

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

COORDINATED PROCEEDING

SPECIAL TITLE (RULE 1550 (B))

THE CLERGY CASES I

JCCP Nos. 4286 & 4359

vs.

THE CLERGY CASES I

COORDINATED PROCEEDING

SPECIAL TITLE (RULE 1550 (B))

Videotaped Deposition of



LIGUORI, MISSOURI

FEBRUARY 28, 2006

1:08 P.M. - 3:18 P.M

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2 COUNTY OF ALAMEDA, NORTHERN DIVISION

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4 COORDINATED PROCEEDING

5 SPECIAL TITLE (RULE 1550 (B))

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8 vs.

9
10 THE CLERGY CASES I

11 COORDINATED PROCEEDING

12 SPECIAL TITLE (RULE 1550 (B))

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15
16 Videotaped Deposition of [REDACTED],

17 produced, sworn and examined on February 28, 2006,

18 between the hours of eight o'clock in the forenoon

19 and six o'clock in the afternoon of that day, at the

20 offices of St. Clement Healthcare Center, 300 Liguori

21 Drive, Liguori, Missouri, before TOD MINNIGERODE,

22 Certified Court Reporter No. 542 and Notary Public

23 within and for the State of Missouri, in a certain

24 cause now pending in the Circuit Court of Alameda

25 County, State of California.

A P P E A R A N C E S

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THE VIDEOGRAPHER: We're on the record, my name is Tim Sheehan, your videographer and I represent Atkinson-Baker, Incorporated in Glendale, California. I'm not financially interested in this action nor am I relative or employee of any attorney are any of the parties. The date is February 28th, 2006.

The time is 1:08 p.m., deposition taking place at St. Clement's Health Care Center, 300 Liguori Drive, Liguori, Missouri 63057. Case number is JCCP numbers 4286 and 4359, entitled Doe 39 versus Franciscan Friars, the deponent is Father [REDACTED]. This deposition is being taken on behalf of the defendant, your court reporter is Tod Minnigerode.

Would the attorneys -- would Counsel now please introduce themselves?

MR. HALE: Tim Hale for Plaintiffs.

MR. MATIASIC: Paul Matiasic for Defendants Franciscan Friars of California.

MR. GODFREY: Peter J. Godfrey for the Archdiocese of L.A.


MS. GALLO: Jean Gallo, represent the witness.

1 THE VIDEOGRAPHER: Would the Reporter swear
2 in the Witness?

3 (Witness sworn.)


4 IT IS HEREBY STIPULATED AND AGREED by and
5 between Counsel for the Plaintiff and Counsel for the
6 Defendant that this videotaped deposition may be
7 taken in shorthand by TOD MINNIGERODE, a Certified
8 Court Reporter and Notary Public, and afterwards
9 transcribed into typewriting, and that the signature
10 of the witness is not waived.

11 o-O-o

12 ,
13 a witness of lawful age, being first duly produced,
14 sworn and examined on the part of the Defendant,
15 deposes and says in reply to oral interrogatories
16 propounded as follows, to wit:

17 DIRECT EXAMINATION

18 QUESTIONS BY MR. MATIASIC:

19 Q Good afternoon, Father .

20 A Good afternoon.

21 Q My name is Paul Matiasic, we met briefly
22 before we went on record here and I am the attorney
23 for the Franciscan Friars of California and a number
24 of cases have venued both in southern California and
25 Northern California, called the Clergy Cases 1 and

1 3. Can you state and spell your full name for the
2 record, please?

3 A [REDACTED], [REDACTED], [REDACTED],
4 [REDACTED].

5 Q And your date of birth, please?

6 A My date of birth is August 4th, 1927.

7 Q Father [REDACTED], have you ever had your
8 deposition taken before?

9 A No.

10 Q Okay. At the outset I'm going to go over a
11 few ground rules just to make the process run a
12 little bit smoother, first of all, a deposition,
13 oral questions under oath and despite the fact that
14 we're in this rather informal setting here today the
15 testimony that you are giving has the same force and
16 effect as if it were given in a court of the law?

17 A I understand.

18 Q Do you understand that?

19 A I understand.

20 Q Secondly, the reporter can only take down
21 one person speaking the a time, so despite the fact
22 that you may be able to anticipate my question and
23 conversely I may be able to anticipate your answer
24 it's important for both of us to let the other
25 finish speaking because otherwise it makes for a

1 rather muddled record, okay?

2 A Yes, yes.

3 Q Another thing is you have to answer
4 audibly, we all have a natural tendency to answer
5 with uh-huh and uh-huh's and nods of the head. It's
6 important that we have a clear record and so if you
7 could answer each question audibly it will go a
8 little bit easier, okay?

9 A Yes, uh-huh.

10 Q Also, you can take a break at any time. We
11 don't intend this to be a marathon session and I
12 received correspondence from your attorney
13 indicating that the deposition may last no longer
14 than two hours as result of your age and health, and
15 so at any time during the course of the deposition
16 if you need to take a break, if you need to use the
17 restroom, if you need to get a drink of water please
18 let me know and we can stop at any time for you to
19 do that, okay?

20 A Yes, I understand.

21 Q Have you taken any drugs or alcohol or any
22 medications in the last 24 hours that would affect
23 your ability to testify today?

24 A Not to affect my ability, no, no.

25 Q All right, and Father [REDACTED], where are

1 you currently residing?

2 A I'm here, okay, I'm currently down at St.
3 Anthony's Health Center, or do you mean my actual
4 home?

5 Q Well, currently you're residing here at St.
6 Clement's?

7 A That's right, yes.

8 Q And how long have you resided here for?

9 A Since the 19th of December.

10 Q All right, Father ██████████, I apologize in
11 advance for the personal nature of this question,
12 but unfortunately it's germane to some of the issues
13 in this case and so I need to ask you what the
14 status is of your health right now?

15 A I am diagnosed with congestive heart
16 failure.

17 Q Are you currently suffering from any other
18 ailments?

19 A No, not that I am aware of, no.

20 Q When I spoke with your attorney he
21 indicated that there may be an issue with having
22 headaches recently, have you been experiencing --

23 A Oh, yeah, I'm sorry, I had a -- I had a
24 headache that felt like I was wearing a tight cap,
25 that's -- it's -- comes and go -- it's right now

1 it's all but disappeared, there's something there
2 but it's -- I hardly notice it unless I pay
3 attention to it.

4 Q Fair enough. And are you currently under
5 the care of a physician here?

6 A No, I mean, I have my own, I have my own --
7 No, I'm not under -- well, Dr. Carsey, yeah, I did
8 see him, I'm sorry, I did see a Dr. Carsey, and -- I
9 had what is -- I had what is known as a thallium
10 treadmill, operation, I guess, and it -- the -- I
11 wasn't really on a treadmill, they gave me a
12 chemical that made the heart react as if I were on a
13 treadmill and it showed some heart disease, of
14 course.

15 Q All right, fair enough. I hope you recover
16 from whatever's ailing you in the near future,
17 Father?

18 A Thank you.

19 Q Father, are you a Roman Catholic priest?

20 A Yes, I am.

21 Q And what year were you ordained?

22 A I was ordained in 1953.

23 Q And by whom were you ordained?

24 A I was ordained by the Archbishop of
25 Milwaukee, Archbishop Kiley.

1 Q Do you know the spelling of Archbishop
2 Kiley's name?

3 A I think it's K-i-l-e-y, could be two l's
4 but I don't think so.

5 Q And where did your ordination take place?

6 A My ordination took place in the chapel in
7 our seminary in Oconowoc, Wisconsin.

8 Q I don't know that I will even attempt to
9 ask you to spell the name of that place, but you can
10 for the court reporter's sake?

11 A Oh Lord, they call it five o's of
12 Wisconsin, it's O-c-o-n-o-w-o-c.

13 Q That's a lot better than I could have done,
14 I'll tell you that much, and are you a member of a
15 religious order?

16 A Yes, I am.

17 Q And what religious order?

18 A I'm a member of the Congregation of the
19 Most Holy Redeemer, popularly known as Redemptors.

20 Q And are you a member of a specific province
21 of the Redemptors?

22 A Yes, I am a member of the Denver Province
23 of the Redemptorists.

24 Q And what geographic area does the Denver
25 province cover?

1 A The Denver covers roughly the midwest and
2 the west.

3 Q So if you had to delineate a line, if you
4 would, a geographic line where the province starts,
5 where would that be, in Chicago, St. Louis West or
6 does it start with another city?

7 A There would be basically, but you know, we
8 go from Chicago and down into New Orleans, that
9 area, I would say, I want to say Mississippi, but I
10 don't know, we're a little bit more east of that, I
11 would say basically, you're correct, Chicago down to
12 New Orleans and then west.

13 Q And are you familiar with the religious
14 order called the Orders Of Friars Minor?

15 A Yes, I am.

16 Q And how are you familiar with that order?

17 A I'm familiar with it because I spent some
18 time in their seminary in Santa Barbara where we
19 amalgamated with that on the minor seminary, high
20 school seminary level. So our students transferred
21 from Holy Redeemer College in Oakland, which was our
22 order's seminary and they went down to Santa Barbara
23 to the Franciscan seminary, St. Anthony's.

24 Q And are you familiar with the Province of
25 St. Barbara within the order of Friars Minor?

1 A Yes, I am.

2 Q And how are you familiar with the St.
3 Barbara Province, the same way that you --

4 A The same way, I being down there at the
5 seminary, I knew I was in the St. Barbara's
6 Province, yeah.

7 Q And have you ever been a member of the
8 Franciscan order?

9 A No, I have not.

10 Q Have you ever been a member of the province
11 of St. Barbara?

12 A No I have not.

13 Q So continuously since 1953 and until now
14 you have been a member of the Denver province of the
15 Redemptorist order, is that right?

16 A Exactly, even when I was -- even before 53.

17 Q And what year did you first enter the
18 Redemptorist order?

19 A I was professed in 1948.

20 Q And did you take simple vows sometime
21 thereafter?

22 A I took simple vows for three years.

23 Q When did you first take your simple vows?

24 A 1948.

25 Q And those vows you took were to the

1 Redemptors order?

2 A That's correct.

3 Q And then at some point did you take solemn
4 vows?

5 A That's correct.

6 Q And what year was that?

7 A It was three years after I took -- so I
8 took my -- '48, it would be, I guess it would be
9 '51.

10 Q Father [REDACTED] I can appreciate that a
11 lot of the questions I am asking concern issues and
12 events forty, fifty years ago and so it's not
13 designed to be a memory test and so I am entitled to
14 your best estimate, but I don't want you to guess if
15 you don't know the answer to any specific questions,
16 okay?

17 A Okay, uh-huh, uh-huh.

18 Q You have to answer audibly.

19 A Oh, yes, I am sorry.

20 Q No problem and at some point in your career
21 were you assigned to Holy Redeemer College in
22 Oakland?

23 A Yes, I was.

24 Q And when were you assigned there?

25 A I was assigned there in 1954.

1 Q And what were your duties at Holy Redeemer
2 College?

3 A My duties at Holy Redeemer College were to
4 teach.

5 Q What classes did you teach?

6 A I taught English and I think sometimes
7 religion, but I couldn't give you a date on that
8 except --

9 Q And was Holy Redeemer College a minor
10 seminary for those students who want to go on to
11 become priests?

12 A Exactly, it was a minor seminary or we also
13 called it a high school seminary. Excuse me, I'm
14 sorry, at that time it was six years, so we had two
15 years college.

16 Q So it was the first four years of the road
17 to becoming a priest?

18 A Yes.

19 Q In terms of the seminary life?

20 A Yeah, uh-huh.

21 Q And how long were you at Holy Redeemer for?

22 A I was at Holy Redeemer from nineteen --
23 let's see, I believe it was 1954 to 1967.

24 Q And the entire time from 1954 to '67 you
25 taught English and then at some juncture you also

1 taught religion, is that correct?

2 A Yes, and I did -- taught some science, I
3 think for about two weeks.

4 Q Did you have any other duties at Holy
5 Redeemer College during this time period from 1954
6 to '67?

7 A Yes, I am sorry for -- I was -- I had the
8 title of Sub Socius, that meant I was assistant to
9 the Socius who was in charge of the students.

10 Q Can you spell Socius for me?

11 A S-o-c-i-u-s, it would be, excuse me, in
12 other terms the seminarians used, it would be
13 equivalent to prefect, like prefective
14 superintendents or something like that.

15 Q And how long were you the Sub Socius at
16 Holy Redeemer College for?

17 A One year, is my closest recollection.

18 Q And what type of issues did you deal with
19 in your role as the Sub Socius of the student body?

20 A I suppose it would be -- well, mostly
21 disciplinary and you know, that was beside my
22 teaching duties.

23 Q And Father, at some point did Holy Redeemer
24 College close?

25 A Yes.

1 Q And what year was that?

2 A I closed Holy Redeemer as a high school
3 seminary closed in nineteen -- I believe 1966.

4 Q So that -- would it have closed at the end
5 of a school year, so would that be June of 1966 --

6 A It would have, yes, excuse me, June of
7 1966.

8 Q And do you know the reason why Holy
9 Redeemer College closed?

10 A I think, I think we knew that the next year
11 there wouldn't be too many students, it would be
12 basically a small numbers of students, put it that
13 way.

14 Q So in other words enrollment was waning?

15 A Yes, yes.

16 Q And in terms of the students who were at
17 Holy Redeemer when -- were still at Holy Redeemer
18 when it closed, where did they go to school, what
19 were their options?

20 A Meaning to continue in the --

21 Q Right.

22 A Well, first they went to the minor
23 seminary, which when it opened was -- well, it was
24 when I was there it was four years high school and
25 two years college and so it would be six years in

1 all, period, that they would be there and then they
2 would -- do you want me to tell them where else they
3 would go after that?

4 Q Well, I can have a more specific question.

5 A Okay.

6 Q In terms of the first four years of
7 seminary --

8 A Okay.

9 Q -- for those who hadn't completed the first
10 four years at the time that Holy Redeemer closed
11 where did those students go?

12 A They went -- the high school students went
13 to Santa Barbara, uh-huh.

14 Q And when you say Santa Barbara, what school
15 are you speaking of?

16 A I'm sorry, the St. Anthony's -- the
17 Franciscan seminary at Santa Barbara.

18 Q And do you know did the entire student body
19 who hadn't finished the first four years go to Santa
20 Barbara when Holy Redeemer closed or was it just a
21 certain percentage?

22 A Just a certain percentage, I think that was
23 basic reason that we knew that the next year we
24 wouldn't have hardly too many students. I can't
25 tell you the number but it was small.

1 Q Can you give me your best estimate of how
2 many students finished their first four years at
3 minor seminary at St. Anthony's after Holy Redeemer
4 closed?

5 A I'm not sure I understand the question.

6 Q When Holy Redeemer College closed
7 approximately how many students transferred down to
8 St. Anthony's?

9 A Oh, transferred down, okay, okay. I would
10 say approximately ten, give or take, you know.

11 Q And Father, did you have a role in that
12 process whereby the students transferred from Holy
13 Redeemer to Santa Anthony's when Holy Redeemer
14 closed?

15 A I did have a role, I was nominally in
16 charge of them, but the first year I was not
17 on-site.

18 Q And when you say not on-site are you
19 meaning you weren't on-site at St. Anthony's in
20 Santa Barbara.

21 A I was not on site at St. Anthony's, I did
22 not live there. Myself and one of my assistants
23 would visit approximately every two weeks.

24 Q And when you're saying this first year, are
25 you speaking of a school year or a calendar year?

1 A I would say school year because they were
2 off during the summer.

3 Q So would this be the school year beginning
4 in September of 1966 to roughly June of 1967?

5 A Yes.

6 Q And just so I understand your testimony,
7 during this first school year from September 1966 to
8 June of 1967 you would go and visit the St.
9 Anthony's campus approximately every two weeks?

10 A Myself or my assistant, yes.

11 Q And during this first school year in
12 September 1966, to June of '67 how long would you
13 stay for when you would visit every two weeks?

14 A It varied, but I would say basically it was
15 two or three days.

16 Q And would you stay the night at St.
17 Anthony's seminary?

18 A Yes, yes.

19 Q And where did you stay the night?

20 A I stayed the night with the friars, the --
21 where the -- there was a -- where the students were
22 and the Franciscans, I stayed with the Franciscan
23 fryers.

24 Q So in a room where nearby where all the
25 other friars were located?

1 A Exactly, uh-huh.

2 MR. HALE: Was that called a cloister?

3 THE WITNESS: They, yeah, they, yes,
4 they -- yes, that was another term, the area in
5 which we lived was called the cloistered part.

6 MR. HALE: Sorry, didn't --

7 THE WITNESS: They, it -- yes, okay.

8 MR. MATIASIC: We're going to deduct that
9 minute and a half from --

10 MR. HALE: Fair enough, I understand.

11 MR. MATIASIC: Just joking.

12 BY MR. MATIASIC:

13 Q And so who was your assistant that you
14 mentioned would also go to St. Anthony's in your
15 stead?

16 A Father Patrick O'Brien.

17 Q Was Father O'Brien a Redemptorist priest?

18 A That's correct, yes.

19 Q Was he on the faculty at Holy Redeemer
20 college with you, prior to its closing?

21 A No.

22 Q Did you ever go down to during this year of
23 1966 to '67, did you ever go down do St. Anthony's
24 with father O'Brien?

25 A No, it was either one or the other, for the

1 most part, maybe, I can't remember, maybe we'd go
2 down if there was some kind of celebration or
3 something, but this -- that just popped into my
4 head, I don't know how this fits in.

5 Q Sure, and in terms of the frequency with
6 which you went down to Santa Barbara during the '66
7 to '67 school year, did you and Father O'Brien
8 alternate every other week or month or how did that
9 work?

10 A Basically we alternated every other time,
11 every other --

12 Q And where were you assigned during the
13 1966 -- from this time period of September 1966 to
14 June of 1967?

15 A At -- well, Oakland, our facility in Holy
16 Redeemer, well, it was -- the seminary -- sixty --
17 it was closed, so, but I -- I lived in what was the
18 faculty house.

19 Q And this was at the Holy Redeemer College
20 site?

21 A Yes, uh-huh.

22 Q And where specifically is that located?

23 A I'm not sure I understand your question.

24 Q Where was Holy Redeemer College
25 specifically located? I know you said Oakland --

1 A In the city of Oakland, on Golf Links Road.

2 Q And what were your duties there, during
3 this time period from 1960, September 1966 to June
4 of 1967?

5 A I was in charge of our college students.

6 Q When you say in charge of our college
7 students what do you mean by that?

8 A I was their direct prefect director,
9 they -- they went to St. Mary's College in Maraga,
10 but they stayed with me overnight and then they
11 would go into St. Mary's every day, but in the
12 evenings they'd stay overnight with me, you know.

13 Q And when you say they stayed overnight with
14 you, you're meaning they slept at the facility that
15 used to be the Holy Redeemer College?

16 A They slept at the facility that used to be
17 the faculty house, okay.

18 Q So those college students had rooms there
19 in other words?

20 A They had their own rooms as I had my own
21 room, yeah.

22 Q Did you have any other duties with respect
23 to the college students during this year of
24 September 1966 to June of 1967?

25 A No, I was just kind of -- you know, they

1 were -- I was in charge of them and they would be
2 gone most of the day, except of course on weekends,
3 you know.

4 Q And describe for me if you can what your
5 role was with respect to the students who had
6 transferred from Holy Redeemer College to St.
7 Anthony's during this time period of September 1966
8 to June of 1967?

9 A Well, the term that we use in our order, a
10 person that would be in charge of a facility would
11 be the rector; so I guess I was their rector, even
12 though we had, you know, the Franciscans and
13 educated them and disciplined them and so forth.

14 Q And what were your duties as the rector of
15 the students who had transferred from Holy Redeemer
16 to St. Anthony's during the school year of 1966 to
17 '67?

18 A Well, since I was in that -- at that period
19 I was still at Holy Redeemer, so it would be kind
20 of -- for want of a better term, oversight.

21 Q And what did that oversight include?

22 A Every two weeks I would, either myself or
23 my associate would go down, would go down and see
24 them and be there with them. I can't think of
25 anything specific, right now specifically what we

1 did, what there was -- basically we go down and
2 check, see how they are doing and this kind of
3 thing.

4 Q You're kind of leading into my next
5 question; when you went down to St. Anthony's during
6 the '66-'67 school year, what did you do when you
7 went down there?

8 A I -- yeah, I checked them, see how they
9 were doing, I don't recall seeing them each
10 individually, but we just kind of -- that's hard,
11 hard for me, except that I would -- went down and in
12 general checked on them to see how they were doing.
13 Specifically I don't remember how that worked out.

14 Q Do you recall whether or not you checked on
15 their academic progress when you would go down to
16 visit St. Anthony's?

17 A Not specifically, I left that to the
18 friars.

19 Q What if there were disciplinary issues with
20 the former Holy Redeemer seminary at St. Anthony's?

21 A Okay, if there were a disciplinary issue
22 there was I believe an agreement, I would --
23 probably a gentleman's agreement that the Friars
24 would take care of the discipline.

25 Q And -- I'm sorry?

1 A And excuse me, on some occasion when one of
2 the students, one of my students are the ones that I
3 was in charge of would be brought up for some
4 disciplinary things, you know, I would be there and
5 I would have a vote in whether they were to stay or
6 be dismissed, so forth.

7 Q So if the disciplinary problem was a
8 substantial one, you would be involved in that
9 process?

10 A I would be involved in that, yes.

11 Q If an issue came up with respect to a
12 former Holy Redeemer seminarian during this year,
13 1966 to '67, would you have been contacted by the
14 Franciscans at St. Anthony's to discuss that issue?

15 MR. HALE: Speculation, vague and
16 ambiguous.

17 A I would suppose so, the specifics I don't
18 remember, no.

19 BY MR. MATIASIC:

20 Q And Father, at some point did your -- were
21 you assigned to St. Anthony's Seminary?

22 A Yes.

23 Q And when were you assigned there?

24 A Let's see, 1967, I came in September, I
25 guess it would be, '67.

1 Q So I at the start of the school year
2 basically?

3 A The start, I'm sorry, yeah, the start of
4 the school year, yeah.

5 Q And how long were you assigned at St.
6 Anthony's for?

7 A '67 to '77, so ten years.

8 Q And was that assignment made by -- by whom
9 was that assignment made?

10 A That was made by my religious superior, who
11 we called Provincial.

12 Q So would this be the Provincial of the
13 Denver Province?

14 A It would be the -- no, it would be -- we
15 were not, at that time we were not a Denver, we were
16 the Oakland province, we were a province, we
17 amalgamated later on.

18 Q And do you recall the name of the
19 Provincial who appointed you to St. Anthony's
20 Seminary or who assigned you to St. Anthony's
21 Seminary in 1967?

22 A I believe it was Father Martucci.

23 Q And where were you assigned after St.
24 Anthony's Seminary?

25 A After St. Anthony's seminary I was assigned

1 to Sacred Heart Parish in Seattle.

2 Q And by whom were you assigned to Sacred
3 Heart parish?

4 A By the Provincial.

5 Q When you say by the Provincial, were you
6 referring to the Provincial of the Oakland province?

7 A I'm sorry, the provincial of the Oakland
8 province, yes.

9 Q So you weren't part of the Denver province
10 at that time?

11 A No, we were not.

12 Q What year was Oakland Province amalgamated
13 with the Denver province?

14 A It would have been in the nineties, the
15 term, the year '96 comes to me, but I'm not sure of
16 that.

17 Q And so at no time in terms of when you were
18 assigned to St. Anthony's or when you were assigned
19 to Sacred Heart after leaving St. Anthony's, were
20 you done so by the Franciscan Friars?

21 A No, no, they didn't -- That's correct.

22 Q And did you join the faculty when you were
23 assigned to St. Anthony's in 1967?

24 A Yes, uh-huh.

25 Q And what did you teach there?

1 A I taught mostly English and some religion
2 courses.

3 Q Did you have any other duties during this
4 ten year time period from 66 to '77 when you were
5 assigned to St. Anthony's?

6 A I was the, I forget what they call it, the
7 moderator, let's say moderator of the third year
8 high school students.

9 Q So basically the equivalent of a junior
10 class?

11 A Yes, uh-huh.

12 Q What were your duties as the moderator of
13 the third year class?

14 A Well, I would, I mean, if there were any
15 outings or anything, I would be there and I would
16 be, you know, I would -- now this, this also was
17 both -- not only my students but the Franciscan
18 students, too, so I would be involved in
19 disciplinary stuff, too, as the moderator and so
20 forth.

21 Q What year did you begin your tenure as
22 moderator of the third year class?

23 A Nineteen -- I believe it would be September
24 of 1960 -- I can't be sure. I think 1967, when I
25 came down, yeah.

1 Q So the first year that you were assigned
2 there full time?

3 A I, this, as far as I can -- I'm vague on
4 that, but I think so.

5 Q Did you serve as the moderator of the third
6 year class during that year of 1966 to '67 when you
7 were still residing at Holy Redeemer in Oakland?

8 A No.

9 Q Did you have any our duties during this ten
10 year time period when you were assigned to St.
11 Anthony's seminary?

12 A Not that I can recall at this time.

13 Q Did you have any -- You described to me
14 that in 1966 to '67 you served as kind of the rector
15 for the Holy Redeemer, former Holy Redeemer
16 seminarians, did you continue that role once you
17 were assigned full time to St. Anthony's?

18 A We did -- we didn't use the term rector but
19 I was in charge of the students.

20 Q And when you say of the students, you mean
21 of the former Holy Redeemer students?

22 A All right, as the moderator of the juniors
23 or -- I was in charge of Redemptorists and
24 Franciscan students, so I was part of the
25 administration, I guess you probably -- for want of

1 a better term.

2 Q And that started in September 1967,
3 correct?

4 A Yes.

5 Q Okay, but this -- you described for me that
6 in the first year, from 1966 to '67 when you were
7 still residing in Oakland that you had this role
8 that was similar to rector for the Holy Redeemer
9 seminarians who had transferred to St. Anthony's?

10 A Yes, I was -- I was responsible for our
11 students who were going to St. Anthony's.

12 Q Right.

13 A That's why I visited, you know.

14 Q Right, and so my question is did that
15 same -- Did those same duties and that same function
16 that you performed the '66-'67 year, did that
17 continue when you started full time on the faculty
18 in September of 1967?

19 A Yes.

20 Q And did that continue for the entire time
21 you were at St. Anthony's?

22 A Yes, I was -- Yeah, I was in charge but --
23 yes, uh-huh.

24 Q So basically from the entire time from '67
25 to '77 you were in charge of the former Holy

1 Redeemer seminarians?

2 A Yes, yes.

3 Q Father [REDACTED], do you know who Father
4 Mario Cimmarrusti is?

5 A Yes.

6 Q When did you first meet Father Cimmarrusti?

7 A When our students first came, I believe he
8 was in -- I'm trying to think, I forget what title,
9 I think he was student prefect, I'm not sure of that
10 title, but he was on-site in charge of the students,
11 both Franciscan students and the Redemptorist
12 students.

13 Q And so did you meet him this first year
14 when you were commuting down to oversee the students
15 in 1966 --

16 A Oh, yes.

17 Q -- '67?

18 A Oh yeah, uh-huh.

19 Q And what was your understanding of what his
20 role was at St. Anthony's?

21 A That he was in charge of all the students
22 including -- including mine, but under the rector of
23 the seminarian who was a Franciscan.

24 Q Do you know if Father Cimmarrusti had any
25 title?

1 A He did, but I want to say prefect, but I'm
2 not sure.

3 Q And when you say prefect, were you thinking
4 of the prefect of discipline or what prefect?

5 A He would be in charge not only of
6 discipline but just the day-to-day happenings with
7 the students, you know, in other words, there was
8 the rector who -- and then under him was the Father
9 Cimmarrusti.

10 Q Did you have any interaction with Father
11 Cimmarrusti during this first year after Holy
12 Redeemer closed and you were visiting from 1966 to
13 '67?

14 MR. HALE: I'm sorry, could you read that
15 question back for me?

16 (Reporter read back from the record as directed:

17 "Q. Did you have any interaction with
18 Father Cimmarrusti during this first year after Holy
19 Redeemer closed and you were visiting from 1966 to
20 '67?")

21 A Yes.

22 BY MR. MATIASIC:

23 Q And what was the nature of that interaction
24 during this first year of 66 to '67?

25 A I guess, I guess I can sort of on how my

1 students were doing and so forth, things like that.

2 Q So you had have conversations --

3 A Yeah, we'd have conversations, yeah. As I
4 recall not -- well, we -- yeah, not, I can't
5 recollect any specific issues that we might have
6 talked about, but --

7 Q Let's see if I can refresh your
8 recollection, Father. Do you recall whether this
9 first year of 1966 to '67 you spoke with Father
10 Cimmarrusti about any disciplinary problems
11 involving former Holy Redeemer seminarians?

12 A Yes, the way it would happen, I would be --
13 if one of my students were discussed at a -- I'd
14 come to a faculty session or meeting, you know, and
15 if -- if one of my students were up for, you know,
16 up for, you know, whether to keep him or you know,
17 expel him, I would be in on that, yeah, and
18 otherwise it was just between Father Cimmarrusti and
19 myself, would be just ordinary, social stuff, you
20 know, I was down there and you know, as with all the
21 Friars we socialize.

22 Q Okay. So just so I understand your
23 testimony, if there were any disciplinary issues
24 then involving former Holy Redeemer seminarians you
25 would have a discussion with Father Cimmarrusti?

1 A If the discussion came to the point of
2 whether to keep the boy or not, yes, ordinary, I
3 don't know, day-to-day discipline stuff, no.

4 Q Father, have you ever heard that Father
5 Cimmarrusti has been accused of childhood sexual
6 abuse?

7 A I've heard that, yes.

8 Q When was the first time you heard an
9 allegation of childhood sexual abuse against Father
10 Cimmarrusti?

11 A It's hard to remember, it was after I had
12 left, I left in '77, sometime between I would just
13 to guess, sometime between, sometime after '77,
14 maybe five years or so after '77.

15 Q Do you recall how you first learned that
16 Father Cimmarrusti had engaged in or that there were
17 allegations that Father Cimmarrusti had engaged in
18 childhood sexual abuse?

19 A No, I don't recall that.

20 Q Do you recall what decade it was, do you
21 recall whether it was in the nineties or later on or
22 in the eighties?

23 A I would say probably the eighties, the
24 eighties and ninety, I'm not -- I'm not sure.

25 Q Father [REDACTED], have you ever been aware

1 of whether allegations of childhood sexual abuse
2 against Father Cimmarrusti were brought to the
3 public's attention or in the public eye?

4 A What, like it hit the newspapers or
5 something like that?

6 Q Right.

7 A Yeah, I was aware of that, but I can't tell
8 you how, you know, I did -- because I would see, I
9 would often even though I was not connected with the
10 seminarian anymore and even though my -- none of our
11 students were there anymore, because I had friends
12 in Santa Barbara, I would visit quite often there.

13 Q And Father, okay, the reason I'm asking you
14 about whether you were aware of the allegations
15 being in the public forum is trying to see if
16 there's a landmark in your mind as to when you may
17 have first learned the allegation of the childhood
18 sexual abuse against Father Cimmarrusti; do you
19 recall was around the same time the allegations were
20 made public or after or --

21 A I would say after public, I guess what
22 you're trying to say was I privy to this information
23 before it became public? Yeah, I was not.

24 Q Father [REDACTED], at any time while you
25 were on the faculty at St. Anthony's Seminary, did

1 you learn that Father Cimmarrusti was sexually
2 abusing students?

3 A No.

4 Q Father, at any time during the year 1966 to
5 '67, the year after, the year after Holy Redeemer
6 closed, did you learn that Father Cimmarrusti had
7 engaged in sexual abuse?

8 A Could you repeat the question? I was
9 distracted there.

10 Q No problem. This year of 1966 to '67 when
11 you would visit St. Anthony's Seminary and you were
12 still assigned to Holy Redeemer at any time during
13 that year did you learn that Father Cimmarrusti,
14 that there were allegations of childhood sexual
15 abuse against Father Cimmarrusti?

16 A No, I don't recall any at that time.

17 Q Father [REDACTED], had you learned that
18 Father Cimmarrusti was engaging in childhood sexual
19 abuse during the time you were on the faculty at St.
20 Anthony's would you have done something about it?

21 A Yes, I believe I would.

22 Q And what would you have done?

23 A I would have told somebody, probably the
24 rector, the seminary, you know that -- I asked my
25 own self that a million times thinking about this,

1 but, yes, I certainly would have mentioned it to
2 him, I think.

3 Q Would you have mentioned it to anyone
4 within the Redemptorist order as well?

5 A Yeah, I believe so, yeah.

6 Q And who would you have mentioned it to?

7 A It would be to the Provincial.

8 Q And when you're saying the Provincial, the
9 Provincial of the Redemptorist's order?

10 A Excuse me, the Provincial of the
11 Redemptorists, yes.

12 Q And at any time while you were on the
13 faculty at St. Anthony's Seminary did you have
14 occasion to report any childhood sexual abuse to the
15 Provincial of the Redemptorists?

16 A No.

17 Q And is the reason that you didn't have
18 occasion to do so is because you never learned of
19 any allegation of childhood sexual abuse during that
20 time?

21 A Exactly, uh-huh.

22 Q Father, to your knowledge during this
23 period of 1967 to '77 while you were in the faculty
24 at St. Anthony's, did any other member of the
25 faculty or administration know that Father

1 Cimmarrusti was engaging in childhood sexual abuse?

2 MR. HALE: Speculation.

3 A I have no knowledge of that.

4 BY MR. MATIASIC:

5 Q During this year when you were visiting St.
6 Anthony's seminary from 1966 to '67 did you have any
7 knowledge that any other member of the faculty knew
8 that Father Cimmarrusti was engaging in childhood
9 sexual abuse?

10 MR. HALE: Same objection.

11 A No.

12 BY MR. MATIASIC:

13 Q While you were on the faculty at St.
14 Anthony's Seminary at any time did you learn that
15 any other member of the faculty or staff at St.
16 Anthony's was engaging in childhood sexual abuse?

17 A No.

18 Q During this year after Holy Redeemer closed
19 from 1966 to '67 did you ever learn that any other
20 member of the faculty or staff at St. Anthony's
21 seminary was engaging in childhood sexual abuse?

22 A No.

23 Q Father, do you recall a student by the name
24 of [REDACTED]?

25 A Yes.

1 Q And how do you know [REDACTED]?

2 A He was one of the Redemptorist students and
3 he transferred, he was one of the -- I'm pretty
4 sure, I am not absolute, I think he was one of the
5 ones that transferred from Oakland down to the
6 Franciscan Seminary in Santa Barbara.

7 Q So you believe [REDACTED] was a
8 student at the Holy Redeemer seminary?

9 A Yes, uh-huh.

10 Q And then he later transferred to St.
11 Anthony's after Holy Redeemer closed?

12 A Yes.

13 Q Do you have a recollection of that
14 happening?

15 A Yes.

16 Q And do you recall what type of student
17 [REDACTED] was at Holy Redeemer College?

18 A I would say, yeah, I would say average. He
19 didn't strike -- he didn't strike me as, you know,
20 brilliant or anything like that, I would say
21 average.

22 Q And do you recall whether or not [REDACTED]
23 [REDACTED] had any disciplinary problems while he
24 was a student at Holy Redeemer College in Oakland?

25 A No, no, no, I don't recall, no, at Oakland?

1 Q Right. Do you recall anything else
2 regarding [REDACTED] from a non-academic
3 standpoint when he was at Holy Redeemer College at
4 Oakland, for example, whether he was involved in
5 extracurriculars?

6 A No, I don't recall.

7 Q What about at St. Anthony's Seminary, do
8 you recall what type of student [REDACTED]
9 was at St. Anthony's seminary?

10 A I would say average, uh-huh.

11 Q Do you recall whether he was involved in
12 any non-academic pursuits, any extracurriculars at
13 St. Anthony's Seminary?

14 A I'm not sure I understand what you mean.

15 Q Do you know whether [REDACTED] was
16 involved in any extracurriculars at St. Anthony's
17 Seminary?

18 A Would that -- well, he -- he had a job, I
19 mean, a job that all the students were given jobs,
20 chores, more of like chores to do, that would be
21 about the only thing.

22 Q Do you recall what job assignment [REDACTED]
23 [REDACTED] had at St. Anthony's?

24 A No.

25 Q But you recall that he had some type of

1 job?

2 A In the sense that they all did.

3 Q So you don't have a specific recollection
4 of what he may have done?

5 A No, I don't.

6 Q Do you recall having any discussions with
7 any member of the faculty or staff regarding
8 discipline problems with [REDACTED]?

9 A I don't recall specifically; the -- what I
10 am about to tell you, I don't know how exactly to
11 fit this in, but he did -- the students had their
12 own money but it was kept for them, you know, and if
13 they want, they had their own accounts and if they
14 wanted some money they would withdraw it and I
15 remember he withdrew some, he asked to withdraw some
16 money, I believe he said to go buy a pair of shoes
17 or something like that and then he left, he went
18 downtown.

19 I think he got on a bus, went to Los Angeles
20 and somehow got to the airport there and at that
21 time visitors -- airports were rather lax, there was
22 no security, you could go and somebody's going,
23 leaving on an airplane, you could go and visit them
24 in the airplane. So Timothy one time just pretended
25 like he wanted to go in and see a visitor, one of

1 the passengers off and he just stayed on the plane
2 until it took off and -- I don't, I don't know that
3 he told them, I think he then went to Los Angeles --
4 well, he ended up in Hawaii, actually.

5 Q And Father, how did you come to learn this
6 information?

7 A I learned it in -- the Friars told me, you
8 know.

9 Q Do you --

10 A I think at that time, excuse me, at that
11 time, this is all hazy but it's my best
12 recollection, at that time I was still up in
13 Oakland, I was taking care of our college students
14 that was -- were going to St. Mary's and either me
15 or my assistant would go down to Santa Barbara and
16 check on the boys in Santa Barbara.

17 Q So your recollection is that the event you
18 just recounted where [REDACTED] left the
19 seminary and boarded a plane and ended up in Hawaii?

20 A Yeah.

21 Q You believe this took place during the year
22 of 1966-'67?

23 A That's my understanding, yeah.

24 Q And do you recall specifically what Friar
25 told you that this had transpired?

1 A No, I would suspect the Rector, Father
2 Xavier Harris.

3 Q Do you a specific recollection of who told
4 you?

5 A No.

6 Q Father [REDACTED], were you told the reason
7 why [REDACTED] had left the seminary and
8 gotten on a plane and gone to Hawaii?

9 A No.

10 Q Did you --

11 A There were -- I myself kind of speculated,
12 what was, why he did it, you know, and at that time,
13 you know, just adolescence.

14 Q Did anyone from the Friars ever tell you
15 that they had learned why he --

16 A Not that I can recall.

17 Q Sorry, Father, let me ask the question
18 again.

19 A Yeah.

20 Q Did anyone from the Franciscan Friars or
21 that were on the faculty at St. Anthony's ever tell
22 you why he had left the seminary?

23 A No, not why.

24 Q They just told the details, told you the
25 details that you have already recounted for us, is

1 that right?

2 A Yeah; yeah.

3 Q Father [REDACTED], did [REDACTED]
4 ever tell you that he was being sexually abused by
5 Father Cimmarrusti during the year 1966 to '67?

6 A No, I -- yeah, I don't believe so, no.

7 Q Did [REDACTED] during this year of 1966 to '67
8 when you were visiting St. Anthony's, did [REDACTED]
9 [REDACTED] ever tell you that Cimmarrusti was
10 touching his genitals and masturbating him?

11 A No.

12 Q Did [REDACTED] ever tell you that
13 Cimmarrusti had Mr. [REDACTED] do the same thing to
14 him, meaning touch his genitals and masturbate him?

15 A No.

16 Q Did -- and again we're talking about this
17 year of 1966 to '67, did [REDACTED] ever
18 tell you the location of where he was being sexually
19 abused by Father Cimmarrusti?

20 A No.

21 Q At any time did [REDACTED] even
22 after this year 1967 ever tell you that he was being
23 sexually abused by Father Cimmarrusti?

24 A No.

25 Q Did [REDACTED] ever tell you that

1 he had told Father Harris that he was being sexually
2 abused by Father Cimmarrusti?

3 A No.

4 Q And this is again in the year 1966 oh 67?

5 A Correct, yeah, when I was, the time I was
6 a -- was on site, yeah.

7 Q What about after 1967, did [REDACTED]
8 [REDACTED] ever tell you that he had told Father Harris
9 that Father Cimmarrusti was sexually abusing him?

10 A No.

11 Q Father, if [REDACTED] had come to
12 you during this year of 1966 to '67, told you that
13 he was being sexually abused by Father Cimmarrusti,
14 would you have done something about it?

15 A Yes, I believe I would, yeah.

16 Q And what would you have done it about?

17 A I think I would have told at least the
18 Rector, Father Harris, Xavier Harris.

19 Q And would you have done anything else,
20 Father?

21 A I don't know what I -- I don't understand
22 the question, exactly, what --

23 Q Well, previously when we were talking about
24 sexual abuse, allegations of sexual abuse, you
25 indicated that you would also potentially tell your

1 Provincial in the Redemptorist order and so my
2 question is for example would you have told your
3 Provincial if a former Holy Redeemer seminarian was
4 being sexually abused by Father Cimmarrusti?

5 A Yes, I think so, yeah.

6 Q Father [REDACTED], who was the Rector during
7 the year 1966-'67 when you were visiting St.
8 Anthony's seminary?

9 A Father Xavier Harris.

10 Q And what about when you were assigned to
11 St. Anthony's full time in 1967, was Father Harris
12 still the Rector?

13 A Exactly, yes.

14 Q And was Father Harris the Rector the entire
15 time that you were on the faculty from '67 to '77?

16 A I think so, but I'm not sure, I'm trying to
17 think of the man that followed him, my best
18 recollection is yes, that the man that I had had,
19 that I was not at the seminary when the new Rector
20 took over, that's --

21 Q And so --

22 A I am very hazy on that, I'm not sure.

23 Q I understand. Father, do you recall
24 whether or not you were on the faculty for at least
25 more than one school year when Father Harris was the

1 Rector?

2 A Yes.

3 Q And what was your impression of Father
4 Harris?

5 A Very, very competent as administrator and
6 you know, socially, we got along fine, so forth, but
7 I always thought -- considered him as an intelligent
8 and competent person.

9 Q And from 1966 when you first started going
10 down to the seminary until 1967 when you were on the
11 faculty, did you have occasion to see Father Harris
12 performing his function as the Rector at St.
13 Anthony's?

14 A Yes, when -- yeah, and as I -- all I can
15 say is he seemed intelligent and competent to me
16 that he was --

17 Q And then obviously when you were on the
18 faculty from 1967 on did you have occasion to
19 observe Father Harris performing his duties as the
20 Rector at St. Anthony's seminary?

21 A Yes.

22 Q And based upon your experience in seeing
23 Father Harris perform his duties as Rector at St.
24 Anthony's, did you believe that he was competent?

25 A Yes.

1 Q Based upon your observation of Father
2 Harris performing his duties as Rector, did you
3 believe that Father Harris was honest and forthright
4 in how he administered the school?

5 A Yes.

6 Q And based upon your experience with Father
7 Harris, if a seminarian had come to him and told
8 Father Harris that he was being sexually abused by
9 another faculty member, do you believe based upon
10 your experience that Father Harris would have done
11 something about it?

12 MR. HALE: Speculation, incomplete
13 hypothetical.

14 BY MR. MATIASIC:

15 Q You can answer.

16 A I can answer, okay, yes, I think so, yeah,
17 uh-huh.

18 THE VIDEOGRAPHER: Less than thirty
19 seconds.

20 Q That's fine, change tape.

21 THE VIDEOGRAPHER: End tape one, volume 1.
22 Off record at 2:08 p.m.

23 (Whereupon, a short break was taken.)

24 THE VIDEOGRAPHER: On record at 2:17 p.m.,
25 start tape 2, volume 1.

1 CROSS EXAMINATION

2 QUESTIONS BY MR. HALE:

3 Q Good afternoon, Father, my name is Tim
4 Hale, I got a number of follow-up questions for you.
5 First of all, you identify Father Patrick O'Brien,
6 is that O'Brien with an e or with a?

7 A I-e-n.

8 Q And do you know, is Father O'Brien still
9 alive?

10 A Yes.

11 Q And do you know where he is assigned right
12 now?

13 A Yeah, he's assigned in Oakland or the place
14 of the former seminary, but we have a house on the
15 property, a regular house and he lives there.

16 Q Okay. Can you give me an estimate as to
17 how old he might be?

18 A He is younger than I am, I taught him in
19 the seminary, later years, I'm 78, he would be in
20 his sixties, I'd say.

21 Q Are you aware of him having any kind of
22 health problems of any sort?

23 A Yes, he has a health -- I forget what it
24 is, but it's an ongoing problem.

25 Q Do you know, is it life-threatening?

1 A I think it could be, yeah.

2 Q Is it, do you know if it's a disease, or
3 just cancer or maybe a heart condition?

4 A I don't think it's cancer or heart, it may
5 come to me, as you know.

6 Q Okay, if you think --

7 A Probably in the middle of the night.

8 Q If by any chance you think of it feel free
9 to interrupt me and let me know.

10 A Okay.

11 Q With regards to Father O'Brien did he only
12 assist you at St. Anthony's seminary during the
13 '66-'67 school year?

14 A That's right, he was never on-site, I mean,
15 he never lived there as I lived there.

16 Q So in other words he was never a member of
17 the faculty at St. Anthony's while you were there?

18 A No, that's correct.

19 Q Did he continue to come down and visit the
20 seminary after you became a faculty member?

21 A No, not that I can recall.

22 Q So it was just that one year?

23 A Yeah, uh-huh.

24 Q With regards to [REDACTED], do you
25 recall when you first met Mr. [REDACTED]?

1 A Well, it would have to be, it would be in
2 the Oakland, he started out at our Oakland Seminary
3 there, but I don't recall specifically, he came with
4 the class, one of the classes, and I don't know the
5 specific year that he came.

6 Q Okay.

7 A Excuse me, I don't remember the specific.

8 Q I understand, did you know Mr. [REDACTED]'s
9 family by any chance?

10 A No.

11 Q Okay.

12 A Well, I didn't know them personally, but I
13 guess this is hearsay, I understand and how I got
14 it, I don't know, but that he was a very strict
15 father.

16 Q Okay, and do you know how you heard that?

17 A No.

18 Q But you were never assigned at a parish
19 where Mr. [REDACTED]'s family attended?

20 A No.

21 Q And how many years did you know Mr. [REDACTED]
22 [REDACTED] before he -- before you described him as
23 stowing away on the plane from St. Anthony's?

24 A It would be just that, I guess his years
25 at -- I don't remember exactly when he started, he

1 started in Oakland --

2 Q Right.

3 A -- seminary, those years, maybe guess a
4 year, maybe at most two years, you know, at that
5 time.

6 Q Okay. Did you form an opinion during that
7 year or two as to whether or not he was an honest or
8 on dishonest person?

9 MR. MATIASIC: Lacks foundation.

10 A Yeah, I can't say, nothing pops up, you
11 know.

12 BY MR. HALE:

13 Q Okay.

14 A You know, maybe negative, in the sense that
15 you know, I don't remember anything that he did that
16 would come to my attention, that would be bad or
17 something.

18 Q Okay. Do you recall anyone complaining to
19 you about conduct by Mr. [REDACTED] of any kind,
20 that that person complaining didn't approve of?

21 A No, I don't remember that.

22 Q All right. Mr. Matiasic asked you
23 questions about reports of sexual abuse by Mr. [REDACTED]
24 [REDACTED], do you recall there being any reports by
25 Mr. [REDACTED] to you of any kind of misconduct by a

1 Franciscan Friar?

2 A No.

3 Q And in response to one of Mr. Matiasic's
4 questions regarding whether or not Mr. [REDACTED]
5 reported abuse by Father Cimmarrusti to you, you
6 answered you didn't believe that he ever told you
7 about the abuse, is it possible in your mind that he
8 made a report to you and you simply had forgotten
9 about it?

10 MR. MATIASIC: Asked and answered.

11 A What do I do with that, do I -- I've
12 answered it, I guess.

13 BY MR. HALE:

14 Q Is it possible that -- I mean, it's a yes
15 or no question, do you think it's possible that he
16 reported it to you, or something of that effect to
17 you, regarding abuse by Father Cimmarrusti and you
18 no longer recall and the reason I ask there was an
19 answer where you said you don't believe and that's
20 why I am asking the question?

21 MR. MATIASIC: Same objection.

22 A I don't know what to do with it, do I
23 answer it or I don't answer it.

24 MS. GALLO: You can answer the question.

25 MR. GODFREY: If there's no instruction not

1 to answer the question you can answer the question.

2 A Repeat the question.

3 BY MR. HALE:

4 Q I'm not trying to pin you down, Father.

5 A Okay, repeat the question.

6 Q Sure, my question is in response to one of
7 Mr. Matiasic's questions regarding whether or not
8 Mr. [REDACTED] reported sexual abuse by Father
9 Cimmarrusti to you, my notes reflect that you
10 answered you did not believe that Mr. [REDACTED] had
11 actually reported the abuse to you, so my question
12 is is it possible that Mr. [REDACTED] did report the
13 abuse to you and you simply no longer recall
14 receiving that report from Mr. [REDACTED]?

15 MR. MATIASIC: Asked and answered,
16 misstates his testimony.

17 BY MR. HALE:

18 Q You can answer.

19 A Okay. I don't know why I said believe,
20 I -- my best recollection is that he did not tell me
21 about any abuse.

22 Q Okay. Can you positively rule out that he
23 did not tell you about any abuse as you sit here
24 today?

25 MR. MATIASIC: Same objections.

1 BY MR. HALE:

2 Q And let me, I think I -- there was a double
3 negative in that, let me ask you the question again,
4 can you positively rule out as you sit here today
5 that Mr. [REDACTED] told you about sexual abuse by
6 Father Cimmarrusti?

7 A If he -- if he would have said it that way,
8 then I would have known and I would have remembered.

9 Q When you say that way, you --

10 A I mean, if he said Father Cimmarrusti has,
11 you know, has abused me sexually or described it,
12 then that's something I would never forget.

13 Q And what if he described to you in vague
14 details misconduct by Father Cimmarrusti, is that
15 something that you might have forgotten?

16 MR. GODFREY: Objection, that's vague.

17 MR. MATIASIC: Vague and ambiguous and it's
18 an incomplete hypothetical.

19 BY MR. HALE:

20 Q In other words, if he didn't go into the
21 graphic detail about the alleged sexual abuse and
22 simply said, "Father Cimmarrusti mistreated me," is
23 that something you might have forgotten.

24 MR. MATIASIC: Just add a couple
25 objections, lacks foundation -- Father, if I could

1 get my objection out.

2 THE WITNESS: Oh, I'm sorry.

3 MR. MATIASIC: It lacks foundation, it's an
4 incomplete hypothetical, calls for speculation and
5 misstates the evidence in the case.

6 A Repeat the question.

7 BY MR. HALE:

8 Q Sure, sure. If [REDACTED] came to you
9 and said that Father Cimmarrusti had been
10 mistreating him without going into great detail or
11 going into detail about the nature of the misconduct
12 is it possible that is something you would have
13 forgotten?

14 MR. MATIASIC: Again, vague and lacks
15 foundation, incomplete hypothetical and it misstates
16 the evidence.

17 BY MR. HALE:

18 Q And I will --

19 A Theoretically, it's possible, I think and
20 if it was said in such terms I didn't click on the
21 sexual thing about, you know, that's all I --
22 otherwise, I don't know how to answer that.

23 Q Okay, okay, as you sit here today can you
24 rule out -- can you confidently testify that Mr. [REDACTED]
25 [REDACTED] did not report to you any kind of misconduct

1 by Father Cimmarrusti during that '66-'67 school
2 year?

3 MR. MATIASIC: Counsel, I'm going to object
4 that you asked this question and he's answered it on
5 at least two or three different occasions and so you
6 you're getting to the point of badgering the
7 witness. So let me reiterate the objections that
8 it's asked and answered and leave it there.

9 BY MR. HALE:

10 Q You can answer, Father. Mr. Matiasic loves
11 to categorize my questions that he does not like as
12 badgering, so please feel free to go ahead and
13 answer the question.

14 A Okay, I'm so confused. Repeat it, please,
15 I --

16 MR. HALE: Sure, could you read the
17 question back?

18 (Whereupon, Reporter read back from the record
19 as directed:

20 "Q. Okay, okay, as you sit here today can
21 you rule out -- can you confidently testify that
22 Mr. [REDACTED] did not report to you any kind of
23 misconduct by Father Cimmarrusti during that '66-'67
24 school year?")

25 MR. MATIASIC: Again, same objection, it's

1 asked and answered and he's already testified as
2 such and I believe that asking the witness the same
3 question four times is badgering.

4 MR. HALE: It's not the same question, the
5 record will reflect the question is different.

6 A I can only answer this way: Theoretically,
7 yes, practically, no.

8 BY MR. HALE:

9 Q When you say practically, no, what do you
10 mean by that?

11 A I wouldn't do it, I mean, now I'm --

12 Q Okay. I --

13 A Now I am so confused I'm not sure what the
14 issue is.

15 Q I think I understand your answer, that's
16 fine.

17 A Okay.

18 Q Were you --

19 MR. MATIASIC: Wait, hold on, Counsel,
20 before you go any further.

21 Father, did you understand the last
22 question, I just want to make sure you're
23 understanding what Counsel is asking, did you
24 understand the last question?

25 A I think your question was did Mario

1 Cimmarrusti discipline him in any way physically or
2 something?

3 BY MR. HALE:

4 Q No, no. My question was can you rule out
5 as you sit here today that Mr. [REDACTED] reported
6 to you during the '66-'67 school year some kind of
7 misconduct by Father Cimmarrusti, perhaps not going
8 into explicit detail regarding the sexual abuse?

9 A What do you mean by misconduct?

10 Q Maybe he was punching the student, maybe he
11 was inappropriately touching the student?

12 MR. GODFREY: Vague.

13 MR. MATIASIC: Counsel, hold on, that's
14 compound, asked and answered, you asked and he
15 answered that question already and also misstates
16 the evidence in this case, so which question, it's
17 compound, so which question are you --

18 MR. HALE: I didn't ask a compound
19 question.

20 MR. MATIASIC: I believe --

21 MR. HALE: The record will reflect exactly
22 what the question states and it's not compound.

23 MR. MATIASIC: I reiterate my same
24 objections.

25 BY MR. HALE:

1 Q Do you have an understanding -- Let me ask
2 this, Father: What would be your understanding of
3 what would constitute misconduct by a student or by
4 a faculty member at St. Anthony's Seminary?

5 A Other than the sexual thing?

6 Q Right.

7 A I suppose it would be physical punishment
8 that would be excessive; but I think in the state of
9 California you can administer physical punishment
10 with a witness.

11 Q Were you aware --

12 A So, I guess what I am trying to get at,
13 physical punishment, per se, is not necessarily
14 misconduct.

15 Q Were you aware of there being corporal
16 punishment being administered to students at St.
17 Anthony's Seminary?

18 MR. MATIASIC: Overbroad as to time.

19 BY MR. HALE:

20 Q During your time on the faculty?

21 MR. MATIASIC: So, Counsel, you're limiting
22 to '66 to '77?

23 A '66 to '77, the time I -- when I was on
24 site, right?

25 BY MR. HALE:

1 Q Yes.

2 A I think I was, yeah, yeah.

3 Q Were you aware of Father Cimmarrusti
4 spanking students?

5 MR. MATIASIC: Overbroad as to time, again
6 Counsel, are we talking about 66 to '77.

7 A I was not personally aware of it.

8 BY MR. HALE:

9 Q Are you now aware of Father Cimmarrusti
10 spanking students?

11 MR. MATIASIC: Father [REDACTED] --

12 A Well, people are talking about -- I heard
13 that, but I did not see, I did not see him spanking
14 anybody.

15 BY MR. HALE:

16 Q Did you hear that he was spanking students?

17 MR. MATIASIC: Father [REDACTED], other than
18 anything you may have learned from your lawyers.

19 THE WITNESS: Okay.

20 A Let me -- the only way I can answer this, I
21 am aware that he spanked or had physical punishment.

22 BY MR. HALE:

23 Q Okay.

24 A How, what, you know.

25 Q When did you first become aware of that?

1 A I don't know, I mean, I -- somewhere during
2 the period, I think somewhere during the period on
3 side, I don't think it came up when I was away.

4 Q Okay. You described a circumstance where
5 under California law it might be appropriate for
6 there to be physical punishment if there was a
7 witness?

8 A Yeah.

9 Q Were you ever aware of anyone being asked
10 to witness corporal punishment of a student at St.
11 Anthony's consistent with those --

12 A I'm not aware of.

13 Q Were you ever asked to observe corporal
14 punishment after St. Anthony's student?

15 A No.

16 Q Were you ever aware of any of your
17 Redemptorist students receiving corporal punishment
18 while at St. Anthony's?

19 A That I don't know how to answer that, no,
20 not personally aware of, no.

21 Q But did you ever hear about that happening?

22 A Yes.

23 MS. GALLO: It's fallen.

24 (Whereupon, a discussion was held off the record.)

25 BY MR. HALE:

1 Q How did you hear about that, was it from a
2 student or from a faculty member?

3 A Would you repeat the question?

4 Q Sure. How did you hear about that, from
5 students or from a faculty member?

6 A It would be, my best -- my best
7 recollection would be a student.

8 Q Okay. Do you recall did that student come
9 and tell you it had happened to them or it had
10 happened to another student?

11 A I don't know.

12 Q And do you recall if this report occurred
13 in the 1960's or in the 1970's?

14 A The only thing I -- yeah, I don't know, I
15 was aware of it, when specifically, I don't know.

16 Q Okay, and did the -- did the student tell
17 you that it was Father Cimmarrusti that was spanking
18 the student or students depending on what the
19 student told you?

20 A That's my best recollection.

21 Q Okay. Did the student describe for you the
22 process Father Cimmarrusti went through when
23 administering corporal punishment to students?

24 A No.

25 Q Were you ever aware of an allegation of

1 Father Cimmarrusti was requiring students to either
2 strip completely naked or at least naked from the
3 waist down in order to administer corporal
4 punishment?

5 A No.

6 Q Have you ever heard that?

7 MR. MATIASIC: Other than anything from
8 Counsel, from your Counsel, obviously.

9 A Yes, I heard it, but just, you know,
10 whether it was all the way or you know, yeah.

11 BY MR. HALE:

12 Q Did you recall if that was something --

13 A I recollect, I heard that he used corporal
14 punishment and spanked, that's all, that's all I can
15 do with that.

16 Q Do you recall if the student -- did more
17 than one student report the fact this kind of
18 punishment was taking place to you or was it just
19 one?

20 A It was an informal conversation, it was an
21 informal thing as I recall it and when it was told
22 to me there was -- it was a sense of -- it was
23 funny.

24 Q So it wasn't that the student was making a
25 complaint?

1 A No, no, the context was, you know, ha, ha,
2 ha, and I don't know how else to explain it.

3 Q Okay.

4 A I'm sorry, but I --

5 MR. GODFREY: You're doing fine.

6 BY MR. HALE:

7 Q When you learned of this conduct, did you
8 tell anyone on the faculty about hearing about this
9 conduct by Father Cimmarrusti?

10 A No.

11 Q Did you tell any -- well, did you tell
12 anyone --

13 A No.

14 Q -- about learning about this conduct by
15 Father Cimmarrusti?

16 A No.

17 Q No?

18 A Excuse me?

19 Q Is that a no?

20 A No.

21 Q Sorry, I'm just trying to get a clear
22 record. Did you ever ask Father Cimmarrusti about
23 whether he was administering corporal punishment?

24 A No.

25 Q Did the student tell you whether anyone

1 else was present while this corporal punishment was
2 being administered?

3 A No.

4 Q Did you inquire as to whether anyone else
5 was present while this corporal punishment was being
6 administered?

7 A No.

8 Q Did you form an opinion as to whether it
9 was appropriate for Father Cimmarrusti to be
10 administering corporal punishment as to St.
11 Anthony's students?

12 A Would you repeat the question again?

13 Q Sure. Did you form an opinion as to
14 whether it was appropriate for Father Cimmarrusti to
15 be administering corporal punishment to St.
16 Anthony's students?

17 A Because it was told in a kind of a joking
18 way, I didn't click, you know, on the seriousness of
19 it.

20 Q If a student had come to you and complained
21 about corporal punishment being administered, would
22 that have changed whatever any actions you would
23 have taken in response to hearing that?

24 MR. MATIASIC: Lacks foundation, incomplete
25 hypothetical.

1 MR. GODFREY: Calls for speculation.

2 THE WITNESS: What do I do with that?

3 MR. GODFREY: You can answer unless your
4 attorney tells you not to answer.

5 MS. GALLO: You can answer.

6 BY MR. HALE:

7 Q In other words if someone had come to you
8 and instead of joking about it, said student so and
9 so was just spanked by Father Cimmarrusti came to
10 you and said in a very serious tone, "Father
11 [REDACTED], student so and so was just spanked by
12 Father Cimmarrusti," would that have changed how you
13 would have responded to receiving that information?

14 MR. MATIASIC: Vague, ambiguous, lacks
15 foundation, incomplete hypothetical, calls for
16 speculation.

17 A Right, the question is would I have told
18 somebody about it, right, no, or what --

19 BY MR. HALE:

20 Q Basically, yes.

21 A I really don't understand what you're
22 asking, what you're getting at.

23 BY MR. HALE:

24 Q The question is, I understand that he
25 student who told about the spanking kind of told you

1 in a jovial, joking way?

2 A Yeah.

3 Q What if a student came to you and in a very
4 serious manner complained to you that Father
5 Cimmarrusti was spanking seminarians, would that
6 have changed whatever actions you took upon hearing
7 that report?

8 A I would --

9 MR. MATIASIC: Vague and ambiguous, lacks
10 foundation, incomplete hypothetical, calls for
11 speculation.

12 A The only way I can answer that is I
13 would -- if he did I would check it out, and you
14 know, see if that was really true, it's all I can --
15 I don't know what else I can say.

16 BY MR. HALE:

17 Q How would you have checked it out?

18 MR. MATIASIC: Same objections.

19 A I would -- well, I would -- I'd try to make
20 sure that the student was telling the truth. I
21 tried to check it out with him and I would ask
22 Cimmarrusti, I mean, it is -- again, it's
23 speculation, that's -- that's all, I don't know what
24 else do you want from me.

25 BY MR. HALE:

1 Q I'm not trying to put any pressure on you,
2 Father?

3 A Yeah, I know.

4 Q Was there only one instance where a student
5 came to you and told you about spankings by Father
6 Cimmarrusti or did this happen more than once?

7 A No, just in the context as I have presented
8 to you, an informal light thing.

9 Q Okay. Were you aware of the Franciscan
10 faculty having a recreation room?

11 A Yes.

12 Q Did you participate in -- my understanding
13 is there were often pre-dinner --

14 A Yeah, we'd meet --

15 Q -- social gatherings?

16 A -- for cocktails or something.

17 Q Yes.

18 A And what they had, they had their own, they
19 called it the common room.

20 Q And would you normally attend those?

21 A Yeah.

22 Q And was there also a once a week kind of a
23 use of the meeting at the recreation room where the
24 faculty played cards or socialized?

25 A Yes, see, they are free, as our free days

1 Redemptorist's was Thursday, theirs was Wednesday
2 and we'd have a little -- they'd bring in hamburgers
3 and we'd have a little, maybe play cards or
4 something.

5 Q Okay, and did you normally attend those as
6 well?

7 A Oh, yes.

8 Q Was that a regular thing for you to attend
9 those?

10 A Yes.

11 Q Do you recall any instance where Father
12 Cimmarrusti came into the recreation room and
13 described punishing students who had been caught
14 cheating on exams by insisting that they retake the
15 exam in their underwear?

16 MR. MATIASIC: Vague and ambiguous, lacks
17 foundation and misstates the evidence.

18 A No.

19 BY MR. HALE:

20 Q Have you ever heard anything like that
21 before?

22 MR. MATIASIC: Same objections.

23 A Heard what?

24 BY MR. HALE:

25 Q That Father Cimmarrusti punished a class of

1 students by making the class of students retake an
2 exam in their underwear?

3 MR. MATIASIC: Same objections.

4 A I remember them being punished in their
5 underwear, but I don't recall the examination part.

6 BY MR. HALE:

7 Q Okay, how did you learn about them, the
8 students being punished in their underwear?

9 A I don't know, a student would have to tell
10 me, I guess.

11 Q Do you recall if this was possibly the
12 1967-'68 school year that this happened?

13 A '67-'68 --

14 MR. MATIASIC: And Counsel, hold on,
15 Counsel, I want to clarify whether you're asking him
16 during -- that the incident took place or in the
17 '67-'68-'68 or that he found out during the '67-'68?

18 A The '67-'68 period, is that when the -- you
19 mean when I was not on-site?

20 BY MR. HALE:

21 Q I think, correct me if I am wrong, you were
22 not on-site for the '66-'67 school year?

23 A That's right, '66-'67, '68, I guess that
24 would be my first.

25 Q Let me ask you this: When do you think you

1 first heard about the Father Cimmarrusti having a
2 class of students take an exam in their underwear?

3 A First, I think as I said before, the exam
4 part of it --

5 Q Okay.

6 A -- I do not recall.

7 Q Okay.

8 A And all I recall are the dates, there was a
9 situation where he made them, you know, be in their
10 underwear and the exam part I don't know.

11 Q Okay. Do you recall when you first heard
12 about Father Cimmarrusti making these students be in
13 their underwear?

14 A No.

15 Q Do you think it was in the 1960's?

16 A I believe it was there when I was there,
17 yeah.

18 Q Do you think -- you think you heard about
19 it shortly after it took place?

20 A Most probably, you know, I thought it
21 was -- I didn't, no, I -- somehow, maybe I obtained,
22 my, the sexual overtones never, I think I said that
23 before, never struck me, I just thought it was
24 rather bizarre and old-fashioned.

25 Q Okay. What exactly did you hear so if you

1 didn't hear about it taking place in the context of
2 an exam being administered what did you here, what
3 did you understand the context to be where Father
4 Cimmarrusti had these students be in their
5 underwear?

6 A Just --

7 MR. MATIASIC: Lacks foundation.

8 A Disciplinary thing, punishment.

9 BY MR. HALE:

10 Q Did you hear that Father Cimmarrusti had
11 made the students walk through halls in the seminary
12 in their underwear?

13 A No, no.

14 Q What did you hear the location was where
15 this took place.

16 MR. MATIASIC: Lacks foundation.

17 A That it was all one room.

18 BY MR. HALE:

19 Q Okay, okay, did you hear about this from
20 one of the students who was part of this
21 disciplinary action?

22 MR. MATIASIC: And Counsel, I'm just going
23 to object that it's asked and answered to the extent
24 that he already said that he doesn't really remember
25 how he learned of it.

1 MR. HALE: That misstates his testimony.

2 MR. MATIASIC: It will bear that out.

3 MR. HALE: It will definitely show one of
4 us is right or wrong.

5 A You want to know when I learned about this,
6 right? Okay.

7 BY MR. HALE:

8 Q Well, that was a prior question, but what I
9 am asking is did you hear about this from a student
10 who was actually part of the disciplinary process,
11 the disciplinary action by Father Cimmarrusti?

12 A I don't recall.

13 Q Okay.

14 A Or how I knew.

15 Q Okay, when you heard about this action, did
16 you ever talk to Father Cimmarrusti about this form
17 of discipline?

18 A No.

19 Q Okay. Did you ever tell anyone about what
20 you had heard regarding this discipline by Father
21 Cimmarrusti?

22 A No, not that I can recall.

23 Q Okay. Did any faculty member ever come to
24 you and ask you if you were aware of Father
25 Cimmarrusti disciplining students in this fashion?

1 A No.

2 Q Did you ever hear of any other instance
3 where Father Cimmarrusti disciplined students in
4 this fashion?

5 A No.

6 Q Were you involved in the process where --
7 Do you know how it was that St. Anthony's was chosen
8 to be the transfer location for Redemptorist
9 seminarians for Holy Redeemer.

10 MR. MATIASIC: Lacks foundation.

11 A Yes, we -- I was part of a search, kind of
12 a search committee.

13 BY MR. HALE:

14 Q Okay.

15 A And we investigated various seminaries that
16 would be willing to take our boys, you know, one was
17 in at that time the Franciscans had a seminary in --
18 up in Troutdale, Oregon, little town called
19 Troutdale, Oregon, where the kids from the northwest
20 would go and then let's see, I visited that and I
21 visited a Benedictine seminary and one or the other,
22 anyway, I was part of a search team going around, so
23 forth, we finally decided on St. Anthony's because
24 we felt that there the -- their spirit was close to
25 our spirit -- one thing that, one thing that they

1 kind of convinced me was when I went to the
2 Troutdale one, the Franciscans, the kids were so
3 spontaneous, they came out and they didn't know who
4 I was, and said, "Hi, Father," that kind of thing,
5 that's, that's, that's our place.

6 Q Okay, okay, did you personally meet with
7 any Franciscans to discuss what life would be like
8 at St. Anthony's for the transfer students?

9 A I had conversations, I don't think they
10 were that in-depth.

11 Q Do you recall who you spoke with? I know
12 it's been a while, just do your best.

13 A I don't recall his name.

14 Q Okay. Do you think it would have been
15 Father Harris?

16 A No, it would not have been Father Harris.

17 Q Was it a Franciscan who was a faculty
18 member, though?

19 A See, the committee, the committee that was
20 put together which I was a part had various
21 assignments to go to various areas of seminaries.

22 Q Okay.

23 A I did not go to St. Anthony's one, another
24 member of the committee did, but I went to the
25 Troutdale one which is Franciscan and I caught a

1 nebulous spirit there that said this is -- this
2 looks good.

3 Q Do you recall the name of the committee
4 member who went to St. Anthony's?

5 A Yes, Father John Grabowski.

6 Q Is Father Grabowski still alive?

7 A No, he's dead.

8 Q Are you aware of whether there's any kind
9 of written agreement between the province of St.
10 Barbara and the Redemptorists regarding the transfer
11 of redemptorist seminarians to St. Anthony's?

12 MR. MATIASIC: Lacks foundation.

13 A I don't think so, no, I don't recall any
14 formal agreement or anything.

15 BY MR. HALE:

16 Q Okay. Were you aware of any -- anything in
17 writing documenting the transfer of Redemptorist
18 seminarians to St. Anthony's?

19 A No.

20 Q Was it just kind of a -- you talked earlier
21 about a gentleman's agreement, was it the same or
22 similar circumstance?

23 A I never saw, it might have been a letter or
24 something, letters, but I don't even, you know, I --
25 I wasn't involved, you know, at the time of that

1 level.

2 Q Okay. How many people were on the
3 committee that were researching or looking,
4 investigating where to have the students transfer
5 to?

6 A My best recollection is three.

7 Q So you, Father Grabowski?

8 A And I think a Father Bernard Mulligan.

9 Q Is Father Mulligan still alive?

10 A No.

11 Q And did the three of you meet with your
12 Provincial to discuss the transfer of the students
13 to St. Anthony's?

14 A I don't specifically know how that worked,
15 but obviously we had to get, somebody had to talk
16 to -- I think our recommendation was go Franciscan.

17 Q Okay.

18 A And then the other -- I had visited the
19 Franciscan at that time, Troutdale, which
20 subsequently the next year, they closed, and they
21 came down to Santa Barbara, so our search duties
22 were a -- proportioned or portioned out.

23 Q Okay. You talked about these three day
24 visits you would make to St. Anthony's.

25 A Uh-huh.

1 Q During those three day visits, would you
2 meet with the Redemptorist students?

3 A Yeah.

4 Q And what would you discuss with them?

5 A I don't know, just, "How's it going, how
6 are you," and that kind of thing.

7 Q Would you generally have one on one
8 meetings with the students or would you meet with
9 them in a group?

10 A Specifically I don't recall. Did I tell
11 you I was -- one of my students I -- one of my
12 student was in trouble and I was the one vote to
13 keep him there, did I tell you.

14 Q Yes.

15 A I went through that.

16 Q Yes, yes, yes.

17 A In general, just how are you doing type of
18 thing.

19 Q Did you ever during -- only during that
20 '66-'67 school year when you would visit during
21 these three day periods did you ever teach a class?

22 A No.

23 Q Did you ever perform mass at the seminary
24 during these three day periods?

25 A I attend, you know, we had a what is called

1 concelebration, I was there, but I don't
2 specifically remember that I was the main celebrant,
3 probably.

4 Q Okay.

5 A I mean, they could have asked me, it was --

6 Q No, I'm just trying to get a sense for what
7 would go on during these three days?

8 A Okay, I guess, I said thousands of masses
9 in my --

10 Q Would you attend, would there be a faculty
11 meeting generally during these three day visits you
12 would make to St. Anthony's?

13 A I can't say for sure, I know, I know if my
14 student, you know, was up for discussion I would be
15 there.

16 Q So if one of your students is up for
17 discussions was it your expectation someone from the
18 seminary would notify you so you could come down and
19 be a part of that discussion?

20 A Probably, I know it was, it was often my
21 vote that kept them there.

22 Q Okay.

23 A So -- but I don't know how that worked out.

24 Q Okay. You described having a vote as to
25 whether or not a student would be expelled from St.

1 Anthony's if it was a Redemptorist student?

2 A Yeah, yeah.

3 Q Would you have any vote in students being
4 disciplined by the faculty at St. Anthony's?

5 MR. MATIASIC: Vague and ambiguous.

6 BY MR. HALE:

7 Q Or was it only if a student is going to get
8 expelled or not?

9 A Well, generally it was a -- again, it was
10 agreed that the Friars would take care of the
11 discipline, obviously they didn't want, you know, my
12 students being under me and their students being
13 under somebody else.

14 Q Right.

15 A And ha-ha, Father [REDACTED] is a little
16 easier on us than you guys and that kind of thing.

17 Q Right, so it was your understanding that
18 Franciscans would be responsible for disciplinary
19 actions up to the point of expelling a student, is
20 that a fair statement?

21 A Yeah, but if that moment come, came, I
22 would be informed and I'd be there.

23 Q And was it, so it was your understanding
24 also that for instance the Franciscans would be
25 responsible for the student -- a student, your

1 Redemptorist student's academic welfare as well?

2 A Of course.

3 Q And the Franciscan's would be responsible
4 for instance for giving your Redemptorist
5 seminarians a place to sleep?

6 A Yeah.

7 Q And Franciscans would be responsible for
8 feeding obviously the Redemptorist seminarians as
9 well?

10 A Yes.

11 Q So in a nutshell the Franciscans were
12 responsible for the general welfare of the
13 Redemptorists students while they were attending St.
14 Anthony's Seminary, is that a fair statement?

15 A Yes.

16 MR. MATIASIC: Vague and ambiguous and
17 calls for a legal conclusion.

18 BY MR. HALE:

19 Q And your answer is yes?

20 A Well, yeah, they were in general
21 responsible for the welfare there.

22 Q Okay. During your three day visits to the
23 seminary, would you have any meetings with faculty
24 members to discuss the Redemptorist -- your
25 Redemptorist students?

1 A I'm sure I know what you mean, would I come
2 down and call a meeting?

3 Q No, in other words, during your visits
4 would there be some point where you would sit down
5 with either perhaps Father Harris and you would
6 discuss the progress of your Redemptorist students?

7 A No, I was just there to, you know, see how
8 they were doing. I didn't -- as I recall I don't --
9 that's so vague, I, I -- I probably called them in
10 and talked to them, I'm not, I'm sorry --

11 Q No, no, that's okay.

12 A I'm sorry, I can't go any further.

13 Q It's been a long time, I know, you're doing
14 great, believe me, you recalled an awful lot?

15 MR. GODFREY: Father.

16 --(Whereupon, a discussion was held off the record.)

17 BY MR. HALE:

18 Q Were there every any instances where a
19 Redemptorist seminarian student had a concern that
20 you went and discussed with Father Harris during
21 that '66-'67 school year?

22 A Not that I can recall.

23 Q Okay, okay. Before the committee, the
24 committee that investigated where to allow the
25 seminarians to transfer decided on St. Anthony's,

1 was there any discussion with anyone from the
2 Province of St. Barbara about approved methods of
3 discipline at St. Anthony's seminary?

4 MR. MATIASIC: Vague and ambiguous, calls
5 for speculation?

6 A I'm not aware of it, but that was not
7 handled at that time at my level was between
8 Provincials.

9 BY MR. HALE:

10 Q Okay, okay, what about during that '66-'67
11 school year when you were visiting every two weeks,
12 approximately, did you have any understanding then
13 of whether there were any approved methods of
14 discipline at St. Anthony's Seminary?

15 MR. MATIASIC: Lacks foundation, vague and
16 ambiguous.

17 A No, I just assumed that they would take
18 care of it, like --

19 BY MR. HALE:

20 Q Okay.

21 A You know and I -- you know, figured, well,
22 since my, my -- I had 22 years of experience in
23 minor seminaries, I figured, well, it would be
24 pretty much the same.

25 Q During your time on the St. Anthony's

1 faculty, did you at some point again an
2 understanding of what were approved or disapproved
3 methods of discipline at St. Anthony's seminary?

4 A No.

5 MR. MATIASIC: Vague and ambiguous, and
6 lacks foundation.

7 A No.

8 BY MR. HALE:

9 Q Do you recall there being any discussions
10 while you were on the faculty of approved or
11 disapproved methods of discipline?

12 MR. MATIASIC: Same objections.

13 A Not that I can recall.

14 BY MR. HALE:

15 Q Okay. Did you ever spend any time in the
16 infirmary while you were at St. Anthony's Seminary?

17 A You mean sick?

18 Q Possibly or maybe you were visiting a sick
19 student?

20 MR. MATIASIC: Lacks foundation.

21 A Well, I know, I went in the infirmary, if a
22 kid was sick, whether it was a Redemptorist or
23 Franciscan I would visited him.

24 BY MR. HALE:

25 Q Were you aware that Father Cimmarrusti was

1 the infirmarian?

2 A Yes.

3 Q Did you think it was unusual that a faculty
4 member was serving as infirmarian?

5 A No.

6 Q Had you been in seminaries before where
7 there was an infirmary?

8 A Yes.

9 Q In your experience was it normal for a
10 senior class member to be an infirmarian as opposed
11 to a faculty member?

12 A Well, the general seminary experience has
13 been that there'd be a faculty member that would
14 oversee students who were infirmarians, you know.

15 Q Okay.

16 A I don't know any way else to put it.

17 Q Okay, and when you say a student who was an
18 infirmarian, what is your understanding of what an
19 infirmarian's responsibilities would be?

20 A The infirmarian was responsible if a
21 student was sick, he was responsible for taking
22 meals up to him, he was responsible for taking his
23 temperature, anything that the student needed and
24 that was always as far as I know in general the way
25 seminaries work there was always a faculty member, a

1 priest that would be overseer of the thing.

2 Q And but would that faculty member also
3 generally be the infirmarian in your experience as
4 well.

5 MR. MATIASIC: Asked and answered.

6 A Well, he would visit the seminarian, you
7 know and I don't know what -- other than that, but I
8 know he would visit him.

9 BY MR. HALE:

10 Q Okay.

11 A Because if he were there, if a kid needed
12 to have his temperature taken, he'd take it, I just
13 don't know.

14 Q Okay.

15 A Frankly, I don't understand where you're
16 going with it.

17 Q Okay, fair enough. In your experience
18 other than Father Cimmarrusti did you ever observe a
19 faculty member who also served as the infirmarian?

20 MR. MATIASIC: Vague and ambiguous in terms
21 of serving as the infirmarian, Father [REDACTED] has
22 already testified as to what his experience has been
23 in that regard, Counsel, I'm going to reiterate my
24 objection and I think it's badgering, you asked the
25 question four times.

1 MR. HALE: And he has not answered this
2 question, and this questions is being asked and your
3 characterization of being badgering is
4 inappropriate.

5 A Yeah, I am lost, would you repeat the
6 question?

7 BY MR. HALE:

8 Q Sure, sure, aside from, my understanding is
9 you recall that Father Cimmarrusti served as the
10 infirmarian at St. Anthony's Seminary, correct?

11 A He was the faculty member in charge of the
12 boys who were, the did the -- I am at a point now, I
13 don't exactly know what you want. I'm sorry, I just
14 don't know what you want.

15 Q No, no, simple question. Do recall whether
16 while you were on the faculty at St. Anthony's
17 Father Cimmarrusti serving as the infirmarian?

18 A He served in the capacity as the faculty
19 member who was in charge of the infirmarians.

20 Q And were there students who served as
21 infirmarians while you were on the faculty that you
22 were aware of?

23 A Yes, I think I just said that.

24 Q Okay, that answers the question right
25 there. When you became a faculty member at St.

1 Anthony's Seminary, were you paid for your services
2 by the province of St. Barbara?

3 A It's an interesting question, yes, I mean,
4 for a while I was.

5 Q Okay.

6 A I was paid I think a stipend of two hundred
7 dollars a month and then they, you know, then the
8 Friars were -- they had, you know, what's called a
9 visitation of their provincial and so forth and this
10 came up that I was getting a salary and it was one
11 of the officials of the Franciscan province said,
12 "Well, why are we paying him? We are educating his
13 kids," so they discontinued my pittance of two
14 hundred dollars a month, which didn't me make me cry
15 at all, I was fed and housed and everything, so --

16 Q Before the Provincial came down and yanked
17 your two hundred dollars a month stipend, when did
18 you first begin receiving that stipend from the
19 Franciscan for your services?

20 MR. MATIASIC: And I'm just going to object
21 to the term of Provincial yanking the stipend.

22 BY MR. HALE:

23 Q All right, before?

24 A I'm sorry, what.

25 Q Here, I will ask the question again, before

1 you stopped receiving the two hundred dollar a month
2 stipend, when was the first time that you received
3 that two hundred dollar a month stipend from the
4 Franciscans?

5 A When I was actually on-site and teaching
6 and so forth.

7 Q So that would have been the '67-'68 school
8 year?

9 A Yeah, from September.

10 Q I take it, did you receive any kind of
11 compensation or stipend during the '66-'67 school
12 year?

13 A Yes, when I was there.

14 Q Right, when you were just visiting?

15 A No, no.

16 Q Okay. Did any student at St. Anthony's
17 Seminary ever report to you any allegations of
18 misconduct by any faculty member at St. Anthony's?

19 MR. MATIASIC: Vague and ambiguous.

20 A What do you mean by misconduct?

21 BY MR. HALE:

22 Q Inappropriate behavior.

23 MR. MATIASIC: Same objection.

24 A No, not that I can recall.

25 BY MR. HALE:

1 Q Okay. Did any student at St. Anthony's
2 seminary ever report to you any allegation of sexual
3 misconduct by any faculty member or any Franciscan?

4 A Did any member --

5 Q Did any student at St. Anthony's Seminary
6 ever report to you any allegations of sexual
7 misconduct by any Franciscan friar at Santa
8 Anthony's seminary?

9 A No.

10 Q Okay.

11 (Whereupon, a discussion was held off the record.)

12 BY MR. HALE:

13 Q When you would stay at the seminary during
14 the '66-'67 school year, I understood you stayed in
15 the cloister; do you recall who the Franciscans were
16 who neighbored your room in the cloister?

17 A No.

18 Q Okay. What about when you became a full
19 time faculty member, where were your living
20 quarters?

21 A Well, I haven't -- yeah, I lived in what
22 they call the cloistered section, yeah.

23 Q And when you became a full time faculty
24 member did you live in the same quarters that you
25 would stay at during '66-'67 school year when you

1 would come to visit or was it a different room?

2 A Well, it was -- depended on, I stayed in
3 the same, I stayed in the same general area where
4 the Franciscans stayed, I didn't get always the same
5 room, every time I came, what was ever available.

6 Q Okay.

7 A In that -- you understand why the Friars
8 live, okay, they lived separately from the students.

9 Q Right.

10 A Okay.

11 Q Okay. So in other words when you came back
12 to visit for these three day visits, it was not
13 always that you stayed in the same location, it
14 changed?

15 A I don't know what you mean by location, I
16 stayed -- my room was in the same section for the
17 Friars stayed as separated from the students.

18 Q Okay, did you always stay in the same room?

19 MS. GALLO: Asked and answered.

20 A I never stayed, whatever, in that section,
21 you see, there was a friar section and there was a
22 student section.

23 BY MR. HALE:

24 Q I understand that.

25 A Okay, and that was all in the same big

1 building.

2 Q Okay.

3 A Okay, when I stayed, I stayed in the
4 section that was the Friars section.

5 Q Okay. I understand your testimony
6 regarding sections, but my question is did you stay
7 in a different room, was there more than one room
8 you stayed in?

9 MR. GODFREY: Asked and answered many
10 times.

11 MR. MATIASIC: Asked and answered.

12 A I stayed in whatever room was available, it
13 wasn't always the same room.

14 BY MR. HALE:

15 Q Okay, that's the answer I was looking for.

16 A I'm sorry, but I don't see the relevance of
17 it.

18 Q That's fine, what about when you became a
19 faculty member, did you have the same living
20 quarters there from '66 to '67?

21 A I stayed in the same general section, I
22 don't know whether it was the same room I had when I
23 visited.

24 Q Okay. So you didn't, you're not sure if
25 you had the same living quarters when you were on

1 the faculty?

2 A God, now I'm all confused.

3 Q Father, what I am looking for is did you
4 have the same living quarters when you became a
5 faculty member until the time that you actually left
6 the seminary in '77?

7 A No, I didn't, at first I was with, with
8 the -- with the, you know with the Friars and then I
9 became the moderator or prefect, I forget what term
10 they used of the junior class and then I -- well,
11 no, I don't -- I -- there was, there was a building
12 which they called the Casa and it was a library and
13 they had rooms up there, at one time I had a room in
14 that section and then there was -- they had a --
15 midway between that and the other building they had
16 a little, kind of a guest building.

17 Q Okay.

18 A Sometimes I stayed there and I cannot tell
19 you a time or -- that's all I can say, sometimes I
20 stayed there.

21 Q Okay.

22 A Probably when I was visiting, I'm sorry, I
23 cannot be any more specific.

24 Q I understand. Since you first, from the
25 time you first stepped foot on the St. Anthony's

1 seminary campus in 1966 to the present have you ever
2 reported to anyone allegations of sexual abuse by a
3 Franciscan friar?

4 A No.

5 Q Okay, and that would -- and have you ever
6 reported to anyone your awareness of Father
7 Cimmarrusti having students be in their underwear?

8 A What do you mean by report?

9 Q Tell anyone?

10 A Tell.

11 Q Have you ever told anyone about Father
12 Cimmarrusti having students be in their underwear in
13 classrooms at St. Anthony's seminary?

14 A I mean, tell in the sense of officially or
15 tell in the sense of just tell?

16 Q Officially or unofficially.

17 A I don't, I don't know.

18 Q Okay.

19 A I don't think so.

20 Q And have you ever told --

21 A I don't think so but I don't know.

22 Q Have you ever told anyone about your
23 awareness of Father Cimmarrusti's corporal punishing
24 St. Anthony's seminary students?

25 A Not that I can recall.

1 MR. HALE: Okay. You want to take the last
2 five?

3 MR. MATIASIC: Yeah, please.

4 REDIRECT EXAMINATION

5 QUESTIONS BY MR. MATIASIC:

6 Q Father [REDACTED], I know we have been going
7 for a while but the good part about it, we only have
8 in few more minutes and I will get through my
9 follow-up questions as quickly as I can, so thanks
10 for bearing with us. You testified already that
11 Father O'Brien was your assistant during this year
12 1966-'67 when you would visit St. Anthony's
13 seminary, is that correct?

14 A Yes.

15 Q Would you and Father O'Brien ever discuss
16 the results of your visits down to St. Anthony's
17 seminary during the six '66-'67 school year?

18 A Yeah, I don't recall anything specifically,
19 I don't think it was a -- you know, like a -- well,
20 that's, you know, when he arrived, come back, I
21 don't think we had a formal sit-down to exchange
22 ideas, I'm sure formally we talked about it and so
23 forth.

24 Q So if there were an issue that came up, say
25 a discipline problem or a report of sexual abuse or

1 something along those lines, would you and Father
2 O'Brien have talked about that?

3 MR. HALE: Vague and ambiguous.

4 A Yeah.

5 BY MR. MATIASIC:

6 Q So if [REDACTED] had told you in
7 this year, 1966-'67 that he was being sexually
8 abused by Father Cimmarrusti, is that something you
9 would have told Father O'Brien?

10 MR. HALE: Vague and ambiguous, incomplete
11 hypothetical.

12 A Yes, I believe so, yeah, yeah.

13 BY MR. MATIASIC:

14 Q Father, I believe earlier Mr. Hale asked
15 you a series of questions regarding whether there
16 was any possibility that you were told that Mr. [REDACTED]
17 [REDACTED] was being sexually abused, if he had used
18 that term or any term that would indicate to you
19 that he was being sexually abused or molested, you
20 would remember it, wouldn't you?

21 MR. HALE: Asked and answered. Right back
22 at you.

23 A Yes, yes.

24 BY MR. MATIASIC:

25 Q And if Mr. [REDACTED] told you that Father

1 Cimmarrusti was touching his genitals, would you
2 remember that?

3 A Yes.

4 MR. HALE: Same objections.

5 BY MR. MATIASIC:

6 Q If he told you that Father Cimmarrusti was
7 masturbating him, would you remember that?

8 A Yes.

9 MR. HALE: Assumes facts not in evidence,
10 same objections.

11 MR. MATIASIC: If he had told you that he
12 had told Father Harris that he was being sexually
13 abused would you remember that?

14 A Yes.

15 MR. HALE: Same objections.

16 BY MR. MATIASIC:

17 Q And if he had told you Father Cimmarrusti
18 that he was being forced to masturbate and fondle
19 the genitals of Father Cimmarrusti, would you
20 remember that?

21 A Yes.

22 MR. HALE: Same objections.

23 BY MR. MATIASIC:

24 Q So is there any doubt in your mind whether
25 or not [REDACTED] told you that he was being

1 sexually abused in the year 1966-67?

2 MR. HALE: Same objection, asked and
3 answered.

4 A Is there any doubt in my mind that he --

5 BY MR. MATIASIC:

6 Q That he -- as to whether or not he told
7 that he was being sexually abused in 1966 or '67?

8 A Only in the sense that if he would have
9 expressed in such a way I didn't click on the
10 sexuality of it.

11 Q But anything that he would have told you
12 that was of a sexual nature, you would remember
13 that?

14 A Exactly.

15 MR. HALE: Same objections as leading and
16 inappropriate question.

17 BY MR. MATIASIC:

18 Q Father, also were you asked a few questions
19 regarding corporal punishment and just so I
20 understand your testimony correctly, when you were
21 told that Father Cimmarrusti was engaging in
22 corporal punishment or spanking students, you were
23 told so in a humorous vein, is that right?

24 A My -- yeah, yeah, it was, it was -- nobody
25 came to me formally, you know, you know, it was an

1 informal situation, I think we were out in the
2 parking lot and I don't know how it came up and it
3 was expressed in such a way that the kids didn't
4 think it was big deal. It's the only way I can
5 express it, I'm sorry.

6 Q Sure, I understand, Father, and did you
7 ever hear about corporal punishment in another more
8 formal context of someone complaining to you about
9 the corporal punishment that Father Cimmarrusti was
10 administering?

11 MR. HALE: Same objections.

12 A No.

13 BY MR. MATIASIC:

14 Q And just so I have the time frame correct,
15 I believe you testified that you heard about this
16 corporal punishment by Father Cimmarrusti after the
17 time you were on-site, is that correct?

18 MR. HALE: Misstates prior testimony. Same
19 objections.

20 A After I was on-site, yes, I think so. I'm
21 not a hundred percent sure; 99.

22 BY MR. MATIASIC:

23 Q Do you recall how long after you were on
24 the faculty that you heard about that?

25 MR. HALE: Same objections.

1 A No, within -- No, I think early on.

2 BY MR. MATIASIC:

3 Q Father [REDACTED], you also testified about
4 Father Cimmarrusti disciplining the students in
5 their underwear, if you had heard that there was any
6 type of sexual nature to this discipline, meaning
7 Father Cimmarrusti forcing the students to be in
8 their underwear, would you have done something about
9 it?

10 MR. HALE: Same objection, vague and
11 ambiguous, incomplete hypothetical.

12 A Yes.

13 Q Father, thank you. Thank you very much for
14 your time. We appreciate that it was a long two
15 hours and we appreciate your time today.

16 RECROSS EXAMINATION

17 QUESTIONS BY MR. HALE:

18 Q I have got one question, Father. Have you
19 ever heard of any faculty member ever disciplining
20 students by having them dressed in their underwear
21 other than this one instance by Father Cimmarrusti?

22 A No.

23 Q That's all I have.

24 MR. MATIASIC: Before we go off the record,
25 why don't we attach the letter I received from

1 Counsel to Father [REDACTED] limiting the deposition
2 to two hours.

3 MR. HALE: Yeah, we should actually talk
4 about that. We are not agreeing that this is the
5 conclusion of the deposition. There was an
6 objection raised on one hand by Plaintiff's Counsel
7 who did not receive notice in a timely fashion of
8 this deposition happening, second, Father -- Judge
9 Frommel's policy has been with regards to ageing and
10 infirm witnesses has been as long as we are
11 accommodating the witnesses, in other words, doing
12 it in two hour blocks, we've got a right to take
13 multiple sessions in those two hours blocks as long
14 as the witness is doing okay.

15 Father [REDACTED] seems to be doing more
16 than okay. He is a critical witness because he was
17 at the seminary during probably the most prolific --

18 THE VIDEOGRAPHER: Can I just go off? Time
19 is 3:18 p.m., this is the video part of the
20 deposition is complete.

21 MR. HALE: I say critical witness because
22 he was in the seminary during one of the most
23 prolific periods of abuse, I understand that,
24 correct me if I am wrong, you guys are taking the
25 position that this is the end of the deposition. We

1 are not saying that depositions there have been
2 numerous other instances involving both
3 Mr. Matiasic's client and especially Mr. Godfrey's
4 client where witnesses in conditions similar to what
5 Father [REDACTED] is dealing with, have had multiple
6 depositions in the one or two hour range to
7 accommodate the witness.

8 We certainly don't want to put any strain
9 on the witness' health, but when they are a critical
10 witness like Father [REDACTED], I think Judge Frommel
11 will allow for further sessions with this witness
12 again under the limiting circumstances that we had
13 here today.

14 MR. MATIASIC: And Counsel, if I can put on
15 the record with respect to the notice, the notice of
16 this deposition had been approved by all the liaison
17 counsel in Clergy 1 and 3, notice was given in the
18 case home page to all parties in both coordinated
19 proceedings and there was an agreement with liaison
20 counsel in Clergy 1 regarding going forward with
21 Father [REDACTED]'s deposition on an expedited basis,
22 if we were to have the opportunity to do so.

23 MR. GODFREY: And shortened notice.

24 MR. MATIASIC: And shortened notice and

25 so --

1 MR. HALE: I'm not the one that's raising
2 the objection.

3 MR. MATIASIC: No, I understand, because
4 you were part of agreement to go forward on an
5 expedited basis, I know you're not, just I'll attach
6 as Exhibit A to the deposition the letter I received
7 from James Geoly, the Counsel for Father [REDACTED]
8 and for the Redemptorist Society in which he said
9 the maximum amount of time that we would be allowed
10 to depose Father [REDACTED] is two hours and so I
11 will attach that as Exhibit A and we can take that
12 up at that time.

13 MR. HALE: I guess we are not agreeing that
14 this is the conclusion of the deposition.

15 MR. GODFREY: Does somebody want to suggest
16 stipulations as to what do with this transcript,
17 perhaps Counsel may want to discuss that off the
18 record.

19 MR. HALE: Relieve the reporter, his duties
20 in the code, we'll send the transcript to Counsel's
21 office for Father [REDACTED], Counsel can then
22 maintain custody of the original, if you can then
23 send that original to Father [REDACTED] for review --
24 How many days would you like to confirm the
25 transcript to confirm it's accuracy?

1 MR. GODFREY: Father, the procedure is that
2 the deposition is typed up into a booklet and you
3 get the chance to read over it and sign it under the
4 penalty of perjury, before signing if you want to
5 change your testimony you can do it on the
6 transcript that he's talking about, so what he's
7 asking is how much time would you like to do that?

8 THE WITNESS: Well, I'm -- I'm here, well,
9 put it this way, I was due to go back to my
10 residence in Berkeley this Wednesday but if
11 that's -- that's been put off for a couple of weeks
12 because they are doing some remodeling and I'd get
13 in the way or something, I got the impression that
14 he was -- it would be awkward if I left at this
15 time, if I was due to leave Wednesday, tomorrow.

16 MR. MATIASIC: Father, how about -- can you
17 review the transcript within five days of receiving
18 it, would that be enough time?

19 MR. GODFREY: Within five days of us
20 receiving?

21 MR. MATIASIC: Of him receiving it.

22 MR. GODFREY: Is --

23 MS. GALLO: Is five days -- well, I get --
24 it will get sent to you, we'll look at it, it will
25 get sent to you. Long will that take?

1 MR. HALE: It kind of depends, he is moving
2 to California.

3 MR. MATIASIC: I can represent to you, we
4 have a trial that's coming up in two and a half
5 weeks so if it's at all possible?

6 MR. HALE: No, three weeks, March 20th.

7 MR. MATIASIC: Well, three weeks.

8 MR. HALE: Give us all the time we can get
9 there.

10 MR. MATIASIC: Yeah, right, if you could
11 review it within five days or seven days, would that
12 be enough time, after you receive it, Father?

13 THE WITNESS: Oh, yeah, see now, my
14 situation is I was due to leave tomorrow after --

15 MR. GODFREY: I think six or seven days, so
16 as long as it's not during the period that you are
17 flying between here and California and moving all
18 your belongings, right.

19 THE WITNESS: As I say, I was going to move
20 tomorrow, I can't, because of the home situation,
21 they are remodeling, so I can't leave here.

22 MR. MATIASIC: How about we do this, how
23 about we do seven days and if you need additional
24 time, tell your Counsel, I'm sure they can write a
25 letter to us and Tim and I would stipulate to more

1 time if you need it?

2 MR. HALE: Again, that wouldn't be a
3 problem.

4 THE WITNESS: What do you mean by seven
5 days?

6 MR. MATIASIC: After you received the
7 booklet is seven days if you have?

8 THE WITNESS: Yes, but when will I receive
9 it?

10 MS. GALLO: We don't know.

11 THE WITNESS: I am due to leave here.

12 MR. GODFREY: Father, we'll find you.

13 MR. HALE: Don't lose any sleep over this,
14 if a signed original is not available at the time of
15 trial an unsigned certified copy can be used for all
16 purposes.

17 MR. MATIASIC: So stipulated.

18 MR. GODFREY: So stipulated.

19 MS. GALLO: So stipulated, also just to
20 respond to what you were saying with respect to him
21 being deposed again, I am reserving --

22 (Whereupon, Defendant's Deposition Exhibit A
23 was marked for identification.)

24

25

NOTARIAL CERTIFICATE

1
2 STATE OF MISSOURI)
3 CITY OF ST. LOUIS)
4

5 I, TOD MINNIGERODE, Certified Court
6 Reporter and Notary Public within and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that at the offices of
10 St. Clement's Healthcare Center, in Barnhart, State
11 of Missouri, appeared

12 

13 who was by me first duly sworn to testify
14 to the truth and nothing but the truth of all
15 knowledge touching and concerning the matters in
16 controversy aforesaid, that the witness was thereupon
17 carefully examined under oath and said examination
18 was reduced to shorthand by me on the day, between
19 the hours, at the place, and in that behalf
20 aforesaid, and later his or her testimony was
21 transcribed into typewriting, and that the foregoing
22 pages correctly set forth the testimony of the
23 aforementioned witness, together with the questions
24 propounded by counsel and remarks and objections of
25 counsel thereto, and in all respects a full, true,

1 correct and complete transcript of the questions
2 propounded to and the answers given by said witness,
3 and that the signature is not being waived by
4 agreement of witness and all parties.

5

6 I further certify that I am neither
7 attorney nor counsel for nor related nor employed by
8 any of the parties to the action in which this
9 deposition is taken; further, that I am not a
10 relative or employee of any attorney or counsel
11 employed by the parties hereto or financially
12 interested in this action.

13

14 IN WITNESS WHEREOF, I have hereunto
15 subscribed my name and affixed my notarial seal on
16 this the 1st day of March 2006.

17 My Commission expires September 7, 2007.

18

19

20

TOD MINNIGERODE

21

Notary Public,

22

State of Missouri

23

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25

1 Comes now the witness, [REDACTED],
2 and having read the the foregoing transcript
3 of the deposition taken on the 2/28/2006,
4 acknowledges by signature hereto that it is a
5 true and accurate transcript of the testimony given
6 on the date hereinabove mentioned.

7

8

9

10

[REDACTED]

11

12 Subscribed and sworn to me before this
13 ____ day of _____, 2006.

14 My Commission expires

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18 Notary Public

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