q What would you have done?

13:51:40 21 A Tell him to get dressed.

13:51:42 22 Q Okay. If you walked past a classroom and

13:51:47 23 saw a Franciscan in the front of the classroom

13:51:50 24 supervising a test examination wherein all the

13:51:57 25 students were taking the test in their underwear,

13:51:59 1 would you have taken any action?

13:52:01 2 MR. HANCE: Same objections.

13:52:03 3 BY THE WITNESS:

13:52:04 4 A Unthinkable.

13:52:05 5 BY MR. HALE:

13:52:07 6 Q The idea of something like that happening
13:52:10 7 is unthinkable?

13:52:11 8 A That's right.

13:52:12 9 Q So it sounds like you would have taken
13:52:14 10 action if you had seen something like that?

13:52:17 11 MR. HANCE: Same objections.

13:52:18 12 BY THE WITNESS:

13:52:18 13 A Yes.

13:52:18 14 BY MR. HALE:

13:52:19 15 Q Would you have reported that Franciscan to
13:52:21 16 the provincial -- strike that.

13:52:23 17 What would you have done?

13:52:26 18 MR. HANCE: Same objections.

13:52:27 19 BY THE WITNESS:

13:52:30 20 A Reported it to the rector of the seminary.

13:52:34 21 BY MR. HALE:

13:52:35 22 Q Anyone else?

13:52:36 23 A No.

13:52:37 24 Q Would you have questioned that Franciscan?

13:52:42 25 MR. HANCE: Same objections.

13:52:43 1 MR. MATIASIC: What Franciscan?

13:52:44 2 MR. HALE: The one presiding over the exam
13:52:47 3 or administering the exam, I should say.

13:52:50 4 MR. MATIASIC: Same objections.

13:52:53 5 THE WITNESS: I lost you.

13:52:54 6 BY MR. HALE:

13:52:55 7 Q Sure. I understand if you had seen
13:52:57 8 something like that you would have reported it to
13:52:59 9 the rector.

13:53:00 10 A Yes.

13:53:01 11 Q Would you have said anything to the
13:53:03 12 Franciscan who was administering the exam to these
13:53:05 13 students in their underwear?

13:53:05 14 MR. HANCE: Same objections.

13:53:11 15 BY THE WITNESS:

13:53:12 16 A No.

13:53:13 17 BY MR. HALE:

13:53:16 18 Q Have you ever heard about a circumstance
13:53:18 19 like that taking place at Saint Anthony's?

13:53:19 20 A No.

13:53:20 21 Q Okay. Can you think of any circumstance
13:53:45 22 where it would have been appropriate for a student
13:53:47 23 to be on a Franciscan's bed?

13:53:50 24 MR. HANCE: Incomplete hypothetical.

13:53:52 25 Vague and ambiguous. Lacks foundation. Calls for

13:53:55 1 speculation.

13:53:55 2 BY THE WITNESS:

13:53:56 3 A No.

13:53:56 4 BY MR. HALE:

13:54:00 5 Q Did you ever hear anyone -- strike that.

13:54:05 6 Did you ever become aware of a report of
13:54:08 7 someone observing a student on a Franciscan's bed?

13:54:11 8 MR. HANCE: Vague and ambiguous.

13:54:13 9 BY THE WITNESS:

13:54:14 10 A No.

13:54:14 11 BY MR. HALE:

13:54:20 12 Q Were students allowed to yell in the
13:54:23 13 hallways at Saint Anthony's?

13:54:24 14 MR. HANCE: Vague and ambiguous.

13:54:26 15 BY MR. HALE:

13:54:27 16 Q While you were on the faculty.

13:54:30 17 A Well, most kids do, I guess.

13:54:36 18 MR. MATIASIC: Counsel, I think the
13:54:37 19 question is overbroad, too.

13:54:39 20 Are you speaking of specifically where the
13:54:41 21 classrooms are as opposed to hallways in the
13:54:43 22 gymnasium area? It's an overbroad question.

13:54:47 23 MR. HALE: I don't think there are
13:54:49 24 hallways in the gymnasium.

13:54:51 25 MR. MATIASIC: Sure. Open the door.

13:54:53 1 There could be a hallway down to the locker room.

13:54:56 2 There are hallways in gyms.

13:54:57 3 BY MR. HALE:

13:54:58 4 Q Let's say a student is walking down a

13:55:01 5 hallway in the building where various Franciscan

13:55:05 6 faculty members' offices are located and the

13:55:08 7 student is yelling about something.

13:55:10 8 Is that something the students would be

13:55:12 9 allowed to continue to do?

13:55:13 10 A No.

13:55:13 11 Q If you had heard a student yelling outside

13:55:23 12 your office would you have gone and investigated?

13:55:25 13 MR. HANCE: Vague and ambiguous.

13:55:26 14 BY THE WITNESS:

13:55:27 15 A Yes.

13:55:27 16 BY MR. HALE:

13:55:34 17 Q Are there any circumstances you can think

13:55:36 18 of where if you had heard a student yelling you

13:55:39 19 would not have gone and investigated what the

13:55:41 20 student was yelling about?

13:55:50 21 MR. MATIASIC: Incomplete hypothetical.

13:55:51 22 BY THE WITNESS:

13:55:52 23 A No.

13:55:52 24 BY MR. HALE:

13:55:59 25 Q In your time at Saint Anthony's would it

13:56:01 1 have been out of the ordinary to hear raised voices
13:56:06 2 outside of sporting events at Saint Anthony's?

13:56:09 3 MR. HANCE: Vague and ambiguous.

13:56:12 4 BY MR. HALE:

13:56:13 5 Q Do you understand what I mean by "with the
13:56:15 6 exception of at a sporting event"?

13:56:18 7 A Repeat the question.

13:56:19 8 Q Sure. Aside from at a sporting event, in
13:56:22 9 your experience at Saint Anthony's would it have
13:56:24 10 been out of the ordinary for you to hear raised
13:56:27 11 voices on the campus?

13:56:29 12 A Yes.

13:56:30 13 MR. HANCE: Same objection.

13:56:31 14 BY MR. HALE:

13:56:31 15 Q Okay. While you were on the faculty,
13:56:42 16 while you were prefect of discipline, did you ever
13:56:45 17 send -- let me ask you this.

13:56:46 18 Was Dr. [REDACTED] the school's physician at
13:56:50 19 the time you were on the faculty?

13:56:51 20 A Yes.

13:56:51 21 Q The entire period?

13:56:52 22 A There was another one before him.

13:56:58 23 Q [REDACTED] is [REDACTED].

13:57:03 24 A He was the physician for most of the time.

13:57:06 25 Q Did you ever send a student to see

13:57:09 1 Dr. [REDACTED] or the prior physician because you were
13:57:11 2 concerned about a student's physical maturity or
13:57:15 3 development?

13:57:16 4 MR. HANCE: Vague and ambiguous.

13:57:17 5 BY THE WITNESS:

13:57:17 6 A No.

13:57:18 7 BY MR. HALE:

13:57:18 8 Q Did you ever discuss with anyone while you
13:57:20 9 were on the faculty that you were concerned about a
13:57:23 10 student's physical maturity or development?

13:57:25 11 MR. HANCE: Same objection.

13:57:26 12 BY THE WITNESS:

13:57:27 13 A No.

13:57:27 14 BY MR. HALE:

13:57:30 15 Q Did you have -- have you ever heard anyone
13:57:33 16 express concerns about a Saint Anthony's seminarian
13:57:37 17 not developing appropriately with regards to their
13:57:41 18 physical maturity or development?

13:57:43 19 MR. HANCE: Same objection.

13:57:45 20 BY THE WITNESS:

13:57:45 21 A No.

13:57:46 22 BY MR. HALE:

13:57:46 23 Q Okay. Aside from your attorneys have you
13:57:56 24 ever become aware of a faculty member at Saint
13:58:00 25 Anthony's being concerned about a student having an

13:58:02 1 undescended testicle?

13:58:04 2 A No.

13:58:05 3 Q Okay. Same question but have you ever
13:58:10 4 heard or become aware of such concerns about lack
13:58:13 5 of pubic hair?

13:58:14 6 A No.

13:58:15 7 Q What about the failure to have a student's
13:58:20 8 voice change?

13:58:21 9 A No.

13:58:22 10 Q Saint Anthony's was the only high
13:58:30 11 school-age faculty you ever worked on; is that
13:58:33 12 correct?

13:58:33 13 A That's right.

13:58:34 14 Q During your time there -- have you ever
13:58:37 15 heard of a program where a faculty member
13:58:41 16 physically examined a student to assess their
13:58:44 17 physical development or maturity?

13:58:46 18 MR. HANCE: Vague and ambiguous.

13:58:47 19 BY THE WITNESS:

13:58:48 20 A No.

13:58:48 21 BY MR. HALE:

13:58:51 22 Q Can you think of any circumstance where
13:58:53 23 such a program would have been appropriate?

13:58:55 24 MR. HANCE: Incomplete hypothetical.
13:58:56 25 Vague and ambiguous.

13:58:57 1 BY THE WITNESS:

13:58:58 2 A No.

13:58:58 3 BY MR. HALE:

13:59:05 4 Q When is the last time you spoke with
13:59:09 5 Xavier Harris?

13:59:10 6 A When I spoke to him?

13:59:13 7 Q When last.

13:59:16 8 A I don't know. 20 years ago.

13:59:18 9 Q Okay. Since then you haven't spoken to
13:59:20 10 him?

13:59:21 11 A No, I haven't seen him at all. He has
13:59:24 12 been up there. Strike that. Strike that. I just
13:59:54 13 haven't seen him.

13:59:55 14 Q I think what he said was he had not been
13:59:58 15 up there. He is in Northern California.

14:00:00 16 A Northern California.

14:00:02 17 Q Before a student -- during your time on
14:00:10 18 the faculty before a student could be admitted to
14:00:13 19 Saint Anthony's were they required to have a full
14:00:15 20 physical exam by an M.D.?

14:00:18 21 A Yes.

14:00:18 22 Q Would that be submitted to the faculty
14:00:20 23 before they could be admitted to the school?

14:00:22 24 A Submitted to the rector.

14:00:24 25 Q Was it common or uncommon for students to

14:00:34 1 be expelled during your 15 years on the faculty?

14:00:37 2 MR. HANCE: Vague and ambiguous.

14:00:39 3 BY THE WITNESS:

14:00:45 4 A Two or three.

14:00:46 5 BY MR. HALE:

14:00:47 6 Q In the 15 years you were on the faculty?

14:00:49 7 A Yes.

14:00:49 8 Q What were those two or three expelled for?

14:00:52 9 A It was always between the rector and the
14:00:55 10 individual.

14:00:56 11 Q Did you ever report a student to the
14:00:59 12 rector for conduct that ultimately resulted in that
14:01:02 13 student being expelled?

14:01:03 14 A No.

14:01:04 15 Q Did the rector ever tell you that he was
14:01:10 16 going to expel a student and ask for your opinion?

14:01:16 17 A I don't recall.

14:01:17 18 Q Was it common or uncommon during your 15
14:01:25 19 years at the seminary for students just to drop out
14:01:28 20 of the school?

14:01:29 21 MR. HANCE: Vague and ambiguous.

14:01:30 22 BY THE WITNESS:

14:01:30 23 A Yes. At the end of the school year.

14:01:35 24 BY MR. HALE:

14:01:35 25 Q How common was it?

14:01:36 1 A There always were a few that dropped out
14:01:46 2 at the end of the school year.

14:01:48 3 Q When they did that did they usually come
14:01:50 4 to you or did someone provide an explanation as to
14:01:54 5 why they were dropping out?

14:01:56 6 A No.

14:01:56 7 Q If the student dropped out, would you try
14:02:01 8 and follow up and investigate why they were
14:02:04 9 dropping out?

14:02:05 10 A No.

14:02:05 11 Q During your 15 years was it common or
14:02:09 12 uncommon for a student to literally just run away
14:02:13 13 from the school in the middle of the school year?

14:02:15 14 MR. HANCE: Vague and ambiguous.

14:02:17 15 BY THE WITNESS:

14:02:17 16 A No. Not that I recall.

14:02:19 17 BY MR. HALE:

14:02:20 18 Q Do you recall that ever happening in your
14:02:21 19 15 years?

14:02:22 20 A No.

14:02:22 21 Q So your only recollection of a student
14:02:25 22 leaving was at the end of the year and they just
14:02:27 23 didn't return?

14:02:28 24 A That's right.

14:02:28 25 Q Did you ever recommend to anyone that one

14:02:37 1 of your students should not be allowed to continue
14:02:39 2 down the path to the priesthood?

14:02:42 3 A No.

14:02:43 4 Q In hindsight, are there any students who
14:02:49 5 you now think you should have recommended not be
14:02:51 6 allowed to continue down the path to the
14:02:55 7 priesthood?

14:02:55 8 A No.

14:02:56 9 Q Did you spend much time at the mission
14:03:09 10 while you were at Saint Anthony's?

14:03:17 11 MR. MATIASIC: Are you talking about as a
14:03:19 12 faculty member? As a student?

14:03:21 13 MR. HALE: Either way.

14:03:22 14 MR. MATIASIC: Overbroad.

14:03:25 15 BY THE WITNESS:

14:03:27 16 A On different occasions. Feast of Saint
14:03:30 17 Francis we used to go over to the mission for
14:03:33 18 dinner, and that was it. And sometimes the
14:03:37 19 students, the senior students, would play
14:03:44 20 volleyball with the clerics. That was about it.
14:03:49 21 Rare occasions.

14:03:51 22 BY MR. HALE:

14:03:51 23 Q Is there a volleyball court at the
14:03:54 24 mission?

14:03:54 25 A Not anymore.

14:03:55 1 Q But there was?

14:03:56 2 A No.

14:03:56 3 Q Where was that located?

14:03:58 4 A Where one of the buildings is now.

14:04:00 5 Q Okay. While you were on the faculty did

14:04:10 6 any Saint Anthony's students ever work at the

14:04:12 7 mission, to your knowledge?

14:04:14 8 A I am not aware of it.

14:04:16 9 Q While you were on the faculty was it

14:04:26 10 common or uncommon to see a Franciscan from the

14:04:29 11 mission on Saint Anthony's grounds?

14:04:33 12 MR. HANCE: Vague and ambiguous.

14:04:35 13 BY THE WITNESS:

14:04:38 14 A Somewhere -- one of the mission friars was

14:04:43 15 a spiritual director to the seminary so he lived at

14:04:47 16 the mission but he came over to the seminary and he

14:04:50 17 had an office there.

14:04:51 18 BY MR. HALE:

14:04:51 19 Q Do you remember who that was?

14:04:53 20 A Could have been Flavian Ward.

14:04:59 21 Q Okay. Other than Father Ward, was it

14:05:02 22 common to see Franciscans from the mission walking

14:05:05 23 around the grounds of Saint Anthony's?

14:05:08 24 A No.

14:05:09 25 MR. HANCE: Vague and ambiguous.

14:05:09 1 BY MR. HALE:

14:05:21 2 Q If you had seen a Franciscan from the
14:05:24 3 mission while you were on the faculty walking
14:05:27 4 around campus with a student, would that have
14:05:30 5 struck you as unusual?

14:05:32 6 MR. HANCE: Vague and ambiguous.
14:05:33 7 Incomplete hypothetical.

14:05:47 8 BY THE WITNESS:

14:05:48 9 A Could have been for spiritual direction.

14:05:53 10 BY MR. HALE:

14:05:53 11 Q Did Franciscans from the mission sometimes
14:05:56 12 provide spiritual direction to Saint Anthony's
14:05:59 13 students while you were on the faculty?

14:06:01 14 A Not that I recall.

14:06:02 15 Q So you're speculating?

14:06:04 16 A Yes.

14:06:04 17 Q Would it have struck you as unusual if you
14:06:06 18 had observed something like that?

14:06:08 19 MR. HANCE: Same objection.

14:06:09 20 BY THE WITNESS:

14:06:15 21 A Not unusual.

14:06:18 22 BY MR. HALE:

14:06:20 23 Q What if you had seen a seminary student,
14:06:23 24 Saint Anthony's student, walking around the mission
14:06:25 25 with a Franciscan from the mission? Would that

14:06:28 1 have struck you as unusual?

14:06:29 2 MR. HANCE: Same objections.

14:06:30 3 BY THE WITNESS:

14:06:36 4 A No occasion for seeing that.

14:06:38 5 BY MR. HALE:

14:06:40 6 Q Did you ever see that?

14:06:41 7 A No.

14:06:41 8 Q If you had would you have thought it

14:06:44 9 unusual?

14:06:44 10 MR. HANCE: Same objections.

14:06:49 11 BY THE WITNESS:

14:06:56 12 A I would say yes.

14:06:57 13 BY MR. HALE:

14:06:58 14 Q Would you have taken any action in

14:07:01 15 response to seeing that?

14:07:02 16 MR. HANCE: Same objections.

14:07:03 17 BY THE WITNESS:

14:07:03 18 A No.

14:07:04 19 BY MR. HALE:

14:07:04 20 Q Would you have questioned the Franciscan,

14:07:06 21 why he was walking around the mission with a

14:07:08 22 seminarian?

14:07:09 23 MR. HANCE: Same objections.

14:07:10 24 BY THE WITNESS:

14:07:11 25 A No.

14:07:11 1 BY MR. HALE:

14:07:11 2 Q Would you have questioned the seminarian?

14:07:14 3 MR. HANCE: Same objections.

14:07:14 4 BY THE WITNESS:

14:07:15 5 A No.

14:07:15 6 BY MR. HALE:

14:07:17 7 Q Would you have reported that to anyone?

14:07:19 8 MR. HANCE: Same objections.

14:07:20 9 BY THE WITNESS:

14:07:20 10 A No.

14:07:21 11 BY MR. HALE:

14:07:28 12 Q During your time on the faculty was it

14:07:31 13 ever acceptable for a Franciscan to bring a minor

14:07:37 14 to the seminary for an overnight visit?

14:07:40 15 MR. HANCE: Incomplete hypothetical.

14:07:41 16 Vague and ambiguous.

14:07:42 17 BY THE WITNESS:

14:07:43 18 A No.

14:07:43 19 MR. MATIASIC: No foundation.

14:07:46 20 BY MR. HALE:

14:07:49 21 Q During the summers did you stay at the

14:07:51 22 seminary on the summer school break or did you go

14:07:54 23 somewhere else?

14:07:55 24 A I would have a two-week vacation, usually

14:08:01 25 down here.

14:08:02 1 Q But the rest of your summertime was spent
14:08:05 2 at the campus?

14:08:05 3 A Yeah.

14:08:06 4 Q If you had observed a Franciscan bring a
14:08:15 5 minor for an overnight visit during one of those
14:08:19 6 summer breaks, would you have reported that to
14:08:21 7 anyone?

14:08:27 8 A I would have reported it.

14:08:31 9 Q To who?

14:08:32 10 A I take that back. I wouldn't have
14:08:46 11 reported it.

14:08:46 12 Q Okay. Would you have questioned the
14:08:48 13 Franciscan about the purpose of the overnight
14:08:51 14 visit?

14:08:51 15 A No.

14:08:52 16 Q Would you have asked anyone about the
14:08:55 17 purpose of the overnight visit?

14:08:56 18 A No.

14:08:57 19 Q Would you have asked the minor who was
14:09:02 20 staying overnight about the purpose of the visit?

14:09:05 21 A No.

14:09:05 22 Q Okay. Can you think of any instance
14:09:13 23 during those 15 summers you spent at Saint
14:09:16 24 Anthony's Seminary --

14:09:17 25 A Yes.

14:09:17 1 Q Can you think of any instances in those 15
14:09:21 2 summers where you saw a Franciscan bring a minor to
14:09:24 3 stay overnight at the seminary?

14:09:27 4 MR. HANCE: Vague and ambiguous.

14:09:28 5 BY THE WITNESS:

14:09:28 6 A No.

14:09:29 7 BY MR. HALE:

14:09:30 8 Q What if it was during the school year?
14:09:33 9 Would that make any difference if the minor was not
14:09:35 10 a student at the seminary and a Franciscan brought
14:09:37 11 such a minor to stay overnight on the campus, would
14:09:41 12 that have caused you any concern?

14:09:42 13 MR. HANCE: Same objection.

14:09:43 14 BY THE WITNESS:

14:09:44 15 A No. Unrealty (sic).

14:10:03 16 MR. MATIASIC: Father, do you want to
14:10:05 17 clarify that?

14:10:07 18 MR. HALE: Go ahead.

14:10:09 19 MR. MATIASIC: You are saying his
14:10:10 20 questions are unreal?

14:10:12 21 THE WITNESS: Unreal. Nothing of that
14:10:15 22 type that I recall at all.

14:10:16 23 BY MR. HALE:

14:10:17 24 Q Okay. Fair enough. But if you had
14:10:23 25 observed something like that, would it have caused

14:10:26 1 you concern? In other words, during the school
14:10:28 2 year a Franciscan brings a minor on to the campus
14:10:32 3 for an overnight stay.

14:10:33 4 MR. MATIASIC: Incomplete hypothetical.

14:10:34 5 BY THE WITNESS:

14:10:35 6 A Yeah.

14:10:35 7 BY MR. HALE:

14:10:37 8 Q Okay. You testified earlier about -- at
14:10:48 9 your current residence there is a Franciscan not
14:10:50 10 from this province who is in residence.

14:10:53 11 A Yes.

14:10:53 12 Q If a friar who is not from this province
14:11:01 13 is assigned to this province, at some point does he
14:11:05 14 become a part of this province?

14:11:07 15 How does -- what is the process there?

14:11:10 16 A He continues to work in the province. He
14:11:15 17 may ask after a time if he can join the province
14:11:21 18 but it will take time and then it depends on his
14:11:25 19 provincial.

14:11:26 20 Q Okay.

14:11:27 21 A And our provincial.

14:11:31 22 Q While he is in this province, although he
14:11:34 23 is not a part of this province, is he supervised by
14:11:38 24 a Franciscan from this province?

14:11:42 25 MR. MATIASIC: Vague and ambiguous.

14:11:43 1 BY THE WITNESS:

14:11:44 2 A Yes.

14:11:47 3 BY MR. HALE:

14:11:55 4 Q Did you have any encounter with the
14:11:57 5 archdiocese board of education while you were on
14:12:01 6 the faculty?

14:12:01 7 A No.

14:12:02 8 Q Have you heard of that?

14:12:03 9 A Through [REDACTED].

14:12:06 10 Q [REDACTED] is [REDACTED]. What did you
14:12:07 11 talk to Father [REDACTED] about the advisory board of
14:12:16 12 education?

14:12:17 13 A When he was a member.

14:12:23 14 Q When he was what?

14:12:24 15 A When he was a member of it. When he was a
14:12:28 16 member of the educational business in Los Angeles.

14:12:31 17 Q Okay. Are you saying that it's your
14:12:35 18 testimony Father [REDACTED] was a member of the
14:12:38 19 Los Angeles Archdiocese board of education?

14:12:42 20 A Take it back. The present provincial,
14:12:50 21 Father Jurisich.

14:12:54 22 Q I just want to make sure we're talking
14:12:57 23 about the same entity. I am talking about the
14:13:00 24 Archdiocese of Los Angeles' advisory board of
14:13:04 25 education.

14:13:05 1 Does that sound right?

14:13:06 2 A I'm not sure.

14:13:13 3 Q I will ask -- at some point I will talk to
14:13:17 4 Father Jurisich.

14:13:19 5 Do you know when you believe he was on
14:13:21 6 either that board or whatever board it was that he
14:13:23 7 was on, what years?

14:13:25 8 A No.

14:13:26 9 Q Was it recent?

14:13:29 10 A Before -- maybe 15, 20 years ago.

14:13:37 11 Q Do you know how long he served on the
14:13:39 12 board?

14:13:39 13 A No.

14:13:40 14 Q Okay. Do you know if any other
14:13:44 15 Franciscans have ever served on that board other
14:13:47 16 than Father Jurisich?

14:13:49 17 A No.

14:13:50 18 Q That was a poorly phrased question by me.
14:13:52 19 To your knowledge --

14:13:53 20 A To my knowledge, no.

14:13:55 21 Q Are you familiar with the position, Vicar
14:14:18 22 General for Religious in the Archdiocese of
14:14:22 23 Los Angeles?

14:14:23 24 A I am familiar with the title.

14:14:25 25 Q How are you familiar with the title?

14:14:27 1 A Through correspondence that comes out to
14:14:36 2 all the members of the archdiocese.

14:14:39 3 Q What kind of correspondence? What would
14:14:41 4 the subject matter be generally?

14:14:43 5 A I noticed inside the name, "Vicar."

14:14:57 6 Q Do you recall there being correspondence
14:14:58 7 about how a liturgy could be conducted?

14:15:05 8 A Yes.

14:15:05 9 Q Okay. What kind of things would be
14:15:08 10 discussed in such correspondence?

14:15:10 11 A To update the liturgy.

14:15:21 12 Q Do you recall there being any discussions
14:15:24 13 in those correspondence of approved or disapproved
14:15:28 14 ways of conducting a liturgy?

14:15:31 15 A Mostly the approved way of doing it.

14:15:35 16 Q Okay. Do you recall there ever being any
14:15:41 17 correspondence from the Vicar General for Religious
14:15:44 18 regarding admonishing priests from conducting a
14:15:53 19 liturgy in a certain way?

14:15:54 20 A Yes.

14:15:55 21 Q Okay. Do you know whether Bishop Ward was
14:16:12 22 Vicar General for Religious at some point during
14:16:15 23 your career as a Franciscan?

14:16:17 24 A That I don't know.

14:16:18 25 Q Do you recall who was Vicar General for

14:16:20 1 Religious when you would receive these
14:16:22 2 correspondence?

14:16:24 3 A No.

14:16:41 4 Q Aside from the correspondence addressing
14:16:43 5 ways of conducting liturgy do you recall any other
14:16:44 6 subject matter discussed in these correspondence
14:16:45 7 from that archdiocesan office?

14:16:51 8 For instance, maybe conducting weddings or
14:16:53 9 baptisms.

14:16:56 10 A I don't recall.

14:16:57 11 Q How about perhaps how a priest dresses
14:17:03 12 during a ceremony? Anything like that?

14:17:07 13 A Yes.

14:17:07 14 Q Okay. Do you recall anything specific
14:17:10 15 about what was discussed regarding that subject
14:17:13 16 matter?

14:17:14 17 A To wear the entire vestments.

14:17:32 18 Q And what would the tone of such letters
14:17:34 19 be? Would it be giving an order that the attire
14:17:38 20 was to be worn according to the letter?

14:17:40 21 A Yes.

14:17:42 22 Q Okay.

14:17:43 23 A Yes.

14:17:43 24 Q So it wasn't a recommendation; it was an
14:17:47 25 instruction?

14:17:48 1 MR. GODFREY: Calls for a conclusion.

14:17:50 2 Beyond the scope of the witness' expertise.

14:17:53 3 BY MR. HALE:

14:17:54 4 Q You can answer.

14:17:55 5 A The question again was?

14:17:56 6 Q Sure. When you would receive such a
14:18:00 7 letter, would the communication be in the form of a
14:18:03 8 recommendation or in the form of it being an
14:18:06 9 instruction?

14:18:07 10 MR. GODFREY: Same objection.

14:18:09 11 BY THE WITNESS:

14:18:09 12 A More instruction.

14:18:10 13 BY MR. HALE:

14:18:11 14 Q Okay. While you were on the faculty at
14:18:24 15 Saint Anthony's, do you recall there being any
14:18:26 16 criticism from the archdiocese of the manner in
14:18:31 17 which a liturgy was conducted at either the mission
14:18:34 18 parish or at Saint Anthony's?

14:18:35 19 A No.

14:18:36 20 Q As secretary of the province were you
14:18:46 21 responsible for making sure that whatever money,
14:18:53 22 for instance, the parish at the old mission took
14:18:55 23 in, that the archdiocese received a certain amount
14:18:58 24 of tax from the money?

14:18:59 25 A I am not aware.

14:19:00 1 Q Do you know who would handle that?

14:19:02 2 A I'm not even aware of a tax.

14:19:10 3 Q Okay. I recall I think you said -- did
14:19:44 4 you say Bishop Ward was the person who granted your
14:19:47 5 faculties?

14:19:48 6 A Yes.

14:19:49 7 Q Was it common or uncommon during your time
14:19:52 8 on the faculty for an auxiliary bishop to visit the
14:20:00 9 seminary?

14:20:01 10 A I don't recall.

14:20:05 11 Q Were there any statutes in effect while
14:20:08 12 you were on the faculty that governed conduct of
14:20:12 13 any sort at the seminary?

14:20:20 14 MR. HANCE: Vague and ambiguous.

14:20:21 15 BY MR. HALE:

14:20:22 16 Q When I say "statutes" it could mean
14:20:25 17 province statutes, order statutes, archdiocesan
14:20:30 18 statutes, anything of that nature.

14:20:34 19 MR. HABEL: Lacks foundation. Calls for
14:20:36 20 speculation. Nonexpert witness.

14:20:42 21 THE WITNESS: So?

14:20:44 22 BY MR. HALE:

14:20:44 23 Q You can answer if you can.

14:20:45 24 A No, I can't.

14:20:47 25 Q Do you understand what -- the question?

14:20:50 1 A No.

14:20:51 2 Q Okay. I think we had talked earlier.

14:20:53 3 There are Franciscan statutes that govern

14:20:56 4 Franciscan life within the province; is that

14:20:59 5 correct?

14:20:59 6 A Yeah.

14:21:00 7 Q Were there any statutes that were

14:21:03 8 specifically designed to govern operation of the

14:21:07 9 seminary or of a seminary?

14:21:09 10 A Yes.

14:21:09 11 Q Were those Franciscan statutes unique to

14:21:14 12 this province?

14:21:16 13 MR. HANCE: Vague and ambiguous.

14:21:18 14 BY MR. HALE:

14:21:19 15 Q Or were they broader statutes from the

14:21:22 16 entire order?

14:21:24 17 A They were from the entire order.

14:21:27 18 Q Were there any statutes from the

14:21:29 19 archdiocese that governed conduct at the school?

14:21:34 20 MR. HABEL: Lacks foundation. Calls for

14:21:36 21 speculation.

14:21:36 22 THE WITNESS: I am not aware.

14:21:38 23 BY MR. HALE:

14:21:39 24 Q You just don't know?

14:21:41 25 A I don't know.

14:21:43 1 MR. HABEL: I think he testified that he
14:21:44 2 wasn't aware of any.

14:21:48 3 MR. HALE: Okay. We're splitting hairs
14:21:52 4 here, but that's fine.

14:22:07 5 Q While you were on the faculty did an
14:22:10 6 auxiliary bishop ever spend the night in the
14:22:14 7 seminary?

14:22:15 8 MR. GODFREY: Of this diocese? Any
14:22:16 9 diocese?

14:22:16 10 MR. HALE: No, Los Angeles.

14:22:18 11 BY THE WITNESS:

14:22:18 12 A I am not aware.

14:22:20 13 BY MR. HALE:

14:22:20 14 Q What about a bishop or a cardinal?

14:22:25 15 A I don't remember.

14:22:26 16 Q Same questions, but do you know if any
14:22:29 17 auxiliary bishop or bishop or cardinal from
14:22:33 18 Los Angeles ever spent the night at the mission
14:22:35 19 while you were on the faculty?

14:22:37 20 A Just overnight on the occasion of
14:22:42 21 ordination.

14:22:43 22 Q Do you know, was there a specific room
14:22:47 23 that's for a visiting bishop or cardinal?

14:22:52 24 A Yes.

14:22:52 25 Q While you were on the faculty at Saint

14:23:04 1 Anthony's were you ever aware of Franciscans taking
14:23:07 2 a student or a group of students camping?

14:23:14 3 A Yes. The upper class would have a camping
14:23:23 4 trip for, I think it was almost a week, up in the
14:23:28 5 mountains there in Santa Barbara.

14:23:30 6 Q Okay.

14:23:31 7 A Toward the end of the school year.

14:23:33 8 Q Did you go on the camping trip?

14:23:34 9 A Oh, yeah.

14:23:35 10 Q How many members of the faculty went on
14:23:39 11 the camping trip?

14:23:40 12 A Oh, two or three. Two.

14:23:43 13 Q Okay.

14:23:44 14 A Usually there was one in charge and then
14:23:50 15 during the course of the time maybe one or the
14:23:53 16 other would come up to visit.

14:23:55 17 Q Okay. So it sounds like there were
14:23:58 18 circumstances where there was only faculty member
14:24:00 19 on this camping trip with the students?

14:24:02 20 A Yes. Elderly friar. Older friar.

14:24:44 21 Q During the time you're both as a student
14:24:46 22 at Saint Anthony's and as a faculty member, were
14:24:49 23 you ever aware of the infirmarian giving a student
14:24:53 24 an alcohol rubdown?

14:24:56 25 A No.

14:24:56 1 MR. HANCE: Vague and ambiguous.

14:24:57 2 BY MR. HALE:

14:24:57 3 Q Okay. Can you think of any circumstance
14:25:00 4 where that would have been appropriate?

14:25:02 5 MR. HANCE: Incomplete hypothetical.

14:25:04 6 Lacks foundation. Vague and ambiguous.

14:25:05 7 BY THE WITNESS:

14:25:06 8 A No.

14:25:06 9 BY MR. HALE:

14:25:08 10 Q Same question. During your time either as
14:25:10 11 a student or as a faculty member were you ever
14:25:12 12 aware of a faculty member giving a student a
14:25:16 13 rubdown with alcohol?

14:25:17 14 MR. HANCE: Same objections.

14:25:18 15 BY THE WITNESS:

14:25:19 16 A No.

14:25:19 17 BY MR. HALE:

14:25:20 18 Q Can you think of any circumstance where
14:25:22 19 that would have been appropriate?

14:25:23 20 MR. HANCE: Same objections.

14:25:24 21 BY THE WITNESS:

14:25:24 22 A No.

14:25:25 23 BY MR. HALE:

14:25:30 24 Q Okay. Can you think of any circumstance
14:25:36 25 where it would have been -- where it ever would

14:25:40 1 have been appropriate for a priest or a brother to
14:25:43 2 examine a minor's genitals?

14:25:45 3 MR. HANCE: Same objections.

14:25:46 4 BY THE WITNESS:

14:25:46 5 A No.

14:25:47 6 BY MR. HALE:

14:25:55 7 Q During your time as a student or a faculty
14:25:58 8 member, did you ever become aware of the
14:26:01 9 infirmarian taking a student's temperature?

14:26:06 10 MR. HANCE: Vague and ambiguous.

14:26:08 11 BY THE WITNESS:

14:26:08 12 A No.

14:26:09 13 BY MR. HALE:

14:26:09 14 Q What about a faculty member ever taking a
14:26:11 15 student's temperature?

14:26:13 16 MR. HANCE: Same objection.

14:26:13 17 BY THE WITNESS:

14:26:14 18 A No.

14:26:14 19 BY MR. HALE:

14:26:28 20 Q During your time either as -- both as a
14:26:30 21 student and as a faculty member can you think of
14:26:32 22 any circumstances where it would have been
14:26:34 23 appropriate for a priest or a brother to give a
14:26:37 24 child a back rub?

14:26:38 25 MR. HANCE: Incomplete hypothetical.

14:26:39 1 Vague and ambiguous.

14:26:41 2 MR. MATIASIC: Lacks foundation.

14:26:43 3 BY THE WITNESS:

14:26:43 4 A No.

14:26:44 5 BY MR. HALE:

14:26:44 6 Q Same question, but this time can you think
14:26:46 7 of any circumstance where it would have been
14:26:48 8 appropriate for a priest or brother to wrestle with
14:26:52 9 a student?

14:26:52 10 MR. HANCE: Same objections.

14:26:53 11 BY THE WITNESS:

14:26:54 12 A No.

14:26:54 13 BY MR. HALE:

14:26:55 14 Q Did Saint Anthony's ever have a wrestling
14:26:59 15 team?

14:26:59 16 A No.

14:27:00 17 Q Can you think of any circumstance where it
14:27:02 18 would have been appropriate for a priest
14:27:05 19 assigned -- a priest or a brother assigned to the
14:27:08 20 mission to pull a seminary student out of class?

14:27:11 21 MR. HANCE: Same objections.

14:27:14 22 BY THE WITNESS:

14:27:15 23 A No.

14:27:15 24 BY MR. HALE:

14:27:17 25 Q While you were on the faculty were you

14:27:20 1 ever aware of any Franciscan Friar being
14:27:23 2 disciplined by the Guardian at Saint Anthony's
14:27:26 3 Seminary?

14:27:26 4 MR. HANCE: Vague and ambiguous.

14:27:28 5 BY THE WITNESS:

14:27:28 6 A No.

14:27:29 7 BY MR. HALE:

14:27:31 8 Q Was Father [REDACTED] the Guardian during
14:27:33 9 the majority of your time at Saint Anthony's?

14:27:36 10 A No. He was the rector.

14:27:38 11 Q Who was the Guardian?

14:27:39 12 A Father Reginald McDonough.

14:27:51 13 Q Is that Reginald?

14:27:54 14 A Reginald.

14:28:31 15 Q Was there any aspect of your Franciscan
14:28:35 16 education and training that encouraged you not to
14:28:39 17 report an act of childhood sexual abuse by another
14:28:43 18 Franciscan?

14:28:44 19 MR. HANCE: Vague and ambiguous.

14:28:46 20 MR. MATIASIC: Lacks foundation.

14:28:47 21 BY THE WITNESS:

14:28:48 22 A No.

14:28:48 23 BY MR. HALE:

14:28:56 24 Q While you were on the faculty was there --
14:28:59 25 did you have much interaction with other priests in

14:29:05 1 the Santa Barbara community?

14:29:08 2 A No.

14:29:09 3 Q Are you familiar with deanery meetings,
14:29:14 4 D-E-A-N-E-R-Y?

14:29:15 5 A I know of them but I never attended.

14:29:19 6 Q Okay. Did someone from Saint Anthony's
14:29:21 7 generally attend those?

14:29:22 8 A I don't think so.

14:29:23 9 Q Other than the Feast of Saint Francis --
14:29:32 10 at the Feast of Saint Francis did priests from all
14:29:36 11 over come to celebrate that day?

14:29:38 12 MR. HANCE: Vague and ambiguous.

14:29:42 13 BY THE WITNESS:

14:29:45 14 A Oh, not necessarily. There are times when
14:29:54 15 I think the Franciscans from Santa Ynez Valley, the
14:29:58 16 Capuchins, used to come over for the Feast of Saint
14:30:02 17 Francis.

14:30:03 18 BY MR. HALE:

14:30:04 19 Q To your knowledge, while you were on the
20 faculty were there any kind of regular meetings in
14:30:04 21 Santa Barbara for Catholic priests in Santa
14:30:09 22 Barbara?

14:30:09 23 A I am not aware.

14:30:10 24 Q Let me ask you about a couple names and
14:30:24 25 see if you have any familiarity with them. Father

14:30:28 1 Matthew Kelly, did you know him at Our Lady of
14:30:33 2 Guadeloupe?
14:30:34 3 A No.
14:30:34 4 Q Ever heard his name?
14:30:35 5 A Heard the name, yes.
14:30:36 6 Q Did you ever spend any time at Our Lady of
7 Guadeloupe?
8 A No.
14:30:39 9 Q How about Father Eugene Maio, M-A-I-O, a
14:30:45 10 Jesuit? Does that name sound familiar to you at
14:30:48 11 all?
14:30:48 12 A Not at all.
14:30:49 13 Q Are you familiar -- do you want a break?
14:31:01 14 A For 15 minutes.
14:31:03 15 Q Sure. Whatever time you guys want.
14:31:07 16 A Ten minutes.
14:31:08 17 THE VIDEOGRAPHER: Off the record at
14:31:10 18 2:31 p.m.
14:31:11 19 (Brief recess.)
14:43:56 20 THE VIDEOGRAPHER: We're back on the
14:44:02 21 record at 2:44 p.m.
14:44:05 22 BY MR. HALE:
14:44:06 23 Q Okay. Father, are you familiar with a
14:44:08 24 treatment facility in Minnesota called Hazelden,
14:44:11 25 H-A-Z-E-L-D-E-N?

14:44:13 1 A I am not familiar with it.

14:44:15 2 Q Let me show you a piece of correspondence.

14:44:18 3 I will show it to your counsel first. Let's see if

14:44:20 4 I can help you refresh your recollection.

14:44:24 5 I have three copies if you guys want to

14:44:26 6 share.

14:44:28 7 MR. GODFREY: Thanks.

14:44:39 8 BY MR. HALE:

14:44:40 9 Q Just let me know when you're finished

14:44:45 10 reading it and I will have a few more questions for

14:44:48 11 you.

14:44:53 12 Are you ready?

14:45:00 13 A Yes.

14:45:00 14 Q Okay. Let attach this as Exhibit 1.

14:45:05 15 (Exhibit 1 was marked for

14:45:06 16 identification.)

14:45:06 17 MR. HALE: It's correspondence that's

14:45:08 18 stamped October 9th, 1981. It's addressed to

14:45:11 19 Father [REDACTED] regarding Mario Cimmarrusti. It's

14:45:16 20 Bates stamped 129.

14:45:19 21 Q Father, with regards to it being addressed

14:45:22 22 to Father [REDACTED], would it be your understanding

14:45:24 23 that that means you?

14:45:25 24 A Yes.

14:45:26 25 Q Is there another Father [REDACTED] in the

14:45:29 1 province?

14:45:29 2 A No way.

14:45:30 3 Q Does this refresh your recollection at all
14:45:37 4 regarding Hazelden?

14:45:39 5 A No.

14:45:39 6 Q Do you recall why Father Cimmarrusti went
14:45:44 7 to treat at Hazelden?

14:45:46 8 A No. I am not aware of that at all.

14:45:50 9 Q You have no recollection of receiving this
14:45:51 10 correspondence?

14:45:52 11 A No.

14:45:52 12 Q Did you ever supervise any treatment that
14:45:56 13 Father Cimmarrusti underwent?

14:45:58 14 A No.

14:46:01 15 Q Have you ever heard of any other
14:46:03 16 Franciscans being sent to Hazelden?

14:46:05 17 A No.

14:46:07 18 Q And you don't know what kind of treatment
14:46:11 19 Hazelden provides?

14:46:12 20 A No.

14:46:13 21 Q Okay. Another follow-up question real
14:46:33 22 quick.

14:46:33 23 I believe you testified you were
14:46:35 24 resigned -- you were asked to resign as secretary
14:46:37 25 of the province.

14:46:38 1 A Yes.

14:46:38 2 Q Why were you asked to resign? Do you
14:46:41 3 know?

14:46:41 4 A Because the provincial presumed that
14:46:57 5 Father Jeffrey would be more helpful at that time.

14:47:01 6 Q Do you know why the provincial presumed
14:47:04 7 that? Did he explain to you his thinking?

14:47:07 8 A No.

14:47:07 9 Q Did anyone explain to you his thinking?

14:47:10 10 A No.

14:47:10 11 Q Did you want to resign?

14:47:12 12 A No.

14:47:12 13 Q Okay. I would like to mark as

14:47:18 14 Exhibit 2 -- it looks like some kind of billing
14:47:22 15 statement dated November 3, 1981, and it's Bates
14:47:27 16 stamped 128 in the Cimmarrusti personnel file.

14:47:33 17 (Exhibit 2 was marked for
14:47:34 18 identification.)

14:47:34 19 BY MR. HALE:

14:47:34 20 Q If you can take a second to review that.
14:47:36 21 Let me know when you're done and I will ask you a
14:47:39 22 few more questions.

14:48:13 23 MR. MATIASIC: Can you identify for the
14:48:15 24 record what case that was produced in.

14:48:18 25 MR. HALE: I believe this is from the

14:48:20 1 Clergy I personnel file. You mean the specific
14:48:25 2 lawsuit?

14:48:26 3 MR. MATIASIC: Clergy I is fine.

14:48:30 4 MR. HALE: I believe it's Clergy I. It's
14:48:33 5 possible it was from the Clergy III confidential
14:48:37 6 file for Cimmarrusti. No. Then it must have been
14:48:42 7 Clergy I. This is definitely not our Bating.

14:48:49 8 Q Whenever you're ready. You're ready?

14:48:52 9 A Yes.

14:48:53 10 Q Do you recall receiving this billing
14:48:54 11 statement?

14:48:55 12 A No.

14:48:55 13 Q Do you recall Father Cimmarrusti treating
14:48:59 14 with the Servants of the Paraclete?

14:49:00 15 A No.

14:49:01 16 Q Around the middle of the page it
14:49:07 17 references an AA retreat with Father Gavin
18 Griffith.

14:49:11 19 Do you have a recollection of Father
14:49:15 20 Cimmarrusti having a drinking problem?

14:49:16 21 A I don't recall.

14:49:18 22 Q Did anyone ever tell you that Father
14:49:21 23 Cimmarrusti had a drinking problem?

14:49:22 24 MR. MATIASIC: Other than what he has
14:49:24 25 learned from counsel.

14:49:25 1 BY THE WITNESS:

14:49:26 2 A No.

14:49:30 3 BY MR. HALE:

14:49:31 4 Q Do you recall receiving billing statements
14:49:32 5 from the Servants of the Paraclete for other
14:49:35 6 Franciscans?

14:49:36 7 A I don't recall that either.

14:49:37 8 Q Okay.

14:49:59 9 This is going to be Exhibit 3.

14:50:01 10 (Exhibit 3 was marked for
14:50:02 11 identification.)

14:50:02 12 BY MR. HALE:

14:50:03 13 Q It's correspondence dated May 11, 1982
14:50:06 14 from the Servants of the Paraclete. It's Bates
14:50:09 15 stamped from the Cimmarrusti personnel file number
14:50:14 16 138, and, Father, you are cc'd on this
14:50:17 17 correspondence.

14:50:17 18 If you would take a look at this and I
14:50:19 19 will ask you a few questions about it. Ready?

14:51:06 20 A Yeah.

14:51:07 21 Q Do you remember Father Adrian, Father Mike
14:51:12 22 Adrian, the author of this letter?

14:51:13 23 A Not at all.

14:51:14 24 Q Do you recall ever seeing this?

14:51:16 25 A I don't recall.

14:51:16 1 Q Do you see in the second-to-last paragraph
14:51:18 2 where he says:

14:51:19 3 "Also, we are sending another
14:51:22 4 questionnaire to Father [REDACTED]
5 [REDACTED] and request that it be
14:51:24 6 completed by someone who has
14:51:25 7 knowledge of you during the past
14:51:26 8 five months."

14:51:26 9 Do you see that?

14:51:27 10 A I do.

14:51:28 11 Q Do you recall receiving the questionnaire?

14:51:30 12 A No.

14:51:30 13 Q Do you recall ever supervising any
14:51:34 14 treatment by Father Cimmarrusti with Father Adrian?

14:51:38 15 A I don't recall.

14:51:39 16 Q Or with any other priest affiliated with
14:51:42 17 the Servants of the Paraclete.

14:51:44 18 A I don't recall.

14:51:44 19 Q Do you recall if you have ever met Father
14:51:53 20 Adrian?

14:51:54 21 A I'm sure I haven't.

14:51:55 22 Q Okay. All right.

14:52:13 23 When did you first meet Mario Cimmarrusti?

14:52:38 24 A Must have been in the seminary as a
14:52:41 25 student. I forget when he entered.

14:52:43 1 Q So when he was a student and you were on
14:52:46 2 the faculty?

14:52:47 3 A No. No. As a student.

14:52:50 4 Q You were not classmates, were you?

14:52:55 5 A No. No. No. I really don't know where
14:53:00 6 to place him there.

14:53:03 7 Q Okay. Was he ever in any of your classes
14:53:05 8 when you were teaching?

14:53:06 9 A I don't recall.

14:53:07 10 Q Okay. Do you think he was a student at
14:53:11 11 the seminary while you were on the faculty?

14:53:18 12 A No. He may be in that section in between
14:53:25 13 when I was a student and when I was on the faculty.
14:53:29 14 I'm not sure.

14:53:29 15 Q Have you ever had any discussion with him
14:53:31 16 regarding duties of a prefect of discipline?

14:53:40 17 A No.

14:53:41 18 Q When was the last time you spoke with
14:53:44 19 Father Cimmarrusti?

14:53:45 20 A Oh, last year.

14:53:48 21 Q Okay. What did you talk about?

14:53:51 22 A Playing pinochle.

14:53:57 23 Q Was that --

14:54:00 24 A That was --

14:54:04 25 Q So you were at San Damiano?

14:54:08 1 A Yes.

14:54:08 2 Q Did you talk about anything else other
14:54:10 3 than pinochle?

14:54:12 4 A No. Just in the community.

14:54:15 5 Q Have you ever discussed with him the
14:54:16 6 current lawsuits against him?

14:54:19 7 A No.

14:54:19 8 Q Or I should say involving him. Have you
14:54:30 9 ever heard there are allegations of childhood
14:54:33 10 sexual abuse against Mario?

14:54:35 11 MR. MATIASIC: Other than anything from
14:54:37 12 his attorneys.

14:54:38 13 BY MR. HALE:

14:54:38 14 Q Other than anything from your attorneys.

14:54:40 15 A Just what I read in the Santa Barbara
14:54:43 16 paper about three months ago.

14:54:45 17 Q Okay. Is that the paper where Father
14:54:48 18 Cimmarrusti was quoted?

14:54:48 19 A Where he is quoted and also his picture.

14:54:51 20 Q How did you get ahold of that article?

14:54:54 21 A I was up there in the infirmary for five
14:55:00 22 months.

14:55:00 23 Q You were staying in the infirmary?

14:55:02 24 A Yes.

14:55:02 25 Q From what time frame were you in the

14:55:05 1 infirmary?

14:55:05 2 A June 1st to November 1st.

14:55:08 3 Q Of 2005?

14:55:09 4 A This year.

14:55:10 5 Q Was Gerald Chumik there while you were

14:55:13 6 there?

14:55:13 7 A No.

14:55:13 8 Q Do you know who Gerald Chumik is?

14:55:16 9 A Yes.

14:55:16 10 Q How are you familiar with Gerald Chumik?

14:55:19 11 A He used to be with us at Saint Joseph's.

14:55:22 12 Q Did he do any parish work while he was at

14:55:26 13 Saint Joseph's?

14:55:28 14 A I'm not sure. No parish work.

14:55:30 15 Q Sounds like there is not a parish at Saint

14:55:39 16 Joseph's.

14:55:39 17 A Well, Saint Joseph's community. Used to

14:55:47 18 be at Saint Joseph's Church. We're supposed to

14:55:51 19 move to Saint Francis of Assisi Church but there

14:55:56 20 wasn't room there so we're moving to this residence

14:55:59 21 by ourselves.

14:56:00 22 Q With no parish?

14:56:02 23 A No parish.

14:56:03 24 Q When did that happen?

14:56:04 25 A 2000.

14:56:05 1 Q 2002?

14:56:07 2 A 2000 zero.

14:56:09 3 Q And when was the last time Chumik was in
14:56:15 4 residence at Saint Joseph's?

14:56:17 5 A Before that in Santa Barbara.

14:56:21 6 Q Okay. Were you aware of the allegations
14:56:30 7 against Father Chumik while he was in residence
14:56:32 8 with you at Saint Joseph's?

14:56:35 9 A No.

14:56:35 10 Q When did you first hear of the allegations
14:56:43 11 against him?

14:56:44 12 MR. MATIASIC: Other than anything you
14:56:47 13 heard from your lawyers.

14:56:49 14 MR. HANCE: Father, make sure you let him
14:56:51 15 finish his question.

14:56:52 16 BY MR. HALE:

14:56:53 17 Q So if I heard your testimony the first
14:56:55 18 time you heard of allegations against Father Chumik
14:56:58 19 was through the Santa Barbara News Press article?

14:57:00 20 A Correct.

14:57:01 21 Q While Father Chumik was in residence at
14:57:14 22 Saint Joseph's, was there a parish there at that
14:57:17 23 time?

14:57:17 24 A At Saint Joseph's parish, yes.

14:57:20 25 Q Do you recall when Father Chumik -- or

14:57:23 1 actually it's Brother Chumik --

14:57:26 2 A Brother, yes.

14:57:26 3 Q -- when Brother Chumik became a resident
14:57:29 4 at Saint Joseph's?

14:57:31 5 A I think he was there when I got there.
14:57:36 6 '86.

14:57:37 7 Q And did he -- at that time was he
14:57:43 8 assisting in any way with the parish work?

14:57:46 9 A Not that I am aware of.

14:57:47 10 Q From 1986 until you became aware of the
14:57:51 11 allegations against him, was he doing any assisting
14:57:56 12 in the parish work at Saint Joseph's?

14:57:59 13 A No.

14:58:00 14 Q When Brother Chumik came to be in
14:58:07 15 residence at Saint Joseph's, are you aware of there
14:58:10 16 being any warnings given to the parishioners at
14:58:17 17 Saint Joseph's about the allegations against
14:58:19 18 Brother Chumik?

14:58:20 19 MR. MATIASIC: At that time that he came
14:58:21 20 there because he already testified that Chumik was
14:58:24 21 already there when he got there?

14:58:26 22 MR. HALE: Maybe I misunderstood your
14:58:29 23 testimony.

14:58:29 24 Q Was Brother Chumik already at Saint
14:58:33 25 Joseph's before you arrived at Saint Joseph's?

14:58:36 1 A I'm pretty sure.

14:58:38 2 Q Okay. At any time while you were -- since
14:58:57 3 you have been at Saint Joseph's has to your
14:59:00 4 knowledge any Franciscan warned parishioners at
14:59:04 5 Saint Joseph's of the prior allegations of
14:59:07 6 childhood sexual abuse against Brother Chumik?

14:59:09 7 MR. MATIASIC: Lacks foundation that the
14:59:11 8 Franciscans there knew of any prior allegations.

14:59:13 9 Go ahead, Father, you can answer.

14:59:14 10 BY THE WITNESS:

14:59:15 11 A No, I am not aware of it.

14:59:18 12 BY MR. HALE:

14:59:18 13 Q Okay. Do you know why Father Cimmarrusti
14:59:55 14 was transferred to Guymas in 1971, aside from
14:59:59 15 anything you have heard from your attorneys?

15:00:04 16 A He asked to be assigned to work with
15:00:09 17 Mexicans, Mexican people.

15:00:11 18 Q And then were you aware when Father
15:00:15 19 Cimmarrusti was transferred from Guymas?

15:00:19 20 A Yes.

15:00:20 21 Q Do you know why he was transferred from
15:00:22 22 Guymas?

15:00:23 23 A Not that I am aware of.

15:00:26 24 Q Have you ever heard that he was
15:00:29 25 transferred from Guymas because he was accused of

15:00:32 1 sexually assaulting children?

15:00:34 2 A No.

15:00:35 3 Q Have you ever heard that the Mexican
15:00:45 4 authorities were intending to prosecute Father
15:00:49 5 Cimmarrusti for sexually assaulting children?

15:00:51 6 MR. MATIASIC: Other than anything he
15:00:52 7 learned from counsel.

15:00:53 8 MR. HALE: Right.

15:00:53 9 BY THE WITNESS:

15:00:54 10 A I'm not aware.

15:00:55 11 BY MR. HALE:

15:01:02 12 Q When was the last time you spoke to Father
15:01:05 13 [REDACTED]?

15:01:08 14 A Oh, about two or three months ago.

15:01:15 15 Q Have you ever talked to Father [REDACTED]
15:01:20 16 about the allegations against Father Cimmarrusti?

15:01:22 17 A No.

15:01:22 18 Q Have you ever talked to Father [REDACTED]
15:01:25 19 about any allegations against Father Cimmarrusti?

15:01:28 20 A No.

15:01:28 21 Q Are there orphanages run by the province
15:01:37 22 in Guymas?

15:01:38 23 A Yes.

15:01:40 24 Q Have you ever spent any time in Guymas?

15:01:45 25 A Overnight once.

15:01:47 1 Q When was that?

15:01:48 2 A At least 25, 30 years ago.

15:01:55 3 Q Did you visit any Franciscans in Guymas

15:02:00 4 while were you there?

15:02:01 5 A Just with the friars in the house.

15:02:03 6 Q Which friars were in the house at that

15:02:06 7 time?

15:02:06 8 A Father Elias.

15:02:12 9 Q Okay.

15:02:12 10 A And Father -- what was his name? I forget

15:02:29 11 his name. Deceased.

15:02:31 12 Q Was Father Cimmarrusti there at the time?

15:02:36 13 A That I don't recall.

15:02:39 14 Q Okay.

15:02:39 15 A I'm not sure.

15:02:40 16 Q Are the orphanages operated by the

15:02:44 17 Franciscans in Guymas or are they owned by the

15:02:48 18 Franciscans?

15:02:48 19 A It was operated by one friar.

15:02:51 20 Q Do you know which friar that was?

15:02:53 21 A Brother [REDACTED].

15:02:59 22 Q Is he still alive?

15:03:00 23 A Yes.

15:03:01 24 Q Where is he assigned now?

15:03:04 25 A I'm not sure.

15:03:15 1 Q Is he back in the United States?

15:03:16 2 A He is back in the United States, yes.

15:03:18 3 Q Do you know how old he is?

15:03:20 4 A He must be around 60.

15:03:25 5 Q Do you know if Father [REDACTED] --

15:03:30 6 A Brother [REDACTED].

15:03:31 7 Q If Brother [REDACTED] was working at this

15:03:37 8 orphanage in the 1970's?

15:03:41 9 A I'm not sure.

15:03:54 10 Q But it's possible?

15:03:55 11 A Possible.

15:03:55 12 Q Was he there for a long period of time?

15:03:59 13 A Yes.

15:03:59 14 Q Have you of heard of any Franciscans

15:04:04 15 helping to bring orphans from Guymas to families in

15:04:09 16 the United States?

15:04:09 17 A No. Not aware.

15:04:11 18 Q Have you ever heard of Brother Cabot

15:04:14 19 visiting the orphanages in Guymas?

15:04:18 20 A No.

15:04:21 21 Q Were you ever aware that Father

15:04:40 22 Cimmarrusti was assigned to San Miguel while Father

15:04:44 23 [REDACTED] was a pastor there?

15:04:48 24 A Yes.

15:04:54 25 Q Were you aware that he had been assigned

15:04:56 1 there after allegations of childhood sexual abuse

15:04:59 2 were levied against Father Cimmarrusti?

15:05:02 3 MR. MATIASIC: Lacks foundation.

15:05:04 4 BY THE WITNESS:

15:05:05 5 A I am not aware why he was assigned there.

15:05:07 6 BY MR. HALE:

15:05:07 7 Q Okay. Have you ever heard of any

15:05:23 8 Franciscan conducting a physical examination of a

15:05:29 9 Saint Anthony's seminarian for hernias?

15:05:32 10 A No. Haven't heard.

15:05:34 11 Q Can you think of any circumstance where

15:05:36 12 that would be appropriate?

15:05:37 13 MR. HANCE: Incomplete hypothetical.

15:05:39 14 Vague and ambiguous. Lacks foundation.

15:05:42 15 BY THE WITNESS:

15:05:43 16 A Not aware.

15:05:44 17 BY MR. HALE:

15:05:54 18 Q When was the first time you heard of

15:05:57 19 allegations of childhood sexual abuse by Father

15:06:01 20 Cimmarrusti?

15:06:01 21 MR. MATIASIC: Other than anything you

15:06:03 22 received from counsel.

15:06:05 23 BY THE WITNESS:

15:06:05 24 A In Santa Barbara the past three or four

15:06:07 25 months.

15:06:08 1 BY MR. HALE:

15:06:08 2 Q That was the first time you heard of
15:06:10 3 allegations against Father Cimmarrusti?

15:06:12 4 A Yes.

15:06:12 5 Q Have you had an opportunity to ask him
15:06:23 6 about those allegations?

15:06:24 7 A No.

15:06:25 8 Q Have you talked to anyone about those
15:06:27 9 allegations in the paper?

15:06:29 10 A No.

15:06:30 11 MR. MATIASIC: Other than your counsel.

15:06:31 12 BY MR. HALE:

15:06:32 13 Q Right. Other than your counsel.

15:06:33 14 A No.

15:06:33 15 Q How did you obtain a copy of the News
15:06:37 16 Press?

15:06:37 17 A It was -- a copy brought in for the
15:06:44 18 infirmary every morning or every night. Whenever
15:06:47 19 it is. I guess every morning.

15:06:48 20 Q How many Franciscans were in the infirmary
15:06:56 21 during your five months there? You don't have to
15:06:59 22 give me an exact number. What is the population
15:07:02 23 approximately?

15:07:03 24 A About 20.

15:07:05 25 Q And are they cared for by other

15:07:07 1 Franciscans or is there a staff there?

15:07:10 2 A There's a staff.

15:07:11 3 Q Who is in charge of that infirmary?

15:07:13 4 A Father [REDACTED], [REDACTED].

15:07:20 5 Q Do you know Father Dave Johnson?

15:07:24 6 A Yes.

15:07:25 7 Q How do you know Father Johnson?

15:07:30 8 A I have met him at times.

15:07:33 9 Q When did you first meet him?

15:07:35 10 A I don't recall.

15:07:38 11 Q He didn't ever study under you, did he?

15:07:43 12 A No.

15:07:43 13 Q Have you ever been assigned anywhere with

15:07:50 14 him?

15:07:50 15 A No.

15:07:50 16 Q Were you ever assigned anywhere with

15:07:53 17 Mario?

15:07:56 18 A At the seminary; at Saint Anthony's.

15:08:06 19 Q But you were not on the faculty when he

15:08:08 20 was on the faculty, correct?

15:08:10 21 A I am not sure of that.

15:08:11 22 Q Okay.

15:08:13 23 A I think he may have been.

15:08:15 24 Q Okay. Have you ever heard of any

15:08:25 25 allegations of childhood sexual abuse against

15:08:29 1 Father Johnson?

15:08:30 2 MR. MATIASIC: Other than from your

15:08:31 3 lawyers.

15:08:32 4 BY MR. HALE:

15:08:32 5 Q Other than from your lawyers.

15:08:33 6 A No.

15:08:34 7 Q Have you ever seen the Board of Inquiry

15:08:39 8 report?

15:08:42 9 A No.

15:08:42 10 Q Do you know what that is?

15:08:43 11 A Something that's been set up the last

15:08:56 12 couple of years.

15:09:00 13 Q Did you know Father David Carriere,

15:09:06 14 C-A-R-R-I-E-R-E?

15:09:07 15 A Yes.

15:09:07 16 Q When did you first meet him?

15:09:09 17 A I think I had him as a student.

15:09:18 18 Q At Saint Anthony's Seminary?

15:09:21 19 A Yes.

15:09:21 20 Q Were you close with him?

15:09:26 21 A No.

15:09:28 22 Q Were you ever assigned anywhere with him?

15:09:35 23 A No.

15:09:36 24 Q Did you evaluate his candidacy for the

15:09:46 25 priesthood?

15:09:47 1 MR. MATIASIC: Vague and ambiguous.

15:09:48 2 BY THE WITNESS:

15:09:49 3 A No.

15:09:49 4 BY MR. HALE:

15:09:52 5 Q Did you ever discipline Father Carriere?

15:09:55 6 A No.

15:09:56 7 Q Do you know if Father Carriere ever

15:10:10 8 treated at Jemez, J-E-M-E-Z, Springs at the

15:10:16 9 Paraclete Center?

15:10:20 10 A No, I don't recall.

15:10:21 11 Q Do you recall paying any bills for Father

15:10:24 12 Carriere's treatment at any treatment facility?

15:10:26 13 A I don't recall.

15:10:27 14 Q Do you recall receiving any bills for

15:10:31 15 Father Carriere's treatment at any treatment

15:10:33 16 facility?

15:10:34 17 A No recollection.

15:10:35 18 Q Did you ever hear Father Carriere was

15:11:03 19 engaging in inappropriate conduct with students at

15:11:06 20 Saint Anthony's Seminary?

15:11:08 21 MR. HANCE: Vague and ambiguous.

15:11:09 22 MR. MATIASIC: Other than anything he

15:11:11 23 heard from counsel.

15:11:12 24 BY MR. HALE:

15:11:12 25 Q Right.

15:11:13 1 A No recollection.

15:11:13 2 Q Do you recall there ever being a novitiate
15:11:18 3 house in Santa Barbara?

15:11:19 4 A Being a novitiate house there?

15:11:23 5 Q Uh-huh.

15:11:24 6 A No.

15:11:27 7 Q Have you ever socialized with Father
15:11:37 8 Carriere?

15:11:38 9 MR. HANCE: Vague and ambiguous.

15:11:38 10 BY THE WITNESS:

15:11:39 11 A No.

15:11:41 12 BY MR. HALE:

15:11:42 13 Q Did you consider him a friend?

15:11:43 14 A Not particularly.

15:11:48 15 Q Did you ever hear him make inappropriate
15:11:53 16 sexual comments?

15:11:54 17 MR. HANCE: Vague and ambiguous.

15:11:55 18 BY THE WITNESS:

15:11:55 19 A Never. No.

15:11:57 20 BY MR. HALE:

15:12:09 21 Q Do you know Father Robert Van Handel?

15:12:14 22 A I knew of him.

15:12:15 23 Q Did you know him personally?

15:12:17 24 A No.

15:12:22 25 Q V-A-N, H-A-N-D-E-L.

15:12:30 1 How did you know of him?

15:12:32 2 A He was appointed rector of the seminary.

15:12:36 3 Q Have you ever been assigned anywhere with

15:12:45 4 Father Van Handel?

15:12:46 5 A No.

15:12:47 6 Q Have been in residence anywhere with

15:12:50 7 Father Van Handel?

15:12:51 8 A No.

15:12:51 9 Q Have you ever been in residence with

15:12:54 10 Father Johnson?

15:12:54 11 A No.

15:12:55 12 Q With Father Cimmarrusti other than what we

15:12:57 13 already talked about.

15:12:58 14 A No.

15:12:59 15 Q What about -- strike that.

15:13:09 16 Have you heard that Father Van Handel has

15:13:12 17 been accused of childhood sexual abuse?

15:13:15 18 MR. MATIASIC: Other than from your

15:13:16 19 lawyers.

15:13:17 20 BY MR. HALE:

15:13:17 21 Q Other than from your lawyers.

15:13:18 22 A Yes.

15:13:18 23 Q When did you first hear that?

15:13:20 24 A Long time ago.

15:13:25 25 Q Do you recall, was it before he was

15:13:31 1 criminally prosecuted?

15:13:34 2 A It was at that time that I first heard
15:13:36 3 about it.

15:13:48 4 Q Had you ever heard that Father Van Handel
15:13:52 5 was abused by Father McKeon?

15:13:54 6 MR. MATIASIC: Other than anything you
15:13:56 7 heard from lawyers.

15:13:57 8 BY MR. HALE:

15:13:57 9 Q Right.

15:13:58 10 A No, never heard of it.

15:14:00 11 Q Have you ever heard Father McKeon accused
15:14:03 12 of childhood sexual abuse?

15:14:03 13 A No.

15:14:04 14 MR. MATIASIC: Other than from your
15:14:05 15 lawyers.

15:14:05 16 BY THE WITNESS:

15:14:06 17 A No.

15:14:07 18 BY MR. HALE:

15:14:16 19 Q Do you know Sam Cabot?

15:14:18 20 A Sam Cabot, yes.

15:14:24 21 Q How do you know him?

15:14:25 22 A I know he is in Malibu.

15:14:34 23 Q When did you first meet him?

15:14:36 24 A Many years ago.

15:14:39 25 Q Do you recall where that was?

15:14:43 1 A No.

15:14:45 2 Q Do you recall in what context you met him?

15:14:47 3 A No.

15:14:53 4 Q Are you friends with Brother Cabot?

15:14:59 5 A Not particular.

15:15:01 6 Q When was the last time you spoke with him?

15:15:03 7 A Couple weeks ago.

15:15:15 8 Q Were you at the Serra Retreat house?

15:15:18 9 A No. He stopped in in Santa Barbara.

15:15:21 10 Q While you were in the infirmary?

15:15:24 11 A Yes.

15:15:24 12 Q Did he appear to be in good health to you?

15:15:26 13 A Yeah.

15:15:27 14 Q Had you heard that he has had any health

15:15:30 15 problems recently?

15:15:31 16 A No.

15:15:31 17 Q Do you recall hearing he was hospitalized

15:15:33 18 with a heart problem about five years ago?

15:15:37 19 A No.

15:15:38 20 Q You have not heard of any health problems

15:15:43 21 with Brother Cabot?

15:15:44 22 A No. Not that I recollect.

15:15:46 23 Q Okay. Have you ever been assigned

15:15:54 24 anywhere with Brother Cabot?

15:15:55 25 A No.

15:15:56 1 Q Ever been in residence anywhere with
15:15:58 2 Brother Cabot?

15:15:59 3 A No.

15:16:00 4 Q Do you know if he spent the night at the
15:16:02 5 mission when you saw him when you were in the
15:16:04 6 infirmary a few weeks ago?

15:16:06 7 A No. I am not aware of that.

15:16:08 8 Q Did you talk with him when he saw you in
15:16:12 9 the infirmary?

15:16:13 10 A Just said hello.

15:16:15 11 Q Okay. After you were transferred from
15:16:24 12 Saint Anthony's, did you ever go back to the
15:16:26 13 mission and stay overnight there?

15:16:27 14 A Yes.

15:16:30 15 Q Okay. Did you ever encounter Brother
15:16:33 16 Cabot on one of those overnight visits?

15:16:36 17 A No. Not that I recall.

15:16:40 18 Q Have you ever been in Brother Cabot's
15:16:42 19 living quarters anywhere?

15:16:44 20 A No.

15:16:44 21 Q Have you ever heard there are allegations
15:16:47 22 of childhood sexual abuse against Brother Cabot?

15:16:50 23 MR. MATIASIC: Other than from your
15:16:51 24 counsel.

25

15:16:51 1 BY MR. HALE:

15:16:51 2 Q Other than from your counsel.

15:16:53 3 A No.

15:16:53 4 Q Are there different rules for -- while
15:17:14 5 were you at Saint Anthony's Seminary were there
15:17:17 6 different rules for brothers versus priests with
15:17:19 7 regards to how much time one or the other could
15:17:23 8 spend outside of the community?

15:17:26 9 MR. HANCE: Vague and ambiguous. When?

15:17:28 10 BY MR. HALE:

15:17:29 11 Q While he was on the faculty.

15:17:33 12 A Repeat the question, please.

15:17:34 13 Q Were there different rules with regards to
15:17:37 14 how much time a brother versus a priest could spend
15:17:40 15 outside the community while you were on the faculty
15:17:43 16 at Saint Anthony's Seminary?

15:17:45 17 A I am not aware of any.

15:17:46 18 Q Okay. Are you friends with [REDACTED]?

15:17:59 19 A Occasionally. Just to say hello when I
15:18:03 20 meet him.

15:18:03 21 Q When was the last time you spoke with him?

15:18:05 22 A I guess about a year ago.

15:18:07 23 Q While you were on the faculty at Saint
15:18:16 24 Anthony's were you ever aware of a faculty member
15:18:18 25 buying a student a gift?

15:18:21 1 A Buying a student --

15:18:23 2 Q A gift.

15:18:24 3 A Oh, a gift.

15:18:26 4 MR. HANCE: Vague and ambiguous.

15:18:27 5 BY THE WITNESS:

15:18:27 6 A Not aware.

15:18:28 7 BY MR. HALE:

15:18:29 8 Q Can you think of any circumstance where

15:18:32 9 that would have been appropriate?

15:18:32 10 MR. HANCE: Incomplete hypothetical.

15:18:34 11 Lacks foundation. Vague and ambiguous.

15:18:35 12 BY THE WITNESS:

15:18:36 13 A Not aware.

15:18:37 14 BY MR. HALE:

15:18:38 15 Q You can't think of any circumstance where

15:18:40 16 that would have been appropriate?

15:18:43 17 MR. HANCE: Same objection.

15:18:44 18 BY THE WITNESS:

15:18:45 19 A No.

15:18:45 20 BY MR. HALE:

15:18:46 21 Q Do you know if [REDACTED] is in residence

15:18:48 22 at Serra Retreat house?

15:18:50 23 A No.

15:18:51 24 Q Do you know where he is at?

15:18:52 25 A Huntington Beach.

15:18:53 1 Q Do you know Father Gus Krumm?

15:19:00 2 A Yes.

15:19:01 3 Q Do you know where he is -- is he still a

15:19:04 4 friar?

15:19:05 5 A No. I think he is out.

15:19:10 6 Q Is he in Sacramento, do you know?

15:19:18 7 A He was in Portland. Maybe he is in

15:19:21 8 Sacramento. I think he is in Sacramento.

15:19:23 9 Q But you don't think he is part of the

15:19:25 10 province any longer?

15:19:26 11 A That's right.

15:19:26 12 Q Do you know when he left the province?

15:19:28 13 A No.

15:19:28 14 Q When did you first meet Gus Krumm? Krumm

15:19:38 15 is K-R-U-M-M.

15:19:38 16 A I met him in Huntington Beach when he was

15:19:42 17 assigned down there.

15:19:43 18 Q How did you meet him in Huntington Beach?

15:19:46 19 You weren't assigned there, were you?

15:19:48 20 A No.

15:19:48 21 Q How is it you came to meet him down there?

15:19:51 22 A We would go down there for the Feast of

15:19:54 23 Saint Francis with the friars.

15:19:56 24 Q So that was the first him you met him,

15:20:00 25 when he was assigned to Huntington Beach?

15:20:02 1 A That's right.

15:20:02 2 Q Were you friends with him?

15:20:04 3 A Passing.

15:20:05 4 Q When was the last time you spoke with him?

15:20:07 5 A Two, three years ago.

15:20:15 6 Q Have you heard he has been accused of
15:20:18 7 childhood sexual abuse?

15:20:19 8 MR. MATIASIC: Other than from your
15:20:20 9 counsel.

15:20:20 10 BY MR. HALE:

15:20:21 11 Q Other than from your counsel.

15:20:22 12 A Yes.

15:20:22 13 Q When did you first hear that?

15:20:24 14 A Two or three years ago.

15:20:32 15 Q How was it you heard that?

15:20:39 16 A I think it was in the papers again.

15:20:42 17 Q Were you aware that Father [REDACTED]
15:20:45 18 [REDACTED], filed reports with the Oakland Police
15:20:49 19 Department regarding childhood sexual abuse by
15:20:53 20 Father Krumm?

15:20:53 21 A I am not aware of that.

15:20:55 22 Q You never heard of that happening?

15:20:57 23 A No.

15:20:57 24 Q Have you ever heard of any Franciscan
15:21:08 25 filing a report with law enforcement regarding

15:21:12 1 abuse by any another Franciscan?

15:21:15 2 A I am not aware.

15:21:17 3 Q Have you ever been assigned anywhere with

15:21:20 4 Father [REDACTED]?

15:21:23 5 A No.

15:21:28 6 Q Do you know Father [REDACTED]?

15:21:30 7 A I have met him.

15:21:32 8 Q Do you know if he is still a Franciscan?

15:21:34 9 A That I'm not aware of.

15:21:42 10 Q Do you know where he is currently

15:21:44 11 assigned?

15:21:45 12 A To a Diocesan Church in San Francisco.

15:21:51 13 Q So you don't know if he is part of the

15:21:53 14 province any longer?

15:21:54 15 A I don't know.

15:21:55 16 Q Do you know if he is still assigned to

15:21:57 17 Saint Boniface, B-O-N-I-F-A-C-E?

15:22:01 18 A I am not aware that.

15:22:06 19 Q Are you aware of allegations of childhood

15:22:08 20 sexual abuse against Father [REDACTED]?

15:22:11 21 MR. MATIASIC: Other than from your

15:22:12 22 counsel.

15:22:13 23 BY MR. HALE:

15:22:14 24 Q Than from your counsel.

15:22:15 25 A No. I am not aware.

15:22:17 1 Q Do you know Brother Berard, B-E-R-A-R-D,
15:22:26 2 Connolly, C-O-N-N-O-L-L-Y?

15:22:28 3 A Yes.

15:22:29 4 Q How did you know Brother Connolly?

15:22:33 5 A He was at one time a member of the
15:22:37 6 definitorium.

15:22:39 7 Q What years was he a member of the
15:22:41 8 definitorium?

15:22:42 9 A I don't recall.

15:22:42 10 Q Was it towards the end of your time or
15:22:44 11 towards the beginning of your time?

15:22:46 12 A About the middle, I think.

15:22:47 13 Q Okay. So maybe sometime around 1970?

15:22:56 14 A Not sure.

15:22:57 15 Q Did you ever visit Brother Connolly when
15:23:00 16 he was assigned in Spokane?

15:23:03 17 A No.

15:23:04 18 Q Are you aware that there are allegations
15:23:06 19 against Brother Connolly for his time in Spokane?

15:23:09 20 MR. MATIASIC: Other than from your
15:23:10 21 attorneys.

15:23:11 22 BY MR. HALE:

15:23:11 23 Q Other than from your attorneys.

15:23:12 24 A No. First time I heard it.

15:23:15 25 Q Okay. Did you ever hear there was a

15:23:17 1 settlement reached between the province and people
15:23:22 2 making claims for abuse by Brother Connolly in
15:23:25 3 Spokane?

15:23:26 4 MR. MATIASIC: Other than anything you
15:23:27 5 have heard from your attorney.

15:23:28 6 BY MR. HALE:

15:23:29 7 Q Other than from your counsel.

15:23:32 8 A I am not aware.

15:23:33 9 Q I want to mark as Exhibit 4 a document
15:23:39 10 dated October 5, 1971.

15:23:42 11 (Exhibit 4 was marked for
15:23:43 12 identification.)

15:23:43 13 BY MR. HALE:

15:23:44 14 Q It's addressed to Father [REDACTED] from
15:23:47 15 Brother Connolly and it's Bates stamped 125. This
15:23:52 16 is out of the Connolly personnel file in Clergy I.

15:24:00 17 Once you're through reading it, Father, if
15:24:03 18 you could let me know and I will ask you a question
15:24:06 19 or two.

15:24:46 20 A All right.

15:24:48 21 Q Do you recall receiving this
15:24:49 22 correspondence?

15:24:49 23 A No.

15:24:50 24 Q Do you know who Dr. Gene Rosenbaum is?

15:24:52 25 A No idea.

15:24:53 1 Q Okay. Is it common or uncommon for
15:24:57 2 Franciscans to attend workshops regarding chastity
15:25:01 3 in your experience as a Franciscan?

15:25:03 4 MR. HANCE: Vague and ambiguous.

15:25:03 5 BY THE WITNESS:

15:25:04 6 A I am not aware.

15:25:05 7 BY MR. HALE:

15:25:05 8 Q Have you ever attended a workshop on
15:25:08 9 chastity?

15:25:12 10 MR. MATIASIC: Counsel, are you speaking
15:25:13 11 outside of the normal process during the novitiate
15:25:17 12 when they learn about their vows?

15:25:19 13 MR. HALE: Obviously Brother Connolly is
15:25:22 14 well beyond that point at this stage.

15:25:25 15 BY MR. HALE:

15:25:26 16 Q In other words, once a Franciscan has
15:25:28 17 completed his training and education is it common
18 or uncommon for a Franciscan to continue to take
15:25:32 19 workshops on chastity?

15:25:37 20 A It's possible.

15:25:38 21 Q But is it common or uncommon; just in your
15:25:43 22 experience?

15:25:46 23 MR. HANCE: Same objection.

15:25:47 24 BY THE WITNESS:

15:25:48 25 A It's uncommon.

15:25:49 1 BY MR. HALE:

15:25:49 2 Q Have you ever since you completed your
15:25:51 3 training and education, did you attend any
15:25:53 4 workshops ever regarding chastity?

15:25:57 5 A Just a diocesan workshop, Los Angeles
15:26:06 6 diocesan workshop a couple years ago.

15:26:08 7 Q Who put that on?

15:26:10 8 A The diocese.

15:26:11 9 Q But who led the workshop?

15:26:14 10 A That I don't know. I don't recall.

15:26:16 11 Q Can you tell me what "sublimation" is?

15:26:21 12 A Sublimation?

15:26:23 13 Q Yes.

15:26:23 14 A No.

15:26:24 15 Q You don't know?

15:26:25 16 A I don't know.

15:26:25 17 Q Okay. Thanks. Were you friends with
15:26:35 18 Brother Connolly?

15:26:37 19 A Just friar friendship.

15:26:41 20 Q Okay. Have you ever heard he has been
15:26:50 21 accused of childhood sexual abuse?

15:26:53 22 MR. MATIASIC: Other than from your
15:26:54 23 lawyers.

15:26:54 24 BY MR. HALE:

15:26:55 25 Q Other than from your lawyers.

15:26:56 1 A No.

15:26:56 2 Q Were you aware of Brother Chumik being --

15:27:08 3 I don't know if "transfer" is the right word -- but

15:27:11 4 going from Saint Joseph's to Santa Barbara to the

15:27:14 5 old mission?

15:27:15 6 A I was aware of it, yes.

15:27:16 7 Q At that time -- do you recall what year

15:27:22 8 that was when that happened?

15:27:23 9 A No.

15:27:24 10 Q Was it sometime after 2000?

15:27:27 11 A No. It was before that. It was before

15:27:33 12 that.

15:27:35 13 Q How did you become aware that Brother

15:27:37 14 Chumik was going to be living at the mission?

15:27:44 15 A Because he was a member of the community

15:27:46 16 here.

15:27:48 17 Q Was there some kind of announcement made

15:27:51 18 that he was leaving to go to Santa Barbara?

15:27:52 19 A That he was transferred from our place to

15:27:55 20 Santa Barbara.

15:27:55 21 Q Did you say good-bye to him?

15:27:57 22 A Yeah. Sure.

15:27:59 23 Q And I can't remember how you testified.

15:28:03 24 Were you aware of the allegations against him at

15:28:06 25 the time that transfer took place?

15:28:07 1 A No. I wasn't aware at all.

15:28:09 2 Q Okay. Have you spoken to anyone since
15:28:13 3 that time who you now know was aware at the time of
15:28:17 4 the transfer of those allegations?

15:28:19 5 A No.

15:28:19 6 Q Were you in the choir when you attended
15:28:53 7 Saint Anthony's Seminary?

15:28:54 8 A Was I in the choir?

15:28:56 9 Q Yes.

15:28:57 10 A Yes.

15:28:57 11 Q Was Father DaSilva in charge of the choir
15:29:01 12 at that time? D-A then S-I-L-V-A.

15:29:06 13 A He may have been.

15:29:16 14 Q Do you recall if there was a process you
15:29:18 15 had to go through to become a part of the choir?

15:29:21 16 A No.

15:29:21 17 Q You just told Father DaSilva you wanted to
15:29:26 18 be part of the choir and you became part of the
15:29:28 19 choir?

15:29:28 20 A He would ask the individuals whether they
15:29:31 21 were interested.

15:29:31 22 Q Okay.

15:29:32 23 A Then come up and try out.

15:29:34 24 Q Did you go up and try out in front of
15:29:38 25 Father DaSilva?

15:29:40 1 A I'm not sure whether it was DaSilva or
15:29:47 2 whether he was -- I don't recall.

15:29:55 3 Q Do you know Sister [REDACTED],
15:29:58 4 [REDACTED]?

15:30:02 5 A Sister [REDACTED]? What is her last name?

15:30:06 6 Q [REDACTED].

15:30:08 7 A No.

15:30:10 8 MR. HALE: That's all I have for right
15:30:12 9 now.

15:30:31 10 MR. HANCE: Can you go for another
15:30:32 11 15 minutes or so?

15:30:33 12 THE WITNESS: Yeah.

13

14

EXAMINATION

15 BY MR. DRIVON:

15:30:40 16 Q Good afternoon, Father.

15:30:41 17 A Good afternoon.

15:30:42 18 Q My name is David Drivon and I am an
15:30:44 19 attorney that represents some of the plaintiffs in
15:30:47 20 this lawsuit.

15:30:48 21 A All right.

15:30:48 22 Q I am going to ask you a few questions; not
15:30:51 23 nearly as many as Mr. Hale asked but a few.

15:30:54 24 A All right.

15:30:54 25 Q While you were a Franciscan friar and on

15:30:57 1 the faculty at Saint Anthony's Seminary were you
15:31:00 2 responsible for the custodial care and protection
15:31:05 3 of the students?

15:31:07 4 MR. MATIASIC: Calls for a legal
15:31:08 5 conclusion. Vague and ambiguous.

15:31:11 6 Go ahead and you can answer if you can,
15:31:13 7 Father.

15:31:14 8 BY THE WITNESS:

15:31:17 9 A Can you put that in other words?

15:31:20 10 BY MR. DRIVON:

15:31:21 11 Q Did you feel that you have -- when you
15:31:22 12 were on the faculty at Saint Anthony's Seminary --

15:31:25 13 A Yes.

15:31:25 14 Q -- at that time were you responsible in
15:31:29 15 any way for the custodial care and protection of
15:31:33 16 the students?

15:31:33 17 A Yes.

15:31:34 18 MR. MATIASIC: Same objection.

15:31:35 19 BY THE WITNESS:

15:31:36 20 A Yes.

15:31:36 21 BY MR. DRIVON:

15:31:37 22 Q And is it your understanding that all of
15:31:41 23 the faculty members at Saint Anthony's at that time
15:31:45 24 had the same responsibility?

15:31:47 25 MR. MATIASIC: Again, calls for a legal

15:31:49 1 conclusion. Lacks foundation. Vague and

15:31:51 2 ambiguous.

15:31:52 3 BY THE WITNESS:

15:31:53 4 A They shared.

15:31:54 5 BY MR. DRIVON:

15:31:55 6 Q Okay. So the faculty members there at

15:31:58 7 Saint Anthony's Seminary did have a responsibility

15:32:01 8 to make sure that the students were protected,

15:32:04 9 correct?

15:32:04 10 A Yes.

15:32:05 11 MR. MATIASIC: Misstates his testimony.

15:32:07 12 Lacks foundation. Vague and ambiguous.

15:32:10 13 BY MR. DRIVON:

15:32:11 14 Q Do you understand the question?

15:32:11 15 A Yes.

15:32:12 16 Q And your answer was "yes"?

15:32:13 17 A Yes.

15:32:13 18 Q Okay. Were those responsibilities --

19 strike that.

15:32:20 20 Was there a greater degree of

15:32:21 21 responsibility in that regard to you in your

15:32:25 22 capacity as prefect of the discipline?

15:32:28 23 MR. MATIASIC: Again, calls for a legal

15:32:30 24 conclusion. Lacks foundation. Vague and

15:32:32 25 ambiguous.

15:32:36 1 BY THE WITNESS:

15:32:40 2 A I -- no is the answer to that.

15:32:43 3 BY MR. DRIVON:

15:32:43 4 Q If you would have become aware while on
15:32:51 5 the faculty at Saint Anthony's that children were
15:32:55 6 at risk, that the students were at risk for harm in
15:33:03 7 any way, would you have reported that?

15:33:07 8 MR. MATIASIC: Vague and ambiguous. Lacks
15:33:09 9 foundation. Incomplete hypothetical.

15:33:12 10 BY THE WITNESS:

15:33:14 11 A I would report it to the rector, to the
15:33:17 12 rector.

15:33:18 13 BY MR. DRIVON:

15:33:18 14 Q Do you feel that at that time while you
15:33:20 15 were a faculty member that it would have been an
15:33:24 16 obligation of yours to report whether or not
15:33:26 17 children were at risk to the rector?

15:33:27 18 MR. MATIASIC: Same objections and calls
15:33:30 19 for a legal conclusion.

15:33:31 20 BY THE WITNESS:

15:33:36 21 A Would you repeat the question, please.

15:33:39 22 BY MR. DRIVON:

15:33:40 23 Q When you were on the faculty at Saint
15:33:42 24 Anthony's Seminary, did you feel it was your
15:33:44 25 obligation to report circumstances to the rector

15:33:47 1 wherein you felt children were at risk of harm?

15:33:50 2 MR. MATIASIC: Same objections.

15:33:52 3 BY THE WITNESS:

15:33:52 4 A No.

15:33:53 5 BY MR. DRIVON:

15:33:53 6 Q It was a responsibility but not an
15:33:56 7 obligation?

15:33:56 8 MR. MATIASIC: Argumentative. Still calls
15:34:03 9 for a legal conclusion.

15:34:13 10 BY THE WITNESS:

15:34:22 11 A I feel I would have reported it to the
15:34:24 12 rector.

15:34:25 13 BY MR. DRIVON:

15:34:26 14 Q Okay. Was it a policy of the seminary at
15:34:32 15 Saint Anthony's -- at the time you were on the
15:34:35 16 faculty was it a policy, in writing or otherwise,
15:34:38 17 that where circumstances were present wherein the
15:34:43 18 students were at risk of harm, that those
15:34:47 19 circumstances be reported to a superior by the
15:34:51 20 faculty member?

15:34:53 21 MR. MATIASIC: Vague and ambiguous.
15:34:54 22 Incomplete hypothetical.

15:34:56 23 BY THE WITNESS:

15:34:57 24 A Yes.

15:34:57 25 BY MR. DRIVON:

15:34:58 1 Q Was it a written policy or an unwritten
15:35:01 2 policy?

15:35:04 3 A Unwritten.

15:35:04 4 Q Now, are you aware of that policy ever
15:35:15 5 having changed from the time you left Saint
15:35:18 6 Anthony's Seminary until today?

15:35:20 7 A Not aware.

15:35:21 8 Q So as far as you know, from the time you
15:35:26 9 were at Saint Anthony's Seminary all the way up
15:35:28 10 until today it was an unwritten policy that faculty
15:35:32 11 members had a responsibility to report
15:35:34 12 circumstances wherein the students were at risk for
15:35:38 13 harm?

15:35:38 14 MR. MATIASIC: Vague and ambiguous.
15:35:39 15 Incomplete hypothetical. Lacks foundation.

15:35:41 16 Plus the seminary is closed a long time
15:35:44 17 ago. You said up until today.

15:35:45 18 BY THE WITNESS:

15:35:46 19 A I am not aware.

15:35:47 20 BY MR. DRIVON:

15:35:48 21 Q You are not aware of any circumstances
15:35:49 22 wherein that unwritten policy would have changed?

15:35:54 23 A I am not aware.

15:36:02 24 Q Why is it, Father, that when you were --
15:36:05 25 back in the day when you were at Saint Anthony's

15:36:08 1 Seminary on the faculty in your capacity as prefect
15:36:10 2 for discipline, why is it that you could not be a
15:36:14 3 spiritual director as well?

15:36:17 4 A There are two different kinds of -- two
15:36:23 5 different -- a division of service or duty.

15:36:38 6 Q Would it have been -- strike that.
15:36:43 7 You were never actually a spiritual
15:36:45 8 director yourself, correct?

15:36:46 9 A Correct.

15:36:46 10 Q And it's my understanding that a spiritual
15:36:49 11 director is a person in which students will come to
15:36:55 12 to confide certain confidential matters to,
15:37:00 13 correct?

15:37:00 14 A Correct.

15:37:01 15 Q In your capacity as prefect for
15:37:07 16 discipline, is it that there could have been
15:37:12 17 circumstances where there could have been a
15:37:14 18 conflict of interest in that regard if you would
15:37:16 19 have had to discipline a student over something
15:37:19 20 that might have been a confidential matter?

15:37:22 21 MR. MATIASIC: I think that's an
15:37:27 22 incomplete hypothetical.

15:37:28 23 MR. DRIVON: I think it's a bad question.
15:37:30 24 I'm just going to drop it.

15:37:32 25 Q Who preceded you as the secretary for --

15:37:40 1 of the province?

15:37:41 2 A Father Alan McCoy.

15:37:42 3 Q Do you know how long he had been the
15:37:44 4 secretary prior to your appointment?

15:37:47 5 A At least three years, at least.

15:37:52 6 Q Do you know who was the secretary for the
15:37:54 7 province in the mid-60's to mid-70's?

15:38:02 8 A Mid-60's to mid-70's?

15:38:09 9 Q If you know.

15:38:11 10 MR. MATIASIC: Counsel, I think he
15:38:12 11 testified -- you were the secretary of the province
15:38:15 12 from '55 on.

15:38:17 13 BY MR. DRIVON:

15:38:18 14 Q So that was you then during that period?

15:38:21 15 A Yeah.

15:38:21 16 Q And you took minutes for the definitorium?

15:38:32 17 A Yes.

15:38:32 18 Q Were there ever any instances where --
15:38:36 19 that you are aware of where any of those minutes
15:38:39 20 were ever destroyed?

15:38:41 21 A Not aware.

15:38:43 22 Q And in your capacity as secretary did you
15:38:46 23 also have responsibility for other types of
15:38:49 24 recordkeeping?

15:39:07 25 A I am not aware. Not aware.

15:39:10 1 MR. HANCE: That's pretty broad.

15:39:14 2 BY MR. DRIVON:

15:39:14 3 Q Are you aware of any instances where
15:39:18 4 records were destroyed?

15:39:21 5 A No. Not aware.

15:39:23 6 Q The files that you testified to that were
15:39:26 7 kept in the safe, in the box in the safe --

15:39:30 8 A Yes.

15:39:30 9 Q -- were those separate and apart from
15:39:34 10 priest personnel files?

15:39:35 11 A Yes.

15:39:35 12 Q Where were the priest personnel files kept
15:39:38 13 when you were secretary?

15:39:39 14 A The priest files were kept up in the
15:39:52 15 provincial office.

15:39:54 16 Q Okay. In the -- when you were ordained
15:40:00 17 you were ordained as a Roman Catholic priest,
15:40:03 18 correct?

15:40:03 19 A Yes.

15:40:04 20 Q In the vernacular of -- in your
15:40:08 21 understanding of the vernacular of the Roman
15:40:11 22 Catholic faith, are you familiar with the term,
15:40:16 23 "scandal"?

15:40:17 24 Does it have any specific meaning to you?

15:40:19 25 A Doing wrong.

15:40:22 1 Q Doing wrong?

15:40:22 2 A Scandal.

15:40:26 3 Q Okay. And if there were documents that
15:40:31 4 existed with respect to scandal, as it would have
15:40:36 5 related to one of the friars, where would that
15:40:41 6 document be kept?

15:40:43 7 MR. MATIASIC: Incomplete hypothetical.

15:40:44 8 MR. HANCE: Vague and ambiguous.

15:40:48 9 BY THE WITNESS:

15:40:55 10 A In the file, in his file in the provincial
15:41:02 11 office.

15:41:02 12 BY MR. DRIVON:

15:41:03 13 Q So that would be kept in the priest
15:41:05 14 personnel file?

15:41:06 15 A It would probably go to that file in the
15:41:14 16 safe.

15:41:15 17 Q Okay. When you were on the faculty at
15:41:32 18 Saint Anthony's Seminary, would it ever have been
15:41:37 19 appropriate for a friar to have a student in his
15:41:42 20 room with the door shut alone, just the two of
15:41:46 21 them?

15:41:46 22 MR. HANCE: Incomplete hypothetical.

15:41:48 23 Vague and ambiguous. Lacks foundation.

15:41:50 24 MR. MATIASIC: I believe asked and
15:41:51 25 answered.

15:41:51 1 BY THE WITNESS:

15:41:52 2 A I am not aware.

15:41:53 3 BY MR. DRIVON:

15:41:54 4 Q My question was, would it have been
15:41:56 5 appropriate at that time for those circumstances to
15:41:59 6 occur?

15:42:01 7 A No.

15:42:01 8 MR. HANCE: Same objections.

15:42:03 9 BY MR. DRIVON:

15:42:04 10 Q As far as you're concerned, would those
15:42:07 11 circumstances be suspicious to you for
15:42:10 12 circumstances related to childhood sexual abuse?

15:42:14 13 MR. MATIASIC: Are you speaking
15:42:15 14 specifically regarding living quarters?

15:42:17 15 MR. DRIVON: Yes.

15:42:20 16 MR. HANCE: And same objection.

15:42:22 17 THE WITNESS: Repeat the question, please.

15:42:24 18 BY MR. DRIVON:

15:42:24 19 Q If you were aware of circumstances when
15:42:27 20 you were on the faculty at Saint Anthony's Seminary
15:42:31 21 wherein a friar had a student alone in his private
15:42:34 22 living quarters with the door closed, would that
15:42:37 23 circumstance have been suspicious to you for
15:42:39 24 childhood sexual abuse?

15:42:41 25 MR. HANCE: Same objections.

15:42:43 1 BY THE WITNESS:

15:42:46 2 A Yes. Couldn't happen.

15:42:49 3 BY MR. DRIVON:

15:42:50 4 Q And if you would have been aware -- and I
15:42:55 5 am not saying that you were -- but if you would
15:42:56 6 have been aware of those circumstances, would you
15:42:59 7 have felt that it was your responsibility to report
15:43:03 8 that to the rector?

15:43:05 9 MR. HANCE: Same objection.

15:43:06 10 MR. MATIASIC: I believe asked and
15:43:07 11 answered this morning, too.

15:43:08 12 BY THE WITNESS:

15:43:11 13 A Yes.

15:43:11 14 BY MR. DRIVON:

15:43:12 15 Q And do you have an understanding as to
15:43:14 16 whether or not those circumstances, if made known
15:43:17 17 to the rector, would have been passed along by the
15:43:23 18 rector to the provincial?

15:43:25 19 MR. HANCE: Same objections. Calls for
15:43:27 20 speculation.

15:43:27 21 BY THE WITNESS:

15:43:27 22 A I am not aware of that.

15:43:32 23 BY MR. DRIVON:

15:43:32 24 Q So it would have been your responsibility
15:43:34 25 as far as you're concerned to report those

15:43:37 1 circumstances to the rector, but beyond that you
15:43:39 2 don't have an understanding or you don't --

15:43:41 3 A No. It was his responsibility.

15:43:47 4 Q Okay. How many seminaries are there in
15:44:02 5 the Oakland province or were there -- strike that.

15:44:05 6 How many seminaries were there in the
15:44:08 7 Oakland province when you were on faculty at Saint
15:44:12 8 Anthony's?

15:44:12 9 MR. MATIASIC: Are you talking about the
15:44:14 10 Santa Barbara province? I don't have my Oakland
15:44:18 11 hat on anymore.

15:44:22 12 MR. DRIVON: I thought it was the Oakland
15:44:24 13 province.

15:44:25 14 MR. MATIASIC: No.

15:44:28 15 MR. GODFREY: We're talking Franciscan
15:44:30 16 seminaries, right?

15:44:31 17 BY MR. DRIVON:

15:44:32 18 Q Right. How many seminaries in the Santa
19 Barbara province when you were on the faculty at
15:44:33 20 Saint Anthony's Seminary?

15:44:33 21 A Two.

15:44:34 22 Q Two, and one was Saint Anthony's Seminary.
15:44:38 23 What was the other one?

15:44:39 24 A I think it was Saint Francis Seminary in
15:44:44 25 Salem, Oregon.

15:44:46 1 Q At Saint Francis Seminary in Salem, Oregon
15:44:50 2 during the time that you were on faculty, did that
15:44:56 3 seminary in Oregon have an infirmarian?

15:45:02 4 A I am not aware.

15:45:04 5 Q Would that seminary have had a prefect of
15:45:15 6 discipline?

15:45:16 7 A Yes.

15:45:17 8 Q When you were secretary of the province --
15:45:36 9 I'm trying to understand -- I haven't been involved
15:45:38 10 in the other depositions and I know that the
15:45:41 11 definitorium has been spoken of extensively, but
15:45:45 12 for my own understanding the definitorium, when you
15:45:49 13 were the secretary, was made up at times of four
15:45:53 14 members?

15:45:53 15 A Four.

15:45:53 16 Q And then perhaps six members?

15:45:55 17 A Later on, yes.

15:45:57 18 Q Were the members of the definitorium, were
15:46:00 19 they always holders of the same offices within the
15:46:06 20 order?

15:46:07 21 MR. HANCE: Vague and ambiguous.

15:46:09 22 BY MR. DRIVON:

15:46:09 23 Q In other words, was it always the rector
15:46:13 24 of the seminary, the provincial?

15:46:16 25 A No.

15:46:18 1 Q Can you tell me just for my own education
15:46:23 2 how the definitorium was made up.

15:46:26 3 A Well, it was made up -- when it was made
15:46:32 4 up of four members the four members usually would
15:46:34 5 be assigned to different spots in the province,
15:46:40 6 say, one in the North, one down in this area, one
15:46:43 7 in New Mexico, and another one elsewhere.

15:46:53 8 That was when there were four in it. When
15:46:58 9 it increased to six one or the other may have been
15:47:04 10 residing at the provincial office.

15:47:21 11 MR. HANCE: Are you doing okay?

15:47:22 12 THE WITNESS: Yeah.

15:47:24 13 BY MR. DRIVON:

15:47:25 14 Q Did you know a friar by the name of
15:47:28 15 [REDACTED]?

15:47:30 16 A No.

15:47:30 17 Q [REDACTED]

15:47:35 18 A No. Unknown.

15:47:37 19 Q Do you know a person by the name of
15:47:59 20 [REDACTED]?

15:48:01 21 A No.

15:48:02 22 Q Are you familiar with a friar by the name
15:48:12 23 of [REDACTED]?

15:48:17 24 A [REDACTED].

15:48:20 25 Q Do you know if he is still a Franciscan?

15:48:24 1 A Oh, yes.

15:48:25 2 Q Where is he residing?

15:48:27 3 A San Carlos Mission in Arizona. He is
15:48:34 4 pastor.

15:48:35 5 Q If --

15:48:41 6 A Indian mission.

15:48:42 7 Q If Father [REDACTED] would have observed
15:48:54 8 Father Cimmarrusti orally copulating a student at
15:48:59 9 Saint Anthony's Seminary would you expect Father
15:49:04 10 [REDACTED] to report that to the rector?

15:49:07 11 MR. HANCE: Calls for speculation. Lacks
15:49:09 12 foundation. Incomplete hypothetical. Vague and
15:49:11 13 ambiguous.

15:49:15 14 MR. GODFREY: Calls for speculation.

15:49:21 15 BY THE WITNESS:

15:49:21 16 A I have no idea.

15:49:23 17 BY MR. DRIVON:

15:49:24 18 Q You understood the question?

15:49:27 19 MR. MATIASIC: Argumentative, Counsel. He
15:49:29 20 gave you an answer.

15:49:30 21 THE WITNESS: Yes.

15:49:32 22 BY MR. DRIVON:

15:49:33 23 Q Let me clarify this. I don't want to -- I
15:49:37 24 don't mean to be offensive to you, sir, because I
15:49:40 25 know that you think that the subject matter is

15:49:42 1 offensive, but your answer to the question was "I
15:49:47 2 have no idea," and I don't think that that was an
15:49:51 3 answer to my question. So I will ask the question
15:49:56 4 again.

15:49:57 5 If Father [REDACTED] would have observed
15:50:00 6 Mario Cimmarrusti -- Father Cimmarrusti -- orally
15:50:04 7 copulating a student in the infirmary at Saint
15:50:07 8 Anthony's Seminary, would you have expected Father
15:50:10 9 [REDACTED] to report that to the rector?

15:50:14 10 MR. MATIASIC: Don't answer. This is
15:50:16 11 asked and answered and I will instruct him not to
15:50:18 12 answer.

15:50:19 13 You already asked the question. You can't
15:50:20 14 keep asking it five different times if you don't
15:50:23 15 like the response.

15:50:26 16 MR. DRIVON: He didn't answer the
15:50:28 17 question.

15:50:28 18 MR. MATIASIC: I believe he did.

15:50:30 19 MR. DRIVON: Let's read it back.

15:50:33 20 MR. MATIASIC: If he didn't but I believe
15:50:37 21 he answered it.

15:50:38 22 (Record read.)

15:50:52 23 BY MR. DRIVON:

15:50:52 24 Q Father, when you said you had no idea,
15:50:54 25 what did you mean when you said that?

15:50:57 1 A Well, just bringing that up, it shocked
15:51:26 2 me.

15:51:28 3 Q Okay. So is it that you -- when you say
15:51:31 4 you have no idea in response to my question, is
15:51:37 5 that to say that you don't know whether or not
15:51:40 6 Father [REDACTED] should have reported that conduct to
15:51:44 7 the rector?

15:51:45 8 MR. HANCE: Incomplete hypothetical.
15:51:47 9 Lacks foundation.

15:51:49 10 BY THE WITNESS:

15:51:52 11 A Well, I think he should have reported it.

15:51:54 12 MR. DRIVON: Okay. That's all I have.

15:51:57 13 Do you have anything else? Thank you,
15:52:02 14 Father.

15:52:02 15 THE WITNESS: Okay.

15:52:14 16 MR. HALE: I think I'm done.

15:52:27 17

18 FURTHER EXAMINATION

15:52:28 19 BY MR. HALE:

15:52:28 20 Q One quick question. That box with the
15:52:32 21 files in the safe, were those called the
15:52:35 22 confidential files?

15:52:40 23 A Yes.

15:52:40 24 Q So that was the title for that box?

15:52:44 25 A Yes.

15:52:45 1 Q Okay.

15:52:46 2 All right. I'm done. I think we're all
15:52:49 3 done here.

15:52:50 4 I take it you're going to want the
15:52:52 5 transcript kept in your office, Bryan?

15:52:54 6 MR. HANCE: Yes.

15:52:55 7 MR. HALE: How much time is Father [REDACTED]
15:52:59 8 going to want to review the transcript?

15:53:01 9 MR. HANCE: 30 days.

15:53:02 10 MR. HALE: So let's relieve the reporter
15:53:03 11 of her duty under the Code. Send the original to
15:53:06 12 Mr. Hance's office and he can maintain custody of
15:53:10 13 the original, and if he can forward that original
15:53:12 14 over to Father [REDACTED] who will have 30 days to
15:53:16 15 review it and you can make any changes you think
15:53:18 16 are necessary, and then notify Mr. Hance that you
15:53:21 17 have reviewed it, and if you have made any changes
15:53:23 18 if Mr. Hance could then notify my office and all
15:53:27 19 other counsel as soon as he is aware of those
15:53:30 20 changes being made.

15:53:32 21 And if a signed original is not available
15:53:35 22 at the time of trial an unsigned certified copy can
15:53:39 23 be used for all purposes.

15:53:40 24 Anything else?

15:53:42 25 MR. HANCE: So stipulated.

15:53:44 1 MR. HALE: Thank you, Father.
2 MR. HABEL: So stipulated.
3 MR. DRIVON: So stipulated.
4 MR. LAURENCE: So stipulated.
5 MR. NYE: So stipulated.
6 MR. BONA: So stipulated.
15:53:55 7 MS. DICKERSON: So stipulated.
15:53:55 8 THE VIDEOGRAPHER: This concludes today's
15:53:59 9 deposition of Father [REDACTED]. The master
15:54:04 10 tape will be maintained by Paulson Reporting &
15:54:07 11 Litigation Services.
15:54:08 12 We're off the record at 3:54 p.m.
15:54:11 13
14
15 (Whereupon, at 3:54 p.m.
16 the deposition of
17 FATHER [REDACTED]
18 was concluded.)
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DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing proceedings and know the contents thereof; and I declare that the same is true of my own knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the _____ day of _____, 2005, at _____, California.

FATHER

1 I, SUSAN B. SAUTMAN, Certified Shorthand
2 Reporter, in and for the State of California, do
3 hereby certify:

4 That prior to being examined, FATHER
5 [REDACTED], the witness named in the foregoing
6 proceedings, was by me duly affirmed to testify the
7 truth, the whole truth, and nothing but the truth.

8 That said proceedings were then taken
9 before me pursuant to Notice, at the time and place
10 herein set forth, that the testimony and
11 proceedings were reported stenographically by me
12 and later transcribed into typewriting via
13 computer-aided transcription under my direction.

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

18 IN WITNESS WHEREOF, I have subscribed my
19 name this _____ day of _____, 2005.

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Susan B. Sautman, CSR No. 4770