

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

---oOo---

Coordinated Proceeding)	JCCP No. 4359
Special Title (Rule 1550 (b)))	
)	
)	
)	Case No.
THE CLERGY CASES III)	
)	RG03 134157
)	
)	
JOHN DOE 39,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FRANCISCAN FRIARS OF)	
CALIFORNIA, INC.; JAMES ROE 2;)	
and ROES 3 through 10,)	
inclusive)	
)	
Defendants.)	
)	

- - - -

DEPOSITION OF



SANTA ROSA, CALIFORNIA

FEBRUARY 17, 2006

ATKINSON-BAKER, INC.
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REPORTED BY: SUZETTE J. CAMARA, RPR, CSR NO. 12535

FILE NO.: A0009F0

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9 JOHN DOE 39,)
Plaintiff,)

10 vs.)

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

14 Defendants.)
15)
16)
17)
18)

19 Deposition of [REDACTED], taken on behalf of

20 Defendant, The Franciscan Friars of California, at Stony Point
21 Executive Offices, 131-A Stony Circle, Suite 500, Santa Rosa,
22 California, commencing at 10:07 a.m., Friday, February 17, 2006,
23 before Suzette J. Camara, RPR, CSR No. 12535.
24
25

1 A P P E A R A N C E S:

2

3 FOR THE PLAINTIFF:

4 NYE, PEABODY & STIRLING, LLP
BY: DAVID L. NYE, ESQ.
5 33 West Mission Street, Suite 201
Santa Barbara, California 93101
6

7 FOR THE DEFENDANT THE FRANCISCAN FRIARS OF CALIFORNIA,
INC.:

8

LEWIS, BRISOIS, BISGAARD & SMITH, LLP
9 BY: ROBERT A. FORD, ESQ.
One Sansome Street, Suite 1400
10 San Francisco, California 94104
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I N D E X

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WITNESS: [REDACTED]

EXAMINATION	PAGE
By Mr. Ford	5

EXHIBIT No.	DEFENDANT'S DESCRIPTION	PAGE
1	Notice of taking deposition of [REDACTED]	78
2	Hand-drawn diagram of seminary floor and room layout	78
3	Hand-drawn diagram of Cimmarrusti room	83

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

(NONE)

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[REDACTED]

having first been duly sworn, was
examined and testified as follows:

EXAMINATION

BY MR. FORD:

Q. Would you state your full name, please?

A. [REDACTED].

Q. Have you ever had your deposition taken
before?

A. Yes.

Q. How many times?

A. Once that I know of. In this case?

Q. In any case.

A. Once here, I mean, with this case.

Q. Okay. And that's the only time you've ever
had a deposition?

A. That's the only one I remember, yeah.

Q. Okay. And that deposition was back in
approximately 2000?

A. Uh-huh, yes.

Q. Okay. To remind you of some of the ground
rules of a deposition, you are obviously under oath, and
you are giving testimony just as if you were in court;
you understand that, correct?

1 A. Yes.

2 Q. When you answer a question, if it's a "yes" or
3 "no" answer, please answer "yes" or "no" audibly, rather
4 than something like a nod of the head or an "uh-huh" or
5 a "huh-uh." The reason for that is the court reporter
6 has to take down everything that's said today; do you
7 understand that?

8 A. Yes.

9 Q. Mr. [REDACTED], for the record, would you spell
10 your last name, please?

11 A. Yes. [REDACTED].

12 Q. To continue on with the ground rules of the
13 deposition, one of the other ground rules of the
14 deposition is that you need to wait until I finish the
15 question before you answer, and I need to wait until you
16 finish your answer before I ask another question. The
17 reason for that is she can't take down on the transcript
18 us talking at the same time; do you understand that?

19 A. Yes.

20 Q. Okay. In preparation for the deposition
21 today, did you review anything?

22 A. Written?

23 Q. Anything?

24 A. Yes.

25 Q. What did you review in preparation for the

1 deposition?

2 A. My last deposition, audibly.

3 Q. What do you mean by that? Did somebody read
4 it to you?

5 A. Verbally.

6 Q. Okay. Explain to me what you mean by that.
7 Did someone read it to you or did you read it out loud?
8 What do you mean you reviewed it in that fashion?

9 A. I talked with David on the phone.

10 Q. Okay. David, for the record, is Mr. Nye?

11 A. David Nye.

12 Q. All right. And when did that conversation
13 take place?

14 A. Last night.

15 Q. Okay. In addition to reviewing the deposition
16 last night with Mr. Nye, did you do anything else to
17 review in preparation for today's deposition?

18 A. No.

19 Q. Were you shown a copy of the deposition notice
20 and the list of items that you were requested to bring
21 to the deposition today?

22 A. No.

23 Q. To go back to your review of your prior
24 deposition, did you actually have a copy of that
25 deposition to review or did Mr. Nye read it to you over

1 the telephone?

2 A. Neither.

3 Q. Okay. What happened?

4 A. He just reviewed highlights, like dates of the
5 abuse, when I was at the seminary, things like that.

6 Q. Okay. He was telling you things over the
7 telephone?

8 A. Yes.

9 Q. Did you have any document to review?

10 A. No.

11 Q. Have you ever had that document to review, the
12 copy of your deposition?

13 A. I have a copy, but I don't know where it is.

14 Q. Okay. And you did not review it in
15 preparation for this deposition?

16 A. No.

17 Q. What is your age?

18 A. [REDACTED].

19 Q. What is your date of birth?

20 A. [REDACTED].

21 Q. What is your current address?

22 A. [REDACTED]

23 [REDACTED].

24 Q. And what is your occupation?

25 A. I'm a [REDACTED].

1 Q. What is the name of your business?

2 A. At the present time, it's [REDACTED]
3 [REDACTED].

4 Q. What type of [REDACTED] are you involved in?

5 A. [REDACTED].

6 Q. And where is the business located?

7 A. [REDACTED].

8 Q. What is the --

9 A. [REDACTED].

10 Q. Is it your [REDACTED]?

11 A. [REDACTED].

12 Q. Okay. Are you [REDACTED]?

13 A. [REDACTED]
14 [REDACTED].

15 Q. What was [REDACTED]?

16 A. [REDACTED].

17 Q. Do you have any [REDACTED]?

18 A. [REDACTED].

19 Q. And [REDACTED]?

20 A. [REDACTED]
21 [REDACTED]?

22 Q. That's good enough. If you give the [REDACTED]
23 [REDACTED] that's fine enough.

24 A. And my other [REDACTED]
25 [REDACTED]. I hope that's right.

1 Q. That's good enough. We won't show them.

2 A. She's [REDACTED] I know that.

3 Q. Okay. Do you have any [REDACTED]?

4 A. No. Well, what do you mean? [REDACTED]

5 [REDACTED].

6 Q. Okay. Do you have [REDACTED]

7 [REDACTED]?

8 A. [REDACTED]

9 Q. Do your [REDACTED] -- are all living?

10 A. [REDACTED]

11 Q. And what are t [REDACTED]

12 [REDACTED]?

13 A. There's [REDACTED]

14 [REDACTED].

15 Q. [REDACTED]?

16 A. Yeah. [REDACTED]. And there is

17 [REDACTED].

18 Q. I won't ask you their [REDACTED], but can
19 you give me their [REDACTED]?

20 A. I believe my [REDACTED].

21 Q. That's [REDACTED]?

22 A. Yes. [REDACTED]

23 [REDACTED].

24 Q. Did any of your [REDACTED] attend St. Anthony's
25 Seminary?

1 A. [REDACTED]

2 Q. Which ones?

3 A. [REDACTED]

4 Q. How many [REDACTED] did they attend?

5 A. They [REDACTED].

6 Q. Okay. Were any of your brothers at St.
7 Anthony's during any of the time that you were at St.
8 Anthony's?

9 A. Yes.

10 Q. And which ones?

11 A. [REDACTED].

12 Q. [REDACTED], or --
13 excuse me...

14 A. Yes.

15 Q. Okay. So, when you first attended St.
16 Anthony's, you started as a freshman, correct?

17 A. Yes.

18 Q. And so when you started, what year was he in?

19 A. He was a [REDACTED]. I think that
20 makes -- I think that makes him [REDACTED]. That's a good way
21 to tell whether that's [REDACTED].

22 Q. Okay.

23 A. I'm just [REDACTED].

24 Q. Okay. But at any rate, he was a [REDACTED]
25 [REDACTED] at St. Anthony's when you [REDACTED]

1 at St. Anthony's, correct?

2 A. That's correct.

3 Q. What year did you start there?

4 A. Oh, [REDACTED].

5 Q. Okay. We'll get back to that in a minute. In
6 the deposition notice for today, we asked that you bring
7 various documents if you have them, and there is a list
8 of seven items here. You have not seen this before; is
9 that correct?

10 A. No.

11 Q. Okay. Well, let me read them to you, starting
12 with Number 1. Do you have any documents regarding
13 knowledge, concerning unlawful sexual conduct
14 perpetrated by Mario Cimmarrusti?

15 A. Toward me?

16 Q. Toward anyone.

17 A. Would that -- let me ask you a question. May
18 I?

19 Q. Yes.

20 A. Would that mean my previous deposition where I
21 deposed that I was abused by Mario?

22 Q. That would be, arguably, an item that would
23 fit into that category, yes.

24 A. I have that document, but I don't know where
25 it is.

1 Q. Do you have any other documents that would
2 reflect knowledge concerning unlawful sexual conduct
3 perpetrated by Mario Cimmarrusti?

4 A. I have a report by the Board of Inquiry.

5 Q. When did you obtain that?

6 A. I don't recall that date.

7 Q. Who provided that to you?

8 A. The Board of Inquiry.

9 Q. And you still have that?

10 A. Somewhere.

11 Q. Was that mailed to you by the Board of
12 Inquiry?

13 A. Yes.

14 Q. Do you have any other documents that fit this
15 category?

16 A. I believe that's all I have.

17 Q. Okay. Item Number 2 requests any and all
18 correspondence, writings, notes, e-mails, messages,
19 recordings or communications of any kind with John Doe
20 39. For the purposes of this deposition, we'll state
21 his name, [REDACTED].

22 A. None.

23 Q. No communication with him?

24 A. No. Can I back up?

25 Q. Sure.

1 A. I might have some documents about a lawsuit
2 that I filed against the Franciscans by a previous
3 attorney and I'm not sure. I don't remember the
4 attorney, but there are some documents. I'm sure they
5 are at my house once again, but you know, he summarized
6 my statements in providing me with that document for
7 this settlement transaction with the Franciscans.

8 Q. I see. So, you might have some documents in
9 connection with the lawsuit that you filed against the
10 Franciscans several years ago, correct?

11 A. Yes.

12 Q. Okay. Now, does that bring to mind any other
13 documents you might have in Category Number 1?

14 A. No. I believe that's all.

15 Q. Okay. Thanks. And just for a moment, to go
16 back to this second category of correspondence,
17 writings, notes, e-mails, messages, recordings or
18 communication of any kind with [REDACTED]?

19 A. No, no.

20 Q. Your response to that is you have no such
21 documents; is that correct?

22 A. That's correct.

23 Q. Number 3, any and all documents involving
24 communication of any kind with the Franciscan Friars of
25 California. You've already described -- well, do you

1 have any?

2 A. I get a newsletter once in a while.

3 Q. Okay. Who does that come from?

4 A. The Franciscan Friars.

5 Q. And that comes to your home?

6 A. Yes.

7 Q. When did you start receiving that?

8 A. I don't remember when I started receiving
9 that.

10 Q. And do you --

11 A. I believe it was shortly after the settlement.

12 Q. And how frequently does it come?

13 A. Twice a year, I'm guessing.

14 Q. Approximately when was the settlement?

15 A. I don't recall that.

16 Q. Can you give me just an approximation?

17 A. '95.

18 Q. Are there any other documents that you have
19 that involve communication of any kind between you and
20 the Franciscan Friars?

21 A. No.

22 Q. Number 4, I think you may have already
23 answered, but let's see: Any and all documents
24 involving communication with the Independent Board of
25 Inquiry. You already mentioned that you received a copy

1 of the report from the Board of Inquiry.

2 A. Yes.

3 Q. Okay. Do you have any other documents
4 involving communication with the Independent Board of
5 Inquiry?

6 A. No. Well, let me back up. There are e-mails
7 by -- I forget her name -- she's -- she has some
8 connection to the Board of Inquiry. She's the
9 therapist, and she informs me about retreats that are
10 being sponsored by the Franciscans for victims of abuse.
11 Those have been coming over a number of years, and I
12 don't ever attend those.

13 Q. Okay. Have you ever attended any of those
14 retreats?

15 A. No.

16 Q. But the e-mails come periodically, sometimes
17 once a year, sometimes more than once a year?

18 A. Correct.

19 Q. Okay. And they are simply informing you of an
20 opportunity to attend something like that; is that
21 correct?

22 A. Yes.

23 Q. Are there any other communications involving
24 the Board of Inquiry other than what you've told me
25 about?

1 A. Not that I can remember right now.

2 Q. Okay. Number 5, any and all documents
3 containing any reference to the alleged unlawful sexual
4 conduct perpetrated on [REDACTED] by Mario
5 Cimmarrusti?

6 A. No.

7 Q. Number 6, any and all correspondence,
8 writings, notes, e-mails or communications with any
9 person acting on behalf of [REDACTED] related to his
10 claim?

11 A. No.

12 Q. Okay.

13 A. None.

14 Q. To clarify that, do you have any written
15 communications in your possession from his attorneys,
16 Mr. Nye or Mr. Hale or anyone else that's representing
17 him?

18 A. Relating to that case?

19 Q. Yes.

20 A. No.

21 Q. Okay. Do you have communication from them
22 relating to some other matter?

23 A. To me, to my case.

24 Q. Okay. What are the nature of those
25 communications?

1 A. Informative of what happened at the seminary.

2 Q. Give me an example of what you mean.

3 A. Our communication last night, we reviewed my
4 dates, the dates that I was there, who was the Prefect
5 of Discipline my freshman year, when Mario arrived, the
6 transfer of the power of who the rector was in my second
7 year as opposed to the first year, what happened in my
8 first year, my freshman year, if anything, what happened
9 in my second year, and the reason why I quit the
10 seminary, what was said between Mario and myself and
11 Xavier Harris.

12 Q. Okay. So, you have just gotten through
13 telling me about the verbal communication you had with
14 Mr. Nye last night over the telephone, correct?

15 A. That's right.

16 Q. Okay. Putting that aside, do you have any
17 written communication from any attorney representing
18 Mr. [REDACTED] on any subject?

19 A. Who is representing Van Hauten?

20 Q. Mr. Nye, Mr. Hale. There are several
21 attorneys who are listed on letterhead but any attorney
22 representing him?

23 A. The only communication I have had in the last
24 couple years is regarding depositions they requested my
25 presence for and that is either this one or the previous

1 one, so e-mails, or letters or phone calls concerning
2 dates and times and arrangements to make to attend the
3 deposition.

4 Q. Okay. Any other communications between them
5 and you?

6 A. No.

7 Q. Have you had any communications between
8 attorneys for Mr [REDACTED] and their verbal
9 communications other than the one you talked about last
10 night?

11 A. Regarding the [REDACTED] case?

12 Q. Yes.

13 A. No. I never talked -- I don't even know who
14 he is.

15 Q. Okay. Number 7 is any and all correspondence,
16 writings, notes, e-mails, messages, recordings or
17 communications of any kind with former St. Anthony's
18 seminarians?

19 A. Yes.

20 Q. Okay.

21 A. I have -- once in a while, I e-mail [REDACTED]
22 [REDACTED] and [REDACTED]. That's all I can remember
23 right now.

24 Q. Okay. Were [REDACTED] and [REDACTED] at the
25 seminary at the same time that you were there?

1 A. No.

2 Q. Okay. When did your --

3 A. Let me back up. I'm not aware of when they
4 were there. They were not in my class and they were not
5 above me. They might have been below me, but I wasn't
6 aware of people that were in the classes below me.

7 Q. When did you first become acquainted with [REDACTED]
8 [REDACTED]?

9 A. [REDACTED].

10 Q. How did you become acquainted with him?

11 A. We were on a retreat together, men's retreat
12 together.

13 Q. Where was that?

14 A. [REDACTED].

15 Q. And did the subject of abuse at St. Anthony's
16 Seminary come up during the course of that meeting?

17 A. He brought it up.

18 Q. Okay. And did he bring it up, giving you the
19 impression that he knew that you had been a victim?

20 A. No.

21 Q. What did he say to you?

22 A. He just said that certain things happened at
23 the seminary that he was angry at.

24 Q. And this was a retreat for what group of
25 people?

1 A. It was called the Redwood Empire Cursillo.

2 Q. Say the last name.

3 A. Cursillo, C-u-r-s-i-l-l-o.

4 Q. And what is that?

5 A. It's a retreat. Cursillo means short course
6 in Christianity, and it's a retreat to bring men and/or
7 women back into relationship with Christ and/or the
8 church.

9 Q. When did you first start attending those
10 retreats?

11 A. [REDACTED].

12 Q. Are they always held at the same location?

13 A. All except for once.

14 Q. Okay. Explain.

15 A. Once was up in Redding. It was an outreach,
16 the first Cursillo in Redding. They held it at a
17 campsite in the campgrounds.

18 Q. Are these yearly retreats?

19 A. They have them every year, but I'm not on them
20 all the time.

21 Q. The first one you attended was in 19 --

22 A. [REDACTED].

23 Q. [REDACTED].

24 A. Uh-huh.

25 Q. And since that time, how many have you

1 attended?

2 A. I'm guessing a dozen.

3 Q. What year was it that you met [REDACTED] when
4 you had the conversation with him?

5 A. I believe it was [REDACTED].

6 Q. When [REDACTED] brought up the subject,
7 did -- strike that.

8 When [REDACTED] brought up the subject that
9 something had happened to him at the seminary, was
10 anyone else present besides you?

11 A. Yes.

12 Q. Okay. What were the circumstances?

13 A. I was the head of this particular retreat, and
14 he requested that he give a talk about his abuse at St.
15 Anthony's Seminary --

16 Q. Okay.

17 A. -- to the entire team and the candidates, the
18 men that were going to be coming on the retreat.

19 Q. And approximately how many people were in the
20 group?

21 A. 60.

22 Q. So [REDACTED] gave a talk to the group of
23 approximately 60 men?

24 A. Over my objections, yes.

25 Q. And why did you object to it?

1 A. Because it made me angry.

2 Q. And despite your objections, he gave a
3 statement to them about what subject?

4 A. About his abuse at St. Anthony's Seminary.

5 Q. Did he detail it?

6 A. I don't remember that.

7 Q. Okay. How long was his speech or talk?

8 A. They were usually limited to ten to fifteen
9 minutes.

10 Q. Is that what happened in his case?

11 A. Yes.

12 Q. About ten to fifteen minutes?

13 A. Yes.

14 Q. As a result of that experience, then you and
15 [REDACTED] have continued to correspond with each
16 other; is that correct?

17 A. Yes.

18 Q. How did it come to be that following that
19 meeting, that now you exchange e-mails?

20 A. Well, we didn't correspond for several years
21 because I was still angry at him.

22 Q. At him?

23 A. At him. And I believe, at some point, I
24 started receiving letters from the Board of Inquiry
25 regarding any knowledge about sexual abuse at St.

1 Anthony's Seminary, and after the third letter, one
2 afternoon, I was reading that letter, and he had called,
3 and my recollection of what happened to me came about.

4 Q. Okay. Do you know what prompted his call to
5 you?

6 A. No.

7 Q. And that's the first time you had any
8 communication with him other than the retreat where he
9 got up and gave a speech?

10 A. Right.

11 Q. And he lives in the [REDACTED], correct?

12 A. Yes.

13 Q. Do you see him on a social basis?

14 A. Not often.

15 Q. On what occasions do you see him socially?

16 A. Cursillo functions. That's about it.

17 Q. Okay. So you are still active in the Cursillo
18 group?

19 A. [REDACTED].

20 Q. Okay. What do you mean by that?

21 A. Well, I don't -- I don't participate every
22 year. I'll participate maybe once every five years.

23 Q. What is the reason for that, that you don't
24 participate every year?

25 A. It's intense. I don't feel a need for it, but

1 when I feel a need to get spiritually revitalized, I put
2 in my application to work a team and then I usually get
3 on a team.

4 Q. Okay. And you said there was one exception
5 where it was held up in the Redding area, but the rest
6 of them are held where?

7 A. At the Angela Center.

8 Q. Okay.

9 A. It's a former convent.

10 Q. Where is that?

11 A. Santa Rosa.

12 Q. In addition to exchanging e-mails with [REDACTED]
13 [REDACTED], you've exchanged e-mails with [REDACTED] as
14 well?

15 A. Once in a great while, not often.

16 Q. When was the last time you had an e-mail
17 either from you or to you from [REDACTED]?

18 A. Before my [REDACTED].

19 Q. And what was the essence of that e-mail?

20 A. He was expressing his concern for my [REDACTED]
21 [REDACTED], and he was expressing his
22 prayers.

23 Q. And that's the last time you've had any
24 communication of any kind with [REDACTED]?

25 A. I believe so. He might have e-mailed me

1 afterwards but the months prior or preceding -- back
2 up -- the months after [REDACTED], he might
3 have sent me an e-mail expressing his condolences. He
4 did come to the [REDACTED], and that
5 was it. There was no discussion about St. Anthony's.
6 It was just a matter of condolences and sympathy.

7 MR. NYE: Bob, just so we're clear, I think we
8 switched from [REDACTED] to [REDACTED] and then back to
9 [REDACTED].

10 MR. FORD: We did.

11 MR. NYE: Okay.

12 MR. FORD: Yeah. I haven't finished with
13 [REDACTED] yet.

14 MR. NYE: I just wanted to make sure he
15 understood that.

16 THE WITNESS: Oh, I'm talking [REDACTED].

17 MR. FORD: Yeah.

18 THE WITNESS: I'm not talking about [REDACTED]

19 MR. FORD: Right. And I just asked one
20 question about [REDACTED] and then went back to [REDACTED]
21 because I'd realized I hadn't finished.

22 MR. NYE: Okay.

23 MR. FORD:

24 Q. On [REDACTED] going back to [REDACTED], you said your
25 communications with him have been less frequent than

1 they have with [REDACTED], correct?

2 A. That's true.

3 Q. Where does [REDACTED] live?

4 A. The last time I heard, he was [REDACTED]

5 [REDACTED].

6 Q. And how did you become acquainted with [REDACTED]

7 [REDACTED]?

8 A. We had a conference of guys that got abused in
9 Monterey. It was a number of years ago. I don't
10 remember how long ago or what year.

11 Q. And you met him there?

12 A. Yes.

13 Q. How was that meeting or conference organized?
14 Who organized that?

15 A. I don't know who organized it. We just knew
16 about it. I just got e-mails.

17 Q. Okay.

18 A. I'm not sure -- I think [REDACTED] might have
19 organized it because it was at his -- he was managing a
20 motel or a hotel, and he set it up.

21 Q. And it was held at the motel that he managed?

22 A. I believe so, yes.

23 Q. What year was that?

24 A. I don't recall that.

25 Q. Can you give me a rough approximation?

1 A. No. Some time after I was -- that I became
2 aware of my abuse, so that would have been 1995, some
3 time after 1995.

4 Q. Okay. And again, we are talking about the
5 meeting in Monterey?

6 A. Yes.

7 Q. Okay. And that occurred some time after 1995,
8 correct?

9 A. That's true.

10 Q. And approximately how many people attended
11 that?

12 A. Approximately ten.

13 Q. And since that time, how frequently have you
14 been in touch with [REDACTED] or vice versa?

15 A. The last time I had an e-mail from [REDACTED] was
16 maybe two years ago, a year and a half ago.

17 Q. What was the nature of that communication?

18 A. Relating to a retreat that was put on by this
19 other lady that I was referencing that represented
20 the --

21 Q. The Board of Inquiry?

22 A. The Board of Inquiry, Franciscans.

23 Q. Okay.

24 A. I don't know exactly what her -- what her
25 designation was. She's just -- as I understood, she was

1 a therapist. I don't know if she was being paid by the
2 Board of Inquiry or being paid by the Franciscans.

3 Q. And was the e-mail from [REDACTED] trying to
4 encourage you to attend or inquiring if you would attend
5 or what was it about?

6 A. Trying to encourage me to attend.

7 Q. Okay. And did you attend?

8 A. No.

9 Q. Why not?

10 A. I didn't feel like I wanted to attend.

11 Q. Okay. You made reference to your lawsuit that
12 you filed earlier, and you gave a deposition in regard
13 to that lawsuit, correct or another lawsuit?

14 A. I don't recall if it was a deposition.

15 Q. Okay.

16 A. I don't really recall that. I gave a
17 statement to my attorney and I believe he presented that
18 statement to the Board of Franciscans or to the
19 Franciscans' attorney.

20 Q. Okay.

21 A. I'm not sure if it ever got to a deposition
22 point.

23 Q. And we are talking about --

24 A. I don't remember, to be honest with you.

25 Q. We are talking about the lawsuit that was

1 actually filed on your behalf, correct?

2 A. That's true.

3 Q. And a complaint was filed in the case,
4 correct?

5 A. That's true.

6 Q. Okay. And is that one of the documents that
7 you told me about earlier in the deposition that you
8 might have somewhere back at your house, a copy of that
9 complaint that you filed in that case?

10 A. That's true.

11 Q. That was a lawsuit complaining about you being
12 sexually molested and abused while you were at St.
13 Anthony's Seminary, correct?

14 A. That's correct.

15 Q. Okay. And the allegations in that complaint
16 were all correct, true?

17 A. That's correct.

18 Q. And you were represented by an attorney in
19 that?

20 A. Yes.

21 Q. Do you recall his name?

22 A. No.

23 Q. Going back to when you attended St. Anthony's,
24 you started in [REDACTED]?

25 A. Yes. I graduated from high school in [REDACTED] so,

1 if I do the math correctly, so [REDACTED]

2 [REDACTED]

3 Q. Got it. So, where had you attended school
4 prior to that time?

5 A. Before to seminary?

6 Q. Yes.

7 A. [REDACTED]
8 [REDACTED]

9 MR. FORD: Off the record.

10 (Brief off-the-record discussion held.)

11 MR. FORD:

12 Q. So that school was [REDACTED] in
13 [REDACTED]?

14 A. Yes.

15 Q. What grades did that encompass?

16 A. Now you are stretching my -- really...I
17 believe it encompassed kindergarten through eighth.

18 Q. Okay. From kindergarten up until the time you
19 went to St. Anthony's, did you attend any other schools
20 other than [REDACTED]?

21 A. No.

22 Q. So, your freshman year was [REDACTED] and
23 then sophomore [REDACTED], and junior year [REDACTED]?

24 A. That's correct.

25 Q. And you left the seminary sometime during that

1 year, correct?

2 A. In [REDACTED].

3 Q. Do you recall what month?

4 A. No. It was early. It was early in the school
5 year.

6 Q. Okay. Was it before the Christmas vacation?

7 A. Yes.

8 Q. Was it before the Thanksgiving vacation?

9 A. I don't recall that.

10 Q. When the Thanksgiving vacation came around,
11 did the students remain at the school or did they
12 typically go home, at the seminary?

13 A. I don't recall that.

14 Q. Do you recall what you did?

15 A. No.

16 Q. Do you recall ever spending the Thanksgiving
17 vacation at the seminary?

18 A. No, I don't recall that.

19 Q. Can you give me a rough approximation of which
20 month it was that you left the seminary in [REDACTED]? If you
21 started in September, for example, did you leave that
22 first month?

23 A. It was early. That's all I can say. It was
24 in the first month or two.

25 Q. Okay.

1 A. Or three.

2 Q. Okay. Did you transfer to another school?

3 A. Yes.

4 Q. What school?

5 A. [REDACTED].

6 Q. And did you enroll there immediately after
7 leaving St. Anthony's?

8 A. Yes.

9 Q. So, that would have been during the first
10 semester or first portion of your junior year you
11 enrolled at the [REDACTED]?

12 A. Yes, that I recall.

13 Q. Right.

14 A. We are stretching things here.

15 Q. And then you completed your junior year at the
16 [REDACTED]?

17 A. Yes.

18 Q. And then did you complete your senior year
19 there as well?

20 A. Yes.

21 Q. And that was the next year?

22 A. Yes.

23 Q. There was no time off or anything?

24 A. Not that I recall.

25 Q. Okay. So, you actually graduated in,

1 approximately, [REDACTED]?

2 A. Yes.

3 Q. When you enrolled at St. Anthony's, where did
4 your family live?

5 A. [REDACTED].

6 Q. That's where you'd lived all through your
7 grade school career?

8 A. That's correct.

9 Q. Is that where you were born?

10 A. Yes.

11 Q. What led you to attend St. Anthony's Seminary?

12 A. Two things: One is my mother used to take
13 excess clothing to the orphanages in Tijuana, and I
14 would go with her, and that moved my heart. Eventually,
15 in grade school, I learned about St. Francis and he
16 became a patron of mine, my patron saint, thus, when my
17 older brothers went to St. Anthony's to become
18 Franciscan priests, I wanted to go to be a Franciscan
19 priest.

20 Q. Did they -- "they" meaning your [REDACTED] --
21 did they encourage you to go there?

22 A. No.

23 Q. Were they neutral on the subject?

24 A. They were indifferent.

25 Q. Can you be more descriptive than that? What

1 do you mean?

2 A. They didn't say attend or not attend. They
3 were there, and I came up on visiting Sundays with my
4 mother and I loved it there. I wanted to be there.

5 Q. So, you visited there while they were
6 students?

7 A. Yes.

8 Q. At least your two [REDACTED] ?

9 A. Yes.

10 Q. And then your [REDACTED] followed you to
11 St. Anthony's?

12 A. Yes.

13 Q. What does your oldest brother do now?

14 A. He's [REDACTED].

15 Q. What was his occupation?

16 A. He was a [REDACTED].

17 Q. Okay. What do you mean [REDACTED]

18 [REDACTED] ?

19 A. Well, he's [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. Okay. And what about [REDACTED], what does he do
23 now?

24 A. He is [REDACTED]. He was an [REDACTED]. He's now
25 a [REDACTED].

1 Q. And [REDACTED], what does he do?

2 A. He works for the [REDACTED].

3 Q. In what type of job?

4 A. In [REDACTED].

5 Q. When you started to think about attending St.
6 Anthony's, did you discuss those thoughts with your
7 parents?

8 A. Yes.

9 Q. What was your parents' reaction to you
10 attending there?

11 A. They were elated.

12 Q. They both encouraged you to attend?

13 A. Yes.

14 Q. How did they express that?

15 A. I believe they expressed it more by bringing
16 me to visiting Sundays, more of a physical presence,
17 getting me used to the seminary. They were very elated
18 that I wanted to become a priest. That was a high goal
19 for my mother, especially, for her son to be -- one of
20 her sons or all of her sons to be a priest.

21 Q. When did your parents start taking you to the
22 seminary, when you were a child?

23 A. When my [REDACTED] was there.

24 Q. Okay.

25 A. As a [REDACTED].

1 Q. And then did they continue to take you there
2 throughout his years there?

3 A. Yes.

4 Q. How frequently did you visit?

5 A. When my parents could afford it to go up on
6 the bus.

7 Q. And approximately how many times a year would
8 that occur?

9 A. Well, the seminary had a rule of having
10 visiting Sundays once every month, and I don't recall if
11 we did it every month because I don't think that we
12 could afford it -- my parents could afford it.

13 Q. So you went up a few times during the school
14 year?

15 A. Yes.

16 Q. When your [REDACTED] were there,
17 correct?

18 A. Yes.

19 Q. And that was before you attended, of course.
20 What was the process that you had to go through to
21 attend St. Anthony's Seminary?

22 A. Fill out an application, send it in. My
23 parents took care of that.

24 Q. Did you participate in that at all?

25 A. I don't recall.

1 Q. Your recollection is that your parents took
2 care of whatever was necessary for you to apply there,
3 correct?

4 A. That's right.

5 Q. And before attending St. Anthony's as a
6 student, other than your visits there to visit your
7 [REDACTED] when they were there, did you attend any
8 orientation session or sessions of any type?

9 A. I believe there was an orientation that was
10 required, but I don't remember when it was.

11 Q. Was it before you actually were enrolled?

12 A. I believe so.

13 Q. Did your parents attend that?

14 A. I think it was a requirement for them to
15 attend, also. I don't recall a lot of that stuff. I
16 mean, I just -- I -- you know, you are jogging my
17 memory, and I'm saying, well, yeah, maybe they were
18 there.

19 Q. Uh-huh. When the orientation took place, who
20 conducted it on behalf of Franciscan Friars?

21 A. The rector that was previous to Xavier Harris,
22 whoever that was. I don't recall their name. I don't
23 recall his name.

24 Q. Okay. Were there any other friars that
25 participated in the orientation other than the rector?

1 A. I believe the Prefect of Discipline was there.

2 Q. Who was that?

3 A. I think it was Father Martin.

4 Q. Where was the orientation conducted?

5 A. I'm not sure; a location on the seminary
6 grounds.

7 Q. Somewhere on the seminary grounds, correct?

8 A. Somewhere, yes.

9 Q. On that orientation session, did it last more
10 than one day?

11 A. I don't recall.

12 Q. Did you and or your family stay at the
13 seminary on the grounds somewhere during the
14 orientation?

15 A. I don't remember we ever stayed at the
16 seminary, my parents.

17 Q. How about you, though; before you became
18 enrolled, did you go to the seminary and spend any
19 overnight stays there at the seminary?

20 A. I don't recall that. I don't remember that.

21 Q. Did you ever do that, visiting any of your
22 brothers?

23 A. No. I always came with my mother or parents.

24 Q. And you were never left there to stay with
25 your [REDACTED] before you became enrolled?

1 A. Not that I recall, no.

2 Q. Okay. Did the orientation session that you
3 attended last more than a day?

4 A. I don't recall that.

5 Q. Did your [REDACTED] attend the orientation with
6 you?

7 A. I don't remember that.

8 Q. How about your [REDACTED]?

9 A. Could you ask -- could you ask that -- clarify
10 that question?

11 Q. Yes. If I've got the ages correct, you have
12 one [REDACTED] that's a couple [REDACTED] than you.

13 A. I understand that it was a [REDACTED], my
14 [REDACTED], but I'm not sure what you are asking
15 about him.

16 Q. I see. Okay. When you attended the
17 orientation for you to become a student at St.
18 Anthony's, when you attended that with your parents, did
19 your [REDACTED] attend, also?

20 A. I don't think so. I don't remember.

21 Q. Do you recall that it was a group of
22 prospective students and their parents that attended the
23 orientation?

24 A. I can't speak for what my memory says, but I
25 assume, by logic, that's what the orientation was about.

1 Q. Okay. I just want your best recollection of
2 what you can remember.

3 A. I don't remember that.

4 Q. Okay. But you do remember that the rector had
5 some role in the orientation?

6 A. Yes.

7 Q. What role was that?

8 A. I believe he conducted the orientation.

9 Q. And what was the orientation about, what sort
10 of things were covered?

11 A. The way of life at St. Anthony's as a
12 preparatory to be a Franciscan priest.

13 Q. Do you recall anything about what was said
14 along those lines?

15 A. No. I remember we walked the -- they took us
16 on a tour, walked around, showed us the chapel and the
17 dormitories and the study hall.

18 Q. Led you through the place?

19 A. Yes.

20 Q. Were you introduced to any of the faculty
21 members?

22 A. I don't recall that, no.

23 Q. The only faculty member that you recall that
24 was there in addition to the rector was the Prefect of
25 Discipline, correct?

1 A. Yes.

2 Q. And that was Father Martin?

3 A. I believe so, uh-huh.

4 Q. What role did Father Martin play in the
5 orientation?

6 A. I don't recall, but once again, I'm assuming
7 because of his role as the Prefect of Discipline, that
8 he was to discuss what discipline meant at the seminary.
9 The words "military boot camp" come to mind.

10 Q. That was the way it was described by him to
11 you and the others?

12 A. Yes.

13 Q. After the orientation, did you express any
14 reservations to your parents about attending?

15 A. No.

16 Q. And how soon after the orientation did you
17 attend St. Anthony's?

18 A. Whenever school started.

19 Q. Do you believe --

20 A. I don't know when that orientation was. So if
21 you are trying to draw a reference between the time of
22 the orientation and the time of the beginning of school,
23 I don't know that. I don't know what the time period
24 is.

25 Q. You don't recall if the orientation session

1 took place during the summer leading up to the September
2 when you enrolled?

3 A. That's correct. I'm not sure.

4 Q. You just don't remember?

5 A. I'm not sure about that.

6 Q. Okay. When you enrolled at St. Anthony's, how
7 did you get there?

8 A. By bus.

9 Q. Did you go with your [REDACTED]?

10 A. I went with [REDACTED].

11 Q. This is a memory test for me.

12 A. [REDACTED].

13 Q. All right. Okay. [REDACTED], who was going into
14 his [REDACTED] year?

15 A. That's correct.

16 Q. So, the two of you went together, correct?

17 A. Yes.

18 Q. Did your parents go, also?

19 A. No.

20 Q. So, they saw you off at the bus station?

21 A. That's correct.

22 Q. You had your gear and you left?

23 A. That's correct.

24 Q. On the way to the seminary with your brother,
25 did you have a chance to talk to him -- well, strike

1 that.

2 Before you actually enrolled as a freshman,
3 did you have an opportunity to talk in depth with your
4 brother, [REDACTED], who was going to be a [REDACTED] when you
5 were a [REDACTED], about what seminary life was going to
6 be?

7 A. I'm sure the discussion was about what
8 seminary life was about.

9 Q. What did he tell you about it?

10 A. Not to be afraid, to do what the senior
11 classmen told you to do, that he enjoyed it there.

12 Q. Did he give you any warnings or express any
13 concern about any of the conduct of any of the priests
14 there at the seminary?

15 A. No.

16 Q. When you were a freshman at St. Anthony's, did
17 you have an advisor?

18 A. Not that I recall.

19 Q. During the time that you were at St. Anthony's
20 from your freshman year up until the time you left in
21 your junior year, did you have an advisor that was on
22 the faculty?

23 A. I don't recall having a personal advisor, no.

24 Q. Do you recall that, as a class, you had an
25 advisor, someone that would act as an advisor for

1 anything that would come up for members of the class?

2 A. I remember that there was a priest that would
3 walk the dormitories at night, the freshman dormitory,
4 up and down. I don't know if that meant he was an
5 advisor.

6 Q. But you didn't have an understanding that
7 there was an advisor either for you individually or for
8 your class; is that correct?

9 A. I don't recall that, no.

10 Q. Okay. How many students were in your class as
11 a freshman?

12 A. Approximately, 37, 38.

13 Q. It's a fairly small number of students, I
14 would --

15 A. I'm saying approximate.

16 Q. Okay.

17 A. So...

18 Q. Just strike that. That was a statement that
19 didn't make any sense.

20 Out of the approximate 37 students when you
21 were a freshman, where did the group of you live?

22 A. Where did we sleep, is that what you are
23 asking?

24 Q. Yes.

25 A. In the freshman dormitory.

1 Q. Okay. Describe that for me.

2 A. The freshman dormitory was above the
3 cafeteria, I believe.

4 Q. That's a separate building from where the
5 classrooms were?

6 A. Yes. Facing the seminary, it would be on the
7 right-hand side of the seminary, right-hand side of the
8 main building.

9 Q. So the freshmen were grouped separately from
10 the other classes for sleeping accommodations, correct?

11 A. That's correct.

12 Q. When you attended classes at the seminary, did
13 you attend as the entire group; in other words, if you
14 had to go to a special class of any nature, did all 37
15 or however many there were of you attend together or
16 were you broken down into sections?

17 A. If my memory serves me correctly, we attended
18 the classes together.

19 Q. So you all had --

20 A. I believe that's -- I know that when we went
21 to study hall, the entire student body was in the study
22 hall, and we were segregated by freshmen, sophomore,
23 juniors and seniors.

24 Q. So study hall was a different scenario; it was
25 a large room or a large area where the entire student

1 body was together for study hall hours?

2 A. That's correct, and that's on the direct
3 left-hand side of the administration center.

4 Q. Okay. But for classes, it's your best
5 recollection that you all attended classes together?

6 A. Yes. To my recollection, that's true.

7 Q. Okay. During your freshman year, did you --
8 strike that.

9 What interaction did you have with your
10 brother, [REDACTED], who was a [REDACTED] when you were a
11 [REDACTED] at school?

12 A. We said "hi" to one another. We -- I asked
13 him questions about different -- different events at the
14 seminary.

15 Q. Such as?

16 A. Ghost Walk.

17 Q. What is that?

18 A. That's a Halloween initiation ceremony for
19 [REDACTED] by the [REDACTED] classmen.

20 Q. And you asked him some questions to ease any
21 apprehension you might have about that?

22 A. The correct word would be "fear."

23 Q. Okay. How frequently did you see your [REDACTED]
24 brother, [REDACTED], when you were a [REDACTED] there? Did you
25 see him daily?

1 A. No. Infrequently. He was very busy.

2 Q. When you did see him, did you have private
3 times where you could talk privately?

4 A. Yes.

5 Q. How frequently did that occur?

6 A. I'd say once a month, at least.

7 Q. During your freshman year, tell me who your
8 teachers were, as best you can recall.

9 A. Let's see, Father [REDACTED] was a religion
10 teacher.

11 Q. Father [REDACTED]?

12 A. [REDACTED]. Father Martin, I believe, was a
13 history teacher.

14 Q. Father Martin was a Prefect of Discipline as
15 well?

16 A. Yes. I'm not sure if I took biology my first
17 year but there was a Father Joachim who was the head of
18 the biology department. His name just comes up. I just
19 want to let you know that. Right now, I don't remember
20 any others.

21 Q. During your freshman year, what was your
22 understanding of the role of the Prefect of Discipline
23 at the school?

24 A. If there was to be any disciplinary action
25 against you or if you were having problems with another

1 student, you were supposed to report to the Prefect of
2 Discipline.

3 Q. You were supposed to do what?

4 A. Report to the Prefect of Discipline; in other
5 words, fill him in.

6 Q. So, if you were having a problem at the school
7 of any nature involving another person, you were to
8 report it to the Prefect of Discipline?

9 A. That's correct.

10 Q. Did you have occasion during your freshman
11 year to have any encounters with the Prefect of
12 Discipline for any reason?

13 A. Not that I recall.

14 Q. How were your grades the first year?

15 A. Bs.

16 Q. Did you participate in sports and
17 extracurricular activities during your freshman year?

18 A. We were required to, yes, sports -- handball;
19 extracurricular activities would be handball.

20 Q. Okay. So --

21 A. We'd hike up to Mount La Cumbre on weekends.

22 Q. Uh-huh.

23 A. That was voluntary.

24 Q. Okay. You've listed for me names of three
25 teachers, and you indicated that there was a rector at

1 that time whose name you do not recall. Can you tell me
2 any other members of the faculty staff during your
3 freshman year?

4 A. No, not right now.

5 Q. You don't recall any?

6 A. If I saw a list, I could point them out
7 because of name recognition, but right now, by name, no.

8 Q. Those are the only ones you recall?

9 A. That's correct, my freshman year.

10 Q. All right. During your freshman year, was
11 Mario Cimmarrusti on staff?

12 A. No.

13 Q. Okay. During your freshman year, out of the
14 approximate 37 classmates that you had, who did you
15 consider to be your best friends out of that group?

16 A. I don't recall any. I just didn't -- I was
17 more of a loner, a lone person.

18 Q. Why was that?

19 A. I don't know.

20 Q. Out of the entire freshman class, there wasn't
21 any particular person that you were more friendly with
22 out of your classmates?

23 A. No.

24 Q. Would you say you were equally friendly with
25 most of them?

1 A. Not with the athletic types. I was a frail
2 person at the time and there was some that were more
3 athletic than others, and so I was not in the athletic
4 group.

5 Q. Was there some sort of division among the
6 athletic group and the ones that maybe weren't so
7 athletic, either psychologically or in some fashion that
8 you noted?

9 A. Are you asking me from personal knowledge?

10 Q. Yes.

11 A. Personal knowledge that I have of high school
12 is there is always division among students, separated by
13 different classes of characters. There is the jocks,
14 and then there is the Socs and there is the geeks, you
15 know. There is all different kinds of classes. So I
16 fit in one of those classes, but I'm not sure which one.

17 Q. But you pretty much took yourself out of the
18 athletic group, in your mind?

19 A. That's right.

20 Q. Was there any expressed animosity between you
21 and any other individuals of your freshman class?

22 A. Not that I recall, no.

23 Q. Was there anybody you ever got in a fight with
24 during your freshman year?

25 A. No.

1 Q. Was there anyone that you recall intimidated
2 you during your freshman year?

3 A. Definitely, senior classmen.

4 Q. All right. Let's just exclude the
5 upperclassmen and talk about members of your own class,
6 the freshman class. Was there anyone in your class that
7 you felt intimidated by?

8 A. As a direct threat, no.

9 Q. Okay.

10 A. But on a psychological basis, I would say
11 that, you know, athletic people were threatening because
12 I was frail and they were muscular.

13 Q. Okay. How much did you weigh back then when
14 you were a freshman?

15 A. I don't recall. I was thin.

16 Q. Okay. What was your height back then when you
17 were a freshman?

18 A. I was normal height for a freshman, I believe.

19 Q. You were not out of the ordinary? If people
20 looked at your class, you'd be about average in height?

21 A. Yeah, yes.

22 Q. And as far as weight goes, you'd put yourself
23 if the category of the ones that are more thin or --

24 A. Yes.

25 Q. -- as you described it, "frail"?

1 A. That's correct.

2 Q. Were you frail as a result of some physical
3 illness or was that just some other reason?

4 A. Some other reason. I don't know what that
5 reason is.

6 Q. Okay. What's your current height?

7 A. Six feet and one half inch.

8 Q. What's your current weight?

9 A. 235.

10 Q. Okay. Putting aside anyone that might be in a
11 category of a real close friend of yours during your
12 freshman year that was a classmate, was there anyone in
13 the other classes that you were a friend with, other
14 than your brother?

15 A. Not that I recall.

16 Q. Can you give me the names of some of your
17 classmates during your freshman year?

18 A. [REDACTED].

19 Q. Could you spell that? What was the name
20 again?

21 A. [REDACTED].

22 Q. [REDACTED]?

23 A. You can guess as good as I can.

24 Q. Okay. Anyone else you recall?

25 A. No. That's it.

1 Q. Why do you recall them as opposed to the rest
2 of the members of your class?

3 A. Later on, we became friends.

4 Q. Okay. How much later?

5 A. Going home from our freshman year on the bus,
6 we met.

7 Q. They were going to the same general area that
8 you were returning to, the [REDACTED] area?

9 A. [REDACTED] area.

10 Q. And that was the end of your freshman year?

11 A. Yes.

12 Q. Did you remain friends with them during the
13 time you were in school?

14 A. Yes.

15 Q. Would they be in the category that I was
16 asking you about earlier of who was your friend in your
17 class for your sophomore year?

18 A. Previous to the abuse, yes.

19 Q. Say again?

20 A. Previous to the abuse, yes.

21 Q. Why do you categorize --

22 A. Differentiate?

23 Q. Yes.

24 A. Because after the abuse, I became a loner
25 again.

1 Q. Okay. Have you stayed in communication with
2 [REDACTED] or [REDACTED]?

3 A. To the present day? Is that what you are
4 asking?

5 Q. Yes.

6 A. No.

7 Q. When was the last time you communicated with
8 either one of them?

9 A. At a reunion at St. Anthony's many years ago.

10 Q. Approximately what year?

11 A. I don't recall that. I don't know. I'd guess
12 1991.

13 Q. Have you attended any other reunions at St.
14 Anthony's other than the one in, approximately, 1991?

15 A. One the year after.

16 Q. Have there been other reunions that you have
17 been aware of that you just didn't attend?

18 A. Yes.

19 Q. During either one of the reunions that you
20 attended, was the subject of childhood sexual abuse
21 discussed?

22 A. No.

23 Q. Where did the reunions take place?

24 A. St. Anthony's Seminary.

25 Q. When you started your sophomore year, did you

1 still have approximately the same number of students or
2 had some dropped out?

3 A. Some had dropped out.

4 Q. Out of your class?

5 A. Yes. Some had been -- some came to the
6 seminary for the first time.

7 Q. So, you had some new ones coming in and some
8 had left?

9 A. That's correct.

10 Q. So, was the class size still approximately the
11 same as it was your freshman year?

12 A. Approximately, yes.

13 Q. Who was the rector for your sophomore year
14 which would have been [REDACTED], correct?

15 A. That's correct.

16 Q. Who was the rector then?

17 A. Xavier Harris.

18 Q. How were you introduced to him?

19 A. The first meal we had together, we were
20 introduced to the new rector and the new Prefect of
21 Discipline.

22 Q. Who was that?

23 A. Mario Cimmarrusti.

24 Q. And this was an introduction that was made the
25 first time you had dinner for the student body when you

1 reported for your sophomore year?

2 A. Yes.

3 Q. And who made those introductions?

4 A. I don't recall. I believe Mario did.

5 Q. What were the circumstances of that?

6 A. Well, before we ate, they introduced the new
7 rector and the new Prefect of Discipline. We always had
8 three priests sitting at the refectory, at the meal,
9 above everyone else, physically above everyone else,
10 like, seated above everyone else.

11 Q. Okay.

12 A. So, at that time, they were introduced.

13 Q. Okay. And so who else was there besides
14 Xavier Harris and Mario Cimmarrusti?

15 A. I don't recall.

16 Q. And was that session at that dinner that was
17 the first one of your sophomore year sort of an
18 orientation for the returning students given by these
19 people, these new people in these positions?

20 A. Yes.

21 Q. What did Xavier Harris relate to you during
22 that first session where you met him when you were a
23 sophomore?

24 A. Well, he just welcomed everybody back and he
25 was looking forward to meeting everybody and having a

1 good student year.

2 Q. Did he describe any changes in procedures or
3 policies?

4 A. Not that I recall.

5 Q. And he gave a brief speech, I take it?

6 A. Yes.

7 Q. And then Mario Cimmarrusti also gave a speech,
8 correct?

9 A. Yes.

10 Q. What did he say?

11 A. The same procedures in the past are the same
12 that are present.

13 Q. And he outlined the fact that he was the new
14 Prefect of Discipline, correct?

15 A. Yes.

16 Q. Did he explain how he was going to conduct
17 that position or role?

18 A. I don't understand your question. Could
19 you --

20 Q. That's a bad question.

21 A. -- clarify that?

22 Q. Did he explain what that meant to the
23 returning students?

24 A. I still don't understand.

25 Q. Okay.

1 A. The question is vague.

2 Q. Okay.

3 A. So I can't answer a vague question.

4 Q. I appreciate that. I appreciate that. What,
5 if anything, did Mario Cimmarrusti tell you students
6 when you first met him as sophomores about what his role
7 was going to be at the school?

8 A. Okay, from what I understand your question to
9 be, my answer is that he reiterated the fact that he is
10 the Prefect of Discipline and that if there is any
11 problems that the student body students had, whether it
12 was with a fellow student or with policy or with rules
13 or with upperclassmen, they were supposed to report to
14 him personally.

15 Q. Okay. And that's similar to what Father
16 Martin had described as well, correct?

17 A. Yes.

18 Q. Did you have an advisor when you were a
19 sophomore at St. Anthony's?

20 A. We had a priest walk through the same dorm --
21 not the same dormitory. It was a different dormitory at
22 this point, but he walked through. So as an advisor --
23 I don't recall being introduced to a specific priest
24 being named an advisor for our class.

25 Q. Okay. So, it was your understanding that if

1 you had a problem or a complaint involving anyone, you
2 were to take that problem or complaint to the Prefect of
3 Discipline?

4 A. That's correct.

5 Q. During your sophomore year, did the same
6 procedure that you described in your freshman year
7 follow, that you, as a class, all attended the same
8 classroom sessions?

9 A. I believe so, yes.

10 Q. What classes did you take as a sophomore?

11 A. I did whatever the prerequisites were.

12 Q. Okay.

13 A. I don't know what those were.

14 Q. Okay.

15 A. I know it was Latin, for sure, religion,
16 history, math, a science; it could have been biology.
17 I'm not positive.

18 Q. Who were your teachers?

19 A. Actually, there was music, too. Father
20 [REDACTED] was the music. Stanley was English. Mario was
21 religion. Joachim would have been biology. I don't
22 remember the rest of them.

23 Q. Okay. Were you a student in any other classes
24 taught by Father Cimmarrusti other than the religion
25 class in your sophomore year?

1 A. No, I don't believe so.

2 Q. In your junior year, did you attend any
3 classes that he taught?

4 A. Yes, but I'm not sure which one.

5 Q. It was some class?

6 A. It was some class, yeah.

7 Q. Okay.

8 A. I don't know if it was -- I don't know if
9 there was a -- religion kept on going. I believe we had
10 -- we were supposed to have religion for all four years,
11 but...

12 Q. Okay. Other than that first dinner where
13 Father Xavier Harris introduced himself and you
14 understood him to be the rector, what other
15 communications did you receive from Father Harris during
16 your sophomore year? Did he preside over meetings of
17 the students on occasion or what happened?

18 A. From what I recall, if there was any change in
19 overall policy of the seminary, then he would present
20 that change, but as far as communication for discipline
21 of the student body, it was Mario communicating that.

22 Q. Okay. Putting aside any communication
23 regarding discipline, were there occasionally times
24 where Father Harris would conduct a meeting or some sort
25 of gathering of the students where he would talk to the

1 students?

2 A. Well, he would let us know what the dates of
3 the Christmas vacation would be or when we were going to
4 go to Henry's Beach which is a beach in Santa Barbara or
5 he would communicate after mass or during mass, and it
6 was infrequent times of his communications.

7 Q. But there were communications?

8 A. Yes, yes. We had plays at the seminary and he
9 would, you know, welcome everybody to the play and the
10 outside community to the plays.

11 Q. Were there any times during your sophomore
12 year where you had any private conversations with Father
13 Harris?

14 A. During my sophomore year?

15 Q. Yes.

16 A. Not that I recall.

17 Q. Okay. What would the procedure have been if
18 you had wanted to have a private conversation with him?

19 A. If I recall, you'd go to Father Mario first
20 and discuss it, the problem or the situation, with him,
21 and then you'd go to see Father Xavier.

22 Q. Uh-huh. And if you elected to go directly to
23 Father Xavier Harris, could you have done that during
24 your sophomore year?

25 A. I don't recall. I don't believe that was ever

1 done. I don't -- I don't believe that I could have done
2 that.

3 Q. Okay. Why not?

4 A. Because I think there were certain channels.
5 My belief is the channel was going through the Prefect
6 of Discipline to the rector, the chain of command.

7 Q. But if you wanted to speak to Father Harris
8 about something other than the matter of discipline,
9 could you go directly to him?

10 A. I don't feel -- I don't think I felt free to
11 do that.

12 Q. Okay. I'm putting aside how you may have
13 personally felt. Would there have been any restriction
14 or some procedure that would have prevented you from
15 speaking with him directly on matters other than
16 discipline?

17 A. I don't remember that.

18 Q. You don't remember one way or the other?

19 A. No.

20 Q. Okay.

21 A. I believe when -- if he was walking down the
22 hallway, you could address him as Father Harris, but my
23 recollection is he seemed aloof.

24 Q. Okay. If you wanted to speak with Father
25 Xavier Harris during your sophomore year on matters

1 other than discipline, you would not have had to go
2 through the Prefect of Discipline to do that, would you?

3 MR. NYE: I think that's been asked and
4 answered several times now.

5 THE WITNESS: I don't recall that.

6 MR. FORD:

7 Q. You don't recall what?

8 A. That, that you could bypass the Prefect of
9 Discipline.

10 Q. Okay. Is that that you just don't know or you
11 just don't recall if that was possible?

12 A. I don't recall.

13 Q. Okay. Were the living arrangements for your
14 sophomore year similar to those of your freshman year,
15 that all of the sophomore class was together in another
16 separate portion of the dorm?

17 A. Yes.

18 Q. And so you were separate and apart from the
19 other classes?

20 A. That's right.

21 Q. And by then, your brother had graduated,
22 correct?

23 A. That's correct.

24 Q. And your younger brother never attended St.
25 Anthony's when you were there, correct?

1 A. That's correct.

2 Q. I asked you the names of your teachers during
3 your sophomore year and you gave me several of them. Do
4 you recall the names of any other faculty members during
5 your sophomore year that were not your teachers but they
6 were just on the faculty?

7 A. Father Harris.

8 Q. Okay. Father Harris.

9 A. There was a secretary, I believe, in the
10 office.

11 Q. Okay. But any other faculty members that you
12 recall?

13 A. No, I don't recall.

14 Q. Okay. And so, to go back to that period of
15 time between your freshman year and starting up your
16 sophomore year, what did you do that summer?

17 A. I believe I worked.

18 Q. Do you recall what you did?

19 A. I believe it was a paper route.

20 Q. Okay. Did you have any communication with [REDACTED]
21 [REDACTED] during that summer between
22 your freshman and sophomore year?

23 A. I don't recall that.

24 Q. Did you have some communication with your
25 parents during that summer between your freshman and

1 sophomore year about how the freshman year went?

2 A. Yes.

3 Q. Was that a frequent means of communication
4 between you and them, a frequent subject?

5 A. I don't know what you mean by "frequent." If
6 the subject came up, they would ask whether I wanted to
7 go back, I would say yes.

8 Q. Okay. Did they ask you any details about your
9 experiences there?

10 A. They asked how I liked it, and I said I
11 thought I had a great time.

12 Q. Okay.

13 A. Other than the Ghost Walk.

14 Q. During your freshman year, how did you
15 communicate with your parents?

16 A. Writing letters.

17 Q. On occasion, did you call them on the
18 telephone?

19 A. I don't recall that. It was very, very rare
20 if I did, because it would be a collect call and my
21 parents couldn't afford that.

22 Q. During your freshman year, did your parents
23 come to the seminary to visit you?

24 A. Yes.

25 Q. How many times?

1 A. I don't recall. It was on the same thing I
2 told you before about the visiting Sundays. They
3 wouldn't come every Sunday, but they would come every so
4 often.

5 Q. And during your freshman year, you went home
6 on at least one occasion for holidays?

7 A. At least on Christmas break, it was two weeks
8 off.

9 Q. Okay.

10 A. I think we were required to leave, if I
11 recall.

12 Q. You were required to what, to go home?

13 A. Leave, go home.

14 Q. How were your grades during your freshman
15 year?

16 A. Above average, B.

17 Q. Okay. How about your sophomore year?

18 A. They started out as Bs and they started
19 slipping.

20 Q. When did they start to slip?

21 A. Soon after the abuse.

22 Q. Soon after the abuse started?

23 A. Yes.

24 Q. And by the end of your sophomore year, what
25 sort of grades did you have?

1 A. Cs, low Cs.

2 Q. What sort of grades did you have your junior
3 year or were you there long enough to get any grades?

4 A. I don't think I was there long enough to get
5 any grades.

6 Q. How would you describe yourself in general as
7 a student during your period of time at St. Anthony's?

8 A. Well, you'd have to qualify that.

9 Q. Okay. How would you describe yourself as a
10 student; a good student, a medium student, a dedicated
11 student?

12 A. I think what I meant by qualifying that is
13 what year you are referring to.

14 Q. During the entire time you were there.

15 A. I can't categorize that as a generalization.

16 Q. Okay.

17 A. I think you have to separate it.

18 Q. Well, break it down in any way that you are
19 comfortable with.

20 A. Freshman year I was happy. I was comfortable.
21 It was adventuresome being there. I was excited about
22 wanting to be a priest. Sophomore year started out the
23 same because I was in the upper grade. I was not a
24 freshman anymore. Then as the abuse started, I became
25 more fearful, became more of a loner, became more

1 fearful of talking to anyone, very, very reclusive, not
2 trusting anybody, always looking behind me, always
3 looking behind my back, always feeling ashamed, always
4 feeling guilty. Embarrassment would be another correct
5 word for how I felt, and that was the same thing my
6 junior year, starting out my junior year, and soon after
7 the junior year started, I became angry to a point where
8 I woke up one morning to some dormitory bells ringing,
9 which was the normal way we were woken up, and I threw
10 my shoe at a bell and broke it -- at least it stopped.
11 So the senior classman that was in our dormitory put me
12 on report which means I had to go see Mario.

13 Q. Okay. And then you left shortly after that?

14 A. Yes.

15 Q. How soon after that did you leave?

16 A. I'm not sure exactly what the chain of events
17 was. It was fairly quick.

18 Q. Okay.

19 A. Within a few days.

20 Q. During your freshman year, there were
21 occasions where you had to meet with someone about your
22 progress and your grades, correct?

23 A. That's a question or is that a statement?

24 Q. That's a question.

25 A. Okay. We had reviews.

1 Q. Okay.

2 A. But I'm not sure who it was that reviewed it.
3 I mean, our teachers were in charge of giving us our
4 grades.

5 Q. Uh-huh.

6 A. I don't remember meeting with someone.

7 Q. Did you meet privately with someone about your
8 grades during your freshman year?

9 A. I don't remember that.

10 Q. Okay. But there was some form of review about
11 how you were doing that you received during your
12 freshman year, correct?

13 A. I don't remember. I mean, I just don't recall
14 that.

15 Q. Do you recall if you got some kind of feedback
16 about you need improvement here or you are doing great
17 here or just things like that?

18 A. What I recall is getting a report card, and if
19 there was a discussion about the report card, I went to
20 the teacher. I don't remember. I don't remember
21 reviewing things. It could have happened, but I don't
22 recall it, to be honest with you.

23 Q. When your grades started to go south and your
24 classroom performance started to drop off, was that
25 called to your attention by anyone on the faculty?

1 A. Not that I recall.

2 Q. Did you have any meetings during your
3 sophomore year where your grades were discussed with
4 you?

5 A. No. I was -- like I said, I was very much
6 alone. I didn't want to talk to anybody.

7 Q. Did anybody conduct a meeting with you during
8 your sophomore year about your attitude about school?

9 A. The only person I saw on staff was Mario.

10 Q. Okay. No one else?

11 A. No one else.

12 Q. And why was that?

13 A. Because he was the Prefect of Discipline.

14 Q. Did you have any -- okay. Strike that.

15 You didn't have any discussions or meetings
16 with Father Harris or anyone else on the faculty about
17 your attitude towards school during your sophomore year?

18 A. Not that I recall.

19 MR. FORD: Let's take a very short break here.

20 THE WITNESS: Sure.

21 (Brief recess, 11:39 a.m. to 11:49 a.m.)

22 MR. FORD:

23 Q. During your freshman year at St. Anthony's,
24 were you ever mistreated by anyone?

25 A. Other than seniors, no.

1 Q. Okay.

2 A. Senior classmen.

3 Q. And the mistreatment that they --

4 A. Inflicted?

5 Q. -- inflicted was, in general, what?

6 A. Well, the Ghost Walk -- is it okay to talk
7 about the Ghost Walk?

8 MR. NYE: Sure.

9 THE WITNESS: Okay. The Ghost Walk was an
10 initiation ceremony, right, that the seniors put on the
11 freshmen. Is this okay for you?

12 MR. FORD:

13 Q. It's okay?

14 A. Okay.

15 Q. You can just, in general --

16 A. Okay.

17 Q. You don't have to be that specific.

18 A. And the Ghost Walk was to intimidate freshmen
19 into respecting senior classmen and thus, the priests,
20 by inference. And so, in the weeks leading up to the
21 Ghost Walk, the senior classmen did everything they
22 could to intimidate the freshmen into being fearful.

23 So, at random, they'd ask a freshman to take a
24 book, you know, carry books for them, and if the
25 freshman would refuse, they'd take them out to the

1 football field and give them a pink belly. Do you know
2 what that is?

3 Q. Say again?

4 A. A pink belly.

5 Q. I think so, but describe it, please.

6 A. They'd put your -- draw your shirt up, and
7 they'd pat on your belly until it turns pink, which
8 means then that you would throw up and get very sick.
9 So, that was their form of -- in front of everyone
10 watching, see.

11 In addition to that, there was called a black
12 list and the black list was certain members of the
13 freshman class that were considered incorrigible, that
14 the senior classmen had picked out as being either
15 talking back or having an attitude or whatever.

16 Well, I was put on the black list, and my
17 brother had come up to me and said, "Don't worry. The
18 reason why you were put on the black list is because
19 there is one of the guys in the senior class that
20 doesn't like me, and that's the reason why you are on
21 the black list. It's not about your attitude. It's not
22 about anything you've done to the seniors. It's just
23 because this guy has a problem." Of course, that scared
24 the shit out of me.

25 And during the Ghost Walk, the black list went

1 through the Ghost Walk first and the senior classmen had
2 -- of course, they weren't tired yet of either hitting
3 you or beating you with handballs that were in socks, so
4 you got the brunt of their, I don't know, joy. I don't
5 know what you call that.

6 Q. Okay. The initiation.

7 A. So, to answer your question, then, in the
8 short -- I mean, in the long-term, yes, I was beat up by
9 senior classmen.

10 Q. Okay. Were you --

11 A. And I wouldn't call it in an anger way, but in
12 a more of an -- in their minds, it was a joke.

13 Q. Were you abused by any of the faculty during
14 your freshman year?

15 A. No.

16 Q. During your sophomore year, were you
17 mistreated by anyone at St. Anthony's?

18 A. Sexually or physically?

19 Q. Either way.

20 A. Yes.

21 Q. Okay. Describe for me what happened.

22 A. I went on a -- we were walking up to Mount La
23 Cumbre, and it was a way of getting exercise and seeing
24 nature, I guess you would call it. Groups of us would
25 go walking, and you know, walking out in the wilderness,

1 basically. Growing up in Coronado, I was never exposed
2 to poison oak. Coming back from one walk, I had itching
3 in my groin area, and I didn't know what that meant, so
4 I went to the infirmary where any kind of minor injury
5 we were supposed to report to the infirmary, actually,
6 any minor or major injury.

7 The infirmary was run by a priest and a senior
8 classman, and the senior classman would usually have
9 maybe two juniors helping. In this particular case,
10 Mario Cimmarrusti was the head of the infirmary, the
11 priest that was the head of the infirmary.

12 Robert Van Handel was the senior classman that
13 was the -- the senior classman that was the head of the
14 infirmary, and there was two junior classmen and I'm not
15 sure what their names were.

16 I went to the infirmary to find out what this
17 was. Robert Van Handel said "Oh, that's just poison
18 oak," and he was about to give me some Calamine lotion
19 and Mario came out and said "Oh, I'll take that," and "I
20 want to treat this personally."

21 So he had me come to his room, and that's
22 where he treated my groin area with Calamine lotion and
23 ordered me to come back continuously for the entire rest
24 of the year, at least once or twice a week, which
25 developed after into -- the poison oak going away,

1 developed into a sexual thing.

2 Q. You said Cimmarrusti said he would treat it
3 personally and he took you to his room?

4 A. He ordered me to come back. He told me to
5 come to his room after dinner.

6 Q. Okay.

7 A. Not right at the present time.

8 Q. Okay. So, you were in the infirmary. Was the
9 infirmary attached to his room in some fashion?

10 A. No. The infirmary was right behind the
11 chapel.

12 Q. Okay.

13 A. Between the chapel and the dining area.

14 Q. Where was his room?

15 A. His room was on the second floor, right above
16 the entrance to the administrative offices.

17 Q. Had you ever been in that area before he
18 ordered you to return?

19 A. In the administrative offices?

20 Q. No, in the area where his room was.

21 A. Well, down the hall from his room was a
22 stationery store where you could pick up stationery, you
23 could pick up -- the senior classmen, they could pick up
24 cigarettes, but no one else was allowed to smoke. Pick
25 up pens, pencils, things like that, and it's kind of

1 like a school store, and that was at the far end nearest
2 to the study hall, and that's as far as I went is in
3 that area.

4 Q. But the infirmary was located in a different
5 area and location from where his room was; is that
6 correct?

7 A. Yeah, yes. Do you want me to draw it for you?

8 Q. Sure.

9 THE WITNESS: Is that okay?

10 MR. NYE: Yes.

11 MR. FORD: (Handing piece of paper to
12 witness.) There you go.

13 MR. NYE: This is to precise scale, I take it.

14 (Laughing.)

15 THE WITNESS: Yeah, right.

16 MR. FORD: You can tell.

17 THE WITNESS: Not to scale (writing on
18 diagram).

19 MR. NYE: Why don't you add north to the top.
20 Okay.

21 THE WITNESS: This is the main door and the
22 second floor, this would be Mario's room (pointing to
23 diagram).

24 MR. FORD:

25 Q. And where is the infirmary? Do you have that

1 listed?

2 A. Infirm -- is it e-r-y? I guess.

3 MR. FORD: Okay. This diagram, we'll mark as
4 the exhibit next in order. I think we'll mark the
5 deposition notice that I read from as the first exhibit.
6 This will be the second one.

7 Q. Where you've indicated Mario's room, that's on
8 the second floor of the main building?

9 A. That's correct.

10 Q. Were there any other rooms on that floor where
11 any of the priests lived?

12 A. Yes.

13 Q. Who else lived on that floor, to the best of
14 your knowledge, during your sophomore year?

15 A. Well, right next to Mario's room was the
16 assistant Prefect of Discipline and I'm not sure who
17 that was.

18 Q. Did you ever meet that person?

19 A. Oh, I'm sure I did, but I don't recall who
20 that person was.

21 MR. FORD: Okay. Why don't we mark this now?

22 (Defendant's Exhibits 1 and 2 marked for
23 identification.)

24 MR. FORD:

25 Q. When the senior student, Van Handel, gave you

1 the Calamine lotion -- is that what it was?

2 A. Uh-huh.

3 Q. Did you keep that with you and then take it
4 back to the dormitory?

5 A. No. Mario took it.

6 Q. Okay. Was Mario in the room when this other
7 student was talking to you?

8 A. You mean in the infirmary?

9 Q. Yes.

10 A. Yes. He was in the background.

11 Q. Okay. Were there any other students there?

12 A. At that particular time, no. There was two of
13 the junior classmen. They were attending people that
14 were -- other students that were sick.

15 Q. Were they in some different area of the
16 infirmary?

17 A. Different room.

18 Q. Different room?

19 A. Yeah.

20 Q. Okay. And what's your best recollection of
21 what Cimmarrusti said when he came out after you had
22 been told to take the Calamine lotion back to the dorm?

23 A. He didn't tell me to take it back to the dorm.
24 He took the Calamine lotion and said "Come back and see
25 me after dinner in my room," and he told me where his

1 room was.

2 Q. Did he say why?

3 A. To treat me.

4 Q. He said that?

5 A. Yes.

6 Q. Did you assume, at that time, that that was
7 not appropriate?

8 A. No.

9 Q. Okay.

10 A. First of all, I'd never had poison oak before.
11 I didn't know what I had.

12 Q. So you returned to the dorm and then went to
13 dinner sometime later, correct?

14 A. That's correct.

15 Q. And then after dinner, what did you do?

16 A. Went and reported to Mario's room.

17 Q. Did anyone go with you?

18 A. No.

19 Q. What time of day was this?

20 A. At night, 7:00 o'clock.

21 Q. Did anyone see you do this?

22 A. A guess. I'm just guessing.

23 Q. Okay. You had to go down the hallway to get
24 to his room, correct?

25 A. Well, yes. On one side -- can I get that

1 exhibit again?

2 Q. Sure.

3 A. I need your pen. There is a hallway that goes
4 from the length of this -- I'm kind of scratching out
5 this -- so you can understand that, right?

6 Q. Yes.

7 A. This is where the store was (indicating on
8 diagram).

9 Q. And you are writing that on the exhibit.

10 A. Yes. These were music rooms. About right
11 there (pointing to diagram), which is about two-thirds
12 of the way down the hallway from the store, there was a
13 glass wall with a door, and that's called a "closure."
14 It was a private area where no students were allowed.
15 Some priests lived behind that area. That's where they
16 had their rec room. That's where they -- you know, that
17 was their private area. No student was allowed beyond
18 that wall.

19 So, when you asked me if I went down the hall,
20 if anybody saw me, there was either this way or this way
21 (pointing to diagram). As I recall, no one saw me going
22 down the hall.

23 Q. Okay. Did anyone know that you were going to
24 see Cimmarrusti after dinner?

25 A. Other than Mario?

1 Q. Yes.

2 A. No.

3 Q. Did you tell anyone where you were going after
4 dinner?

5 A. No.

6 Q. Okay.

7 A. Having poison oak in the genital area is not
8 something you wanted to pass around.

9 Q. Okay. So you went there and what happened?

10 A. He had me lay on his bed, which was -- well, I
11 could draw you his room. Do you want me to draw you his
12 room on the back side of that one?

13 Q. It's a little easier if you draw it on a
14 separate piece of paper. While I'm pulling this out,
15 just describe for me what his room was like. What were
16 the circumstances there? Was it one area or was it
17 divided in some fashion?

18 A. It's one area, separated by a small wall that
19 was about five feet high, and his bed was behind that,
20 and between the wall and his bed -- well, there was the
21 wall, his bed, and the exterior wall. There was a
22 window, looking exterior.

23 Q. Okay. Now, what is it you are going to draw,
24 for the record, here?

25 A. I'm drawing Mario's room. Once again, this is

1 not to scale.

2 (Drawing diagram.)

3 Q. Which way is north on your drawing?

4 A. I'm assuming this is north.

5 Q. Okay.

6 A. And I just remember -- I believe that's north,
7 going that way. This is the front entrance. That's all
8 I recall.

9 MR. FORD: Okay. We'll mark this as Exhibit
10 3.

11 (Defendant's Exhibit 3 marked for
12 identification.)

13 MR. NYE: Can I see that for one second?

14 MR. FORD: Sure.

15 MR. NYE: Okay. Thanks.

16 MR. FORD: Yeah.

17 THE WITNESS: So he had me lay on the bed, and
18 he came over to the side. First of all, he had me take
19 my pants down and my undershorts down at his desk, and
20 he was -- he examined my genital area here (pointing to
21 diagram), and I was standing and he was seated here
22 (pointing to diagram).

23 (To the reporter) That's hard to put down, I
24 guess.

25 Q. Seated where you've drawn the word "chair" and

1 you've got a circle?

2 A. That's right.

3 Q. Okay. All you have to do is describe what you
4 are pointing to.

5 A. I'm standing in front of the chair.

6 Q. Okay.

7 A. And he asked me to drop my pants and my
8 drawers and he examined me. At this point, he starts
9 smiling, and then he asked he to come over to his bed --
10 pull up my pants and drawers and come over to his bed
11 and lay down.

12 Actually, I'm sorry, but this area right here
13 is large enough for him to walk in (pointing to
14 diagram).

15 Q. You are talking about the area between --

16 A. Between the wall and the bed. That area, I
17 drew it not to scale, but there is -- that area is large
18 enough for someone like himself or me to walk down
19 between the wall and the -- five-foot wall,
20 approximately.

21 Q. Okay.

22 A. So he came down between the wall and the bed,
23 and I was laying down. I had taken my pants down and my
24 shorts down, and he applied the Calamine lotion.

25 Q. Okay. What else happened?

1 A. I felt uncomfortable, but he seemed to be
2 enjoying it, but it didn't seem like -- there was no --
3 I didn't feel like I was aroused or anything. I just
4 thought it was something I had to do because there was
5 poison oak there. Then, after he got done, told me to
6 get up. He says, "Report back to me in two days and
7 I'll give you another application."

8 Q. Okay. Now, only referring to this first
9 circumstance that you just described, did anything else
10 happen at that time other than him applying the Calamine
11 lotion?

12 A. That I felt uncomfortable with, is that what
13 you are asking?

14 Q. Yes.

15 A. Could you rephrase that then?

16 Q. Yeah. Did he do anything else to you other
17 than what you've described at that time other than what
18 you --

19 A. Nothing that I felt physically uncomfortable
20 with, but his facial features were what I was
21 uncomfortable with.

22 Q. Okay. And so, how long did this last of you
23 being in his room and these things?

24 A. Ten, fifteen, twenty minutes.

25 Q. Okay.

1 A. Twenty minutes, I'd say.

2 Q. Then you went where?

3 A. I went outside, didn't think anything of it.

4 I mean, I thought it was kind of strange for him, but at
5 least I had gotten relief from itching from this
6 Calamine lotion.

7 Q. And he told you to come back in about two
8 weeks?

9 A. Two days.

10 Q. Oh, two days.

11 A. Two days.

12 Q. Okay. Did you tell anybody about what had
13 happened?

14 A. No.

15 Q. Did you ever discuss it with your brother?

16 A. He wasn't there.

17 Q. This was during your sophomore year?

18 A. Uh-huh.

19 Q. That's right. He had gone. So did you go
20 back and discuss it with anybody in the dorm?

21 A. No.

22 Q. Okay. So what happened after that? Did you
23 return in about two days?

24 A. Yes.

25 Q. What time of day did you return?

1 A. Same time. He wanted me to come back always
2 at the same time.

3 Q. Did you have any communication with
4 Cimmarrusti between that first day where he applied the
5 Calamine lotion and the day you returned?

6 A. Other than a teacher, no.

7 Q. Was there any communication about when you
8 should come back specifically, time or day or anything
9 like that?

10 A. Well, his -- his recommendation for medical
11 treatment was every two days. Eventually, when the
12 poison oak stopped, he started sexually abusing me,
13 fondling me. I don't recall exactly what all the stuff
14 he did, but I remember looking at the fish tank that I
15 described in the picture on the windowsill and looking
16 at neon fish that were inside that fish tank, and that's
17 where I placed my memory, in my mind.

18 I remember him having a warm cloth and washing
19 my groin off and then drying my -- drying me off with a
20 towel, and he was sweating, and he was smiling, and his
21 eyes were very large at the time.

22 Q. Was the fish tank you described a glass tank?

23 A. Yes.

24 Q. Can you describe it in any more detail than
25 that for me?

1 A. The last time I remember, it was about 18
2 inches long and about eight inches wide.

3 Q. The --

4 A. And approximately nine inches high.

5 Q. Did the fish tank have a light in it?

6 A. I believe so.

7 Q. When you were in his room on this first
8 occasion where he applied the Calamine lotion, were the
9 lights on or off?

10 A. On.

11 Q. And was anyone else present in the room?

12 A. No.

13 Q. Approximately how many times were you sexually
14 abused by Cimmarrusti during your sophomore year?

15 A. It was continuous throughout the whole year.

16 Q. And when did it start, what month?

17 A. I believe it was in October. It was before
18 the winter arrived, so it was still in fall because we
19 could still walk up to Mount La Cumbre.

20 Q. So we are talking about October 1964?

21 A. Correct.

22 Q. Okay. And it continued from when it started
23 in October throughout the rest of your sophomore year?

24 A. Correct.

25 Q. How frequently?

1 A. Every couple days.

2 Q. Every two days or so for the rest of the year?

3 A. That's correct.

4 Q. Did the abuse that you suffered occur anywhere
5 else other than in his room?

6 A. No.

7 Q. It was always in his room?

8 A. That's correct.

9 Q. Was it always a similar type circumstance that
10 you've described?

11 A. Not always.

12 Q. Okay. There were some other acts that he did?

13 A. That's correct.

14 Q. Was anyone ever present at any time during
15 your sophomore year when that occurred?

16 A. There was a time when whatever he was doing to
17 me was happening and someone had knocked on the door,
18 and that distracted me away from the fish, and he opened
19 the door, and he talked with another man -- it was
20 obviously an adult man -- and I heard clinging of beads,
21 similar to what Franciscans wear around their waist.
22 Mario did not have the beads on at the time, so there
23 was another -- then my assumption was that there was
24 another priest there.

25 Q. Did you hear another person's voice?

1 A. Yes.

2 Q. Did you recognize the voice?

3 A. No.

4 Q. Did you see the person?

5 A. No.

6 Q. Did that person see you?

7 A. He probably saw my feet.

8 Q. Why do you say that?

9 A. Because the wall is shorter than the bed.

10 Q. Did the person that knocked on the door make
11 any reference to you?

12 A. No.

13 Q. What was said between Mario and this person?

14 A. It was in hushed tones. I'm sorry, I'm going
15 fast.

16 (To the reporter) Are you getting this?

17 THE REPORTER: Yes.

18 THE WITNESS: It was in hushed tones. I don't
19 recall what was said.

20 MR. FORD:

21 Q. You didn't hear anything that was said between
22 the two of them?

23 A. No. It was in very hushed tones.

24 Q. Okay.

25 A. Very silent. It was as if they were trying to

1 talk to themselves without having me hear.

2 Q. Why do you say that?

3 A. Because it was in hushed tones.

4 Q. What time of night was it?

5 A. 7:00; between 7:00 and 8:00.

6 Q. And --

7 A. Around that time frame.

8 Q. Which month during your sophomore year?

9 A. Of that particular incident? I don't recall.

10 Q. Were there any other incidents during your
11 sophomore year where you were being abused by
12 Cimmarrusti where you believe somebody else was aware of
13 it?

14 A. Not that I recall.

15 Q. Have you ever told anybody else about this
16 incident where you described that somebody knocked on
17 the door when you were in the room with Cimmarrusti?

18 A. I believe I gave that on my last deposition.

19 Q. Okay. That was the deposition you gave in
20 2000?

21 A. I believe so, yes.

22 Q. So you've already testified to that before?

23 A. That's correct.

24 Q. Okay.

25 A. And I believe the Board of Inquiry also knows

1 it.

2 Q. Okay. You gave that statement to the Board of
3 Inquiry as well?

4 A. I believe so.

5 Q. Do you have any way of knowing who that person
6 was other than what you've described?

7 A. No.

8 Q. Can you give me the height of the person?

9 A. I couldn't see him.

10 Q. You didn't see any features of the individual?

11 A. No. I was reclining on the bed, and it was a
12 five-foot wall. It was impossible to see the door.

13 Q. But the lights were on?

14 A. His desk light was on. The overhead light was
15 not. So the only light that was on in the room was the
16 desk light and the light in the fish tank.

17 Q. When you heard the knock on the door on that
18 occasion, did Cimmarrusti say anything to the person
19 that was knocking on the door before he opened the door?

20 A. No.

21 Q. What was he doing with you at the time when he
22 heard the knock on the door?

23 A. He was doing something with my groin area, but
24 I don't know what it was.

25 Q. Was there any radio or music that was on in

1 the room?

2 A. I don't recall.

3 Q. On occasion, was there any music or radio on
4 when you were in the room with Cimmarrusti?

5 A. I don't recall that.

6 Q. At all?

7 A. No.

8 Q. So, you are not saying that there wasn't, you
9 just don't recall; is that it?

10 A. That's correct.

11 Q. So, when he heard the knock on the door, you
12 heard the knock on the door, also?

13 A. Definitely, yes.

14 Q. And was it a loud knock on the door or was it
15 just a slight tapping on the door?

16 A. Loud knock.

17 Q. Was there any words that were spoken before
18 the door was opened?

19 A. Not that I recall, no.

20 Q. And then Cimmarrusti went over and opened the
21 door. Was he standing there at the door?

22 A. I believe so.

23 Q. How was he dressed?

24 A. From what I understand, from what I recall, he
25 just had his robe on. He didn't have the white robe

1 that had three knots in it on. He did not have the
2 beads on or his hood, you know, the Franciscan habit. I
3 don't know if you remember the Franciscan -- I'm sure
4 you have seen Franciscan habits, but they have their
5 robe and then they have a hood. Well, the hood can be
6 detached.

7 Q. And he didn't have that on?

8 A. He did not have that on.

9 Q. And at no time did you see how the person was
10 attired that was knocking on the door?

11 A. I did not see, but I heard the beads.

12 Q. Okay.

13 A. Distinctive.

14 Q. And what was it about the sound that you heard
15 that was distinctive that made you realize it was beads?

16 A. Remember I told you about the priest walking
17 up and down the dormitory at night? Very distinctive;
18 the beads always clicked as they walked up and down as
19 we were going to sleep.

20 Q. And you heard this clicking when Cimmarrusti
21 was talking to this person?

22 A. Yes.

23 Q. But you didn't make out what was said between
24 either person?

25 A. No. It was very hushed tones, as if they

1 were -- they didn't want -- well, someone didn't want me
2 to hear.

3 Q. Okay. That's what you assumed?

4 A. That's what I assumed.

5 Q. Okay.

6 A. Because it was very hushed tones.

7 Q. Okay.

8 A. Almost like they were whispering.

9 Q. And the reason you assumed that someone didn't
10 want you to hear was because it was in hushed tones?

11 A. Yes.

12 Q. Okay. How long did that conversation last
13 between Cimmarrusti and whoever it was at the door?

14 A. Very short, five minutes.

15 Q. Five minutes; as long as five minutes?

16 A. Uh-huh.

17 Q. You'll have to say "yes" or "no."

18 A. Yes. I'm sorry. I was dazing.

19 Q. Okay. So that's your best estimate, it was
20 about five minutes?

21 A. That's my best estimate.

22 Q. Okay.

23 A. Let me interject something. The period of
24 time that I was in the room felt a long time. It's --
25 it was a very long time.

1 Q. Would it be fair to say it's difficult for you
2 to measure time as a result of that?

3 A. That would be a correct assumption.

4 Q. Okay. At the conclusion of this communication
5 between Cimmarrusti and this other person, what happened
6 next?

7 A. He came back -- he closed the door. He came
8 back to the bed and resumed what he was doing, and I
9 turned my head toward the fish.

10 Q. Did he say anything to you about the
11 communication that he had had?

12 A. No.

13 Q. Can you give me an estimate of the number of
14 times that you went to Cimmarrusti's room during your
15 sophomore year and he sexually abused you?

16 A. No, I can't. Many times.

17 Q. Many times. And your best estimate is that
18 this occurred almost on a sequence of every two days
19 from October to the end of the year; is that correct?

20 A. At least weekly, if not more than weekly.

21 Q. At any time, did you suffer any beatings from
22 Cimmarrusti?

23 A. Yes.

24 Q. Were you ever bruised as a result of those
25 beatings?

1 A. I assume I was.

2 Q. What parts of your body were bruised?

3 A. Stomach, back, ribs.

4 Q. Were all of these times where you went to his
5 room during your sophomore year after dinner?

6 A. Yes.

7 Q. So, it was always the same set of
8 circumstances. It was after dinner. It was in his room
9 and there were no witnesses other than this one occasion
10 that you mentioned to me, correct?

11 A. That's correct.

12 Q. Okay.

13 A. There were other times when I would be
14 knocking on his door, waiting to get in where people,
15 students or other priests would walk by. I'm not sure
16 who those people were. I don't remember. And so there
17 was people that saw me going or going into his room.

18 Q. And those people that saw you would have been
19 other students and other priests?

20 A. That's correct.

21 Q. Who were in the area?

22 A. Who would be walking down at that time of
23 night, down that hallway.

24 Q. Did any student at the seminary speak to you
25 about Cimmarrusti during your sophomore year and

1 indicate to you that they suspected that he was abusing
2 you?

3 A. No.

4 Q. Were you ever taunted or the recipient of any
5 statements from any students about any relationship that
6 they were speaking about between you and Cimmarrusti?

7 A. Not verbally.

8 Q. In a nonverbal fashion, what occurred?

9 A. I felt people were looking at me. I felt, you
10 know -- you know, that something was wrong with me.
11 Whether that happened in reality, I don't think -- I'm
12 not sure if it happened in reality, but in my mind, I
13 was afraid of people. I didn't want to talk to anybody.
14 I was always trying to hide.

15 Q. Okay. But no other student said anything to
16 you that would indicate that they suspected that there
17 was something that was happening to you?

18 A. Not verbally, no, no statement.

19 Q. No statement? Did any of the priests make any
20 statements to you that questioned anything that might be
21 happening between you and Cimmarrusti?

22 A. Not that I recall.

23 Q. Did you tell anyone during your sophomore year
24 that this was happening?

25 A. No, absolutely not.

1 Q. Did you consider telling any of your family
2 about this?

3 A. No.

4 Q. Why not?

5 A. Because Mario threatened me.

6 Q. Okay. What were the threats?

7 A. That if I told anybody, that he would give me
8 dish shift and laundry shift for the rest of the year or
9 the rest of the time I'm in seminary.

10 Q. What is "dis" (sic) shift?

11 A. Dish shift, washing dishes for the entire
12 student body and/or doing laundry for the entire student
13 body.

14 Q. Is that as a result of you telling him that
15 you were going to tell someone?

16 A. No. That was as a result of him -- right
17 after him sexually abusing me for the first time.

18 Q. Did you attempt to leave the seminary during
19 your sophomore year?

20 A. No.

21 Q. Did you make any attempt to communicate with
22 anyone that he was mistreating you and abusing you
23 during your sophomore year?

24 A. No. Because he threatened me, and I was very
25 fearful of his authority.

1 Q. Okay. And at the end of that year, which was
2 your sophomore year, did you go home on the bus back to
3 the Coronado area?

4 A. Yes.

5 Q. You indicated that before the abuse started,
6 which you indicated was in October of your sophomore
7 year, you were friends with two students -- let me get
8 their names now. What were their names?

9 A. [REDACTED] and [REDACTED].

10 Q. Okay. And after the abuse started, that
11 relationship with those other two students changed; is
12 that correct?

13 A. That's correct.

14 Q. In what way?

15 A. I didn't want to talk to anybody.

16 Q. So you stopped communicating with them?

17 A. They attempted to communicate with me, but
18 I -- I didn't want to communicate with anybody.

19 Q. Did they ask why?

20 A. No.

21 Q. What was their reaction to your failure to
22 communicate with them? Did they get angry with you?
23 Were they concerned about you?

24 A. It didn't seem like they were concerned. I
25 mean, they had other things to do, other friends.

1 Q. Okay. So, when you went home at the end of
2 your sophomore year, did they go home with you on the
3 bus?

4 A. Yes.

5 Q. And some other students from the seminary?

6 A. There were some others from the seminary that
7 lived in the San Diego area, but I don't recall their
8 names.

9 Q. When you went home, did you discuss, at any
10 time, with your parents or relatives what Cimmarrusti
11 had been doing to you?

12 A. No.

13 Q. Why not?

14 A. Because I was still threatened by Mario.

15 Q. Even though he wasn't present?

16 A. That's correct.

17 Q. Why was that?

18 A. Because he was an authority figure. I didn't
19 want to contradict -- or not contradict but challenge
20 his threat to me. I didn't want to come back and be on
21 dish shift for the rest of the year or the rest of the
22 time I was in seminary.

23 You've got to understand something, you know,
24 I was raised in a Catholic house. Priests were God's
25 representative on earth. You never challenged a priest.

1 You never believed that what happened to me could -- you
2 never could have fathomed someone in a priest's capacity
3 doing this. So, mind you, this is, in a way, God doing
4 this to me. So, I'm not in a position to tell my
5 parents when this Prefect of Discipline was threatening
6 me and says "Don't tell anybody."

7 Q. Did you have conversations with your parents
8 that summer between your sophomore and junior year about
9 whether or not you would return to the seminary?

10 A. Yes.

11 Q. And what was the gist of those conversation?

12 A. I wanted to return because I wanted to become
13 a Franciscan priest.

14 Q. Did you ever have a discussion during your
15 sophomore year with Cimmarrusti to the effect that you
16 wanted this to stop?

17 A. No. The ball was in his court.

18 Q. Okay. So, you didn't communicate that to him
19 for the reasons you've stated?

20 A. That's correct.

21 Q. And was it your understanding that when you
22 returned for your junior year, that you assumed that
23 this was going to continue?

24 A. He ordered me to come back to his room when I
25 returned.

1 Q. But before you came back, when you were still
2 at home back in the San Diego area during the summer
3 before your junior year, did you realize that when you
4 went back, this was going to happen again?

5 A. I imagine. I mean, I wasn't sure, but I know
6 he wanted me to come back to his room when I returned.

7 Q. Okay. So, your thought process was you
8 realized that when you went back, this would probably
9 happen again?

10 A. Yes.

11 Q. And when you did go back, it did start
12 happening again, correct?

13 A. Yes.

14 Q. How soon after you got back -- I presume in
15 September of your junior year, which was [REDACTED]?

16 A. Uh-huh, that's correct.

17 Q. How soon after you got back in September of
18 1965 did anything start of this nature with Cimmarrusti?

19 A. Within the first week.

20 Q. And what happened then?

21 A. He told me to come to his room, same time.

22 Q. Did he tell you -- what were the circumstances
23 of him telling you that?

24 A. I don't recall exactly how he communicated
25 that. It wasn't in front of anybody. It was by

1 ourselves. He must have saw me somewhere walking alone
2 and told me to come. There was not any -- it wasn't
3 like in a dormitory. It wasn't like in a refectory.
4 There was only -- if he talked to me outside of his
5 room -- very rarely did he talk to me outside of his
6 room other than in the classroom. But if he wanted to
7 communicate to me about coming to his room, then he
8 would make sure that no one else was around. I mean,
9 there wasn't anybody around. I don't know if that was
10 his intention, but there was nobody else around.

11 Q. And you did not feel compelled to tell him
12 that you weren't going to do that?

13 A. No.

14 Q. For the reasons you stated?

15 A. Right.

16 Q. And so you did go to his room when he told you
17 to?

18 A. That's correct.

19 Q. And how many times before you left the
20 seminary in [REDACTED] did he mistreat you and sexually abuse
21 you?

22 A. I'm not sure. I mean, I don't know exactly
23 what day I left. It could have been a dozen. It could
24 have been two dozen. I'm not sure.

25 Q. Okay. It sounds like your recollection is you

1 left after you'd been there about a month?

2 A. Approximately.

3 Q. Okay. And once the abuse started in your
4 junior year, was it, again, on an every other day kind
5 of basis or once a week kind of basis?

6 A. Every other day basis.

7 Q. Every other day. And it was similar
8 circumstances to what you described happened to you in
9 your sophomore year?

10 A. That's correct.

11 Q. It was always in his room, correct?

12 A. That's correct.

13 Q. And it was always at night after dinner,
14 correct?

15 A. That's correct.

16 Q. And no one else was present, correct?

17 A. That's correct.

18 Q. To your knowledge, was anyone aware that you
19 were being abused by Cimmarrusti during your junior
20 year?

21 A. Yes.

22 Q. What do you mean?

23 A. Well, when I threw the shoe against the bell,
24 and it stopped, I was put on report, and I had to go
25 talk to Cimmarrusti because he was Prefect of

1 Discipline.

2 So, I went to his office, and he asked me what
3 was going on, and I told him that I wanted to leave. I
4 was angry, and he says -- he got angry with me for
5 wanting to leave. He said "You can't leave. You've got
6 to finish this, finish going to seminary. If you don't,
7 you'll be a failure for the rest of your life." That's
8 basically what he said.

9 Then he said, "I want you to go talk to the
10 rector, Xavier Harris." So I go downstairs to Xavier
11 Harris' office. Do you want me to describe that on your
12 picture?

13 Q. In just a minute I do. I want to stop you.

14 A. He was down -- I'm sorry.

15 Q. I want to stop you right there before you tell
16 me about that.

17 This circumstance where you threw the shoe at
18 the bell, are you talking about an alarm clock?

19 A. No. It's like a -- like an alarm bell, like a
20 large, maybe eight inches in diameter (indicating).

21 Q. Uh-huh.

22 A. And the dormitory ceilings were, oh, I'd say
23 ten feet high, and it was on one of the support beams
24 and my bed happened to be right below it.

25 Q. So you picked up your shoe and you nailed it?

1 A. Good shot.

2 Q. It sounds like it. And the people that were
3 present when this happened were your other classmates
4 who were in bed being awakened by the bell as well?

5 A. Yes.

6 Q. And there was a --

7 A. And a senior classman about four beds down.

8 Q. Okay.

9 A. And I don't remember his name.

10 Q. But he was upset that you had broken the bell,
11 and that's why he sent you to the Prefect of Discipline?

12 A. Put me on report. They call it "putting you
13 on report."

14 Q. Okay. As a result of getting put on report
15 from that circumstance, when did you go to see
16 Cimmarrusti? Did you go that morning?

17 A. Right then and there.

18 Q. Okay.

19 A. You get dressed and go see him.

20 Q. That was the first thing you did, correct?

21 A. Yes.

22 Q. And so when you went to Cimmarrusti's room,
23 it's the same room that you described and drew in
24 Exhibit 3, correct?

25 A. Yes.

1 Q. Was anyone else in the room when you went
2 there?

3 A. No.

4 Q. And you've described for me what was said
5 between the two of you, and his recommendation to you
6 was that you should go see Father Xavier Harris,
7 correct?

8 A. I wasn't a recommendation. It was an order.

9 Q. Did he tell you why?

10 A. He said -- I just forgot what he said. I'm
11 sorry. I just don't recall it. He said "You have to go
12 down and talk to the rector. This is a serious
13 situation" -- oh, I know the reason why -- I just
14 remembered -- because I wanted to quit. He says "You've
15 got to talk to the rector about quitting," and he was
16 livid. He was very angry.

17 Q. Cimmarrusti was?

18 A. Cimmarrusti was very angry.

19 Q. Okay. And what did you do next?

20 A. Walked down and saw the rector.

21 Q. Okay. And I believe that's the point where
22 you were going to draw something for me or indicate
23 something for me?

24 A. Yes.

25 Q. Which one do you want here?

1 A. Not that one.

2 Q. This one here?

3 A. Exhibit 2.

4 Q. Two.

5 A. (Drawing diagram) So, if this is -- I'm going
6 to draw you the main administration building. The front
7 door is right here. This is not to scale. This is the
8 first floor. So there was a basement, first floor.

9 Q. Why don't you write "first floor" somewhere
10 around there so we can tell what you're talking about.

11 A. There was a basement. There was a first floor
12 and a second floor and a third floor. And the third
13 floor is where the dormitories were. On the first
14 floor, there was an entrance, a foyer, and to the right
15 of the foyer was the secretary's office and then
16 Xavier's office. I put down "s-e-c-t" to reference
17 secretary; is that okay with you?

18 Q. That's fine.

19 A. There you go.

20 Q. So, you went directly to Xavier Harris' office
21 in the area that you described on Exhibit 2, correct?

22 A. Yes.

23 Q. Was there anyone else in the office when you
24 went there?

25 A. There was a secretary, and I saw her, told her

1 that I was supposed to report to Xavier Harris and she
2 went and talked to Xavier Harris. Then I went in to see
3 him.

4 Q. Did you tell her why you were to report to
5 Father Harris?

6 A. No. I just said I was supposed to report to
7 Xavier Harris.

8 Q. Okay. And so she went in and spoke with him,
9 apparently, and then came back out, and what happened?

10 A. Well, I went into Xavier Harris' office.

11 Q. Okay. He had a separate office from the
12 secretary?

13 A. That's right.

14 Q. Was there a door?

15 A. Yes.

16 Q. Did the door remain open or did you close the
17 door behind --

18 A. He closed the door.

19 Q. Okay. So, the two of you were in private,
20 speaking in his office?

21 A. That's right.

22 Q. Was anyone else present in his office when
23 this conversation took place?

24 A. No.

25 Q. Had you ever had any other private

1 conversations where it was just you and Father Harris
2 prior to that date?

3 A. In his office? No.

4 Q. Anywhere?

5 A. Could have. I mean, in the walkways, said
6 "hi," whatever, you know, during my freshman year.

7 Well, he wasn't there during my freshman year.

8 Sophomore year. He could have said "hi." We could have
9 said "hi" to each other in the hallways.

10 Q. But I'm not asking you to just guess. Do
11 you --

12 A. I don't recall.

13 Q. Okay. So you went into his office. He closed
14 the door. Did you sit down?

15 A. He invited me to sit down. I sat down and he
16 sat down.

17 Q. Did he sit down behind the desk or --

18 A. Behind a desk.

19 Q. And you were sitting at a chair in front of
20 the desk, correct?

21 A. That's correct.

22 Q. And what was the conversation?

23 A. He said "What's going on?"

24 And I said, "Well, I want to quit the
25 seminary."

1 And he said, "Why?"

2 And I said, "Because Mario's been doing this
3 sexual abuse to me."

4 And he said "How long?"

5 And I said, "All last year and beginning of
6 this year."

7 And he says, "You are just imagining that.
8 That's a figment of your imagination."

9 And I said, "Regardless whether it's a figment
10 of my imagination, I want to still leave."

11 At which point, he said "Well, if you stay,
12 I'll make sure you get the valedictorian when you become
13 a senior classman. You'll become one of the captains of
14 one of the football teams," which is the same thing --
15 these are all the same things that my brother had
16 obtained -- and "You'll be president of your senior
17 class."

18 And I said I wanted to leave still.

19 Q. What else was said?

20 A. At which point, he said, "Well, if you ever
21 tell anybody about this, I'll make sure your parents get
22 kicked out of the Catholic church, and you'll cause them
23 to be divorced, which means you'll be responsible for
24 your parents and your whole family breaking up, and
25 because you are leaving the seminary, you are just a

1 failure for the rest of your life."

2 At which point, I said, "I still want to
3 leave."

4 And he said, "Well, here is the phone," and he
5 slammed the phone down and said "Call your mother. Call
6 your parents."

7 Q. Did you do that?

8 A. Yes. I called my parents and I said --

9 Q. From his office?

10 A. Yes.

11 Q. And you spoke with your mother?

12 A. Yes. And she asked --

13 Q. What did you say?

14 A. I said, "I'm leaving the seminary. I want to
15 come home," and she said, "Why?" And I said, "Well, I
16 just want to come home."

17 Q. And what was your tone of voice to her?

18 A. My tone of voice?

19 Q. Yes.

20 A. Direct.

21 Q. Were you conveying feelings of anger?

22 A. I don't recall that.

23 Q. Did --

24 A. My mother did not ask any more questions, put
25 it that way.

1 Q. She didn't ask any more questions?

2 A. No.

3 Q. And so how did you get home?

4 A. By a bus.

5 Q. Who --

6 A. I don't recall how I got to the bus. I don't
7 recall who picked me up at the bus depot in San Diego.
8 The next thing I remember is being in my room in
9 Coronado.

10 Q. Same day?

11 A. It could have been several days. I don't
12 know.

13 Q. Well, did you leave the seminary the day that
14 you had this conversation with Father Harris?

15 A. Yes.

16 Q. And did you go somewhere else before you went
17 home?

18 A. No.

19 Q. So you went home directly that same day?

20 A. That's right.

21 Q. And you don't recall how you got to the bus
22 station in Santa Barbara, correct?

23 A. That's correct.

24 Q. How long a bus ride is it to San Diego from
25 there?

1 A. Seven or eight hours, something like that. I
2 don't really remember.

3 Q. So, what time did you arrive down in San
4 Diego?

5 A. Like I said, I don't remember any of that.
6 The next thing I said is several days later, I remember
7 being in my room, listening to a song by The Doors and
8 the song was "This Is the End, My Only Friend."

9 Q. Okay. You still remember that?

10 A. Yes, clearly.

11 Q. What is the first conversation you remember
12 having with either your mother or your father about the
13 reason why you left the seminary?

14 A. I didn't want to talk to them.

15 Q. But what's the first conversation you remember
16 with them about it?

17 A. Well, when they asked me what happened, I
18 says, "I don't want to talk about it."

19 Q. And was that always the end of the
20 conversation?

21 A. Yes.

22 Q. Did either your mother or your father follow
23 up that response by you with a statement of concern to
24 inquire about why you were so upset?

25 A. No.

1 Q. They didn't?

2 A. No.

3 Q. So, when you responded in that fashion, that
4 was the end of the subject?

5 A. Yes.

6 Q. Did they inquire on more than one occasion as
7 to why you left the seminary?

8 A. I believe they tried to ask several more
9 times, but I never wanted to talk about it.

10 Q. Did they ever express their feelings to you
11 about you leaving the seminary, about they are happy you
12 left, they are upset, they are sad, you know, any
13 emotion?

14 A. They were disappointed that I left.

15 Q. How did they express that?

16 A. Telling me they were disappointed that I left.

17 Q. And how did you respond when they said that?

18 A. I went out and got drunk.

19 Q. Did you talk to them? Did you use any words
20 with them?

21 A. No.

22 Q. And you, pretty soon after returning home,
23 enrolled in the high school in San Diego, correct?

24 A. They enrolled me, yeah, yes.

25 Q. Okay. And you continued your junior year,

1 finished it?

2 A. Uh-huh.

3 Q. And then finished your next year at the high
4 school?

5 A. Uh-huh.

6 Q. Were you still in high school in San Diego
7 when your youngest brother started attending St.
8 Anthony's Seminary?

9 A. I believe so. I'm not sure what time he was
10 there.

11 Q. Okay.

12 A. I don't know the dates when he was there.

13 Q. Were you still living at home when he attended
14 there?

15 A. Well, since I don't remember when he attended
16 there, I don't know the exact dates when I moved out. I
17 mean, I was living in various places, staying in
18 different places.

19 Q. In the San Diego area?

20 A. In the San Diego area, yes.

21 Q. Were you aware that he was going to attend the
22 seminary before he went there?

23 A. Yes.

24 Q. Did you express directly to him your feelings
25 about whether or not he should attend?

1 A. No.

2 Q. Did you express to him any concern that he
3 might be abused by Cimmarrusti or anyone at the
4 seminary?

5 A. No.

6 Q. Did you do anything to alert him to the fact
7 that something like that might be a risk to him?

8 A. I was more afraid about my parents getting
9 kicked out of the Catholic church and breaking up my
10 family and being responsible for that.

11 Q. Okay. So as a result, you did not say
12 anything to your brother to warn him of the possible
13 risk?

14 A. I didn't say anything to anybody.

15 Q. How long was the meeting that you had in
16 Xavier Harris' office?

17 A. Fifteen minutes, twenty minutes.

18 Q. What was your demeanor during that period of
19 time?

20 A. Angry.

21 Q. Okay. Were you tearful?

22 A. No.

23 Q. How did you express your anger?

24 A. Just felt angry.

25 Q. But how did you express that beyond your

1 feelings?

2 A. I don't really know. I don't remember. I
3 just remember being angry there.

4 Q. What was Father Harris' demeanor in speaking
5 with you?

6 A. At first, he was very congenial.

7 Q. At first, up until what point?

8 A. Up until the point where I told him that I
9 still wanted to leave, even though he said it was a
10 figment of my imagination that this was all happening.

11 Q. And at that point, his demeanor appeared to
12 change?

13 A. Yes.

14 Q. Tell me what happened.

15 A. Well, he got red in the face, and he became
16 glaring. His eyes became very glaring, and it
17 appeared -- I got the impression that he was angry.

18 Q. Did --

19 A. And the more I wanted to leave, the angrier he
20 got, until he slammed the phone down and said to call my
21 mother.

22 Q. I want to go back to the part you said you
23 told him words to the effect that you want to quit.

24 A. I wanted to leave.

25 Q. Is that what you told him?

1 A. Yes.

2 Q. And he responded by asking you why?

3 A. What part? He asked me why I wanted to leave
4 several times. The first time?

5 Q. He asked you several times? Okay.

6 A. The first time he asked why I was there, why
7 was I in his office, and I said, "I want to quit," and
8 he asked me why, and I says "Because Mario's been doing
9 this and this, the sexual abuse to me," and he said,
10 "How long?"

11 Q. I'm going to stop you right there.

12 A. Okay.

13 Q. Are those pretty much the words you used?

14 A. Uh-huh.

15 Q. When you talked to him?

16 A. Yes.

17 Q. Did you graphically describe what you meant?

18 A. No.

19 Q. So, the words you used with Father Harris were
20 what, to the best of your recollection?

21 A. "He was sexually abusing me."

22 Q. You used those words?

23 A. And "he beat me up frequently," yes.

24 Q. So, you didn't describe to Father Harris what
25 you meant when you said he was sexually abusing you in

1 graphic terms, you just used those general terms,
2 correct?

3 A. Well, the graphicness of my abuse I don't
4 remember because of the fact that I was concentrating on
5 the fish swimming around while it was happening. So,
6 what I understood -- why I responded that way that I
7 know that it was sexual abuse was because of what I was
8 seeing Mario do when it was finished, sweating, smiling
9 and washing my genital area off with a warm cloth and
10 then drying it.

11 Q. So, the words you used to Father Harris were a
12 description that you stated you were being sexually
13 abused; you used those words?

14 A. Correct.

15 Q. Okay. And you also told him you had been
16 beaten frequently by Father Cimmarrusti, correct?

17 A. That's correct.

18 Q. Did anyone at the seminary, anyone, student,
19 faculty, anyone, ever comment to you about any bruises
20 on your body?

21 A. No.

22 Q. What were the shower arrangements there at the
23 seminary? Were they private showers?

24 A. No, public. Well, we had stalls. I mean,
25 they were short stalls.

1 Q. And no one, at any time you were there before
2 you left, made any comment about any bruises on your
3 body from any of these beatings that you suffered?

4 A. No.

5 Q. When you described to Father Harris that
6 Cimmarrusti had been, to use your words -- that you told
7 him sexually abusing you and beating you frequently, did
8 Father Harris ask you what you meant by that or words to
9 that effect?

10 A. No.

11 Q. Did he ask you for clarification in any way?

12 A. No. He said I was imagining that.

13 Q. Those were the first words he said when you
14 told him that?

15 A. That's right.

16 Q. He said, "You are imagining that"?

17 A. That's correct.

18 Q. What was his demeanor when he said that?

19 A. And he said that was a, "Figment of my
20 imagination."

21 Q. Okay. That was essentially the entire
22 statement that he gave you, that you were imagining it,
23 and it was a figment of your imagination?

24 A. That's correct.

25 Q. What was his demeanor when he said that to

1 you?

2 A. At that time, it was congenial.

3 Q. And your response to him saying that was what?

4 A. I still wanted to quit, which he got upset
5 about.

6 Q. At that point, that's when he displayed --

7 A. He started getting angry, yes.

8 Q. And you indicated that he made an offer to you
9 or a promise to you that you would receive certain
10 benefits if you stayed?

11 A. That's correct.

12 Q. And the things that he told you that he would
13 accomplish for you were what?

14 A. I would be given -- I would get the
15 valedictorian my senior year. I'd be captain of one of
16 the football teams and I'd be senior class president,
17 which was, basically, president of the student body.

18 Q. To your knowledge, was he capable of doing any
19 of those things?

20 A. Yes.

21 Q. All of those things?

22 A. He's the rector.

23 Q. So he could make you the valedictorian of the
24 class; is that correct?

25 A. That's correct.

1 Q. And he could make you the captain of the
2 football team?

3 A. That's correct.

4 Q. What was your understanding of how somebody
5 became captain of the football team up until that point?
6 Was it by designation by the rector?

7 A. No.

8 Q. How was it done?

9 A. Selection process, but I'm not quite sure how
10 it was.

11 Q. Was it a vote of the team?

12 A. I doubt -- I don't think so. I'm not sure, to
13 be honest with you.

14 Q. Did you play football?

15 A. Yes.

16 Q. How many years did you play?

17 A. All the years that I was there.

18 Q. Okay.

19 A. Everyone was required to play football,
20 baseball, and basketball.

21 Q. Were you a starter in football?

22 A. Huh?

23 Q. Were you a starter on the football team?

24 A. A starter?

25 Q. Starter on the team; were you on the bench or

1 did you start?

2 A. They had no bench. There was several teams in
3 several divisions and categories and everybody played.
4 There was only a certain amount of people who would play
5 on one team, and there was no bench people. So everyone
6 played all the time.

7 Q. Did you question how Father Harris, as rector,
8 could do those things?

9 A. No. I assumed he could because he was rector.

10 Q. And you assumed that he could make you the
11 president of the senior class?

12 A. If he wanted to, yes.

13 Q. Are any of those things things that you
14 expressed at any time that you were at St. Anthony's
15 that you wanted to achieve?

16 A. No.

17 Q. So, after he made those comments, you said, "I
18 still want to leave" or words to that effect?

19 A. I still wanted to leave, yeah, that's what I
20 said.

21 Q. And you expressed that?

22 A. Yes.

23 Q. And is that the point where he was angry and
24 told you to call your parents?

25 A. No.

1 Q. It was before?

2 A. No.

3 Q. Okay. When was it?

4 A. So, right after he promised me that if I
5 stayed, then I said "I still want to leave."

6 Then he said that "If you tell anyone, I'll
7 make sure your parents get kicked out of the Catholic
8 church, and you'll be responsible for your parents
9 getting divorced and the breakup of your family, and
10 you'll be a failure for the rest of your life because
11 you are quitting."

12 And then I said, "I still want to quit," and
13 then he slammed the phone down and said, "Call your
14 mother and tell her that."

15 Q. And as you sit here today, you're certain that
16 those are the words he used?

17 A. Yes.

18 Q. You don't have any doubt in your mind?

19 A. No.

20 Q. Have you ever told anybody -- strike that.

21 Did you ever tell anybody at the seminary that
22 Father Harris told you that before you left?

23 A. No.

24 Q. Did you ever tell your parents at any time
25 that Father Harris told you that?

1 A. No.

2 Q. Did you ever express what Father Harris told
3 you to any of your family members, brothers?

4 A. At any time?

5 Q. At any time.

6 A. After I had my memory come back, I told my
7 brothers.

8 Q. What do you mean by that, "After I had my
9 memory come back"?

10 A. Well, I had forgot. From the time that I left
11 the seminary, I somehow lost track of whatever happened.
12 I mean, there was a period of time when I didn't
13 remember things that happened. I buried it in my
14 memory. I buried it, didn't want to recall it.

15 Q. Okay.

16 A. The third letter from the Board of Inquiry
17 comes to my house, and at the same time I'm reading
18 that, [REDACTED] calls, and at that point, I remembered
19 what happened to me.

20 Q. So, when did this period of time when your
21 memory was buried start?

22 A. I can't put a definitive date on that.

23 Q. Did it happen --

24 A. Some time when I was getting drunk or getting
25 high on drugs.

1 Q. And that was after you returned to San Diego?

2 A. Yes.

3 Q. So, at some point, from that point on, up
4 until the time you got the third letter from the Board
5 of Inquiry, combined with the telephone call from [REDACTED]
6 [REDACTED], something jogged your memory and it returned to
7 you?

8 A. Yes.

9 Q. What was it that you had forgotten during that
10 period of time that came back to you?

11 A. The events that happened in the seminary.

12 Q. Meaning all of things you've testified to
13 today?

14 A. Yes.

15 Q. So, all during that period of time, you had no
16 recollection or memory of any abuse that you suffered or
17 any statements that were made to you by Father Harris;
18 is that correct?

19 A. That's correct.

20 Q. So, after you left the seminary that day,
21 after talking with Father Harris, who was the first
22 person that you told about Cimmarrusti's behavior with
23 you?

24 A. My wife.

25 Q. And when was that?

1 A. Right after the phone call from [REDACTED].

2 Q. And I forget what year that was.

3 A. I'm guessing it's '95. I'm guessing. I don't
4 know for sure.

5 Q. It happened around the time that you received
6 the third letter from the Board of Inquiry?

7 A. That's correct.

8 Q. And the first person you told was your wife,
9 correct?

10 A. That's correct.

11 Q. Did you give her the details of what had
12 happened to you?

13 A. It didn't come back all at once. I knew that
14 something bad happened.

15 Q. So, you told her in general terms that
16 something bad had happened to you?

17 A. Yeah, something sexual had happened.

18 Q. And over some period of time, did you have
19 other conversations with her where more came back to you
20 and you told her more details?

21 A. Yes, over the next two years.

22 Q. Over the next two years. Who was the next
23 person you told besides your wife?

24 A. There was a phone number on the letter of
25 inquiry to call, and I called that number and a man by

1 the name of [REDACTED] answered the phone. He
2 identified himself as a member of the Board of Inquiry.

3 Q. So the second person you told after telling
4 your wife was [REDACTED]?

5 A. That's correct.

6 Q. And did you give him details about what had
7 happened to you at the seminary?

8 A. I just said that something happened and it was
9 bad and that I was emotionally very upset at this point.
10 Pretty much that's what I said.

11 Q. Who was the first person that you ever told
12 what Father Harris told you on your last day at the
13 seminary?

14 A. I'm not sure if that was my wife or [REDACTED]
15 [REDACTED], one of the two.

16 Q. Did you tell [REDACTED] during that first
17 telephone conversation you had with him about what
18 Father Harris had told you?

19 A. I don't recall. I'm not sure if I did that or
20 not, I mean, if it was the first conversation or
21 subsequent conversations. I know that bits and pieces
22 came back slowly.

23 Q. And so over a period of time, you believe that
24 bits and pieces of your memory came back and you related
25 these recall memories to [REDACTED] over a period of

1 time?

2 A. Yes.

3 Q. Were these in telephone calls to him?

4 A. Pardon me?

5 Q. Were these in telephone calls between you and
6 [REDACTED]?

7 A. Well, the next day, [REDACTED] came up, flew up to
8 [REDACTED] and visited me. He asked me if I wanted him
9 to come up and talk and I said yes.

10 Q. At that time, did you give him a detailed
11 description of what happened to you when he flew up
12 here?

13 A. Detailed as far as what I presented to you,
14 yes.

15 Q. So, you've given him on that occasion --
16 strike that.

17 On that occasion where he flew up to [REDACTED]
18 [REDACTED] and met with you, you gave him as much detail as
19 you've given me today?

20 A. I wouldn't say as much detail. Like I said,
21 my memory was coming back in segments, but the majority
22 of what I told you today was there.

23 Q. Did you tell him about your conversation with
24 Father Harris and what Father Harris told you?

25 A. I don't remember. I believe I did, but I'm

1 not positive.

2 Q. You believe you told him during that meeting
3 you had with him in [REDACTED]?

4 A. Yeah.

5 Q. Okay.

6 A. That was a -- what's very clear is this threat
7 of me breaking up my family and my parents getting
8 kicked out of the Catholic church.

9 Q. What do you mean that's "clear" to you?

10 A. That's -- that's -- that's just very clear in
11 my mind.

12 Q. Is that item and that statement the thing
13 that's the most clear about what you recall about your
14 conversation with Father Harris?

15 A. No. That was the most effectual, had the most
16 effect on me.

17 Q. What did you mean when you said "That's the
18 most clear thing I remember about it"?

19 A. Clear, meaning it affects me the most.

20 Q. Okay.

21 A. I was afraid of that.

22 Q. At some point in time up to the present, did
23 you come to the realization that that was something that
24 he was not capable of doing?

25 A. No.

1 Q. Have you ever come to that conclusion?

2 A. No.

3 Q. You still believe he could have done all those
4 things?

5 A. Yes.

6 Q. After you met with Father Harris and before
7 you left the seminary, did you have any other
8 communication with Father Cimmarrusti?

9 A. No.

10 Q. From that day to the present, have you ever
11 had any communication with Father Cimmarrusti?

12 A. No.

13 Q. And so, the conversation you had with Father
14 Harris was the only conversation you had with him about
15 Cimmarrusti's behavior, correct?

16 A. That's correct.

17 Q. And that was on the day that you left the
18 seminary?

19 A. That's correct.

20 Q. And the first person that you told about that
21 conversation you had with Father Harris was either your
22 wife or [REDACTED], correct?

23 A. Yes.

24 Q. During the time that you were at St.
25 Anthony's, did you have any conversations with anyone

1 else about Cimmarrusti's behavior with you?

2 A. No.

3 Q. Did any of your [REDACTED], your [REDACTED]
4 or your [REDACTED] ever ask you why you left the
5 seminary?

6 A. In what time period?

7 Q. Any time.

8 A. Not until after I, you know, recalled what
9 happened to me.

10 Q. So, your brothers never asked you why you left
11 the seminary until sometime around 1995?

12 A. Well, I don't recall if they asked me or not,
13 but I don't remember them saying anything or asking me,
14 but I certainly didn't tell them anything.

15 Q. Okay. Did your brothers ever express any
16 feelings about you leaving the seminary before 1995?

17 A. Verbally, no.

18 Q. What do you mean by that?

19 A. Well, I got the feeling that I was a black
20 sheep of the family because I quit.

21 Q. How did you get that feeling?

22 A. I just got that feeling.

23 Q. What was done --

24 A. Everyone else --

25 Q. -- that made you have that feeling?

1 A. Everyone else graduated. Everyone else went
2 into San Luis Rey.

3 Q. But was there any conduct on the part of
4 anyone that made you have that feeling?

5 A. Inferences.

6 Q. What do you mean "inferences"? What type of
7 inferences?

8 A. Well, if all my brothers graduated from
9 college, high school, and they graduated from college
10 and I'm the only one that's not, then there is an
11 inference there that I'm inferior.

12 Q. Well, you did graduate from high school,
13 correct?

14 A. That's correct.

15 Q. And you did go on to college, correct?

16 A. I didn't graduate, but it took me until a few
17 years ago to actually get my degree from college, I mean
18 the junior college. I had problems with teachers.

19 Q. But from the time you left St. Anthony's up
20 until approximately 1995, did either of your brothers,
21 any of your brothers that graduated from St. Anthony's,
22 ask you why you left?

23 A. I don't remember.

24 Q. At some point, you told them why you left,
25 correct?

1 A. Yeah.

2 Q. Okay.

3 A. Yes.

4 Q. Did you tell them as a group or did you tell
5 them individually?

6 A. Individually.

7 Q. And what were the circumstances?

8 A. Well, I called my two older brothers because
9 they live in [REDACTED] and let them know, and they were
10 concerned about me taking my life.

11 Q. When did you have those conversations?

12 A. Shortly after the memory came back.

13 Q. So around 1995?

14 A. '95, '96.

15 Q. Okay.

16 A. And my youngest brother, I told him probably
17 in '96, maybe a year later, year and a half later.

18 Q. Why did you wait to tell him?

19 A. Well, I waited to tell all of them because I
20 was embarrassed.

21 Q. Why did you wait a year, year and a half after
22 telling your older brothers to tell your younger brother
23 what had happened to you?

24 A. Because I see my younger brother more often
25 and it's more embarrassing as opposed to telling someone

1 on the phone and face-to-face to my younger brother.

2 Q. So, eventually, you'd had a face-to-face
3 meeting with him and told him?

4 A. Uh-huh.

5 Q. You have so say "yes" or "no."

6 A. Yes. I'm sorry.

7 Q. Did you tell all of your brothers about the
8 communication you had with Father Harris?

9 A. Eventually, yes.

10 Q. In the first conversation you had with them,
11 did you describe it?

12 A. Yes.

13 Q. And you told them all the things you've told
14 me?

15 A. Yes.

16 Q. About what he said in response to what you
17 said?

18 A. Yes.

19 Q. Did they express any reaction to hearing that?

20 A. Yes.

21 Q. What was their reaction?

22 A. Anger and frustration.

23 Q. That was their first reaction?

24 A. Yes.

25 Q. I want to make sure I have this right: You

1 don't have any sisters, right?

2 A. That's correct.

3 Q. You have just the [REDACTED] brothers?

4 A. [REDACTED] brothers, right.

5 Q. Did you have any communication at all with
6 Father Harris after that conversation you told me about
7 on the day you left the seminary?

8 A. No.

9 Q. And this letter that you have been referring
10 to came from the Board of Inquiry, inviting you to do
11 what?

12 A. If I knew of anybody or any circumstances
13 where there was inappropriate behavior at St. Anthony's
14 Seminary, please contact this number.

15 Q. And where were you living at that time?

16 A. The same house I'm living in now.

17 Q. And you'd received the first two letters as
18 well?

19 A. Yes.

20 Q. And so you picked up the phone after that
21 third letter and called the number?

22 A. That's not quite the sequence of events, but
23 eventually, that's what I did, yes.

24 Q. What would be a more accurate description of
25 the sequence of events?

1 MR. NYE: That's been asked and answered
2 already. Go ahead.

3 THE WITNESS: What?

4 MR. FORD: You can go ahead.

5 MR. NYE: Go ahead and answer.

6 THE WITNESS: I got home from work at
7 approximately 5:30 in the afternoon. I saw the letter,
8 again, in the mail, and I opened it up, and I was
9 reading that letter, and at the same time, I get the
10 phone call from [REDACTED].

11 Q. While you were reading the letter?

12 A. Exactly. Out of the clear blue sky. I
13 haven't heard from [REDACTED] in three years and here he comes
14 out of the clear blue sky and calling me at the same
15 time I'm reading this letter and that triggers this
16 memory.

17 Q. While you were a student at St. Anthony's,
18 were you aware of whether or not Cimmarrusti was doing
19 similar things to other students as he was doing to you?

20 A. No. I thought I was the only one.

21 Q. Were you aware while you were a student at St.
22 Anthony's of any sexual misconduct by any other member
23 of the faculty?

24 A. No. I thought it was abhorrent. Up until
25 this time, I was a Catholic, and I believed that priests

1 were God's representative on earth. They could do no
2 wrong.

3 Q. And I believe you indicated earlier -- and I
4 may have already asked you -- do you know [REDACTED]
5 [REDACTED]?

6 A. No.

7 Q. Have you ever had any communication with him?

8 A. Not that I know. I mean, if he was at
9 Monterey, I didn't -- I don't remember that. I don't
10 know if he was or not. Could I stop?

11 MR. FORD: Yes. I'm done. Sorry it took so
12 long.

13 THE REPORTER: Mr. Nye would you like a copy?

14 MR. NYE: Yes, a copy, ASCII and condensed.

15 (Deposition concluded at 1:22 p.m.)

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1 STATE OF CALIFORNIA)

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3 COUNTY OF SONOMA)

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7 I, the undersigned, declare under penalty of
8 perjury that I have read the foregoing transcript, and I
9 have made any corrections, additions or deletions that I
10 was desirous of making; that the foregoing is a true and
11 correct transcript of my testimony contained therein.

12 EXECUTED this day of ,
13 20 , at , .
14 [City] [State]

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REPORTER'S CERTIFICATE

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I, SUZETTE J. CAMARA, RPR, CSR No. 12535,
Certified Shorthand Reporter, certify;

That the foregoing proceedings were taken before
me at the time and place therein set forth, at which
time the witness was put under oath by me;

That the testimony of the witness, the questions
propounded, and all objections and statements made at
the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

Dated this 24th day of February, 2006.

SUZETTE J. CAMARA, RPR, CSR No. 12535

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

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I, SUZETTE J. CAMARA, RPR, CSR No. 12535, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages 1 through 142,
constitute a true and correct copy of the original
deposition of [REDACTED] taken on FEBRUARY 17, 2006.

I declare under penalty of perjury under the laws
of the State of California that the foregoing is true
and correct.

Dated this 24th day of February, 2006.

SUZETTE J. CAMARA, RPR, CSR No. 12535