



SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA, NORTHERN DIVISION

THE CLERGY CASES III

_____)
JOHN DOE 39,)
)
Plaintiff,)
)
vs.) Case No.
) RG03 134157
FRANCISCAN FRIARS OF CALIFORNIA,)
INC.; JAMES ROE 2; and ROES 3)
through 10, inclusive,)
)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF



SAN FRANCISCO, CA

JANUARY 23, 2006

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Reported by: MARGARET "MARGO" GURULE, CSR 12976

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ALAMEDA, NORTHERN DIVISION

3

4 THE CLERGY CASES III

5

6

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JOHN DOE 39,)

8 Plaintiff,)

9 vs.) Case No.
) RG03 134157

10 FRANCISCAN FRIARS OF CALIFORNIA,)
INC.; JAMES ROE 2; and ROES 3)
11 through 10, inclusive,)

12 Defendants.)

13 _____)

14

15

16

17

18 Videotaped deposition of _____, taken

19 on behalf of Defendants, at Lewis, Brisbois, Bisgaard &

20 Smith, LLP, One Sansome Street, Suite 1400, San Francisco,

21 California 94104, commencing at 10:20 a.m., Monday,

22 January 23, 2006, before Margaret Gurule, CSR No. 12976.

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A P P E A R A N C E S

For the Plaintiff:

LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
BY: PAUL A. MATIASIC, ESQ.
One Sansome Street - Suite 1400
San Francisco, California 94104
(415)434-0882

For the Defendants:

NYE, PEABODY & STIRLING, LLP
BY: DAVID L. NYE, ESQ.
33 West Mission Street - Suite 201
Santa Barbara, California 93101
(805)963-2345

Videography provided by: MICHAEL MACK

1 I N D E X

2 WITNESS: [REDACTED]

3

4 EXAMINATION PAGE

5 By Mr. Matiasic 5

6

7 EXHIBITS

8 PLAINTIFF'S
DESCRIPTION

9 No. PAGE

10 1 - Notice of Taking Deposition 17

11

12

13 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

14 PAGE LINE

15 (None)

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09:46:25 1 P-R-O-C-E-E-D-I-N-G-S

10:04:22 2 VIDEOGRAPHER: Okay. I'll get us on the

10:11:33 3 record. Mr. [REDACTED], if you could -- the cup, if

10:11:37 4 you could just slide that out of the frame, that

10:11:39 5 would be great. It's kind of affecting the iris.

10:11:42 6 Stand by. I'll read us on. Are you all set? Good

10:12:10 7 morning. We are now going on the record.

10:12:12 8 My name is Michael Mack, your

10:12:15 9 videographer, and I represent Atkinson-Baker,

10:12:18 10 Incorporated, of Glendale, California. I am a

10:12:22 11 notary public. I am not financially interested in

10:12:24 12 this action, nor am I a relative or employee of any

10:12:28 13 attorneys of any of the parties.

10:12:30 14 Today's date is January 23, 2006, and the

10:12:33 15 time on the monitor is approximately 10:12 a.m.

10:12:35 16 This deposition is taking place at the law offices

10:12:39 17 of Lewis Brisbois located at One Sansome Street,

10:12:45 18 Suite 1400, San Francisco, California. This is case

10:12:49 19 number AR-03 134157, entitled Doe 39 versus the

10:12:57 20 Franciscan Friars.

10:12:58 21 The deponent is [REDACTED] and the

10:13:01 22 deposition is being taken on behalf of the

10:13:03 23 defendant. Your court reporter today is Margaret

10:13:07 24 Gurule.

10:13:10 25 Now counsel will please introduce

10:13:12 1 themselves for the record.

10:13:14 2 MR. NYE: David Nye, Nye, Peabody and Stirling.

10:13:14 3 MR. MATIASIC: I'm Paul Matiasic, Lewis,

10:13:15 4 Brisbois, Bisgaard, Smith, for Defendant, The

10:13:18 5 Franciscan Friars of California.

10:13:31 6 VIDEOGRAPHER: If there are no stipulations,

10:13:31 7 the court reporter, may now swear in the witness.

09:46:25 8

10:13:31 9 called as a witness by the Defendant, having been first

10:13:31 10 duly sworn, was examined and testified as follows:

10:13:18 11 MR. MATIASIC: Q. Good morning, Mr. [REDACTED]

10:13:32 12 A. Good morning.

10:13:33 13 Q. My name is Paul Matiasic. We met before

10:13:36 14 the deposition began here today, and I represent the

10:13:39 15 Franciscan Friars in connection with a lawsuit filed

10:13:42 16 up here in Northern California, and it's captioned

10:13:45 17 John Doe 39 versus The Franciscan Friars.

10:13:49 18 Can you state and spell your full name for

10:13:51 19 the record, please.

10:13:52 20 A. My name is [REDACTED]. [REDACTED]

10:13:56 21 [REDACTED]

10:13:59 22 Q. And Mr. [REDACTED], have you ever had your

10:14:02 23 deposition taken before?

10:14:03 24 A. I had in -- I have had a deposition taken

10:14:08 25 in January of 2000.

10:14:13 1 Q. Is that the only time that you have had
10:14:14 2 your deposition taken before today?

10:14:17 3 A. For the -- anything having to do with the
10:14:20 4 Friars, yes.

10:14:21 5 Q. Have you submitted for other depositions,
10:14:25 6 as well, outside of the context of cases involving
10:14:27 7 the Friars?

10:14:33 8 THE WITNESS: Is this relevant to anything?

10:14:36 9 MR. NYE: It is. Go ahead and answer.

10:14:38 10 THE WITNESS: Well, I gave a deposition in San
10:14:39 11 Francisco several years ago in connection with my
10:14:42 12 father's death.

10:14:44 13 MR. MATIASIC: Q. Okay. And was that a
10:14:45 14 wrongful death action?

10:14:47 15 A. It was.

10:14:47 16 Q. Okay. And were you one of the plaintiffs
10:14:49 17 in -- in that action?

10:14:52 18 A. I started as a plaintiff and then I was
10:14:54 19 removed.

10:14:56 20 Q. Okay. What year were you deposed in
10:14:59 21 connection with that wrongful death action?

10:15:04 22 A. I don't know for sure. It would probably
10:15:06 23 be somewhere around -- he died 1993, so 1993, '94.

10:15:16 24 Q. And did you testify at trial in
10:15:19 25 conjunction with that case?

10:15:21 1 A. No.

10:15:21 2 Q. Did the case settle, Mr. [REDACTED]?

10:15:23 3 A. It did.

10:15:25 4 Q. Were you included in the settlement
10:15:27 5 agreement?

10:15:27 6 A. No.

10:15:28 7 Q. All right. Since you have been deposed a
10:15:31 8 couple of times before, I'm assuming that you're
10:15:34 9 familiar with the ground rules and that you have
10:15:36 10 spoken with your counsel about it. But I'll just go
10:15:39 11 over a couple, just to kind of refresh your
10:15:40 12 recollection here to make the deposition run a
10:15:43 13 little more smoothly. A deposition is basically
10:15:46 14 oral questioning under oath, and it has the same
10:15:49 15 force and effect as if you were testifying in a
10:15:52 16 court of law, despite the fact that we're sitting in
10:15:56 17 this informal setting. Do you understand that?

10:15:58 18 A. Yes. I have been put under oath.

10:16:00 19 Q. Okay. At the conclusion of the
10:16:02 20 deposition, the reporter will give you a transcript
10:16:04 21 of what was done here today, and you'll have an
10:16:08 22 opportunity to review that and make any changes that
10:16:10 23 you deem appropriate. I must caution you, however:
10:16:13 24 If you do make any changes, I, along with any of the
10:16:23 25 lawyers, are free to comment on those changes at

10:16:23 1 trial. That could negatively affect your

10:16:24 2 credibility. Do you understand that?

10:16:24 3 A. I do.

10:16:24 4 Q. Also -- you're doing a good job thus far,

10:16:27 5 but it's important for you to let me finish my

10:16:30 6 question, and, conversely, for me to let you finish

10:16:34 7 your answer because the court reporter can't take us

10:16:37 8 both down at the same time. And so despite the fact

10:16:39 9 that you may be able to anticipate my question, or I

10:16:42 10 your answer, we both should try to wait and let the

10:16:45 11 other finish speaking. Do you understand?

10:16:47 12 A. Yes.

10:16:47 13 Q. Okay. That brings up another point. You

10:16:50 14 also have to answer audibly. I know we frequently

10:16:54 15 all just kind of nod our heads and maybe say

10:16:57 16 "uh-huh" and "huh-uh". But unfortunately, that

10:17:00 17 doesn't create a very clear record. So if you can,

10:17:04 18 answer audibly, so that way we have a nice, clean

10:17:07 19 record, then, at the end of the deposition. Okay?

10:17:09 20 A. Very well.

10:17:10 21 Q. Have you consumed any drugs or alcohol in

10:17:12 22 the last 24 hours that would impair your ability to

10:17:17 23 testify here today?

10:17:18 24 A. I had some wine to drink last night. I

10:17:23 25 should think that that's not a problem at this

10:17:27 1 point.

10:17:27 2 Q. I hope not.

10:17:29 3 A. No other drugs or alcohol that will impair
10:17:32 4 me in this setting, no.

10:17:33 5 Q. Okay. Have you -- are you under any
10:17:35 6 medication or have you taken any medication today?

10:17:37 7 A. Yes.

10:17:38 8 Q. What medication did you consume?

10:17:39 9 A. Phenytoin, which is an anticonvulsant.

10:17:44 10 Q. Okay. Would that, in any way, affect your
10:17:47 11 ability to testify?

10:17:48 12 A. No.

10:17:49 13 Q. How long have you been taking that
10:17:50 14 medication?

10:17:51 15 A. Twenty years.

10:17:54 16 Q. And do you take that daily?

10:17:56 17 A. I take it daily.

10:17:58 18 Q. Any other medications?

10:17:59 19 A. I took ibuprofen, a couple of ibuprofen,
10:18:05 20 200 milligrams, this morning.

10:18:10 21 Q. Is that in conjunction with any current
10:18:12 22 ailment?

10:18:13 23 A. No, just in conjunction with a hip that's
10:18:15 24 hurting me right now.

10:18:18 25 Q. The combination of the anticonvulsant drug

10:18:21 1 and the ibuprofen, would that affect your ability to
10:18:24 2 testify?

10:18:25 3 A. No, they wouldn't, and I'm also a licensed
10:18:28 4 board certified pharmacy technician in the state of
10:18:32 5 California.

10:18:33 6 Q. So then you're -- so you're more than
10:18:34 7 qualified to answer whether that affects your
10:18:37 8 ability to testify?

10:18:38 9 A. Yes.

10:18:38 10 Q. So we will trust you on that one.

10:18:40 11 A. Yeah.

10:18:41 12 Q. Any other medications?

10:18:42 13 A. No.

10:18:42 14 Q. What is your current occupation,

10:18:44 15 Mr. [REDACTED]?

10:18:45 16 A. I'm a [REDACTED] working in an [REDACTED]

10:18:54 17 [REDACTED].

10:18:56 18 Q. You'll have to help educate me here.

10:18:59 19 What's a [REDACTED]?

10:19:01 20 A. A [REDACTED] is a [REDACTED].

10:19:06 21 Q. And forgive me, but what's a [REDACTED]?

10:19:09 22 [REDACTED]?

10:19:10 23 A. Well, a [REDACTED] is just

10:19:14 24 someone who is involved in the [REDACTED]

10:19:16 25 [REDACTED], many different kinds of [REDACTED],

10:19:18 1 [REDACTED] These are the types of things
10:19:21 2 that I work in.

10:19:21 3 Q. Okay. And you said that you work at a --

10:19:23 4 A. An [REDACTED].

10:19:26 5 Q. -- [REDACTED]? And what do you
10:19:29 6 do in conjunction with your work at the [REDACTED]?

10:19:32 7 A. I prepare [REDACTED]

10:19:35 8 [REDACTED].

10:19:38 9 Q. What are [REDACTED]?

10:19:40 10 A. A [REDACTED] is a [REDACTED] that is
10:19:43 11 used to yield a particular reaction that, in the
10:19:48 12 wine business, is used to determine the presence or
10:19:49 13 absence of some chemical agent in the wine or the
10:19:50 14 grape juice. [REDACTED] are used when
10:19:56 15 it's necessary to determine an exact concentration
10:20:01 16 or quantization of something chemical, okay, located
10:20:07 17 within a solution.

10:20:08 18 Q. So on a day-to-day basis, what does it
10:20:12 19 involve?

10:20:12 20 A. It involves lots of measurement,
10:20:15 21 volumetric temperature especially.

10:20:19 22 Q. And who is your employer?

10:20:20 23 A. [REDACTED]

10:20:23 24 Q. Can you spell that, please?

10:20:24 25 A. [REDACTED].

10:20:29 1 Q. And where are they located?

10:20:32 2 A. [REDACTED].

10:20:34 3 Q. And how long have you worked for [REDACTED]?

10:20:37 4 A. I have been there [REDACTED].

10:20:44 5 Q. And is your [REDACTED] there?

10:20:46 6 A. Yes, it is.

10:20:51 7 Q. Where did you work before [REDACTED]?

10:20:53 8 A. I worked at [REDACTED]

10:20:57 9 doing business as [REDACTED].

10:21:02 10 Q. What was your position there?

10:21:03 11 A. I was a [REDACTED]

10:21:07 12 Q. What did you do as a [REDACTED]

10:21:11 13 there?

10:21:11 14 A. I prepared [REDACTED]

10:21:15 15 Q. Same type of function that you

10:21:19 16 performed with --

10:21:19 17 A. It was a little different because this is

10:21:21 18 an actual [REDACTED]. So at an actual [REDACTED] I would

10:21:25 19 go out, [REDACTED] I would

10:21:29 20 also do some of the chemical tests that the things

10:21:32 21 that I make now are actually used in. So by now, I

10:21:36 22 don't actually [REDACTED] but I make the

10:21:40 23 chemicals that are used to do that.

10:21:49 24 Q. And how long did you work for [REDACTED]?

10:21:49 25 A. I worked there for about [REDACTED]. I

10:21:49 1 worked for [REDACTED]

10:21:50 2 Q. What is the reason you left [REDACTED]?

10:21:54 3 A. Well, the [REDACTED]

10:21:56 4 Q. Pretty logical. And where did you work

10:21:58 5 before [REDACTED]?

10:22:00 6 A. I worked for [REDACTED]

10:22:02 7 Q. In what capacity?

10:22:04 8 A. I was supervisor of the [REDACTED]

10:22:05 9 [REDACTED]

10:22:08 10 Q. What were your duties as a [REDACTED]

10:22:10 11 there?

10:22:14 12 A. I [REDACTED]. I also had

10:22:18 13 one information technologist there who took care of

10:22:24 14 our data entry. But I was responsible for the

10:22:28 15 company's [REDACTED] making sure that

10:22:31 16 those were traceable to national standards, to meet

10:22:35 17 [REDACTED]

10:22:42 18 Q. And is there a reason [REDACTED]

10:22:44 19 [REDACTED]?

10:22:46 20 A. [REDACTED] moved to the -- manufacturing

10:22:49 21 jobs offshore. [REDACTED]

10:22:54 22 [REDACTED]

10:22:57 23 Q. And what day was that? Do you recall the

10:23:00 24 date?

10:23:00 25 A. [REDACTED]

10:23:05 1 Q. All right. And prior to [REDACTED] where

10:23:08 2 did you work?

10:23:09 3 A. I worked for [REDACTED]

10:23:13 4 [REDACTED].

10:23:14 5 Q. I'm sorry, the first word was?

10:23:16 6 A. [REDACTED]

10:23:16 7 Q. [REDACTED]

10:23:16 8 A. [REDACTED]

10:23:19 9 Q. And in what position?

10:23:21 10 A. And I was [REDACTED].

10:23:23 11 Q. What's a [REDACTED]?

10:23:25 12 A. A [REDACTED]

10:23:32 13 [REDACTED]

10:23:36 14 [REDACTED]

10:23:39 15 [REDACTED]

10:23:41 16 Q. We should talk after the deposition about

10:23:43 17 radar guns and whether those are accurate or not.

10:23:46 18 I'm sure you may have some insight.

10:23:48 19 A. Those fall under that requirement.

10:23:51 20 Q. Right. Okay. I always wondered about

10:23:53 21 that. And how long did you work at [REDACTED]?

10:23:57 22 A. [REDACTED]

10:23:59 23 Q. Okay. And what's the [REDACTED]

10:24:02 24 there?

10:24:03 25 A. The elimination of product lines to the

10:24:08 1 point to where there really wasn't much work to do
10:24:11 2 anymore.

10:24:12 3 Q. [REDACTED]--

10:24:14 4 A. [REDACTED]

10:24:14 5 Q. [REDACTED]

10:24:15 6 A. No. I [REDACTED] and then went on

10:24:17 7 to [REDACTED], but it wasn't [REDACTED] at the time. It

10:24:21 8 was [REDACTED], which was

10:24:25 9 subsequently bought by [REDACTED]

10:24:28 10 Q. And where was [REDACTED] located?

10:24:30 11 A. The home office is in [REDACTED]

10:24:32 12 [REDACTED]

10:24:37 13 Q. What about at the [REDACTED] where you

10:24:39 14 worked?

10:24:40 15 A. [REDACTED]

10:24:41 16 Q. Is it still in [REDACTED]?

10:24:44 17 A. Yes.

10:24:44 18 Q. And the [REDACTED], is that in [REDACTED]

10:24:48 19 [REDACTED]?

10:24:49 20 A. It is in [REDACTED]. It has since been

10:24:52 21 acquired by [REDACTED].

10:24:57 22 Q. So for any of those employers other than

10:25:00 23 the [REDACTED] in which the [REDACTED]

10:25:04 24 were you [REDACTED] from any of these employers?

10:25:06 25 A. No.

10:25:10 1 Q. All right. Did you -- Mr. [REDACTED] did
10:25:14 2 you review anything in connection with -- any
10:25:16 3 documents in connection with your deposition
10:25:18 4 testimony here today?

10:25:20 5 A. No.

10:25:20 6 Q. Did you receive the deposition notice from
10:25:23 7 your -- from your attorney and have an opportunity
10:25:26 8 to review the documents listed in Exhibit A?

10:25:30 9 A. Yes.

10:25:30 10 Q. And do you have any documents responsive
10:25:34 11 to that request?

10:25:36 12 A. No.

10:25:36 13 MR. MATIASIC: All right. Madam Court
10:25:37 14 Reporter, I think you have a copy of it any way.
10:25:37 15 Why don't we mark that as exhibit -- as Exhibit 1.

10:25:37 16 (Exhibit 1 marked.)

10:25:38 17 MR. NYE: And just for the record, there are
10:25:54 18 documents that are responsive, but they have all
10:25:57 19 been turned over previously.

10:26:01 20 MR. MATIASIC: Is that in connection with the
10:26:02 21 Clergy 1 matter?

10:26:07 22 MR. NYE: Yes.

10:26:08 23 MR. MATIASIC: Q. Okay. Mr. [REDACTED] what

10:26:10 24 [REDACTED]

10:26:15 25 A. [REDACTED]

10:26:18 1 Q. Okay. Let me back up, just to get some
10:26:21 2 identifying information. Can I have your date of
10:26:24 3 birth, please?

10:26:25 4 A. [REDACTED]

10:26:28 5 Q. All right. And may I have your social
10:26:30 6 security number, please?

10:26:34 7 MR. NYE: Does he need to give that to you?

10:26:35 8 MR. MATIASIC: We just do that for, you know,
10:26:37 9 really identification purposes, so we can ascertain
10:26:40 10 that Mr. [REDACTED] is --

10:26:42 11 MR. NYE: He is.

10:26:44 12 MR. MATIASIC: -- the person he says he is.

10:26:44 13 MR. NYE: I'll vouch for him.

10:26:45 14 THE WITNESS: It's against the law to use a
10:26:47 15 social security number as identification.

10:26:50 16 MR. MATIASIC: Q. Okay. Thanks for that
10:26:50 17 tidbit. And what's your [REDACTED]?

10:26:55 18 A. [REDACTED]

10:27:03 19 Q. Is that is [REDACTED]?

10:27:06 20 A. One word, yes.

10:27:07 21 Q. What is the [REDACTED]

10:27:11 22 A. [REDACTED].

10:27:14 23 Q. How long have you lived at that address?

10:27:20 24 A. About [REDACTED].

10:27:32 25 Q. And are you [REDACTED], Mr. [REDACTED]?

10:27:32 1 A. [REDACTED]

10:27:32 2 Q. All right. To whom are you [REDACTED]?

10:27:32 3 A. [REDACTED].

10:27:38 4 Q. And does [REDACTED] at the [REDACTED]?

10:27:40 5 [REDACTED]?

10:27:41 6 A. Yes.

10:27:42 7 Q. [REDACTED]?

10:27:44 8 A. My [REDACTED].

10:27:47 9 Q. How is [REDACTED]?

10:27:50 10 A. [REDACTED]

10:27:51 11 Q. [REDACTED]?

10:27:51 12 A. No. I [REDACTED], but --

10:27:54 13 Q. That was my next question. You did a good

10:27:56 14 job anticipating.

10:27:57 15 A. Okay.

10:27:58 16 Q. Who -- [REDACTED]?

10:27:59 17 A. I have [REDACTED]

10:28:01 18 Q. And what's his name and age, please?

10:28:03 19 A. His name is [REDACTED] He is [REDACTED].

10:28:08 20 Q. Where does he live?

10:28:09 21 A. He lives at [REDACTED].

10:28:15 22 Q. [REDACTED].

10:28:18 23 A. [REDACTED]

10:28:24 24 Q. All right. And so you said you went to

10:28:27 25 [REDACTED]

10:28:29 1 A. [REDACTED]

10:28:30 2 Q. I'm sorry. [REDACTED].

10:28:30 3 A. Right county, but a different town.

10:28:33 4 Q. Okay.

10:28:35 5 A. That's not the only grade school.

10:28:36 6 Q. Okay. Which grade school did you graduate

10:28:39 7 from?

10:28:39 8 A. [REDACTED].

10:28:43 9 Q. And did you fill out an application to

10:28:45 10 attend St. Anthony's Seminary in Santa Barbara?

10:28:49 11 A. I did.

10:28:50 12 Q. And did you submit a transcript from St.

10:28:52 13 Paul's in conjunction with that application, if you

10:28:55 14 recall?

10:28:56 15 A. I did. I did.

10:28:57 16 Q. And what year did you enroll at St.

10:29:00 17 Anthony's?

10:29:01 18 A. 1966.

10:29:02 19 Q. And what year did you graduate?

10:29:05 20 A. 1970.

10:29:07 21 Q. And did you stay down at St. Anthony's

10:29:09 22 during the summers, or did you return home?

10:29:12 23 A. The -- yeah. Well, before graduation,

10:29:16 24 yes. I remained in Santa Barbara -- after

10:29:20 25 graduation, I stayed with a family in Santa Barbara.

10:29:23 1 But yes, the normal cycle was to go home in the
10:29:27 2 summertime.

10:29:28 3 Q. And did you work during the summers? I'm
10:29:31 4 talking about during the time while you were at St.
10:29:35 5 Anthony's?

10:29:38 6 A. No.

10:29:41 7 Q. Did you go home from -- this 1966 to '70
10:29:44 8 period while you were at St. Anthony's, did you go
10:29:47 9 home to visit your family?

10:29:53 10 A. I'm sorry, I'm missing here a little bit.
10:29:57 11 We went home for summer vacation.

10:30:00 12 Q. Other than summer vacation, did you go
10:30:02 13 home, for example, for the holidays or any other
10:30:05 14 visits?

10:30:06 15 A. Oh, Easter. In our first two years, it
10:30:08 16 wasn't allowed. But when we got to our third year,
10:30:12 17 they made a change and allowed us to go home for
10:30:14 18 Easter.

10:30:15 19 Q. And what about the Christmas break, were
10:30:16 20 you allowed to --

10:30:16 21 A. And Christmas break yes.

10:30:18 22 Q. You were allowed to go home all four years
10:30:20 23 for Christmas.

10:30:21 24 A. All four years, yes.

10:30:23 25 Q. Did you go home, to the best of your

10:30:24 1 recollection as you sit here today, on any other
10:30:27 2 occasions during those four years other than the
10:30:29 3 summertime and on the Easter and Christmas
10:30:31 4 vacations.

10:30:33 5 A. No.

10:30:34 6 Q. You said that after you graduated, you
10:30:38 7 stayed in Santa Barbara?

10:30:39 8 A. Yes, I did.

10:30:40 9 Q. And you stayed with a family?

10:30:41 10 A. Yes, I did.

10:30:41 11 Q. What family did you stay with?

10:30:42 12 A. The family of Gustav Krumm.

10:30:46 13 Q. Specifically, who did you stay with? I
10:30:49 14 know you indicated the family of Gustav Krumm --

10:30:52 15 A. Uh-huh.

10:30:52 16 Q. -- but who specifically?

10:30:54 17 A. Well, with Robert and Mary Krumm, within
10:30:58 18 their house, and Gus is one of their sons.

10:31:01 19 Q. Okay. Was there anyone else living there
10:31:07 20 at the time?

10:31:08 21 A. Yes. Gus's sister, Josie.

10:31:15 22 Q. Anyone else?

10:31:15 23 A. The twins, and I don't know their names.

10:31:19 24 Q. Twins meaning twins of Robert and Mary?

10:31:22 25 A. Yes, their twin sons.

10:31:24 1 Q. Do you remember their approximate age?

10:31:28 2 A. Maybe six or seven.

10:31:30 3 Q. At the time you were there?

10:31:31 4 A. At that time, in 1970.

10:31:33 5 Q. Okay. And you would have been 18 in 1970?

10:31:37 6 A. Eighteen, yes.

10:31:38 7 Q. How was it that you came to live with the

10:31:40 8 Krumm family in Santa Barbara after your graduation

10:31:45 9 from St. Anthony's?

10:31:48 10 A. Well, Gus was a coseminarian there, and

10:31:52 11 that's right in Santa Barbara. And the Krumms would

10:31:57 12 come and visit the seminary, and so I got to know

10:32:00 13 the Krumms. We would visit them at their house. In

10:32:04 14 fact, that happened quite a bit. We would visit a

10:32:07 15 number of people who kind of became the supporters

10:32:11 16 of the seminary locally in Santa Barbara.

10:32:15 17 And I had gotten a job at the radio

10:32:17 18 station. I had a radio license, and I worked at the

10:32:21 19 station whose call letters then was KMUZ-FM -- now

10:32:26 20 KRUZ-FM, and I was a board operator. And so to be

10:32:40 21 able to stay in Santa Barbara and work there, we

10:32:40 22 just worked out a little residential arrangement

10:32:40 23 there where I paid them a little bit of rent to have

10:32:44 24 a bedroom there.

10:32:44 25 Q. Now, was Gus Krumm living there at the

10:32:47 1 same time?

10:32:49 2 A. He was, yeah.

10:32:50 3 Q. All right. And when you say that Gus
10:32:52 4 Krumm was a coseminarian, was he at the seminary at
10:32:56 5 the same time, or was he a classmate of yours at the
10:33:00 6 seminary?

10:33:01 7 A. He was not a classmate. He was -- he's
10:33:02 8 two years younger than me, so he was there for two
10:33:05 9 years while I was there.

10:33:08 10 Q. But at the time when you graduated in
10:33:09 11 1970, he was living there; is that right?

10:33:13 12 A. In 1970, he was a -- he was there at SAS,
10:33:19 13 and at home -- and at home.

10:33:21 14 Q. Okay. So that -- I guess that's where my
10:33:23 15 confusion stems.

10:33:25 16 A. Okay.

10:33:25 17 Q. Was he in residence at St. Anthony's in
10:33:30 18 1970 when you graduated, or was he living with his
10:33:34 19 parents, Robert and Mary?

10:33:35 20 A. Oh, well, he was at home, where I was, in
10:33:39 21 the summer.

10:33:41 22 Q. And when the school year started, the
10:33:44 23 school year of '70-'71, was he still living with
10:33:49 24 Robert and Mary?

10:33:51 25 A. No, he went up to the seminary.

10:33:52 1 Q. Okay. And how long did you live with the
10:33:54 2 Krumms?

10:33:54 3 A. Let's see, it would have been from June --
10:33:57 4 from June 1970 to the end of August 1970. So that's
10:34:02 5 June, July, August. So approximately 90 days.

10:34:09 6 Q. And what was the reason why you stopped
10:34:11 7 living there?

10:34:12 8 A. Well, to start school. The job that I got
10:34:16 9 at KMUZ was a temporary job. I knew the general
10:34:25 10 manager of the radio station.

10:34:28 11 Q. And when you indicated that you had some
10:34:30 12 type of residential agreement worked out with the
10:34:33 13 Krumms and you would pay them some type of money to
10:34:35 14 have a room there, how did that come about. Did you
10:34:39 15 propose that situation, or did they, or was Gus the
10:34:42 16 intermediary?

10:34:43 17 A. No. Mary and Bob and I just worked that
10:34:46 18 out.

10:34:47 19 Q. And at whose suggestion, if you recall?

10:34:49 20 A. Well, I'm sure it was mine. I didn't want
10:34:51 21 to live there and not pay something.

10:34:54 22 Q. In terms of the opportunity to live there,
10:34:58 23 whose suggestion was that, if you recall?

10:35:03 24 A. Probably mine because I was looking for a
10:35:07 25 place where I could stay. And I knew the Krumms, so

10:35:10 1 that was -- it just made sense.

10:35:13 2 Q. And you indicated that Gus Krumm was a
10:35:16 3 coseminarian. Would you consider him a friend?

10:35:21 4 A. Yes.

10:35:21 5 Q. Are you still in touch with Mr. Krumm?

10:35:23 6 A. No.

10:35:24 7 Q. When was the last time you spoke with Gus
10:35:26 8 Krumm?

10:35:27 9 A. It's been years. I don't know.

10:35:30 10 Q. Can you give me an approximate? Was it
10:35:32 11 five years, ten years?

10:35:36 12 A. Let me do it this way: He was -- he was
10:35:38 13 a -- on the staff at St. Simon and Jude Parish,
10:35:43 14 Huntington Beach, California.

10:35:51 15 Q. Okay. And I should have probably
10:35:53 16 discussed this at the beginning of the deposition,
10:35:55 17 but I'm entitled to your best estimate throughout
10:35:58 18 this deposition. I don't want you to guess, but,
10:36:01 19 for example, if you can estimate how long ago you
10:36:04 20 may have spoken with someone, I'm entitled to your
10:36:06 21 best estimate. Do you understand the difference
10:36:09 22 between a guess and an estimate, Mr. [REDACTED]?

10:36:12 23 A. Okay. I guess we're having a little
10:36:15 24 problem here because if I can say to you when he was
10:36:18 25 -- where he was and --

10:36:20 1 Q. Oh, no. That's -- that's perfectly fine
10:36:23 2 and it's -- I appreciate you being able to have some
10:36:27 3 type of landmark for when you last spoke with Mr.
10:36:30 4 Krumms. I'm just saying generally that we're
10:36:33 5 entitled to your best estimate. I'm just asking
10:36:36 6 whether you understand the difference between an
10:36:38 7 estimate and a guess, that's all, not in any way in
10:36:41 8 conjunction with the last question.

10:36:43 9 A. Well, I think an estimate is a way of
10:36:45 10 trying to quantify a matter of fact. A guess, we're
10:36:49 11 not necessarily dealing with a matter of fact. A
10:36:51 12 guess is a guess.

10:36:53 13 Q. Right.

10:36:53 14 A. Okay. I do this in metrology.

10:36:56 15 Q. Okay.

10:36:54 16 A. You know, I know what an estimate is. I
10:36:58 17 have to estimate on certainty of measurement all the
10:37:01 18 time.

10:37:01 19 Q. Okay. And, equally, I need to make a
10:37:03 20 record of the fact that you understand the
10:37:04 21 difference between a guess and an estimate just as
10:37:08 22 we proceed, because afterwards we will need to know
10:37:12 23 that for the record. So I appreciate that you
10:37:14 24 understand the difference, and so I won't ask you
10:37:17 25 any more questions.

10:37:26 1 A. All right.

10:37:26 2 Q. When you spoke with -- when you last spoke
10:37:26 3 with Gus Krumm, did you discuss any allegations of
10:37:26 4 sexual abuse at St. Anthony's?

10:37:26 5 A. None of that was apparent at the time.

10:37:28 6 Q. Have you ever spoken with Gus Krumm about
10:37:31 7 allegations of sexual abuse at St. Anthony's?

10:37:35 8 A. No, no.

10:37:38 9 Q. When you were at St. Anthony's Seminary,
10:37:41 10 Mr. [REDACTED] were you what you considered to be
10:37:46 11 sexually abused by any person within the province?

10:37:48 12 A. Are you referring to a Friar, a Franciscan
10:37:51 13 Friar?

10:37:53 14 Q. Any person within the province. We can
10:37:56 15 break it down, if that helps. We can start with:
10:37:59 16 Were you ever sexually abused by any Franciscan
10:38:02 17 Friar?

10:38:03 18 A. Yes.

10:38:04 19 Q. And by whom were you abused?

10:38:06 20 A. Mario Cimmarrusti.

10:38:09 21 Q. And when was the first time you met Father
10:38:12 22 Cimmarrusti?

10:38:15 23 A. On August 31, 1966.

10:38:17 24 Q. And what was the occasion of meeting him
10:38:21 25 on August 31st, just enrollment at St. Anthony's?

10:38:26 1 A. It was having him inspect my personal
10:38:29 2 effects.
10:38:29 3 Q. That was the first time you ever met him?
10:38:33 4 A. Yes.
10:38:33 5 Q. And when you say he was inspecting your
10:38:36 6 personal affects, was this your locker or your
10:38:41 7 luggage, or what are you speaking of?
10:38:43 8 A. The items that I brought with me in the
10:38:46 9 car from home.
10:38:46 10 Q. Was anyone else present at this
10:38:48 11 inspection?
10:38:49 12 A. I don't believe so.
10:38:52 13 Q. Where did this inspection take place?
10:38:55 14 A. In his office/room.
10:39:04 15 Q. And do you know where that was located?
10:39:07 16 A. Located on the second floor of the main
10:39:10 17 administration building.
10:39:14 18 Q. Do you know what the rooms were on either
10:39:17 19 side, if there were rooms?
10:39:19 20 A. The vice prefect of discipline's office
10:39:24 21 was, as you face the doors there, was to the right
10:39:27 22 of his office room.
10:39:31 23 Q. And do you recall what was on the left, if
10:39:33 24 anything?
10:39:35 25 A. The left takes you to the Friars'

10:39:38 1 recreation room. So there were doors that were
10:39:41 2 blocked out there, but that was the Friars'
10:39:43 3 recreation room, which was a much larger suite, you
10:39:48 4 know, open area.

10:39:49 5 Q. Was the door that led to the Friars'
10:39:51 6 recreation room, was that on the same side of the
10:39:55 7 hallway as Father Cimmarrusti's office/ --

10:39:59 8 A. Yes --

10:40:00 9 Q. -- room?

10:40:00 10 A. -- same side of the hallway.

10:40:02 11 Q. And, Mr. [REDACTED], I know you're doing a
10:40:02 12 real good job of anticipating where I'm going with
10:40:02 13 my question. But if you could just try to wait just
10:40:02 14 so we have a clear record because she can only take
10:40:06 15 one of us down at once.

10:40:08 16 And how was it that you knew to go to
10:40:10 17 Father Cimmarrusti's office to have your personal
10:40:15 18 items inspected? Did someone tell you you had to do
10:40:18 19 that? Was it on an orientation booklet, et cetera?

10:40:22 20 A. I was told to go there.

10:40:24 21 Q. And do you remember by whom?

10:40:25 22 A. No, I don't remember that.

10:40:26 23 Q. And were you sexually abused on this first
10:40:29 24 occasion when you first met Father Cimmarrusti on
10:40:32 25 August 31, 1966?

10:40:34 1 A. No.

10:40:34 2 Q. What was the first time you were sexually
10:40:36 3 abused by Father Cimmarrusti?

10:40:39 4 A. It was after the beginning of school.
10:40:45 5 Now, I'm not going to be able to give you an exact
10:40:49 6 date on that, simply that it happened during the
10:40:52 7 first few weeks of school.

10:40:54 8 Q. And when you say "the first few weeks of
10:40:56 9 school," this would be during your freshman year?

10:41:00 10 A. It would be during the freshman year. It
10:41:03 11 would definitely be during the month of
10:41:06 12 September 1966.

10:41:07 13 Q. Do you recall the circumstances
10:41:08 14 surrounding when you were first abused by Father
10:41:12 15 Cimmarrusti in September of 1966? I can break it
10:41:16 16 down by question. Where did the abuse occur?

10:41:18 17 A. In his office/room.

10:41:20 18 Q. And was it at the same location where you
10:41:22 19 described the inspection of your personal affects?

10:41:25 20 A. Yes.

10:41:27 21 Q. Was anyone else present when you were
10:41:28 22 first abused by Father Cimmarrusti?

10:41:30 23 A. No.

10:41:33 24 Q. And I appreciate the difficulty in
10:41:35 25 describing this Mr. [REDACTED] but if I can, if you

10:41:39 1 can describe for me the mechanics of the abuse,
10:41:42 2 exactly what occurred?

10:41:44 3 A. The mechanics: He summoned me to come
10:41:49 4 around from the chair that I was seated at. I was
10:41:52 5 seated in a chair in front of his desk. He asked me
10:41:55 6 to come around, which, facing the desk, would be to
10:42:00 7 my right side. And I went around. And he then told
10:42:03 8 me to take down my pants and shorts and then
10:42:08 9 proceeded to handle scrotum and penis and run the
10:42:17 10 open palms of his hands down the inside of my legs.

10:42:25 11 Q. And you were seated at the time that this
10:42:28 12 occurred?

10:42:30 13 A. Seated?

10:42:31 14 Q. You were -- I guess I'm a little confused
10:42:33 15 on the sequencing. You were seated at the time when
10:42:35 16 you were in his office, and he came around the desk
10:42:38 17 and asked you to stand up?

10:42:48 18 A. No, no. I had to stand up and physically
10:42:48 19 walk around to where he was.

10:42:48 20 Q. I apologize. So he was seated at the
10:42:48 21 time?

10:42:48 22 A. He was seated during that, yes.

10:42:48 23 Q. And how long did this abuse last?

10:42:51 24 A. Maybe a couple of minutes.

10:42:57 25 Q. Did he say anything to you during the

10:43:00 1 abuse?

10:43:00 2 A. Yes, he did.

10:43:01 3 Q. What did he say to you?

10:43:02 4 A. He said that many of the guys become
10:43:09 5 excited and become erect during this, and he says,
10:43:17 6 "That's okay."

10:43:22 7 Q. Did he say anything else during the abuse?

10:43:31 8 A. Largely silent.

10:43:33 9 Q. Was there any specific event that stopped
10:43:38 10 the abuse at that point, or did Father Cimmarrusti
10:43:41 11 just choose to discontinue what he was doing?

10:43:43 12 A. So it ran its course for as far as he
10:43:47 13 wanted to proceed.

10:43:48 14 Q. And do you recall what the occasion was of
10:43:52 15 why you were in Father Cimmarrusti's office? Were
10:43:56 16 you summoned or --

10:43:57 17 A. I was summoned to his room, yes.

10:43:59 18 Q. By whom were you summoned?

10:44:04 19 A. Well, it would have been -- it would have
10:44:06 20 been the priest who was the prefect in our study
10:44:09 21 hall would have been the one who would have said,
10:44:11 22 "Go up there." Now, I don't remember which Friar
10:44:16 23 that was.

10:44:18 24 Q. But you recall that you left study hall --

10:44:22 25 A. Yes.

10:44:22 1 Q. -- to go to Father Cimmarrusti's room?

10:44:24 2 A. Yes.

10:44:26 3 Q. And you believe that the Friar who was
10:44:28 4 overseeing study hall told you that you needed to go
10:44:31 5 to Father Cimmarrusti's room?

10:44:33 6 A. Yeah, that I was being summoned by the
10:44:36 7 prefect of discipline, yes.

10:44:38 8 Q. Do you recall whether the Friar indicated
10:44:39 9 the reason why you were being summoned?

10:44:42 10 A. No, huh-uh.

10:44:42 11 Q. I know you said you can't recall the
10:44:45 12 specific Friar. Do you recall anything about the
10:44:47 13 specific Friar, what he looked like? Is it just the
10:44:51 14 name is escaping you or just the person in general
10:44:55 15 is escaping you?

10:44:56 16 A. Well, you know, I'm thinking of the, you
10:44:57 17 know, identities of Friars who walked our study hall
10:45:02 18 when I was a freshman. It could have been Father
10:45:05 19 [REDACTED], it could have been Father [REDACTED]
10:45:07 20 [REDACTED]. It could be a number of them, anyone who
10:45:10 21 was on the faculty.

10:45:13 22 Q. But you just don't have a specific
10:45:15 23 recollection of who it may have been on that day?

10:45:16 24 A. No, I can't tell you who it was.

10:45:18 25 Q. Okay. And there was no reason given for

10:45:20 1 why you were being summoned to the prefect's office?

10:45:23 2 A. No, no. They simply came and said, Father
10:45:26 3 Mario wants to see you.

10:45:29 4 Q. During -- on the day that you were
10:45:30 5 summoned to Father Cimmarrusti's office, do you
10:45:33 6 recall whether any other seminarians were similarly
10:45:38 7 summoned from the study hall?

10:45:40 8 A. Other seminarians -- seminarians were
10:45:44 9 being summoned to his office all the time because he
10:45:46 10 was the prefect of discipline and he had various
10:45:50 11 disciplinary issues that he had to do with students.

10:45:54 12 Q. So do you recall on that day any other
10:45:56 13 seminarians also being summoned?

10:45:59 14 A. No.

10:45:59 15 Q. When I say "on that day," I'm referring to
10:46:01 16 the first time you were abused in September of '66.

10:46:05 17 A. No, I can't remember.

10:46:10 18 Q. How long after you -- how long had you
10:46:14 19 been in Father Cimmarrusti's office before the abuse
10:46:18 20 began --

10:46:18 21 A. Well --

10:46:21 22 Q. -- on this first occasion?

10:46:22 23 A. Possibly as much as 20 minutes. We had a
10:46:27 24 long conversation.

10:46:29 25 Q. And what did you discuss in this long

10:46:30 1 conversation before the abuse began?

10:46:32 2 A. I discussed in the conversation the fact
10:46:35 3 that I did not want this examination; that I had
10:46:41 4 been examined by a competent physician in San Pablo,
10:46:45 5 California, only weeks prior to our meeting in his
10:46:50 6 office. He presented me with no credentials to
10:46:54 7 indicate to me that he was qualified to make any
10:46:57 8 kind of a medical or physical examination of me and
10:47:03 9 that I had never had an examination of that sort
10:47:08 10 done anywhere through Catholic or public school.

10:47:13 11 Q. Mr. [REDACTED], in -- this was a conversation
10:47:16 12 that you had before the abuse began?

10:47:18 13 A. Yes.

10:47:19 14 Q. So did Father Cimmarrusti indicate what
10:47:22 15 was about to happen?

10:47:23 16 A. Yes. He indicated to me that he was going
10:47:25 17 to do an examination of me.

10:47:27 18 Q. And did he describe in detail what the
10:47:29 19 examination was going to consist of?

10:47:31 20 A. No, except that he wanted me to make my
10:47:34 21 clothes off.

10:47:35 22 Q. But did you have -- it sounds like when
10:47:38 23 you were talking to Father Cimmarrusti about you
10:47:41 24 never had an exam of that nature, did you have some
10:47:44 25 type of premonition, or were you, by some other

10:47:47 1 means, somehow aware of what the examination was
10:47:50 2 going to consist of?

10:47:51 3 A. Well, I should think that when a man who
10:47:55 4 is a priest/teacher in a -- what I would call a
10:48:00 5 nonprofessional environment, a darkened room, a man
10:48:06 6 without the proper credentials, wants me to take my
10:48:18 7 pants and shorts off so he can have access to me,
10:48:18 8 that there is something wrong with that.

10:48:18 9 Q. And when this abuse occurred on the first
10:48:19 10 occasion, September of '66, was the door open or
10:48:24 11 closed?

10:48:25 12 A. Closed.

10:48:25 13 Q. Describe for me, if you can, the layout of
10:48:28 14 the room, other than I know you have already
10:48:31 15 described that there was a desk and he asked you to
10:48:34 16 walk around the desk. But what did the rest of the
10:48:36 17 room look like?

10:48:38 18 A. It's too bad you don't have a board in
10:48:40 19 here, a chalkless board.

10:48:43 20 MR. NYE: That's okay. Just give him the best
10:48:46 21 description that you can give.

10:48:47 22 THE WITNESS: Well, if -- first of all, in this
10:48:49 23 rectangle, this is looking out into Santa Barbara.
10:48:52 24 This is the hallway right here. The door was here,
10:48:55 25 and you walked in. And he had a rug there. There

10:49:00 1 was a chair. And then he had his desk there, and
10:49:06 2 then he sat right there. Then there was a
10:49:09 3 partition, a half partition that went up about
10:49:13 4 4 feet, and it was like that Philippine-mahogany
10:49:14 5 kind of stuff that was really veneer that was used a
10:49:21 6 lot in those days. He had a fishtank sitting right
10:49:25 7 up here, to the right-hand side as you faced.

10:49:28 8 There was a -- it was a two -- a double --
10:49:28 9 it's a window, a very narrow, high rectangular such
10:49:34 10 as you see in an administration building. And it
10:49:36 11 had two handles and of course those windows could be
10:49:38 12 pushed out. And then he had a bed. He had a bed
10:49:41 13 there. The partition was split in half. There was
10:49:44 14 an opening. He had a curtain, a bar with a curtain
10:49:46 15 there, and his bed, I think it was sitting back here
10:49:48 16 beyond the fish tank. And then there was plumbing
10:49:52 17 in there. There was a basin, you know, and then I
10:49:56 18 guess he had a closet or something over here for his
10:50:00 19 clothes.

10:50:00 20 Q. You indicated during the abuse he was
10:50:04 21 saying certain things to you. Did you respond in
10:50:07 22 any way?

10:50:08 23 A. Which things? I'm not understanding.

10:50:11 24 Q. During the abuse, you indicated that he
10:50:13 25 told you that other students had become erect during

10:50:16 1 the process?

10:50:17 2 A. Oh, yes.

10:50:18 3 Q. At that juncture, when he was speaking to
10:50:20 4 you during the abuse, did you say anything?

10:50:22 5 A. No.

10:50:23 6 Q. Did you say anything to Father Cimmarrusti
10:50:25 7 when the abuse concluded?

10:50:29 8 A. No.

10:50:29 9 Q. And once the abuse concluded, did you
10:50:32 10 immediately leave the room?

10:50:34 11 A. I immediately left.

10:50:35 12 Q. And did you return to study hall, or where
10:50:37 13 did you go?

10:50:38 14 A. Study hall.

10:50:39 15 Q. Did you tell anybody about the abuse --

10:50:42 16 A. No.

10:50:42 17 Q. -- after this first occasion in September
10:50:44 18 of 1966?

10:50:45 19 A. No.

10:50:45 20 Q. When was the next time you were abused?

10:50:50 21 A. The next time I was abused would not have
10:50:53 22 been more than six weeks later.

10:51:00 23 Q. And do you recall the circumstances of the
10:51:01 24 next occasion of abuse six weeks later.

10:51:04 25 A. Those circumstances had to do with

10:51:06 1 something that happened in his English class.

10:51:10 2 Q. And what happened in his English class?

10:51:13 3 A. In the English class, we were doing a
10:51:16 4 grammatical point, the use of coordinating common
10:51:22 5 supplies with coordinating conjunctions. The
10:51:25 6 coordinating conjunction was but, B-U-T. And as an
10:51:31 7 example on the board, he wrote: "[REDACTED] is a boy,
10:51:36 8 comma, but [REDACTED] is an ass," at which point the
10:51:43 9 entire class erupted into guffaws and incredible
10:51:48 10 laughter. Absolute humiliation.

10:51:52 11 Q. Had you acted up or --

10:51:54 12 A. No, no.

10:51:55 13 Q. -- done anything in the course -- I know
10:51:56 14 you can anticipate my question, Mr. [REDACTED] But
10:51:58 15 just for the record, you have to let me finish it.
10:52:00 16 Had you acted up or done anything for which
10:52:05 17 Cimmarrusti was punishing you, or did it come out of
10:52:08 18 nowhere?

10:52:08 19 A. The answer is no, there was no
10:52:10 20 disciplinary issue involved. It was something he
10:52:15 21 did voluntarily himself, nothing I insighted.

10:52:18 22 Q. Do you -- are you aware of any reason why
10:52:20 23 that occurred, why Father Cimmarrusti would have
10:52:25 24 done that? For example, did the two of you have
10:52:27 25 some type of personal falling out before the --

10:52:30 1 before this English class and this incident or --

10:52:34 2 A. Not to my recollection.

10:52:37 3 Q. Did you say anything once he wrote that on
10:52:39 4 the board?

10:52:40 5 A. No.

10:52:41 6 Q. Did you ever subsequently speak to Father
10:52:44 7 Cimmarrusti about that occasion?

10:52:47 8 A. Well, yes, because he was -- I was
10:52:49 9 summoned to his office for the next period of abuse,
10:52:52 10 which is what we're really talking about. But first
10:52:57 11 we had to talk about what led up to it. So then
10:53:00 12 later from study hall, another evening, I was
10:53:05 13 summoned to his office.

10:53:06 14 Q. Was it the same day as when he wrote this
10:53:07 15 on the board?

10:53:10 16 A. No, probably a number of days later.

10:53:13 17 Q. And how were you told you had to go to
10:53:17 18 Father Cimmarrusti's office?

10:53:25 19 A. The prefect walking the floor would have
10:53:25 20 told me to go up.

10:53:25 21 Q. When you say "would have told me to go
10:53:25 22 up," do you recall that they did tell you to go up,
10:53:25 23 or are you just assuming that that's how it
10:53:25 24 occurred.

10:53:26 25 A. No, it's not an assumption. It's --

10:53:26 1 that's what they did.

10:53:32 2 MR. NYE: Try to take a breath. Let him finish
10:53:35 3 his question before you answer.

10:53:36 4 THE WITNESS: Can we -- can we stop for a
10:53:39 5 minute?

10:53:41 6 MR. MATIASIC: You want to take a break? Sure.
10:53:41 7 Absolutely.

10:53:41 8 VIDEOGRAPHER: We are going off the record.
10:53:44 9 Time on the screen is 10:53.

11:00:26 10 (Recess taken from 10:53 to 11:00 a.m.)

11:00:26 11 VIDEOGRAPHER: All set? Please stand by. I'll
11:00:28 12 read us back on, one second. We are now back on the
11:00:43 13 record. The time on the screen is 11:00.

11:00:50 14 MR. MATIASIC: Q. All right, Mr. [REDACTED] We
11:00:51 15 are back on the record, and I certainly appreciate
11:00:54 16 the difficulty of the subject matter that we're
11:00:56 17 discussing today. So this is not intended to be a
11:00:59 18 marathon session at all. As many times as you need
11:01:02 19 to take a break, you just let us know, and we can
11:01:05 20 take as many as you need. Okay?

11:01:07 21 A. Thanks.

11:01:06 22 MR. MATIASIC: Madam Court Reporter, if you
11:01:06 23 could read back the last question and answer for us.

11:01:06 24 (Record read as requested.)

11:01:06 25 MR. MATIASIC: Q. So on the second occasion --

11:01:45 1 this is after the English class incident -- do you
11:01:49 2 have a specific recollection of being summoned to
11:01:51 3 Father Cimmarrusti's room, or are you just saying
11:01:54 4 that that's probably what occurred because that was
11:01:56 5 normally how it worked?

11:01:58 6 A. Oh, okay. I was summoned to his room by
11:02:01 7 the prefect in charge of study hall.

11:02:04 8 Q. And this was on the second occasion
11:02:05 9 after --

11:02:06 10 A. On the second occasion. We put that in
11:02:08 11 the indicative. It's not -- there could be some
11:02:12 12 question. The word "would" could be seen as
11:02:15 13 conditional, so --

11:02:16 14 Q. And when you -- what time of day was
11:02:19 15 this --

11:02:19 16 A. Nighttime.

11:02:19 17 Q. -- on this occasion?

11:02:20 18 A. It was nighttime.

11:02:21 19 Q. Is that when you normally had study hall
11:02:24 20 during your freshman year?

11:02:26 21 A. The entire seminary had study hall from
11:02:29 22 7:15 p.m. until 9:30, is my recollection of that.

11:02:37 23 Q. And when you say "the entire seminary,"
11:02:40 24 that's for all classes?

11:02:42 25 A. All classes, all four years.

11:02:47 1 Q. And when you got to Father Cimmarrusti's
11:02:50 2 office on this second occasion, this was at the same
11:02:55 3 location that you have previously described?

11:02:57 4 A. Yes.

11:02:57 5 Q. And what occurred when you got to his
11:02:59 6 office on the second occasion?

11:03:01 7 A. I knocked on the door. His voice inside
11:03:05 8 said, "Come in." I came in, closed the door behind
11:03:08 9 me. He told me to take a chair. That would be a
11:03:11 10 chair that's in front of his desk.

11:03:13 11 And he said, "I've called you up here
11:03:16 12 because you have a serious problem that I want to go
11:03:23 13 over with you." And he said, "That problem is that
11:03:27 14 you're -- you're not fitting in with your class."

11:03:36 15 Q. Did he say anything else?

11:03:37 16 A. And he said that he wants to go over that
11:03:43 17 with me because if I can't surmount that and fit in
11:03:48 18 with my class, that my seminary career would be a
11:03:54 19 failure and that I wouldn't succeed in getting on to
11:03:57 20 the priesthood.

11:03:58 21 Q. And did you respond when Father
11:04:00 22 Cimmarrusti told you this?

11:04:02 23 A. So, of course, I was in tears at that
11:04:05 24 point. I had already had the English class thing
11:04:11 25 happen, so I was already pretty afraid of him. So

11:04:15 1 then I get that. It's like, Well,
11:04:20 2 what-am-I-supposed-to-do routine? And he wasn't
11:04:25 3 coming up with any answers to that. I certainly
11:04:30 4 would have been up for some suggestions, some
11:04:32 5 concrete suggestions on that.

11:04:37 6 So it was just pretty much just
11:04:41 7 devastating. It was -- so that's pretty well where
11:04:47 8 it was, and I was in tears and he said, "Well," he
11:04:52 9 said, "I'll give you a blessing and send you back to
11:04:55 10 study hall."

11:04:56 11 So to my surprise, I thought that he would
11:04:58 12 have made the sign of the cross and gave a blessing
11:05:01 13 from his position in the chair. But instead, he
11:05:04 14 came around to me and told me to stand up. And he
11:05:08 15 had a carpet there, as I had described before, kind
11:05:11 16 of in front of the door. It was kind of an open
11:05:14 17 area. And he said, "I'm going to give you a
11:05:17 18 blessing." He said, "I want you to kneel down."
11:05:20 19 And I thought, "Well, okay."

11:05:23 20 And then he said, "Now, I want you to put
11:05:25 21 your arms around me." He said, "Right around" -- he
11:05:31 22 said, "Here, right around the waist."

11:05:32 23 So I did. And then he did this
11:05:38 24 extemporaneous blessing that I would essentially fit
11:05:44 25 in with my peers and that I could figure out what

11:05:46 1 seminary life was all about and that I would be a
11:05:49 2 successful seminarian, "In the name of the Father
11:05:54 3 and the Son and the Holy Spirit, amen," and then off
11:05:58 4 to study hall.

11:06:08 5 Q. And on this specific occasion, did you
11:06:08 6 consider this blessing to be sexual abuse? And why
11:06:12 7 don't I break it down as to time? When it occurred,
11:06:15 8 did you consider that to be sexual abuse?

11:06:22 9 A. When it occurred, I at least assumed it to
11:06:27 10 be a misapplication of a sacramental of the church.

11:06:35 11 Q. Mr. [REDACTED], I would move to strike that
11:06:38 12 as nonresponsive. But my question was: Did you
11:06:41 13 consider it to be sexual abuse at the time?

11:06:52 14 A. There was something wrong with it. I'm
11:06:54 15 not sure that I can say, that I, at 14 years old,
11:06:59 16 had that distillation, okay, of what was going on.
11:07:02 17 He made me hold him tightly, press up against his
11:07:07 18 body. Okay. I could feel his genitalia up against
11:07:12 19 my upper body, and that's what happened.

11:07:17 20 Q. And once again, Mr. [REDACTED] I appreciate
11:07:20 21 the difficulty involved in discussing these matters.
11:07:23 22 But at the time, do you recall whether you
11:07:27 23 considered it sexually abusive? I know you said you
11:07:30 24 considered it a misapplication, et cetera, but?

11:07:40 25 A. I don't know on that one. I knew -- all I

11:07:45 1 knew was that --

11:07:46 2 MR. NYE: If you don't know, that's fine.

11:07:49 3 THE WITNESS: Yeah. How about if I just say I
11:07:50 4 don't know.

11:07:51 5 MR. MATIASIC: Q. That's fair enough. What

11:07:52 6 about subsequent to that time. At any point, did

11:07:57 7 you ever consider what occurred on this second

11:08:00 8 incident where you were told to put your arms around

11:08:02 9 his waist, did you consider that to be sexual abuse?

11:08:05 10 A. It only happened that one time.

11:08:07 11 Q. Right. What I'm saying is,

11:08:08 12 subsequently -- before, I asked you what -- whether

11:08:11 13 or not you thought it was sexual abuse when it was

11:08:14 14 occurring. At any time subsequent to that incident

11:08:16 15 upon your reflection, do you consider that to be

11:08:21 16 sexual abuse, what occurred on that second occasion?

11:08:24 17 A. Yes.

11:08:26 18 Q. And when did you -- when do you recall

11:08:29 19 realizing that that was sexual abuse?

11:08:41 20 A. After graduation.

11:08:46 21 Q. Can you give me an approximate time frame?

11:08:48 22 Was it five years after graduation?

11:08:51 23 A. Around 1991.

11:08:56 24 Q. And do you recall any particular incident

11:08:59 25 in connection with your realization that that --

11:09:02 1 when you put your arms around Father Cimmarrusti on
11:09:05 2 this second occasion in his office, that that was
11:09:08 3 sexual abuse?

11:09:13 4 A. The occasion of it would have been the
11:09:14 5 Board of Inquiry that was being convened. The -- we
11:09:20 6 were being asked by the Board of Inquiry to -- to
11:09:24 7 think back upon things that had happened at the
11:09:27 8 seminary that made -- I don't have the exact wording
11:09:30 9 but words to the effect of "would have left us
11:09:33 10 confused" for things that happened. So I would say
11:09:36 11 that that fell into that category of "left me
11:09:38 12 confused."

11:09:40 13 Q. So you think around 1991, in conjunction
11:09:43 14 with your discussion with the Board of Inquiry, that
11:09:46 15 you realized at this second occasion in which Father
11:09:50 16 Cimmarrusti had you put your arms around his waist
11:09:53 17 and he gave you a blessing, that that was sexual
11:09:55 18 abuse?

11:09:56 19 A. Yes.

11:09:56 20 Q. All right. When was the next time that
11:10:03 21 you were sexually abused by Father Cimmarrusti, if
11:10:06 22 there was another time?

11:10:08 23 A. There were -- there were other times when
11:10:11 24 I was summoned to his office and the -- pretty much
11:10:13 25 the same scenario as the first time took place. You

11:10:17 1 know, he did his little exam. But of course, by
11:10:20 2 then, you know, you simply came in and just did it.
11:10:23 3 You know, he said, "You know the drill," so we just
11:10:27 4 did it.

11:10:29 5 And I did ask him one time what he was
11:10:34 6 looking for. Because if it was, in fact, a medical
11:10:38 7 examination, I was a little bit concerned about what
11:10:41 8 he was looking for, and --

11:10:45 9 Q. And Mr. [REDACTED] when you say that you
11:10:47 10 were summoned to his office again, these other
11:10:51 11 occasions where you were summoned, were you summoned
11:10:54 12 from the study hall, or was it during another time?

11:10:57 13 A. From the study hall. All of these events
11:10:59 14 took place in the evening during the 7:15 to 9:30
11:11:03 15 p.m. study hall.

11:11:05 16 Q. And when Father Cimmarrusti called you to
11:11:08 17 his office and he indicated on these other occasions
11:11:11 18 that you "knew the drill," what was he referring to,
11:11:13 19 or what did you understand he was referring to?

11:11:16 20 A. To come around to the right side of his
11:11:17 21 desk as you face it, take down the pants, take down
11:11:21 22 the undershorts so that he could go ahead and do his
11:11:26 23 thing.

11:11:26 24 Q. And when you're saying "so he could do his
11:11:29 25 thing," are you talking about the same abuse that

11:11:40 1 you described?

11:11:40 2 A. Yes.

11:11:40 3 Q. -- in the first incident?

11:11:40 4 A. Yes, yes.

11:11:40 5 Q. And on how many other occasions did this
11:11:42 6 occur?

11:11:51 7 A. It wasn't always every month. After those
11:11:53 8 first few times, he would like skip a month. It
11:11:57 9 would be like once every two months, you know, that
11:12:00 10 sort of thing.

11:12:02 11 Q. So how many total times were you abused by
11:12:05 12 Father Cimmarrusti, if you know?

11:12:15 13 A. Can I give you a -- can I give
11:12:18 14 approximations here?

11:12:19 15 Q. Sure.

11:12:19 16 A. Because I never really actually, you know,
11:12:22 17 counted it that way. Possibly half a dozen times in
11:12:26 18 two years, somewhere around there.

11:12:33 19 Q. And this half a dozen times, is that in
11:12:36 20 addition to the two occasions that you have already
11:12:39 21 described or including those occasions?

11:12:44 22 A. This is difficult because I -- to quantify
11:12:47 23 this -- because -- just because of the whole
11:12:50 24 circumstances of it. It was -- I don't know. I
11:12:59 25 don't know how to answer this. I mean, I would say

11:13:02 1 at least a half a dozen times.

11:13:05 2 Q. Okay. Fair enough. I appreciate that
11:13:07 3 it's hard to quantify. And on these half a dozen
11:13:13 4 times where this occurred, other than the two
11:13:16 5 incidents that you have already described, did the
11:13:20 6 form of the abuse vary at all, or was it this same
11:13:23 7 drill that you discussed?

11:13:26 8 A. Pretty much the same thing.

11:13:30 9 Q. Was there any -- in terms of the mechanics
11:13:32 10 of the abuse, was there any abuse different from
11:13:35 11 what you have already described?

11:13:37 12 A. No.

11:13:43 13 Q. Do you recall when the abuse stopped?

11:13:49 14 A. It would be towards the end of the
11:13:51 15 sophomore year.

11:13:55 16 Q. So that would be towards the end of the
11:13:57 17 school year '67-'68?

11:14:00 18 A. Yes.

11:14:01 19 Q. So we're talking about sometime in '68?

11:14:03 20 A. Yes.

11:14:04 21 Q. Do you recall approximately what month?

11:14:13 22 A. Well, it would be before June, before June
11:14:17 23 of 1968.

11:14:20 24 Q. Mr. [REDACTED] are you aware of why the
11:14:24 25 abuse may have stopped?

11:14:32 1 A. No.

11:14:34 2 Q. Did you say anything or do anything that

11:14:38 3 you recall that may have made the abuse stop or --

11:14:42 4 A. No.

11:14:51 5 Q. Who were other seminarians at St.

11:14:56 6 Anthony's at the time you were there whom you would

11:14:59 7 consider to have been your good friends at that

11:15:01 8 time?

11:15:05 9 A. [REDACTED]

11:15:11 10 Q. Any others?

11:15:12 11 A. [REDACTED]

11:15:20 12 Q. Can you spell that last name for me?

11:15:21 13 A. [REDACTED]

11:15:26 14 Q. And was [REDACTED] a classmate of yours?

11:15:32 15 A. Yes, these were all classmates.

11:15:35 16 Q. All classmates? And at the time that this

11:15:37 17 sexual abuse was occurring from September of '66 to

11:15:41 18 sometime before June '68, did you tell any of these

11:15:45 19 other classmates what was going on with Father

11:15:48 20 Cimmarrusti?

11:15:49 21 A. It wasn't the sort of thing we talked

11:16:06 22 about. There was a feature of shame involved with

11:16:11 23 it because Father Mario said that the reason he was

11:16:14 24 conducting these exams was on the fat students.

11:16:21 25 Q. And how did you come to learn that

11:16:23 1 information?

11:16:26 2 A. Because in the conversation that I had
11:16:28 3 with him, this one where I described about the -- I
11:16:31 4 had been examined by my own doctor and all this sort
11:16:35 5 of thing, that he said that -- that's what he said.
11:16:37 6 He said, "It was necessary," he says, "to do this on
11:16:39 7 the fat students." And, actually, that's -- that's
11:16:45 8 what then brought up my whole questioning of
11:16:47 9 qualifications to do that.

11:16:49 10 Q. And Mr. [REDACTED], specifically my question
11:16:52 11 before was -- and I understand it's not the type of
11:16:55 12 thing that you talk about -- but do you recall
11:16:57 13 having spoken with either [REDACTED] or [REDACTED]
11:17:01 14 or [REDACTED] about what was going on with Father
11:17:04 15 Cimmarrusti?

11:17:06 16 A. I would -- you know, I have to say this
11:17:08 17 the right way. Possibly with [REDACTED].

11:17:15 18 Q. But you don't specifically recall it?

11:17:18 19 A. I don't recall a specific event, you know,
11:17:21 20 or a moment, a date and everything where I could
11:17:24 21 have done that, but --

11:17:29 22 Q. Is there some -- is there some reason why
11:17:33 23 you think that you may have told [REDACTED]
11:17:36 24 about --

11:17:38 25 A. Yes, yes.

11:17:38 1 Q. -- about this abuse?

11:17:38 2 A. Yes.

11:17:38 3 Q. And what makes you think that you did?

11:17:40 4 A. Because [REDACTED] was whipped by Father

11:17:44 5 Mario black and blue, and I saw -- and we all saw

11:17:48 6 each other naked all the time because we had an open

11:17:51 7 dormitory, we had open shower rooms. And [REDACTED] had

11:17:57 8 received discipline from Father Mario, and his rear

11:18:01 9 end was black and blue. You could see a man's

11:18:04 10 five-finger hand in black and blue on his rear end.

11:18:14 11 Q. Do you recall when you saw this

11:18:14 12 five-finger hand and marks on Mr. [REDACTED]'s body?

11:18:16 13 A. It was during the freshman year?

11:18:18 14 Q. Do you recall when during your freshman

11:18:21 15 year?

11:18:27 16 A. Well, for sure I can say it was between

11:18:29 17 August the 31st, 1966, and you know, the end of June

11:18:33 18 of 1967, that first year.

11:18:38 19 Q. Do you have some type of landmark in your

11:18:40 20 mind why you believe that you saw this during the

11:18:44 21 freshman year, as opposed to one of the other years?

11:18:47 22 A. Oh, because I specifically remember the

11:18:49 23 shower room that I saw it in. And we only used that

11:18:52 24 shower room during our freshman year. And after

11:18:56 25 that, that dormitory was condemned by the City of

11:19:00 1 Santa Barbara, so no one could use it after that.

11:19:05 2 Q. Mr. [REDACTED], going back to the original

11:19:08 3 question, I had asked whether there was some

11:19:11 4 specific reason why you thought you may have told

11:19:14 5 [REDACTED] -- I keep butchering his name,

11:19:18 6 [REDACTED] I'm sorry.

11:19:21 7 A. [REDACTED]

11:19:22 8 Q. I'm sorry. And you indicate that you saw

11:19:24 9 these marks on him in the shower. What about that

11:19:27 10 makes you believe that you may have told him about

11:19:29 11 what was going on with you and Father Cimmarrusti?

11:19:32 12 A. Because I felt that Father Mario had

11:19:35 13 touched me inappropriately, and I definitely felt

11:19:41 14 that what I was observing on [REDACTED]'s body was -- was

11:19:45 15 brutality. So it's entirely likely that seeing that

11:19:50 16 on [REDACTED] and us being good friends, I took him aside

11:19:55 17 and said, "This is what he's doing to me."

11:20:00 18 Q. So you're just assuming, because of those

11:20:02 19 circumstances --

11:20:02 20 A. Because of the circumstances and because

11:20:03 21 of the fact that [REDACTED] then told me that it was more

11:20:07 22 than just being whipped; it was also sexual abuse

11:20:10 23 that was also done to him.

11:20:12 24 Q. And do you recall when [REDACTED] told you that

11:20:14 25 he was being sexually abused by Father Cimmarrusti?

11:20:20 1 A. It's difficult to say right when we were
11:20:23 2 students, but he told me later. He told me in 1980.

11:20:32 3 Q. Do you specifically remember hearing
11:20:34 4 that -- or specifically remember [REDACTED] telling that
11:20:38 5 you he was sexually abused by Father Cimmarrusti in
11:20:42 6 1980.

11:20:43 7 A. Yes.

11:20:43 8 Q. But you don't specifically remember him
11:20:45 9 telling you the same when you were at the seminary?

11:20:50 10 A. In 1980, I can remember the exact event,
11:20:52 11 the room, the address, everything where this
11:20:55 12 happened. But at the seminary, I can't, because,
11:20:58 13 you know, we see each other -- we saw each other so
11:21:02 14 many times in four years. I mean, it's difficult to
11:21:06 15 be able to tell you exactly.

11:21:12 16 Q. Mr. [REDACTED], while you were while at St.
11:21:16 17 Anthony's, were you aware of any other students, any
11:21:19 18 other seminarians being sexually abused by Father
11:21:23 19 Cimmarrusti?

11:21:33 20 A. What I saw was all the black and blue on
11:21:40 21 the guys. See, I didn't -- I didn't, you know,
11:21:49 22 carry the whole sexual angle of it onto other
11:21:52 23 people. That's something -- that was my thing.
11:21:54 24 Okay? "Fat kid." Okay? I didn't want people to
11:21:58 25 know that. But then I saw my classmates black and

11:22:02 1 blue, which, from my upbringing, is brutality.

11:22:10 2 Q. Right, Mr. [REDACTED] But what I'm

11:22:11 3 wondering is whether -- when you were at St.

11:22:14 4 Anthony's, while you were a seminarian, whether you

11:22:17 5 were aware of any other students being sexually

11:22:20 6 abused by Father Cimmarrusti?

11:22:22 7 A. One of the seminarians, we were having a

11:22:34 8 conversation -- now, this is difficult because --

11:22:35 9 trying to recall names, okay, of this. But I did

11:22:39 10 have a conversation with somebody. The conversation

11:22:42 11 happened out on the -- the quadrangle where the

11:22:46 12 Christ the King statue is; I do remember that. It

11:22:49 13 was over by the science laboratory side. And

11:22:54 14 somehow the conversation came up about Father Mario

11:22:56 15 doing these examinations of the fat students.

11:23:03 16 And the guy said to me -- it was not a

11:23:05 17 member of my own class; I do remember that. But he

11:23:08 18 said to me, he said -- he said, "We know Father

11:23:13 19 Mario feels your balls." And then he said -- he

11:23:19 20 said, "He feels mine, too."

11:23:21 21 Q. Do you recall what class year you were

11:23:23 22 when you were told this information?

11:23:27 23 A. I may have been a junior or senior. I was

11:23:29 24 definitely an up upper classman by then. The person

11:23:34 25 who told me was a lower classman. I don't think he

11:23:44 1 was -- I don't think he was a freshman, probably a
11:23:44 2 sophomore.

11:23:44 3 Q. Do you recall the name of this person?

11:23:44 4 A. I don't. I wish I could give you the
11:23:45 5 name.

11:23:45 6 Q. No problem. And at the time that you were
11:23:48 7 told that, when you were an upper classman, did you
11:23:52 8 connect that with -- that activity that Father
11:23:55 9 Cimmarrusti was conducting with sexual abuse?

11:23:59 10 A. Sure.

11:24:06 11 Q. While you were at -- while you were at --
11:24:09 12 subsequent to your time at St. Anthony's, have you
11:24:12 13 become aware of any other seminarians having been
11:24:16 14 abused by Father Cimmarrusti?

11:24:19 15 A. Of course.

11:24:19 16 Q. Who else have you become aware that was
11:24:22 17 abused by Father Cimmarrusti?

11:24:25 18 A. Well, in the Board of Inquiry, there were
11:24:28 19 34 names, 34 respondents on that, [REDACTED],
11:24:32 20 certainly, [REDACTED].

11:24:40 21 Q. Anyone else?

11:24:44 22 A. [REDACTED], who was in my class.

11:24:51 23 Q. Anyone else?

11:24:54 24 A. [REDACTED].

11:24:58 25 Q. Anyone else?

11:25:02 1 A. Let's see, there was another brother.

11:25:05 2 There were three of them, they all attended. I'm

11:25:08 3 just trying to remember what his name is. [REDACTED].

11:25:12 4 Q. You're talking about the other [REDACTED]

11:25:14 5 brothers.

11:25:14 6 A. Yes, so the three of them.

11:25:15 7 Q. Okay. Anyone else other than the [REDACTED]

11:25:19 8 brothers, and the people you have already listed?

11:25:26 9 A. His last name was [REDACTED]. I think it's [REDACTED]

11:25:29 10 no, no. [REDACTED] He's one.

11:25:36 11 Q. And I'm sorry, I didn't mean to cut you

11:25:39 12 off. Any others?

11:25:41 13 A. Yeah. He lives in [REDACTED]. What is his

11:25:46 14 name? I mean, it's quite a list. You know, I would

11:25:48 15 have to -- to write these all out. But we actually

11:25:54 16 already have this. The Board of Inquiry has these

11:25:56 17 names. I mean, this has already been taken --

11:26:00 18 Q. Mr. [REDACTED], what I'm asking is the extent

11:26:03 19 of your knowledge here. And so what I want to know

11:26:06 20 is what other people you know or you have come to

11:26:09 21 know may have been sexually abused by Father

11:26:11 22 Cimmarrusti?

11:26:14 23 A. Oh, [REDACTED]. Oh, wait a

11:26:17 24 minute. That wasn't Father Mario. That wasn't

11:26:20 25 Father Mario. But he was.

11:26:24 1 Q. Any other people abused by Father

11:26:26 2 Cimmarrusti.

11:26:28 3 A. [REDACTED]. His last name is [REDACTED]. I

11:26:31 4 think it was -- I'm not sure if it was [REDACTED]

11:26:42 5 Q. When is the first time that you learned

11:26:45 6 that Mr. [REDACTED] was abused by Father Cimmarrusti?

11:26:49 7 A. When I saw him in the shower. So during

11:26:53 8 that first year, the freshman year.

11:26:57 9 Q. And the first time that you recall [REDACTED]

11:27:00 10 [REDACTED] telling you about the abuse was in 1980?

11:27:07 11 A. 1980, when we actually went and discussed

11:27:09 12 this whole thing seriously, yeah.

11:27:12 13 Q. And what was the occasion of you

11:27:14 14 discussing this with [REDACTED] in 1980?

11:27:18 15 A. It was our tenth anniversary of our

11:27:21 16 graduation.

11:27:24 17 Q. And was that something put on by St.

11:27:28 18 Anthony's or put on by the province?

11:27:31 19 A. It's something that we did, our class. We

11:27:33 20 just do it informally.

11:27:34 21 Q. And where did this ten-year reunion take

11:27:38 22 place?

11:27:39 23 A. Santa Barbara.

11:27:40 24 Q. Where in Santa Barbara?

11:27:42 25 A. [REDACTED]'s place on [REDACTED] in

11:27:46 1 Santa Barbara.

11:27:48 2 Q. And how did you and [REDACTED] come to
11:27:51 3 discuss the sexual abuse by Father Cimmarrusti?

11:27:57 4 A. Because I was becoming -- I was getting
11:28:01 5 very concerned about it, myself. I remembered what
11:28:09 6 I saw on him. So I took him aside and asked him
11:28:15 7 about that. I said, "Can you tell me the specifics
11:28:18 8 of what happened, you know, when you were whipped
11:28:20 9 like that to make you black and blue?" And I said,
11:28:25 10 "Is that all it was?" And he said -- he said,
11:28:28 11 "Well, no, it wasn't." He said, "There was also a
11:28:31 12 sexual component to it."

11:28:34 13 Q. And what did [REDACTED] tell you about
11:28:36 14 the sexual component of this when you spoke with him
11:28:40 15 in 1980?

11:28:41 16 A. So on the sexual component, he said that
11:28:44 17 the whipping took place on Father Mario's bed, and
11:28:48 18 what happened was, is Father Mario got up on his bed
11:28:52 19 and then he ordered [REDACTED] to lay over his upper legs,
11:29:00 20 you know, thighs, whatever. And then he would -- he
11:29:03 21 would administer the whipping part, but he made [REDACTED]
11:29:08 22 strip all the way down so that -- so his penis was
11:29:14 23 between Father Mario's legs.

11:29:17 24 And what Father Mario did is he pulled up
11:29:22 25 his habit. And of course, the legs would be bare

11:29:33 1 anyway because all they wear under are shorts. So
11:29:33 2 that's what he did.

11:29:33 3 And [REDACTED] said -- he said, "I have a full
11:29:34 4 bladder. You know, I need to go to the bathroom
11:29:37 5 first," whatever, and he said, "No, I'm not going to
11:29:40 6 do that." So he hit him, and [REDACTED] peed all over him.

11:29:45 7 Q. And did [REDACTED] during this discussion in
11:29:48 8 1980, did he tell you whether he had told anyone
11:29:51 9 else at the seminary about this abuse by Father
11:29:55 10 Cimmarrusti?

11:30:00 11 A. No. He didn't say anything to me
11:30:02 12 directly, no.

11:30:03 13 Q. When is the first time that you learned
11:30:05 14 that [REDACTED] had been abused by Father
11:30:08 15 Cimmarrusti?

11:30:09 16 A. In 1990.

11:30:12 17 Q. How did you come to learn that he had been
11:30:14 18 abused?

11:30:15 19 A. He and I were on the staff of a retreat.

11:30:26 20 Q. And what was this -- who administered this
11:30:30 21 retreat and what was it in connection with?

11:30:34 22 A. It was in connection with the Redwood
11:30:38 23 Empire Cursillo.

11:30:41 24 Q. What is the Redwood Empire Cursillo?

11:30:45 25 A. That is the local group. Cursillo is an

11:30:45 1 international group. It has official sanction from
11:30:55 2 the Vatican. It's also in other mainline churches.

11:30:59 3 Q. So you and Mr. [REDACTED] were leading a
11:31:01 4 retreat in conjunction --

11:31:03 5 A. He was actually the leader. He was the
11:31:06 6 rector. That's what they're called, the rector.
11:31:08 7 And I had submitted an application to serve on the
11:31:13 8 team. They call them teams, and I had been
11:31:16 9 accepted.

11:31:20 10 Q. And so it was on this retreat that you
11:31:23 11 learned that he had been abused by Father
11:31:25 12 Cimmarrusti?

11:31:26 13 A. So it was during the team development.
11:31:28 14 The team development takes place six months before
11:31:31 15 the retreat actually happens. So during that time,
11:31:32 16 there are a lot of times where -- I don't know.
11:31:37 17 They're kind of using a kind of Rogerian dynamics
11:31:43 18 where people talk about things in their life, and so
11:31:46 19 people are getting to know themselves pretty well.
11:31:49 20 And sometimes things tumble out. And one of the
11:31:53 21 things that tumbled out of me was what had happened
11:31:57 22 at St. Anthony's.

11:31:59 23 Q. And was anyone else present when you
11:32:01 24 disclosed this to Mr. [REDACTED]?

11:32:09 25 A. Team members.

11:32:10 1 Q. Do you recall the names of those team
11:32:12 2 members?

11:32:20 3 A. I don't know them. We have a list of the
11:32:22 4 people who were on the team. It was 1990. It's
11:32:26 5 1990.

11:32:27 6 Q. And did you discuss or did you disclose
11:32:30 7 the details of the sexual abuse that you suffered?

11:32:33 8 A. Yes.

11:32:34 9 Q. And how did -- how, then, did you learn
11:32:39 10 about Mr. [REDACTED]'s abuse?

11:32:43 11 A. He told me.

11:32:45 12 Q. Was it in response to your disclosure?

11:32:47 13 A. Yes.

11:32:48 14 Q. And what did Mr. [REDACTED] tell you about
11:32:51 15 his abuse? Did he tell you the specifics?

11:32:53 16 A. Yes, he did.

11:32:54 17 Q. What did he tell you about the specifics
11:33:00 18 of the abuse, if you recall?

11:33:02 19 A. It took place on Father Mario's bed, in
11:33:05 20 that same office place that we've discussed; that he
11:33:12 21 was -- he was apparently attempting or succeeded in
11:33:20 22 anally penetrating him. And subsequent to that, he
11:33:25 23 went down to the floor, [REDACTED] and that
11:33:30 24 Father Mario then proceeded to kick him.

11:33:33 25 Q. And did he discuss the details of the

11:33:36 1 abuse in front of the other people, as well, that
11:33:41 2 were there when you indicated you disclosed your
11:33:43 3 abuse?

11:33:48 4 A. That would not have been in front of
11:33:49 5 everybody. You know, that would have been perhaps
11:33:52 6 me and maybe -- me and just a few people, but that
11:33:56 7 wouldn't have been before the whole group.

11:33:58 8 Q. Mr. [REDACTED] what I'm asking is: Do you
11:34:00 9 have a specific recollection of when Mr. [REDACTED]
11:34:03 10 disclosed his abuse, and if so, who was there?

11:34:14 11 A. I don't think I can tell you who was
11:34:15 12 there. All I can tell you is that it happened
11:34:19 13 during the team formation.

11:34:23 14 Q. Do you recall where you were when
11:34:25 15 Mr. [REDACTED] disclosed his abuse?

11:34:30 16 A. At one of the homes of one of the team
11:34:34 17 members, okay, who was making their home available
11:34:37 18 for a team meeting.

11:34:42 19 Q. And you recall that team members were, in
11:34:45 20 fact present, when Mr. [REDACTED] disclosed the abuse?

11:34:48 21 A. Well, there would have been team members
11:34:50 22 at least in the house. You know, I may have taken
11:34:52 23 them aside. It could have been outside or could
11:34:55 24 have been in a room somewhere. We could have
11:34:58 25 discussed it.

11:35:00 1 Q. Mr. ██████████, again, when I'm asking these
11:35:03 2 questions, I know there are an infinite number of
11:35:13 3 possibilities. It may have occurred in the back
11:35:13 4 yard or in the front porch or wherever else. And if
11:35:13 5 you don't, that's okay, as well. But do you recall
11:35:13 6 specifically where you were and who was present when
11:35:21 7 Mr. ██████████ was disclosing his abuse?

11:35:24 8 A. Other than at a team meeting, no --

11:35:28 9 Q. All right.

11:35:28 10 A. -- on that occasion.

11:35:29 11 Q. And do you have a recollection of whether
11:35:30 12 or not others were present when he disclosed the
11:35:34 13 abuse on that occasion? And when I say present, I
11:35:40 14 mean with you in the same conversation there.

11:35:43 15 A. I can't say that. I can't -- because I
11:35:46 16 can't give you any names. I can't --

11:35:48 17 Q. Well, irrespective of whether you can give
11:35:50 18 me names, can you recall what other people were
11:35:54 19 present, whether or not you remember who they were?

11:35:58 20 A. I would say yes.

11:36:01 21 Q. Did Mr. ██████████ tell you that he
11:36:03 22 disclosed the abuse to anyone while he was at the
11:36:08 23 seminary?

11:36:11 24 A. Yes.

11:36:13 25 Q. Who did he tell you he disclosed it to.

11:36:16 1 A. Father Xavier Harris.

11:36:27 2 Q. And were these other -- do you recall
11:36:29 3 whether anyone else was present when he discussed
11:36:31 4 that he disclosed the abuse to Father Harris?

11:36:37 5 A. I would have to say yes.

11:36:39 6 Q. Was this the same occasion?

11:36:41 7 A. It was the same -- yeah, it was all -- he
11:36:43 8 just went ahead and just came out with it, about
11:36:46 9 what happened.

11:36:47 10 Q. And what did he tell you about his
11:36:49 11 disclosure to Father Harris?

11:36:53 12 A. He told me that he went down to Father
11:36:54 13 Xavier's office. Father Xavier was there. They sat
11:37:00 14 down. He told -- he was, of course, angry, told him
11:37:05 15 what had happened. He said, "This is an outrage."

11:37:08 16 And then he expected Father Xavier to
11:37:11 17 immediately, you know, have Father Mario, you know,
11:37:13 18 put under wraps or something happen to him, but,
11:37:19 19 instead, this conversation ensued where -- I don't
11:37:21 20 know -- the word he used was bribery. He said that
11:37:27 21 Father Xavier attempted to bribe him to remain
11:37:32 22 silent about the abuse. And specifically, the
11:37:34 23 bribery was that he would let him be team captain of
11:37:37 24 one of the baseball teams. He would let him be like
11:37:41 25 the valedictorian at graduation, which seems silly

11:37:46 1 to me because that was years away, but he said that.
11:37:49 2 And then he said that he would make sure that it got
11:37:53 3 out that [REDACTED] was a bad person, and that would get
11:38:00 4 down to the family in San Diego, and that his
11:38:03 5 parents would be -- would be disgraced, their
11:38:06 6 marriage would break up, and that their entire
11:38:09 7 parish would know.

11:38:13 8 Q. And you recall all the things you just
11:38:15 9 told me from that conversation you had in connection
11:38:19 10 with the Redwood Empire Cursillo?

11:38:25 11 A. And it --

11:38:26 12 Q. I'm sorry. Go ahead.

11:38:27 13 A. And it isn't the only time he did this.
11:38:30 14 He said this to me another time.

11:38:32 15 Q. Do you recall whether, on this first
11:38:33 16 occasion, when he told you this, whether anyone else
11:38:35 17 who was present said anything after Mr. [REDACTED]
11:38:39 18 disclosed his abuse?

11:38:42 19 A. People would be -- they would be very
11:38:45 20 sympathetic, try to be supportive, you know, that
11:38:49 21 sort of thing.

11:38:50 22 Q. Do you recall any specific person making
11:38:52 23 any specific comment?

11:38:56 24 A. No, I can't remember that.

11:38:58 25 Q. What is the other occasion in which

11:38:59 1 Mr. [REDACTED] disclosed his abuse to you?

11:39:02 2 A. The other occasion was in my car, between
11:39:06 3 Santa Rosa and Carmel Valley, California, and we
11:39:14 4 were going down for a meeting of people, former
11:39:20 5 seminarians, who had made allegations of sexual
11:39:24 6 abuse.

11:39:27 7 Q. And how did this conversation -- how did
11:39:29 8 this subject matter come up?

11:39:30 9 A. And I brought it up because I wanted to --
11:39:36 10 I was -- actually, what I was trying to do was trip
11:39:39 11 him up. I wanted to try and figure out if he
11:39:42 12 really, really had this happen to him, because I was
11:39:45 13 having a problem, myself, understanding that Father
11:39:48 14 Xavier would let something like this go by. And so
11:39:55 15 I asked him again, and he was right to every detail.
11:39:59 16 It was almost like I was cross-examining him, and he
11:40:03 17 was right on every detail; he didn't waiver in it at
11:40:07 18 all.

11:40:07 19 Q. And he discussed the same things that you
11:40:08 20 have already indicated to me in the first
11:40:10 21 conversation?

11:40:11 22 A. Yes.

11:40:11 23 Q. And this meeting, where was it to take
11:40:14 24 place?

11:40:14 25 A. At the Carmel Valley Inn.

11:40:16 1 Q. And what year was this?

11:40:20 2 A. It was around the period of the Board of
11:40:22 3 Inquiry. The Board of Inquiry had been convened.
11:40:24 4 So it was around -- in 1993. I believe it was like
11:40:38 5 January or February. It was during the stormy time.
11:40:38 6 I remember there was a big storm.

11:40:38 7 Q. Do you know who convened the meeting?

11:40:38 8 A. Let's see, [REDACTED]. [REDACTED]
11:40:38 9 [REDACTED] were definitely -- I think they were kind of
11:40:38 10 like the conveners. [REDACTED] who was the
11:40:46 11 manager the Carmel Valley Inn provided the
11:40:51 12 facilities there because the hotel was actually
11:40:55 13 closed for the winter season, so it was available.

11:40:58 14 Q. Who else was present at this meeting?

11:41:07 15 A. I didn't go to school with them. They
11:41:09 16 were people who came later, went to the seminary.
11:41:12 17 [REDACTED] is a last name that comes to mind. Because,
11:41:22 18 actually, I believe he was in the car. I actually
11:41:24 19 -- we picked him up in San Francisco and he went
11:41:27 20 down with us to Carmel. I believe that's who it
11:41:30 21 was, [REDACTED]. And there were two of them, brothers,
11:41:33 22 I believe.

11:41:36 23 Q. Anyone else that you recall being at that
11:41:38 24 meeting?

11:41:55 25 A. I don't, but there may be six, maybe six

11:41:58 1 former seminarians.

11:42:00 2 Q. Was there -- other than [REDACTED]
11:42:02 3 [REDACTED] and these six other former seminarians were,
11:42:06 4 there any other people present at this -- at this
11:42:09 5 meeting?

11:42:19 6 A. Maybe some spouses, wives, you know, but
11:42:21 7 that was it.

11:42:22 8 Q. And who ran the meeting?

11:42:25 9 A. I would have to say [REDACTED].

11:42:27 10 Q. And do you know how Mr. [REDACTED] came to
11:42:32 11 contact you to attend this meeting?

11:42:39 12 A. Let's see, I was contacted by [REDACTED],
11:42:43 13 and [REDACTED] said, "We're going to have this
11:42:46 14 meeting now that the Board -- this Board of Inquiry
11:42:49 15 has been convened, and it might be a good time for
11:42:52 16 us to get together and discuss some of these
11:42:55 17 things." Because at the time, the Board of Inquiry
11:42:57 18 was actually soliciting from us recommendations and
11:43:00 19 ideas about how we might proceed.

11:43:03 20 Q. Had you already spoken to the Board of
11:43:05 21 Inquiry at that point, before you attended this
11:43:07 22 meeting in Carmel Valley?

11:43:09 23 A. No, I had not yet given my testimony. I
11:43:12 24 had, however, been to some developmental meetings.
11:43:15 25 I went down to Santa Barbara. Father [REDACTED] you know,

11:43:19 1 with his approval.

11:43:21 2 Q. And at this meeting in Carmel, did you
11:43:24 3 discuss the specifics of your abuse?

11:43:32 4 A. I was -- I'm going to have to say yes,
11:43:34 5 because I would have somewhere with the people.

11:43:37 6 Q. But you don't specifically recall doing
11:43:39 7 so?

11:43:39 8 A. But I don't specifically recall the exact
11:43:41 9 moment that I did it no.

11:43:43 10 Q. Do you recall whether the other
11:43:44 11 seminarians discussed the details of their abuse?

11:43:48 12 A. I would be sure that's -- that some of
11:43:51 13 them did. [REDACTED] did.

11:43:57 14 Q. At this meeting in around 1993 in Carmel,
11:44:01 15 was there a discussion regarding pursuing legal
11:44:05 16 action in conjunction with the abuse that you
11:44:08 17 suffered?

11:44:09 18 A. At that time, the way that went was it was
11:44:15 19 kind of like if we want to pursue a legal route,
11:44:18 20 that's your business. If you want to go with the
11:44:21 21 Board of Inquiry, depending on what you might get
11:44:21 22 from them, that's your business, too. Everybody was
11:44:27 23 following that approach. It was not a legal prep
11:44:30 24 meeting.

11:44:31 25 Q. Who gave -- who distilled those items that

11:44:33 1 you just described, about going the Board of Inquiry

11:44:35 2 route or going the legal route?

11:44:39 3 A. [REDACTED].

11:44:43 4 Q. Did [REDACTED] provide you any

11:44:45 5 information with respect to avenues by which one

11:44:50 6 could pursue legal proceedings against the

11:44:52 7 Franciscans?

11:44:53 8 A. No.

11:45:01 9 Q. All right. When is the first time that

11:45:08 10 you learned that any of the [REDACTED] brothers had

11:45:11 11 been sexually abused by Father Cimmarrusti?

11:45:23 12 A. Okay. Less than a year ago.

11:45:27 13 Q. And how did you learn that they had been

11:45:31 14 abused?

11:45:33 15 A. Let's see, there was a -- I believe there

11:45:36 16 was a document, the revised -- it was a revised

11:45:40 17 document, legal document that was filed, and I

11:45:42 18 believe their names appeared in that document.

11:45:44 19 Q. And you recall seeing their names in a

11:45:46 20 legal document?

11:45:47 21 A. I believe so, but I would have to see that

11:45:49 22 document to be sure.

11:45:52 23 Q. And were you -- did you somehow become

11:45:54 24 aware of the specifics of their abuse, as well?

11:45:57 25 A. I don't know the specifics of their abuse.

11:46:00 1 Q. When is the first time that you learned
11:46:02 2 that Mr. [REDACTED] had been sexually abused by Father
11:46:05 3 Cimmarrusti?

11:46:08 4 A. Within the last three years.

11:46:12 5 Q. And Mr. [REDACTED]?

11:46:14 6 A. That I'm taking from seeing his -- his
11:46:17 7 rear end black and blue. So I mean, I'm not saying
11:46:21 8 he was sexually abused, but I'm saying that he was
11:46:31 9 definitely physically abused.

11:46:31 10 Q. When do you recall seeing Mr. [REDACTED]'s
11:46:31 11 rear end being black and blue?

11:46:31 12 A. I was a dorm -- I was a dorm prefect at
11:46:36 13 that time. I think he was a freshman, and I just,
11:46:39 14 you know, saw it as I'm walking around there in the
11:46:43 15 dorm.

11:46:43 16 Q. Was he the same year as you?

11:46:45 17 A. No, he's younger.

11:46:47 18 Q. Do you know how many years younger he was?

11:46:49 19 A. He is like two or three years younger,
11:46:55 20 definitely a junior guy.

11:46:57 21 Q. So this would have occurred when you were
11:46:59 22 an upper classman?

11:47:02 23 A. Yes, yes.

11:47:02 24 Q. Okay. Mr. [REDACTED] when is the first time
11:47:08 25 that you disclosed -- when you disclosed that you

11:47:10 1 were sexually abused by Father Cimmarrusti to any
11:47:15 2 member of the Franciscan order?

11:47:23 3 A. 1982.

11:47:24 4 Q. Okay. And to whom did you disclose that
11:47:29 5 you had been sexually abused by Father Cimmarrusti?

11:47:32 6 A. Father [REDACTED]

11:47:38 7 Q. And what were the circumstances regarding
11:47:40 8 your disclosure to Father [REDACTED]?

11:47:44 9 A. The circumstances? Well, I was --

11:47:47 10 Q. Why did you disclose it to Father [REDACTED]

11:47:50 11 as opposed to someone else?

11:47:52 12 A. Oh, because I was in therapy,
11:47:54 13 psychotherapy. The events that I have described to
11:48:00 14 you regarding my allegations came out in
11:48:03 15 psychotherapy. The therapist said, "As part of your
11:48:09 16 homework," you know, "to get better, you need" --
11:48:13 17 "you should do something about this; you need to
11:48:15 18 talk to the province." He said, "Haven't you talked
11:48:18 19 to anybody in the province?" you know. I said
11:48:20 20 "No."

11:48:21 21 He said, "Well, why don't you do that?"

11:48:24 22 So that's what we did. My wife and I picked up and
11:48:27 23 went to Oakland.

11:48:28 24 Q. And did you have a specific appointment
11:48:31 25 when you went down or --

11:48:32 1 A. Yes, we made an appointment with Father

11:48:34 2 [REDACTED]

11:48:34 3 Q. And how did you know to make it with

11:48:37 4 Father [REDACTED]?

11:48:38 5 A. Because he was the provincial.

11:48:40 6 Q. And did you in, fact, meet with Father

11:48:42 7 [REDACTED]?

11:48:43 8 A. Yes.

11:48:43 9 Q. Did you discuss the details of the abuse

11:48:48 10 with him?

11:48:49 11 A. I did.

11:48:49 12 Q. What did Father [REDACTED] say to you during

11:48:52 13 that first meeting?

11:48:53 14 A. He said that he had no problem believing

11:48:56 15 what I was telling him, and then proceeded to tell

11:49:00 16 me that Father Mario had gotten into trouble in

11:49:04 17 Mexico.

11:49:04 18 Q. Did he tell you specifically what kind of

11:49:06 19 trouble he had gotten into?

11:49:08 20 A. He said it was trouble over allegations of

11:49:11 21 sexual abuse at a medical mission dispensary,

11:49:16 22 something in Guamas, Senora, Mexico.

11:49:29 23 Q. Other than Father [REDACTED] on this occasion

11:49:31 24 in 1982, have you disclosed the abuse to anyone else

11:49:36 25 within the province?

11:49:38 1 A. Then to the -- to the next provincial,

11:49:42 2 Father [REDACTED]

11:49:45 3 Q. And when did you disclose the abuse to

11:49:48 4 Father [REDACTED]?

11:49:50 5 A. That was 1991, December 1991.

11:49:58 6 Q. And did you discuss the details of your

11:50:00 7 abuse with Father [REDACTED]?

11:50:03 8 A. I did. He said it was the first he had

11:50:06 9 heard of it, of abuse coming out of the seminary.

11:50:17 10 Q. And did you make any type of claim at --

11:50:20 11 either 1982, when you met with Father [REDACTED] or

11:50:24 12 1991, when you met with Father [REDACTED]?

11:50:28 13 A. I made no claim with -- with Father [REDACTED]

11:50:31 14 I did, however, make a claim with Father [REDACTED].

11:50:34 15 Q. Okay. And what type of claim did you

11:50:37 16 make? Did you ask for certain monetary compensation

11:50:40 17 for the abuse?

11:50:41 18 A. It was a private agreement that we

11:50:43 19 concluded.

11:50:47 20 Q. And did you ask him for monetary

11:50:50 21 compensation?

11:50:51 22 MR. NYE: I'm going to impose an objection

11:50:53 23 here. I think this is getting beyond the scope of

11:50:55 24 this deposition.

11:50:56 25 THE WITNESS: Yeah.

11:50:57 1 MR. NYE: This deposition is supposed to be
11:50:59 2 limited to Clergy III and not Mr. [REDACTED]'s own
11:51:04 3 pursuit of his claims.

11:51:06 4 MR. MATIASIC: Fair enough, Counsel.

11:51:07 5 Q. So there was some type of confidential
11:51:09 6 agreement?

11:51:10 7 A. Yes.

11:51:10 8 Q. And were you paid a sum of money?

11:51:12 9 A. There was -- there was compensation,
11:51:15 10 reimbursement involved.

11:51:17 11 Q. And did the province pay for your therapy
11:51:20 12 after you met with Father [REDACTED]?

11:51:24 13 A. They provided me with a compensatory
11:51:27 14 amount.

11:51:28 15 Q. To pay for your therapy, as well?

11:51:30 16 A. Some of which was direct reimbursement. I
11:51:41 17 had already spent thousands of dollars for
11:51:41 18 psychotherapy.

11:51:41 19 Q. Did Father [REDACTED] offer an apology at
11:51:43 20 the time that -- when you disclosed this abuse to
11:51:45 21 him?

11:51:46 22 A. Yes.

11:51:46 23 Q. Did Father [REDACTED] offer an apology at the
11:51:49 24 time you disclosed it to him?

11:51:54 25 A. I don't remember the specific act of doing

11:51:56 1 that. What I got mainly from Father [REDACTED] was --
11:52:03 2 was just that he believed me. And most of it is
11:52:07 3 centered on what he knew about Father Mario in
11:52:10 4 Mexico.

11:52:10 5 Q. Okay. Other than Father [REDACTED] and Father
11:52:16 6 [REDACTED], have you disclosed your abuse to anyone
11:52:19 7 associated with the province at any other time?

11:52:22 8 A. To Father [REDACTED] the next
11:52:25 9 provincial.

11:52:26 10 Q. And when did you disclose it to Father
11:52:29 11 [REDACTED]?

11:52:35 12 A. 2000 -- let's see. 2002, July.

11:52:44 13 Q. And did you indicate that -- did you
11:52:47 14 discuss the details of the abuse with Father [REDACTED]?

11:52:52 15 A. I did, in passing. But my main reason for
11:52:57 16 meeting with -- with Father [REDACTED] was to plead on
11:53:02 17 behalf of the victims, alleged victims, and ask
11:53:08 18 to -- for he and I to celebrate Eucharist together.

11:53:15 19 Q. Had you spoken with any other victims for
11:53:19 20 whom you served as an emissary when you said you
11:53:23 21 went and met on behalf of alleged victims?

11:53:26 22 A. I didn't -- I was not commissioned by
11:53:28 23 anybody specifically to do that. It's something
11:53:30 24 that I -- that I took upon myself because I was
11:53:33 25 unhappy with the way things were going, and I

11:53:36 1 thought that maybe if I went and talked to the
11:53:38 2 provincial myself -- he was a different
11:53:40 3 provincial -- you know, that perhaps we could --
11:53:43 4 what I specifically said to Father [REDACTED] was, is,
11:53:47 5 "Can we find a more pastoral approach to this?"

11:53:55 6 Q. And did you, in fact, celebrate communion
11:53:58 7 with Father [REDACTED]?

11:54:00 8 A. We celebrated the Eucharist together.

11:54:04 9 Q. Was Father [REDACTED] receptive to meeting
11:54:08 10 with you and speaking with you about these issues?

11:54:08 11 A. I felt we had a great meeting. The
11:54:10 12 sticking point that we got to, though, was he
11:54:13 13 said -- see, at this time, this is when lawsuits
11:54:17 14 were starting to surface, and he said, "As long as
11:54:20 15 there are active lawsuits pending," he said, "We
11:54:23 16 can't" -- "I'm not going to do anything."

11:54:26 17 Q. What specifically were you looking for him
11:54:29 18 to do at that meeting in 2002?

11:54:31 19 A. Well, I think that's -- I was hoping that
11:54:34 20 he and I could brainstorm, you know, and come up
11:54:37 21 with some things that might be done, perhaps of
11:54:40 22 therapeutic benefit, things of that sort. But when
11:54:45 23 he said that, then that precluded that kind of
11:54:48 24 discussion, so --

11:54:48 25 Q. At any time in meeting with Father

11:54:50 1 [REDACTED] or Father [REDACTED], did they discuss that the
11:54:55 2 province had established an independent response
11:54:58 3 team called the IRT?

11:55:00 4 A. We were aware of the IRT.

11:55:05 5 Q. When you say, "We were aware of the IRT,"
11:55:08 6 did you become aware of the IRT from some other
11:55:11 7 source?

11:55:13 8 A. Well, we were officially notified by the
11:55:16 9 Board of Inquiry that the IRT was going to be the
11:55:18 10 successor, you know, to the BOI and that they were
11:55:23 11 going to be taking these things on.

11:55:25 12 Q. When you say "we," who are you referring
11:55:26 13 to?

11:55:27 14 A. Well, we, not meaning me -- I guess you
11:55:31 15 would say they. So it was the Board of Inquiry,
11:55:33 16 okay, then finished its commission, and then the
11:55:38 17 independent -- what is it called?

11:55:42 18 MR. NYE: Response team.

11:55:43 19 THE WITNESS: -- Independent Response Team was
11:55:45 20 then -- was then created that came out of the
11:55:47 21 recommendations that exist in the report regarding
11:55:50 22 St. Anthony's Center.

11:55:52 23 MR. MATIASIC: Q. Mr. [REDACTED] how did you
11:55:54 24 become aware of the Independent Response Team?

11:55:56 25 A. Oh, I was -- I was very much involved in

11:55:58 1 the whole thing, so I was at meetings and I heard
11:56:01 2 these things at meetings. But I received official
11:56:04 3 mailings, you know, that said, you know, "Here we
11:56:06 4 are. We are the IRT."

11:56:08 5 Q. When you spoke with Father [REDACTED] or
11:56:11 6 Father [REDACTED], did you indicate that you somehow
11:56:13 7 were dissatisfied with how the IRT was operating?

11:56:22 8 A. I didn't take on the IRT specifically. I
11:56:25 9 didn't, you know, critique them. What I was doing
11:56:29 10 with the -- with the -- and this would be with
11:56:33 11 Father [REDACTED] -- was simply to say that it just
11:56:39 12 didn't seem right. It didn't seem pastoral in
11:56:43 13 nature, what was going on. It was too legal.

11:56:45 14 MR. MATIASIC: Again, I'm going to move to
11:56:47 15 strike the response as nonresponsive.

11:56:50 16 Q. What I'm asking, specifically, is: Did
11:56:52 17 you discuss the IRT with Father [REDACTED] and Father
11:57:02 18 [REDACTED]?

11:57:02 19 A. Well, where Father [REDACTED] is involved,
11:57:02 20 Father [REDACTED], it's a little early on for me to be
11:57:07 21 doing that. I was involved with the Board of
11:57:09 22 Inquiry, okay, that whole part of it. Where Father
11:57:11 23 [REDACTED] is involved, it was my impression that the
11:57:14 24 therapeutic benefit that was being offered was more
11:57:17 25 of a phantom than a reality and that somebody needed

11:57:22 1 to talk to the provincial about that. So that's
11:57:25 2 what I did. I said, If you're going to offer a
11:57:27 3 benefit, offer a real benefit and for heaven's
11:57:31 4 sakes, let's have a pastoral response to this whole
11:57:36 5 thing.

11:57:36 6 Q. But you didn't specifically discuss the
11:57:38 7 inner workings of the IRT?

11:57:40 8 A. No. And in fact, that would be most
11:57:42 9 improper for that to happen.

11:57:44 10 Q. Okay. Other than Father [REDACTED] Father
11:57:48 11 [REDACTED] and Father [REDACTED] did you ever discuss
11:57:52 12 your abuse with anyone else associated with the
11:57:55 13 province?

11:58:00 14 A. When you say "associated with the
11:58:02 15 province," do you -- you mean employees, Friars,
11:58:06 16 whatever? I mean, I have talked -- I have talked
11:58:09 17 with other people. I talked with a couple who were
11:58:13 18 very much involved with the seminary.

11:58:16 19 Q. What couple did you speak with?

11:58:19 20 A. Ray and Diane Manana.

11:58:22 21 Q. When did you speak with them?

11:58:28 22 A. August the 6th, 1979, in their home in
11:58:33 23 Santa Barbara.

11:58:36 24 Q. Did you discuss the details of your abuse
11:58:38 25 with them?

11:58:39 1 A. What I told them was that I had been
11:58:42 2 physically abused, physically abused, by Father
11:58:45 3 Mario. I did not specify it as sexual.

11:58:49 4 Q. What was the occasion for you meeting with
11:58:52 5 and disclosing your physical abuse to Ray and Diane
11:58:56 6 Manana in 1979?

11:58:59 7 A. I had just been employed by [REDACTED]
11:59:01 8 [REDACTED], whose plant was located in
11:59:05 9 [REDACTED], and they were moving to [REDACTED]
11:59:11 10 And as part of my employment, since they were still
11:59:14 11 operating in [REDACTED] I was to go down to scope
11:59:18 12 out the department I was going to be working in
11:59:20 13 while it was still in place so that I could then
11:59:24 14 reassemble it in [REDACTED]

11:59:26 15 So rather than fly down, I decided to
11:59:31 16 drive down because I wanted to visit some people in
11:59:34 17 Santa Barbara. I had been out of the country for
11:59:36 18 four years. I Wanted to be with some old people,
11:59:38 19 and happened to spend the evening with the Mananas.
11:59:40 20 And it was there that I told them that I had been
11:59:44 21 physically abused.

11:59:47 22 Q. But did you go into the details of your
11:59:48 23 abuse at that time with the mananas?

11:59:51 24 A. No, just physical abuse, people being
11:59:54 25 whipped and black and blue.

11:59:56 1 Q. Was anyone else with you at the time you
11:59:58 2 disclosed this to the mananas?

12:00:00 3 A. It was Ray and Diane, and their daughter
12:00:02 4 was also there.

12:00:03 5 Q. When you say their daughter, are you
12:00:05 6 speaking of the Mananas' [REDACTED] or the [REDACTED],
12:00:11 7 daughter?

12:00:11 8 A. The Mananas' [REDACTED].

12:00:14 9 Q. What's her name?

12:00:15 10 A. I don't know her [REDACTED]. Now, whether
12:00:17 11 she heard what we were talking about, I can't say,
12:00:20 12 but --

12:00:20 13 Q. Other than the Mananas and the people
12:00:23 14 associated with the province that you have already
12:00:25 15 discussed, did you ever disclose your sexual abuse
12:00:27 16 to anyone else?

12:00:28 17 A. I disclosed it to my parents.

12:00:30 18 Q. And when did you do so?

12:00:40 19 A. Mid-1970s.

12:00:44 20 Q. Did you discuss the specifics of your
12:00:45 21 abuse with your parents in the mid-1970s?

12:00:49 22 A. Yeah. Actually, I think I did.

12:00:51 23 Q. Do you know whether they took any action
12:00:53 24 as a result of that?

12:00:54 25 A. No, they didn't.

12:00:56 1 Q. Do you know whether, after disclosing that
12:00:58 2 you had been physically abused to the Mananas,
12:01:01 3 whether they took any action in 1979?

12:01:06 4 A. They did.

12:01:06 5 Q. What did they do, if you know?

12:01:08 6 A. They went up to the seminary and they
12:01:10 7 confronted Father [REDACTED].

12:01:17 8 Q. Do you know what they told Father

12:01:19 9 [REDACTED]?

12:01:21 10 A. They told Father [REDACTED] what I had said, and
12:01:26 11 Father [REDACTED] told them they -- this is what they told
12:01:34 12 me. I was not a witness to this. But they said
12:01:36 13 Father [REDACTED] said that I was seriously mentally
12:01:40 14 disturbed and they were not to believe a word I
12:01:43 15 said.

12:01:43 16 Q. How did you learn of this conversation
12:01:45 17 between the Mananas and Father [REDACTED]?

12:01:48 18 A. The Mananas told me.

12:01:50 19 Q. When did they tell you about it?

12:01:53 20 A. When the Board of Inquiry was convening.

12:02:04 21 Q. So this is some 10-plus years later?

12:02:04 22 A. Well, we go 1979 to 1991. It would have
12:02:08 23 been -- happened 1991 to 1992. Yeah, those years
12:02:11 24 went by. They -- essentially, they were highly
12:02:13 25 involved in the seminary and they were happy to

12:02:16 1 believe the Friars.

12:02:18 2 Q. And so they told you about this
12:02:19 3 conversation with Father [REDACTED] sometime when the
12:02:22 4 Board of Inquiry started?

12:02:24 5 A. Yes. And Diane apologized to me. She
12:02:27 6 apologized to me for not believing me. That's what
12:02:30 7 she said.

12:02:34 8 Q. Do you recall when she went and
12:02:37 9 confronted -- or did you ever become aware of when
12:02:39 10 the Mananas confronted Father [REDACTED]?

12:02:43 11 A. No. It happened, though, only days after
12:02:46 12 I told them, so it would have been in August of '79.

12:02:52 13 Q. Other than the Mananas and your parents,
12:02:55 14 have you disclosed the details of your abuse to
12:02:58 15 anyone else, or have you disclosed that you were
12:03:00 16 abused to anyone else?

12:03:03 17 A. Sure, therapists, physicians. I mean, if
12:03:08 18 we're talking about between 1966 and today, yes,
12:03:12 19 sure.

12:03:12 20 Q. Okay. Who else have you told?

12:03:16 21 A. Well, I have been in -- I have been in
12:03:18 22 newspaper stories and -- I mean, the public at
12:03:24 23 large.

12:03:24 24 Q. Well, specifically, if you can recall the
12:03:25 25 specific people -- I mean, you've already indicated

12:03:28 1 that you've talked to the Mananas --

12:03:30 2 A. Uh-huh.

12:03:31 3 Q. -- you talked to your parents. What other
12:03:33 4 people have you disclosed the abuse to?

12:03:35 5 A. Well, [REDACTED] certainly know.

12:03:38 6 Q. And when did you disclose the abuse to
12:03:40 7 them?

12:03:41 8 A. At the time of the Board of Inquiry. In
12:03:45 9 fact, we could even include the Board of Inquiry
12:03:47 10 because he was on the Board of Inquiry.

12:03:51 11 Q. Anyone else?

12:03:56 12 A. Sure. Father [REDACTED]

12:03:59 13 Q. When did you disclose your abuse to Father
12:04:02 14 [REDACTED]?

12:04:04 15 A. It was in, what, February of 1992, when we
12:04:06 16 were down to testify before the Board.

12:04:09 17 Q. Did you disclose the details then?

12:04:14 18 A. No, not the details. I told them we were
12:04:16 19 there -- I said I was there because I was a victim
12:04:19 20 of sexual abuse. There are no more details than
12:04:21 21 that. He was very angry, stormed out of the
12:04:23 22 kitchen.

12:04:24 23 Q. Did you tell anyone else?

12:04:28 24 A. You mean just like anybody at large?

12:04:30 25 Q. I mean anybody, yeah.

12:04:32 1 A. Oh, my goodness. Certainly. My pastor,
12:04:34 2 Father David Shaw.
12:04:38 3 Q. And pastor of which church?
12:04:41 4 A. The Church of the Resurrection, Santa
12:04:44 5 Barbara.
12:04:45 6 Q. When did you tell him?
12:04:47 7 A. Ten years ago.
12:04:50 8 Q. Anyone else?
12:04:52 9 A. Someone you might know of. The Most
12:04:54 10 Reverend George Patrick Zeiman.
12:04:58 11 Q. When did you tell?
12:05:00 12 A. He was my bishop.
12:05:02 13 Q. When did you tell him?
12:05:04 14 A. When he was bishop in Santa Rosa. When
12:05:08 15 that was, maybe five, six years back.
12:05:11 16 Q. Did you discuss the details of the abuse
12:05:13 17 with Bishop Zeiman?
12:05:15 18 A. No, just that it -- just that it happened,
12:05:18 19 that I was sexually abused there.
12:05:20 20 Q. Anyone else?
12:05:24 21 A. My Aunt Shirley, my Uncle Roy, I mean, all
12:05:30 22 kinds of people -- people on my -- I was on a
12:05:33 23 cursillo prep team; I told them. I mean, half of
12:05:38 24 the clergy in the Diocese of Santa Rosa, you know,
12:05:44 25 know about this.

12:05:45 1 Q. Have you -- is there anyone else with whom
12:05:48 2 you discussed the details of your abuse, other than
12:05:51 3 those that you have already indicated to me?

12:06:00 4 A. Well, I'm going to have to say yes. You
12:06:01 5 know, I have -- I don't know if I can come up with
12:06:04 6 all the names, but sure.

12:06:06 7 Q. Do you remember some of the people with
12:06:08 8 whom you may have disclosed the abuse, or to whom
12:06:12 9 you may have disclosed the abuse?

12:06:20 10 A. Well, certainly everybody who was in my
12:06:22 11 cursillo fourth day group, which is a group that
12:06:27 12 meets every Saturday. I was in that group for
12:06:29 13 years, and you know, I discussed my abuse; they
12:06:32 14 discussed similar stories and, you know --

12:06:43 15 Q. Did you ever disclose the abuse to
12:06:45 16 anyone -- any other fellow seminarians while you
12:06:50 17 were at St. Anthony's?

12:06:52 18 A. Other than the one event that I told you
12:06:55 19 about there, where the one -- talking with that one
12:06:57 20 lower classman, I would have to say no. No, I was
12:07:02 21 -- it was a shameful thing.

12:07:04 22 Q. And you indicated that in 1979, you told
12:07:08 23 the Mananas about the physical abuse, but didn't
12:07:11 24 necessarily specify the sexual nature?

12:07:21 25 A. Right.

12:07:21 1 Q. At any time, did you discuss the sexual
12:07:21 2 nature of the abuse with the Mananas?

12:07:21 3 A. Well, I did with the Board -- when we
12:07:21 4 started getting into the Board of Inquiry, yes. I
12:07:24 5 received a letter from the Mananas before Christmas.
12:07:27 6 So it was in December of '91 where they apologized
12:07:30 7 to me for not believing me. And then they said, We
12:07:34 8 have reason to believe that seminarians from your
12:07:39 9 days there may have been sexually abused.

12:07:41 10 Q. Do you still have that letter,
12:07:43 11 Mr. [REDACTED]

12:07:44 12 A. I believe I did. I believe that's in
12:07:48 13 our -- in our set.

12:07:52 14 MR. MATIASIC: Counsel, do you know whether
12:07:52 15 that was disclosed or not?

12:07:54 16 MR. NYE: If we have the letter, it's been
12:07:56 17 disclosed. We haven't withheld.

12:07:59 18 THE WITNESS: Because I was -- I remember
12:08:01 19 handing it over.

12:08:03 20 MR. MATIASIC: Okay.

12:08:03 21 THE WITNESS: And the Mananas had been deposed.

12:08:12 22 MR. MATIASIC: Want to take a five-minute
12:08:13 23 break?

12:08:15 24 MR. NYE: Sure.

12:08:16 25 VIDEOGRAPHER: We are going off the record.

12:08:17 1 Time on the screen is 12:08.

12:08:21 2 (Recess taken from 12:08 to 12:18 p.m.)

12:18:33 3 VIDEOGRAPHER: Please stand by. We are back on

12:18:55 4 the record. The time on the screen is 12:18. This

12:18:58 5 marks the conclusion of Videotape Number 1 in the

12:19:02 6 deposition of [REDACTED] on January 23rd of

12:19:03 7 2006.

12:19:06 8 We are now off the record. The time on

12:19:07 9 the screen is 12:18.

12:19:10 10 (Videographer changed the tape.)

12:19:10 11 VIDEOGRAPHER: Okay. We are now going on the

12:20:39 12 record. The time on the screen in 12:20. This

12:20:40 13 marks the beginning of Videotape Number 2 in the

12:20:47 14 deposition of [REDACTED] on January 23, 2006.

12:20:50 15 MR. MATIASIC: Q. Mr. [REDACTED], did you ever

12:20:52 16 disclose your abuse by Father Cimmarrusti to anyone

12:20:55 17 associated with law enforcement?

12:20:57 18 A. Yes.

12:20:58 19 Q. To whom did you disclose it?

12:20:59 20 A. A detective of the Santa Barbara Police

12:21:03 21 Department.

12:21:05 22 Q. And when was that?

12:21:13 23 A. It was a few years ago. Maybe 2003. I

12:21:18 24 don't know the exact year on that.

12:21:20 25 Q. Do you remember the name of the detective?

12:21:30 1 A. I don't remember it. We can get that
12:21:32 2 information.

12:21:34 3 Q. And were you contacted by law enforcement
12:21:37 4 or vice-versa?

12:21:41 5 A. I was contacted by law enforcement. I
12:21:43 6 believe that's how that went, yeah.

12:21:45 7 Q. This detective called you up and wanted to
12:21:49 8 speak with you about the abuse?

12:21:50 9 A. Yeah, regarding this, yes.

12:21:52 10 Q. Did you give him any type of written
12:21:54 11 statement?

12:21:55 12 A. I went to Santa Barbara before.

12:21:56 13 Q. You went down to Santa Barbara. Did you
12:21:59 14 meet with the detective?

12:22:00 15 A. Yes. I was interrogated there.

12:22:02 16 Q. Did you have to fill out or sign any type
12:22:04 17 of statement when you went down to Santa Barbara and
12:22:08 18 met with this detective?

12:22:10 19 A. I don't remember on that. I don't know.

12:22:13 20 Q. When you spoke with the detective, did
12:22:16 21 they tape the conversation, if you're aware?

12:22:19 22 A. We went into a room, specifically
12:22:21 23 acoustically set up with microphones, and he asked
12:22:26 24 me a number of questions.

12:22:30 25 Q. Have you ever seen a transcript of your

12:22:32 1 discussion with the detective?

12:22:33 2 A. No.

12:22:38 3 Q. Do you know, beyond his discussion with

12:22:41 4 you, was there further investigation done by the

12:22:45 5 Santa Barbara Police Department?

12:22:50 6 A. Yes. I have to say yes.

12:22:53 7 Q. And was this investigation specifically

12:22:55 8 regarding Father Cimmarrusti or --

12:22:57 9 A. Yes. Father Mario, yes.

12:23:01 10 Q. And when -- how were you aware that a

12:23:04 11 criminal investigation resulted, other than your

12:23:08 12 discussion with the detective?

12:23:13 13 A. My attorney.

12:23:15 14 Q. Did you ever find out the results of the

12:23:17 15 investigation?

12:23:21 16 A. The Stogner decision from the U.S. Supreme

12:23:24 17 Court stopped all that.

12:23:29 18 Q. And how were you informed of that?

12:23:33 19 MR. NYE: Other than from your attorney?

12:23:37 20 MR. MATIASIC: Q. Other than from your

12:23:37 21 attorney?

12:23:38 22 A. Newspaper.

12:23:45 23 Q. Turning now -- shifting gears on you --

12:23:46 24 back to your time at St. Anthony's, do you recall

12:23:52 25 whether, when you were there, a number of students

12:23:55 1 may have transferred down from the Holy Redeemer
12:23:58 2 Redemptory Seminary to St. Anthony's?
12:24:03 3 A. Holy Redeemer College, Oakland.
12:24:06 4 Q. You recall that?
12:24:06 5 A. Yes.
12:24:07 6 Q. Do you remember what year they transferred
12:24:08 7 down, or do you recall that?
12:24:11 8 A. I believe 1966 school year, starting in
12:24:13 9 August of '66 was the first time we had the
12:24:15 10 redemptorist there.
12:24:19 11 Q. And did you -- did the redemptorist take
12:24:25 12 classes with the other seminarians, or were there
12:24:30 13 separate classes?
12:24:30 14 A. No, they were completely integrated with
12:24:33 15 us.
12:24:34 16 Q. So -- and completely integrated also with
12:24:36 17 respect to the dormitories, as well?
12:24:38 18 A. Yes, they were.
12:24:40 19 Q. Were you personally friends with any of
12:24:42 20 the transferees from the Holy Redeemer College?
12:24:51 21 A. Sure.
12:24:51 22 Q. Which -- which transferees?
12:24:51 23 A. Well, my classmate, [REDACTED], my own
12:24:58 24 classmate, he's a redemptorist.
12:25:01 25 Q. Anyone else?

12:25:01 1 A. [REDACTED].

12:25:03 2 Q. Was he in your class?

12:25:04 3 A. No.

12:25:04 4 Q. What year was that?

12:25:06 5 A. He was a couple of years older than me.

12:25:08 6 Q. Can you spell his last name for me?

12:25:10 7 A. [REDACTED].

12:25:13 8 Q. His first name was [REDACTED]?

12:25:15 9 A. [REDACTED]

12:25:16 10 Q. So he would have been a junior when you

12:25:19 11 were a freshman?

12:25:20 12 A. Yes.

12:25:21 13 Q. Any other redemptorist?

12:25:26 14 A. I have forgotten the names of a lot of

12:25:28 15 them. You know, I'm sure I was friends with them,

12:25:32 16 but --

12:25:33 17 Q. When you were there, was there a priest on

12:25:35 18 the faculty by the name of Richard Oakletry?

12:25:40 19 A. Yes.

12:25:40 20 Q. Did you ever take any courses from him?

12:25:42 21 A. Yes.

12:25:42 22 Q. What courses?

12:25:43 23 A. English.

12:25:45 24 Q. What year did you take an English course

12:25:49 25 from him?

12:25:49 1 A. The 1969 to 1970 school year, my senior
12:25:54 2 year.

12:25:56 3 Q. Any other courses?

12:26:05 4 A. I think that was the only one. We were
12:26:08 5 kind of tied with drama, too. But drama was kind of
12:26:12 6 informal, so --

12:26:14 7 Q. Did you ever have any type of problems
12:26:16 8 with Father Oakletry?

12:26:19 9 A. No, liked him. He's a great guy.

12:26:24 10 Q. Generally -- I think you have kind of
12:26:26 11 already answered this, but generally, what was your
12:26:29 12 impression of Father Oakletry?

12:26:33 13 A. Terrific English teacher, just a generally
12:26:37 14 nice man.

12:26:40 15 Q. Do you know, did he serve in any type of
12:26:43 16 role with respect to the redemptorist?

12:26:48 17 A. He was their counselor liaison to the
12:26:55 18 redemptorist diocese -- not diocese but the
12:26:59 19 province.

12:27:00 20 Q. And how did you become aware that he
12:27:04 21 served in that capacity?

12:27:05 22 A. They told us.

12:27:06 23 Q. Who is "they"?

12:27:08 24 A. The faculty of the seminary, probably
12:27:10 25 Father Xavier, probably -- you know, our intake

12:27:13 1 probably said something to us about it.

12:27:17 2 Q. While you were there, do you ever recall a

12:27:20 3 student running away from the seminary?

12:27:22 4 A. Yes, I do.

12:27:23 5 Q. And when do you recall that occurring?

12:27:27 6 A. During my freshman year.

12:27:30 7 Q. Do you know the name of the student who

12:27:32 8 ran away?

12:27:33 9 A. I do.

12:27:34 10 Q. And what is that student's name?

12:27:36 11 A. [REDACTED]

12:27:42 12 Q. And when did you become aware that it was

12:27:45 13 [REDACTED] that ran away from the seminary?

12:27:49 14 A. A few months ago.

12:27:53 15 Q. How did you become aware of that?

12:27:55 16 A. It would be through my counsel.

12:28:00 17 Q. Other than through discussions with your

12:28:02 18 counsel, did you ever find out from any other source

12:28:07 19 that [REDACTED] had run away from the seminary?

12:28:16 20 A. I'm a witness to it. I know he ran away.

12:28:19 21 I was there.

12:28:20 22 Q. You recall someone running away from the

12:28:22 23 seminary?

12:28:23 24 A. Yes.

12:28:23 25 Q. But what I'm saying is: The first time

12:28:25 1 you learned the identity of who ran away was a few
12:28:30 2 months ago from counsel?

12:28:31 3 A. Oh, yes, that's true.

12:28:32 4 Q. And when did you first become aware that
12:28:35 5 someone ran away from the seminary during your
12:28:38 6 freshman year?

12:28:40 7 A. As soon as it got -- it went down to the
12:28:42 8 grapevine and the student body that somebody was
12:28:45 9 AWOL.

12:28:47 10 Q. Was it that same year that the student ran
12:28:50 11 away, your freshman year, '66, '67?

12:28:53 12 A. That was my freshman year. I can't tell
12:28:58 13 you exactly when. I don't know.

12:29:01 14 Q. Do you recall who told you about it in
12:29:03 15 your freshman year?

12:29:04 16 A. No, I can't tell you that. It was just
12:29:06 17 that suddenly, "Bingo," it was common knowledge in
12:29:09 18 the place that somebody was AWOL.

12:29:12 19 Q. Do you recall, when you were at the
12:29:13 20 seminary, hearing why that person may have run away?

12:29:16 21 A. No, nothing.

12:29:18 22 Q. Subsequent to your time at the seminary,
12:29:20 23 have you ever learned why that person may have run
12:29:23 24 away?

12:29:24 25 MR. NYE: Other than from us?

12:29:27 1 THE WITNESS: No. No, wait a minute. No, it
12:29:30 2 would have -- no. The only thing I know is through
12:29:32 3 counsel, because his identity is not public
12:29:35 4 knowledge.

12:29:38 5 MR. MATIASIC: Q. And when this was disclosed
12:29:41 6 to you regarding his identity and the fact that he
12:29:45 7 ran away and the circumstances, was anyone else
12:29:48 8 present other than you and counsel?

12:29:49 9 A. So do I tell you anybody else who might
12:30:03 10 know this?

12:30:03 11 MR. NYE: No.

12:30:04 12 MR. MATIASIC: Q. No, no. Was anybody else
12:30:06 13 present when you discussed this issue with counsel?

12:30:09 14 A. My wife would be the only other person.

12:30:12 15 MR. NYE: Well, don't guess or speculate. If
12:30:13 16 you know that your wife was present when you were
12:30:13 17 first told this.

12:30:13 18 THE WITNESS: Oh, no. It was just me.

12:30:14 19 MR. MATIASIC: Q. So when you first learned
12:30:22 20 the identity of the person who ran away during your
12:30:22 21 freshman year and the circumstances regarding that,
12:30:22 22 it was just you and your counsel?

12:30:24 23 A. Yes, by telephone.

12:30:33 24 Q. Other than learning the identity from your
12:30:36 25 counsel, at any time subsequent to your time at St.

12:30:39 1 Anthony's, did you ever learn from any other source
12:30:41 2 what the reason may have been for that seminarian
12:30:45 3 running away during your freshman year?

12:30:47 4 A. No.

12:30:48 5 Q. Do you recall Mr. [REDACTED] at the
12:30:51 6 seminary?

12:30:53 7 A. I remember him, you know, as a student
12:30:56 8 there.

12:30:57 9 Q. What do you remember about him?

12:31:02 10 A. Not much, really. Really, I was just
12:31:06 11 trying to survive myself.

12:31:08 12 Q. Was there anything you remember about him?
12:31:10 13 And this is while you were at the seminary.

12:31:16 14 A. Well, he wasn't in my class, and we went
12:31:20 15 -- we didn't associate outside our classes very
12:31:23 16 much, so, no, other than that he was an older
12:31:26 17 student. He was an older student. That's about all
12:31:29 18 I know.

12:31:29 19 Q. Other than learning that Mr. [REDACTED]
12:31:32 20 was the person who ran away from the seminary during
12:31:36 21 your freshman year, at any time subsequent to your
12:31:38 22 period at St. Anthony's, did you ever learn anything
12:31:41 23 about Mr. [REDACTED]?

12:31:48 24 A. Only what I know through counsel.

12:31:52 25 Q. So you never had any discussions with

12:31:53 1 anyone regarding Mr. [REDACTED] prior to the time
12:31:56 2 you spoke with counsel a few months ago?

12:31:59 3 A. No.

12:32:01 4 Q. Was Mr. [REDACTED] present at any of the
12:32:05 5 meetings which you attended and which were there
12:32:08 6 were other victims of Father Cimmarrusti?

12:32:11 7 A. No.

12:32:14 8 Q. Do you speak or have you spoken with
12:32:16 9 anybody with whom you know has contact with Mr. [REDACTED]
12:32:20 10 [REDACTED], other than counsel?

12:32:24 11 A. Other than counsel, no, no, I don't.

12:32:28 12 Q. Are you aware of the specifics of
12:32:33 13 Mr. [REDACTED]'s claimed abuse by Father
12:32:40 14 Cimmarrusti?

12:32:40 15 A. No.

12:32:40 16 Q. Are you aware of the specifics regarding
12:32:44 17 whether or not Mr. [REDACTED] may have disclosed the
12:32:47 18 abuse to someone associated with the province?

12:32:49 19 A. No.

12:32:56 20 Q. Other than obviously being at the same
12:33:01 21 location at St. Anthony's during the 1966-'67 school
12:33:05 22 year, have you ever had occasion to speak with Mr.
12:33:07 23 [REDACTED]?

12:33:08 24 A. No.

12:33:08 25 Q. To correspond with Mr. [REDACTED] in any

12:33:11 1 way?

12:33:11 2 A. No.

12:33:12 3 Q. Are you aware of anyone other than your
12:33:14 4 counsel, obviously, who may have spoken or
12:33:18 5 communicated in any way with Mr. [REDACTED]?

12:33:22 6 A. No.

12:33:24 7 Q. Have you ever learned, other than the fact
12:33:28 8 that it was Mr. [REDACTED] who ran away from the
12:33:31 9 seminary, of anything else regarding Mr. [REDACTED]
12:33:34 10 since the time you left St. Anthony's?

12:33:38 11 A. No.

12:33:41 12 Q. Mr. [REDACTED] have you ever attended a
12:33:44 13 meeting of an organization called SNAP?

12:33:48 14 A. No.

12:33:50 15 Q. Other than the meeting in Carmel which you
12:33:53 16 have already testified about and the meeting -- the
12:33:56 17 meetings associated with the Board of Inquiry, have
12:33:59 18 you ever attended any other meetings dealing with
12:34:04 19 victims of childhood sexual abuse, or even more
12:34:10 20 broadly, a meeting with other victims of sexual
12:34:13 21 abuse?

12:34:14 22 A. I have been to meetings, yes.

12:34:16 23 Q. Okay. And what meetings have you been to?

12:34:22 24 A. They were just meetings of alleged victims
12:34:24 25 of sexual abuse by clergy.

12:34:27 1 Q. And where did these meetings take place?

12:34:30 2 A. Gee, one of them was like 15 years ago
12:34:34 3 in -- what's that next county down? -- San Mateo
12:34:41 4 County, one time.

12:34:43 5 Q. Were there any other former St. Anthony
12:34:45 6 seminarians at that meeting?

12:34:49 7 A. No.

12:34:50 8 Q. Any other meetings of victims of sexual
12:34:53 9 abuse which you attended where there were other
12:34:56 10 former St. Anthony seminarians there, other than
12:35:02 11 ones you have already told me about.

12:35:10 12 A. No.

12:35:14 13 MR. MATIASIC: Okay. Counsel, maybe just give
12:35:17 14 me a couple of minutes. I think we're just about
12:35:20 15 done.

12:35:21 16 MR. NYE: Great.

12:35:22 17 VIDEOGRAPHER: We are going off the record.
12:35:23 18 The time on the screen is 12:35.

12:35:26 19 (Recess taken from 12:35 to 12:37 p.m.)

12:36:58 20 VIDEOGRAPHER: Please stand by.

12:37:03 21 MR. MATIASIC: I think we can go back on.

12:37:04 22 You're going to make your plane.

12:37:08 23 MR. NYE: It looks like it. I appreciate that.
12:37:11 24 I owe you one.

12:37:13 25 VIDEOGRAPHER: We can go back on the record.

12:37:13 1 The time is 12:37.

12:37:13 2 MR. MATIASIC: Q. Okay. [REDACTED], I
12:37:14 3 appreciate the amount of time you've spent here
12:37:16 4 already. I just have a few more questions. It
12:37:19 5 shouldn't take too much longer. Going back to the
12:37:22 6 seminarian who ran away during the freshman year,
12:37:35 7 did you ever come to learn where he ran away to or
12:37:35 8 any of the circumstances or mechanics, if you will,
12:37:35 9 of his running away?

12:37:35 10 A. I --

12:37:35 11 MR. NYE: Outside of what he's told you?

12:37:36 12 THE WITNESS: Yes.

12:37:38 13 MR. NYE: Good.

12:37:39 14 THE WITNESS: From my seminary days.

12:37:42 15 MR. MATIASIC: Q. And what did you learn in
12:37:43 16 that regard?

12:37:43 17 A. What we were told was, is that he managed
12:37:45 18 to get to LA and got to LAX and got on a -- stowed
12:37:49 19 away on a jet.

12:37:51 20 Q. And when you say "we were told," who are
12:37:54 21 you referring to when you say "we"?

12:37:57 22 A. Just -- it was probably upper classman who
12:37:59 23 got it from somewhere, probably from the faculty or
12:38:02 24 something.

12:38:03 25 Q. Do you recall specifically how you learned

12:38:05 1 of that information?

12:38:08 2 A. I remember it was in the refectory and we
12:38:10 3 were having dinner. And the word came that not only
12:38:16 4 was he AWOL, when I thought he was -- by AWOL, I
12:38:20 5 thought he was like in Santa Barbara someplace and
12:38:23 6 was late getting back. But the way it turned out is
12:38:27 7 he was in LA and got on a jet.

12:38:30 8 Q. So you think you heard this from other
12:38:33 9 seminarians?

12:38:34 10 A. Yes, definitely. Definitely an upper
12:38:38 11 classman.

12:38:39 12 Q. Did you ever come to learn where he may
12:38:41 13 have stowed away on a plane to?

12:38:44 14 A. I heard Honolulu.

12:38:48 15 Q. Did you ever hear anything regarding what
12:38:49 16 he may have done when he got to Honolulu?

12:38:55 17 A. No.

12:38:56 18 Q. And was this at the same time -- when you
12:38:58 19 learned this information regarding the fact that he
12:39:00 20 had managed to make it to LAX and fly to Hawaii, was
12:39:05 21 this during the same year, or was it --

12:39:07 22 A. Yes. Yeah. It wasn't at the same time I
12:39:09 23 first learned about it. A little bit later, the
12:39:12 24 news came down that it was actually Honolulu he had
12:39:15 25 gotten to.

12:39:16 1 Q. How much later did that news come down,
12:39:18 2 after you first learned that someone had, in fact,
12:39:20 3 been AWOL?

12:39:22 4 A. Probably a few days.

12:39:24 5 Q. So still during your freshman year?

12:39:26 6 A. Yes.

12:39:31 7 Q. Did you ever become aware of what the
12:39:36 8 administration at St. Anthony's did when this
12:39:40 9 seminarian ran away?

12:39:42 10 A. No. Well, it booted him out, of course.

12:39:47 11 Q. You specifically learned that he was
12:39:49 12 kicked out of the school?

12:39:50 13 A. Well, that would be pro forma because he
12:39:54 14 was AWOL.

12:39:55 15 Q. Well, I know you're assuming because he
12:39:57 16 was AWOL --

12:39:58 17 A. Right, right.

12:39:58 18 Q. -- that that would mean. But I'm asking
12:40:01 19 whether specifically you learned that he -- this
12:40:03 20 particular seminarian had, in fact, been kicked out
12:40:07 21 of the school for being AWOL, as opposed to just
12:40:10 22 assuming because it's pro forma?

12:40:14 23 A. Oh. No. No Friar came to me and said,
12:40:16 24 "He has been terminated from the school, no."

12:40:20 25 Q. And you didn't hear that from any other

12:40:23 1 source?

12:40:23 2 A. No. In fact, I never heard anything from
12:40:25 3 the Friars at all about it.

12:40:27 4 Q. At any time since you left St. Anthony's,
12:40:30 5 other than your conversation with counsel a few
12:40:33 6 months ago, have you discussed this incident where a
12:40:37 7 seminarian ran away during your freshman year with
12:40:41 8 anyone?

12:40:42 9 A. My wife.

12:40:43 10 Q. When did you discuss it with your wife?

12:40:46 11 A. After I heard about it.

12:40:50 12 Q. Was this recently?

12:40:51 13 A. Well, sure, because this is all kind of
12:40:55 14 breaking news. This is --

12:40:58 15 Q. What I'm saying is, you discussed this
12:41:00 16 with your wife after you learned of the identity of
12:41:03 17 the person who ran away, from counsel; is that what
12:41:05 18 you're saying?

12:41:07 19 A. Sure.

12:41:07 20 Q. Okay. Up -- from the time you left St.
12:41:09 21 Anthony's in 1970 to the time that you spoke with
12:41:12 22 counsel about it --

12:41:13 23 A. Okay.

12:41:13 24 Q. -- did you ever speak with anyone else
12:41:15 25 regarding the fact that someone had stowed away on a

12:41:17 1 plane or someone had run away from St. Anthony's

12:41:21 2 during your freshman year?

12:41:24 3 A. No.

12:41:28 4 Q. When is the last time with spoke with Mr.

12:41:31 5 [REDACTED], Mr. [REDACTED], [REDACTED]?

12:41:35 6 A. A few months.

12:41:39 7 Q. And what were the circumstances

12:41:40 8 surrounding that conversation?

12:41:46 9 A. Casual phone call.

12:41:47 10 Q. Did you call him, or vice-versa?

12:41:49 11 A. He called me.

12:41:54 12 Q. And what was the reason for him calling,

12:41:56 13 if you know?

12:41:57 14 A. Well, we're very good friends, so he keeps

12:42:00 15 up with me and just calls.

12:42:05 16 Q. Does he know about your pending lawsuit in

12:42:07 17 Southern California?

12:42:08 18 A. Yes, I think he does.

12:42:10 19 Q. Did he know about the fact that you were

12:42:11 20 going to be testifying here today?

12:42:16 21 A. Yes.

12:42:17 22 Q. And how did he -- did you tell him about

12:42:19 23 it, or --

12:42:20 24 A. Well, I believe he already knows that

12:42:22 25 because of his association with the law firm.

12:42:25 1 Q. What is your understanding of what his
12:42:28 2 association is with the law firm?

12:42:37 3 A. I believe he is retained as a liaison to
12:42:37 4 plaintiffs.

12:42:39 5 Q. And what is the basis for that belief?

12:42:45 6 A. His past involvement with plaintiffs.

12:42:52 7 Q. When did you first have an understanding
12:42:53 8 that he may have been a retained liaison by the law
12:42:58 9 firm?

12:42:59 10 A. It would be the [REDACTED] case.

12:43:04 11 Q. So that was several years ago?

12:43:06 12 A. Yes.

12:43:06 13 Q. And the law firm that you're speaking of,
12:43:08 14 is it Mr. Nye's firm, Nye, Peabody and Stirling?

12:43:16 15 A. Hang on here, because it may not be the
12:43:19 16 same law firm.

12:43:20 17 MR. NYE: Earlier version.

12:43:21 18 THE WITNESS: Okay. Earlier version, yeah,
12:43:22 19 because the names were different, but okay.

12:43:25 20 MR. MATIASIC: Q. Now, is it your
12:43:25 21 understanding that, now, he is a retained consultant
12:43:28 22 with Mr. Nye's current firm?

12:43:31 23 MR. NYE: If you know that other than from what
12:43:32 24 we've told you, you can answer the question. But if
12:43:35 25 it's only from what we have told you, that's

12:43:38 1 attorney-client privilege.

12:43:39 2 MR. MATIASIC: Q. Other than from what you
12:43:40 3 have may have learned from counsel, do you have any
12:43:42 4 type of understanding as to whether Mr. [REDACTED] is a
12:43:45 5 retained consultant with Mr. Nye's current firm?

12:43:54 6 A. I don't understand the specifics of any of
12:43:58 7 any -- of his retainer, okay, if there is one, so I
12:44:01 8 guess what I have to say is -- is I'm not certain
12:44:04 9 right now whether he is retained. But he is my good
12:44:09 10 friend, so --

12:44:09 11 Q. But that's what I'm saying. In your
12:44:12 12 discussions with him, has he -- within the last
12:44:13 13 year, has he alluded to the fact or spoken to the
12:44:17 14 fact that he is working with Mr. Nye's firm?

12:44:22 15 A. No.

12:44:25 16 Q. Do you have an understanding that he is
12:44:26 17 not currently working with Mr. Nye's firm?

12:44:29 18 A. No, I don't know that.

12:44:32 19 Q. When is the last time, other than anything
12:44:35 20 you have learned from counsel, that you had a
12:44:39 21 definite understanding that Mr. [REDACTED] was working
12:44:42 22 as a consultant for Mr. Nye's firm?

12:44:45 23 A. I know it from the time of the [REDACTED] case.

12:44:48 24 Q. Any time subsequent thereto?

12:44:52 25 A. I would have to say no, because I don't

12:44:53 1 really know. I don't believe there have been any
12:44:57 2 cases involving the Friars since then.

12:45:01 3 Q. Do you know whether Mr. [REDACTED] has any
12:45:02 4 involvement with the cases pending in Southern
12:45:05 5 California? And when I say "the cases," I mean the
12:45:09 6 cases against the Franciscan Friars?

12:45:18 7 A. I think I'm going to have to say yes.

12:45:21 8 Q. And why would you say yes?

12:45:26 9 A. I saw a psychotherapist in Bell Gardens
12:45:30 10 who examined me for -- to see if a certificate of
12:45:38 11 merit should be issued in my case. And [REDACTED]
12:45:42 12 picked me up at the airport, drove me to the
12:45:46 13 session, drove me back to the airport.

12:45:49 14 Q. Has he discussed the litigation with you
12:45:51 15 in Southern California?

12:45:55 16 MR. NYE: I think we're getting beyond the
12:45:57 17 scope of the notice of this deposition.

12:46:02 18 MR. MATIASIC: Are you going to instruct him?

12:46:03 19 MR. NYE: Well, where are you going with it?

12:46:07 20 MR. MATIASIC: I don't have too many more
12:46:09 21 questions.

12:46:10 22 MR. NYE: Go ahead. That's fine. But that's
12:46:12 23 Clergy I down there. This is a Clergy III case up
12:46:16 24 here, right?

12:46:17 25 MR. MATIASIC: Mr. [REDACTED], I think there was a

12:46:19 1 question that was pending. Madam Court Reporter, if
12:46:20 2 you could read it back.

12:46:20 3 (Record read as requested.)

12:46:36 4 A. Okay. Which litigation?

12:46:38 5 MR. MATIASIC: Q. The litigation against the
12:46:40 6 Franciscan Friars.

12:46:42 7 A. Well, that's still pretty general, so do
12:46:45 8 you specifically -- do you mean the Clergy I
12:46:48 9 litigations, the consolidated litigation?

12:46:51 10 Q. I mean the litigation in Southern
12:46:53 11 California against the Franciscan Friars?

12:46:57 12 MR. NYE: That's a yes-or-no question.

12:46:59 13 THE WITNESS: All right. Well, I'm just trying
12:47:00 14 to figure out what it is I'm answering to. Are we
12:47:05 15 referring to Clergy I?

12:47:07 16 MR. MATIASIC: Q. We're not limiting it to
12:47:08 17 Clergy I. We're limiting it to any litigation,
12:47:10 18 clergy abuse litigation involving the Franciscan
12:47:14 19 Friars in Southern California. Have you spoken to
12:47:17 20 Mr. [REDACTED] about that?

12:47:18 21 A. Yes.

12:47:19 22 Q. Have you ever spoken to Mr. [REDACTED] about
12:47:23 23 the litigation against the Franciscan Friars in
12:47:29 24 Northern California?

12:47:29 25 A. Yes.

12:47:30 1 Q. And when did you speak with him about
12:47:31 2 that?
12:47:34 3 MR. NYE: Northern California?
12:47:35 4 THE WITNESS: Northern California?
12:47:37 5 MR. NYE: Yeah.
12:47:37 6 THE WITNESS: Clergy III? When? Probably some
12:47:42 7 months ago.
12:47:44 8 MR. MATIASIC: Q. And what did you discuss
12:47:46 9 with him in that regard?
12:47:47 10 A. What I read in the paper.
12:47:49 11 Q. Specifically, what did you discuss?
12:47:52 12 A. The fact that there is a plaintiff in
12:47:57 13 Northern California under Clergy III suing the
12:48:01 14 Province of Santa Barbara.
12:48:04 15 Q. Did you discuss the details of that case
12:48:15 16 with Mr. [REDACTED]?
12:48:15 17 A. I don't know the details of that case.
12:48:15 18 Q. My question was whether you discussed the
12:48:15 19 details of that case with Mr. [REDACTED]?
12:48:15 20 A. No.
12:48:17 21 Q. So Mr. [REDACTED] didn't tell you any
12:48:19 22 information regarding the case against the
12:48:23 23 Franciscan Friars in Northern California?
12:48:25 24 A. No. What I know is from my counsel.
12:48:28 25 Q. Did Mr. [REDACTED] give you any other

12:48:30 1 information regarding the litigation against the
12:48:33 2 Friars in Northern California?

12:48:35 3 A. No.

12:48:38 4 Q. Did he tell you that he was working with
12:48:41 5 Mr. Nye's firm in connection with the litigation in
12:48:43 6 Northern California against the Friars?

12:48:46 7 A. No.

12:48:48 8 Q. Has Mr. [REDACTED] ever discussed the name of
12:48:52 9 Mr. [REDACTED] with you?

12:48:54 10 A. No, only my counsel.

12:48:56 11 Q. Has he ever discussed the circumstances
12:49:01 12 surrounding Mr. [REDACTED] running away from the
12:49:06 13 seminary, with you?

12:49:07 14 A. No.

12:49:08 15 MR. MATIASIC: I think that's all the questions
12:49:12 16 I have. Mr. [REDACTED] thank you very much for coming
12:49:16 17 today. I know it was a difficult subject matter.
12:49:19 18 And it's not easy to sit here and testify, so we
12:49:22 19 appreciate it very much.

12:49:24 20 THE WITNESS: Thank you for your patience.

12:49:25 21 MR. MATIASIC: Thank you. Uh-huh.

12:49:25 22 VIDEOGRAPHER: This concludes the deposition of
12:49:26 23 [REDACTED] on January 23, 2006. The two master
12:49:31 24 tapes will be retained by Atkinson-Baker,
12:49:33 25 Incorporated. The time on the screen is 12:49.

12:49:37 1 Thank you.

12:49:38 2 MR. MATIASIC: You're welcome.

12:49:40 3 MR. NYE: Same stipulation or --

12:49:41 4 MR. MATIASIC: Oh, yeah, I guess we probably

12:49:42 5 should put that on the record, huh? Yeah, why

12:49:45 6 don't -- we don't need the videotape for this. We

12:49:47 7 can just stay on the record here.

12:49:49 8 Why don't we relieve the court reporter of

12:49:52 9 her duties under the Code. 30 days is fine -- well,

12:49:58 10 let's see, is there any way we can say 21 days -- 3

12:50:01 11 weeks? Will that work.

12:50:03 12 MR. NYE: Sure, we will expedite it for you.

12:50:04 13 MR. MATIASIC: Okay. We'll do it --

12:50:04 14 Mr. [REDACTED], you have 21 days to review the

12:50:07 15 transcript, and we will just send a copy to Mr. Nye

12:50:09 16 and he can forward it on to you. And if you need to

12:50:12 17 make any changes, you can inform counsel and he can

12:50:15 18 inform us. And if we don't have a signed copy or a

12:50:19 19 signed original available for trial, we can use a

12:50:22 20 certified copy.

12:50:24 21 MR. NYE: So stipulated.

12:50:25 22 THE WITNESS: Okay. Thank you.

12:50:26 23 MR. NYE: Thank you. Can you send me an ASCII.

12:50:30 24 COURT REPORTER: Sure.

12:50:30 25 MR. NYE: Thank you.



12:50:30 1 (Deposition concluded at 12:50 p.m.)

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12:50:46 1 REPORTER'S CERTIFICATE

12:50:46 2

12:50:46 3

12:50:46 4 I, MARGARET GURULE, CSR No. 12976,

12:50:46 5 Certified Shorthand Reporter, certify:

12:50:46 6 That the foregoing proceedings were taken
12:50:46 7 before me at the time and place therein set forth, at
12:50:46 8 which time the witness was put under oath by me;

12:50:46 9 That the testimony of the witness, the
12:50:46 10 questions propounded, and all objections and
12:50:46 11 statements made at the time of the examination were
12:50:46 12 recorded stenographically by me and were thereafter
12:50:46 13 transcribed;

12:50:46 14 That the foregoing is a true and correct
12:50:46 15 transcript of my shorthand notes so taken.

12:50:46 16 I further certify that I am not a relative
12:50:46 17 or employee of any attorney of the parties, nor
12:50:46 18 financially interested in the action.

12:50:46 19 I declare under penalty of perjury under
12:50:46 20 the laws of California that the foregoing is true and
12:50:46 21 correct.

12:50:46 22 Dated this _____ day of _____, 2006.

12:50:46 23

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MARGARET GURULE, C.S.R. No. 12976

12:50:46 1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

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12:50:46 7 I, MARGARET GURULE, CSR No. 12976, a

12:50:46 8 Certified Shorthand Reporter in the State of

12:50:46 9 California, certify that the foregoing pages

12:50:46 10 1 through 117, constitute a true and correct

12:50:46 11 copy of the original videotaped deposition of

12:50:46 12 [REDACTED], taken on January 23, 2006.

12:50:46 13 I declare under penalty of perjury under

12:50:46 14 the laws of the State of California that the

12:50:46 15 foregoing is true and correct.

12:50:46 16

12:50:46 17 Dated this _____ day of _____, 2006.

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12:50:46 22 _____
MARGARET GURULE, CSR No. 12976

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