

**CONDENSED TRANSCRIPT OF  
FLORENCE (FERN) SAYOVITZ, Volume I**

**Date:** February 6, 2006

**Case:** CLERGY CASE I & III

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Coordination Proceedings )  
Special Title (Rule 1550(b)) )  
In Re: ) No. JCCP 4286 AND  
 ) JCCP 4359  
 )  
THE CLERGY CASES I & III )  

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 )

VOLUME I DEPOSITION OF FLORENCE SAYOVITZ, a  
Witness, taken on behalf of Plaintiffs, commencing at  
2:16 p.m., Monday, February 6, 2006, at 3850 State  
Street, Pepper Tree Inn, before MARIA G. RABATIN, CSR  
#6821, Certified Shorthand Reporter in the County of  
Santa Barbara, State of California.

--ooOoo--

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25 Christian Martinez, Videographer

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I N D E X

WITNESS	EXAMINATION BY	PAGE
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1 MONDAY, FEBRUARY 6, 2006

2 SANTA BARBARA, CALIFORNIA

3 2:15 P.M.

4  
5 THE VIDEOGRAPHER: Good afternoon. This is the  
6 videotaped deposition of Fern Sayovitz in the matter of  
7 Clergy cases I and III. Case pending in the Superior  
8 Court of the State of California for the County of Los  
9 Angeles, Central District. The case numbers are JCPP  
10 4359 and JCCP 4286. Today's date is Monday, February 6,  
11 2006. The location is the Pepper Tree Inn located in  
12 Santa Barbara, California. The time on the video  
13 monitor is 2:15 p.m.

14 The certified shorthand reporter is Maria  
15 Rabatin. My name is Christian Martinez, a certified  
16 legal video specialist and a notary public in the State  
17 of California. I represent DEPOVISION of Santa Barbara,  
18 California.

19 Would counsel and all present please introduce  
20 yourselves for the record and state whom you represent?

21 MR. HALE: Tim Hale for plaintiffs.

22 MR. LAURENCE: Patrick Laurence from Freberg &  
23 Associates on behalf of [REDACTED]  
24 [REDACTED].

25 MR. DIMARIA: Ryan Dimaria with Manly, McGuire,

1 and Soltan & Associates on behalf of plaintiff.

2 MR. BONA: David Bona; Carroll, Burdick &  
3 McDonough on behalf of the Archdiocese of Los Angeles  
4 for Clergy I.

5 MS. HUBERT: Vanessa Hubert; Gilbert, Kelly,  
6 Crowley & Jennett on behalf of Archdiocese of Los  
7 Angeles and Clergy I.

8 MR. HABEL: James Habel; Hennigan, Bennett &  
9 Dorman for the Archdiocese of Los Angeles and defense  
10 liaison counsel in Clergy I.

11 MR. MATIASIC: Paul Matiasic; Lewis Brisbois  
12 Bisgaard Smith for the Franciscan Friars of California  
13 in Clergy I and III, and for the witness.

14 THE VIDEOGRAPHER: Thank you.

15 Would the court reporter please swear in the  
16 witness?

17

18 FLORENCE SAYOVITZ,  
19 a Witness, having been duly administered an oath by the  
20 Certified Shorthand Reporter, testified as follows:

21

22 THE VIDEOGRAPHER: You may proceed.

23 / / /

24 / / /

25 / / /

EXAMINATION

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BY MR. HALE:

Q. Good afternoon, Ms. Sayovitz. My name is Tim Hale.

Would you state your full name court the record, please?

A. Florence Sayovitz. F-e-r-n. S-a-y-o-v-i-t-z.

Q. Have you ever had your deposition taken before?

A. No.

Q. I'm sure Mr. Matiasic has had a chance to explain some of the ground rules for the deposition. I'm going to go back over a few of those just to make sure you and I are on the same page.

You understand that your testimony today has the same force and effect as if you were in a court of law before a judge and jury?

A. Pardon?

Q. Do you understand that your testimony today has the same force and effect as if we were in a court of law before a judge and jury?

A. Yes.

Q. And if I'm not speaking up loudly enough, let me know, and I'll try and raise my voice. Okay? Or, if I'm speaking too quickly, just let me know.

Do you understand that you have been placed



1 under oath by the court reporter?

2 A. Yes.

3 Q. Have you consumed any alcohol or drugs in the  
4 last 24 hours --

5 A. No.

6 Q. -- that might somehow impair your ability to  
7 testify?

8 A. No.

9 Q. Is there any reason you can't give your best  
10 testimony today?

11 A. No.

12 Q. You are doing a real good job so far. We want  
13 to make sure one person speaks at a time. As you can  
14 see, the court reporter is taking down everything I say,  
15 and she will be taking down everything you say as well.  
16 So try and wait until I finish my question before you  
17 respond to it even though there's going to be plenty of  
18 times where you know exactly what my question is. By  
19 the same token, I'll try and wait for you to respond  
20 before I ask you a question as well.

21 Do you understand that?

22 A. Yes.

23 Q. I don't want you to guess to the answer to any  
24 question that I ask today, but I'm entitled to your best  
25 estimate.

1           Do you understand the difference between a  
2 guess and estimate?

3           A.    Yes.

4           Q.    If you answer a question I ask you today, I'm  
5 going to assume you understood what I meant by it.  So  
6 if you don't understand something I ask you, make sure  
7 you ask me to rephrase, or if there's a certain point  
8 you would like to me clarify, please feel to do so;  
9 okay?

10          A.    Yes.

11          Q.    At the end of your deposition, your testimony  
12 is going to placed into a typed booklet form.  You are  
13 going to get a chance to review your testimony and make  
14 any changes that you think are necessary, but keep in  
15 mind that if you do make any changes, either myself or  
16 some other attorney in this matter will be free to  
17 comment on those changes at the time of trial.  So it's  
18 very important that you give your best testimony today.

19                Do you understand that?

20          A.    Yes.

21          Q.    The other thing that is important so we have a  
22 clear record is that you respond to questions with -- by  
23 avoiding nods of the head and "uh-huhs" and "huh-uhs,"  
24 and that kind of thing.  So far you are doing a great  
25 job of that.  Just keep it up, and we will have a nice,

1 clear record; okay?

2 A. Yes.

3 Q. Do you have any questions?

4 A. No.

5 Q. If you need to take a break at any time today,  
6 just say the word. We are not holding you prisoner  
7 here. Just let me know; okay?

8 A. Yes.

9 Q. Did you review any documents in preparation for  
10 your deposition today?

11 A. Pardon?

12 Q. Did you review any documents in preparation for  
13 your deposition today?

14 A. No.

15 Q. Aside from with your counsel, have you talked  
16 about your deposition with anybody?

17 A. No.

18 Q. What I would like to do first is just kind of  
19 get some of your background information, particularly as  
20 it relates to St. Anthony's Seminary.

21 What year did you first start working at  
22 St. Anthony's Seminary?

23 A. Well, '65.

24 MR. MATIASIC: I'm going to object to the term  
25 "working."

1           Go ahead.

2           THE WITNESS: '65.

3           Q.    BY MR. HALE: So it was the '65-'66 school year  
4 that you began at St. Anthony's?

5           A.    Yes.

6           Q.    And was this a volunteer position? Were you  
7 employed?

8           A.    Volunteer.

9           Q.    And at some point did it become a full-time  
10 employed position where you were paid?

11          A.    No.

12          Q.    Was it always a volunteer position for you?

13          A.    Always.

14          Q.    And what was your job title? What were your  
15 duties?

16          A.    Faculty.

17          Q.    Okay.

18          A.    Forensic director.

19          Q.    I'm sorry?

20          A.    Forensic director.

21          Q.    "Forensic"?

22          A.    Um-hmm.

23          Q.    Okay.

24          A.    Ground director.

25          Q.    Anything else?

1 A. That was it.

2 Q. What was the forensic director? What did that  
3 involve?

4 A. Speech, declamation, interpretation, at  
5 different schools in the area.

6 Q. How was it you came to join the faculty? In  
7 other words, was there an advertisement in the  
8 newspaper?

9 A. No. I was a volunteer, naturally, at the  
10 Catholic library, and one of the speakers was a rector  
11 of St. Anthony's. He was new that year and he needed a  
12 ride home to the seminary, and it was right on my way  
13 home so I gave him a ride.

14 Q. You said that you were a volunteer at the  
15 Catholic library. Where was that located?

16 A. The library? It was down near Our Lady of  
17 Sorrows. I don't think it operates anymore.

18 Q. I was going to say I'd never heard of that.  
19 Father Harris was a speaker?

20 A. Yes, the rector.

21 Q. You gave him a ride home?

22 A. Gave him a ride home, and he found out I had a  
23 degree in English and art so he asked me to critique the  
24 senior class play at St. Anthony's, and I did. And it  
25 ended up by helping with the junior class play and the

1 sophomore class play and the freshmen class play. And  
2 then I was interviewed to see if I wanted to teach  
3 American literature, which was my specialty.

4 Q. Okay.

5 A. I said, "Fine."

6 Q. This instance when Father Harris spoke at the  
7 library where you were a volunteer at, was that in 1965  
8 or was that earlier than that?

9 A. That was in '65.

10 Q. Okay.

11 A. I think, yeah. It was that class play, the  
12 class of '65.

13 Q. Had you -- was -- was that the first time that  
14 you had spoken with a Franciscan Friar when you spoke to  
15 Harris, or had you known Franciscan friars prior to  
16 that?

17 A. I had known friars, yes.

18 Q. How had you known Franciscan friars prior to  
19 Father Harris?

20 A. Franciscan friars were in charge of San Roque  
21 Church, which was my parish.

22 Q. When did you begin attending San Roque?

23 A. Pardon?

24 Q. What year did you begin attending San Roque?

25 A. After I was converted to Catholicism, which was

1 -- '64, the million year.

2 Q. When did you move to Santa Barbara?

3 A. '47.

4 Q. And where did you move to Santa Barbara from?

5 A. Billings, Montana.

6 Q. And before you began attending San Roque, did  
7 you attend any other parishes in Santa Barbara?

8 A. I wasn't Catholic.

9 Q. So that was your first Roman Catholic parish?

10 A. (Witness nods head.)

11 Q. Is that a "yes"?

12 A. Yes.

13 Q. Okay. Thanks. I'm sorry. For the record I  
14 had to --

15 A. That's fine. Yes.

16 Q. When you first began to volunteer at  
17 St. Anthony's, was it a full-time position or was it  
18 simply like you described where you were critiquing a  
19 senior-class play?

20 A. First it was helping with the plays, and then  
21 when I started teaching, it was American literature, an  
22 hour one morning and 40 minutes another morning. So an  
23 hour and 40 minutes during that week. So that's all.

24 Q. How soon -- what year, approximately, do you  
25 think it was -- was it that year that you began teaching

1 American literature?

2 A. Uh-huh.

3 Q. So the '65-'66 school year?

4 A. Um-hum.

5 Q. Is that a "yes"?

6 A. Yes.

7 Q. Thanks.

8 And did you begin teaching American literature  
9 in the fall -- was it a semester system or was it  
10 quarters?

11 A. I taught for the year.

12 Q. Did you begin teaching in the fall or was it  
13 later in the year?

14 A. In the fall.

15 Q. Fall of 1965?

16 A. '65, uh-huh. Yes.

17 Q. In other words, you didn't come during the  
18 middle --

19 A. No.

20 Q. -- of the fall season or anything like that?  
21 Did you start when school started?

22 A. Yes.

23 Q. I know you gave me your hours. You said it was  
24 about an hour and 40 minutes each day?

25 A. Yes.



1 Q. That included your --

2 A. Not each day. An hour one day, 40 minutes  
3 another.

4 Q. Okay. An hour of teaching class one day and 40  
5 minutes of critiquing the drama production?

6 A. Teaching American literature, one hour one day  
7 and 40 minutes another day.

8 Q. Okay.

9 A. Because they had classes hour classes or  
10 40-minute classes.

11 Q. Would that be a morning class or an afternoon  
12 class?

13 A. Morning.

14 Q. Were the one-hour days on Mondays, Wednesdays  
15 and Fridays, and the 40-minute days on Tuesdays and --

16 A. Tuesdays and Thursdays.

17 Q. -- were the 40-minute days?

18 A. As I remember.

19 Q. So the Tuesdays and Thursdays were the  
20 40-minute days?

21 A. Yeah, whatever.

22 Q. What about critiquing the class plays? Was  
23 that something during your first year?

24 A. Before I started teaching, I critiqued the  
25 plays. Only the senior-class play. Then it started by

1 doing the makeup and helping with the costuming for the  
2 other plays.

3 Q. Did you critique the senior class play for the  
4 '65-'66 school year, or was it the '64-'65?

5 A. '64-'65 class.

6 Q. Do you recall what time of year when -- how  
7 long did it take for you to critique the senior play?  
8 Did you just watch a production of it?

9 A. The dress rehearsal.

10 Q. Was that the -- you watched --

11 A. Senior --

12 MR. MATIASIC: Let him finish his question  
13 first.

14 Q. BY MR. HALE: You watched it, and then you  
15 offered to Father Harris what your critique was. Is  
16 that how it happened?

17 A. To the whole class.

18 Q. So was that a one-day --

19 A. Oh, yeah.

20 Q. And then from the point that you finished  
21 critiquing the play to the point you began teaching that  
22 next school year, how was it you came to be a teacher?  
23 Did they interview you?

24 A. Yes.

25 Q. Who interviewed you?

1 A. Father Mario and two seniors.

2 Q. Did Father Harris interview you?

3 A. No.

4 Q. Do you remember who the two seniors were who  
5 interviewed you?

6 A. No.

7 Q. Do you remember where you were interviewed?

8 A. At home.

9 Q. Do you remember what was asked of you generally  
10 during the interview?

11 A. No.

12 Q. Approximately, when did that interview take  
13 place? Was it in the summertime, or was it at the end  
14 of the school year in '64-'65?

15 A. It had to be before school started, naturally.

16 Q. Right.

17 A. I don't remember.

18 Q. And the two seniors who interviewed you, were  
19 they graduates of the class of '65, or were they going  
20 to be graduates of the class of '66?

21 A. Going to be class of '65.

22 Q. Do you remember how long the interview lasted  
23 for?

24 A. No.

25 Q. Was there any other process that you had to go

1 through in order to become a teacher at St. Anthony's?

2 A. No.

3 Q. You said that the class you taught, that was in  
4 the morning; right?

5 A. Yes. Junior class.

6 Q. Okay.

7 So you taught American literature only to the  
8 junior class?

9 A. Yes.

10 Q. What about -- were you assisting with class  
11 plays in that '65 to '66 school year?

12 A. Yes.

13 Q. When did your work on that start? Was that  
14 right away?

15 A. When they put the plays on.

16 Q. When do they put the plays on? I don't know.  
17 That's what I'm asking.

18 MR. MATIASIC: If you remember, Fern, when they  
19 put the play on in '65-'66, go ahead.

20 MR. HALE: You don't have to give me an exact  
21 date. I'm just looking for the time of year.

22 THE WITNESS: In the spring, I suppose.

23 MR. MATIASIC: Don't suppose. If you remember,  
24 go head and tell him, but don't guess.

25 THE WITNESS: That's right. I don't remember.

1 Q. BY MR. HALE: Do you remember it being toward  
2 the end of the school year?

3 A. Yes. The class plays are put on before  
4 graduation, so that's how it worked.

5 Q. How much time would be spent preparing and  
6 practicing for a class play before it was put on?

7 A. I didn't direct at that time. I just helped  
8 with them. I don't know how long. A week.

9 Q. It wasn't more than a month?

10 A. No.

11 Q. So for that '65-'66 school year, your duties  
12 were you taught one class, American literature; and you  
13 taught -- you assisted with the school play toward the  
14 end of the year. Anything else?

15 A. No.

16 Q. What about your duties as far as helping with  
17 the -- as forensic director?

18 A. That came later.

19 Q. That wasn't that year that you began?

20 A. (Witness shakes head.)

21 Q. During that '65-'66 school year, did you have  
22 an office at the school?

23 A. Yes.

24 Q. Where was that located?

25 Let's see if you can walk me through like this:

1 Let's pretend we are standing on the athletic field, and  
2 we are facing the front of the school. How would we get  
3 to your office?

4 A. You would walk up the steps and turn right, and  
5 then two doors down you would turn left, and there it  
6 would be.

7 Q. You are on the second floor?

8 A. St. Anthony's, yes.

9 Q. And did you have neighbors? Were there other  
10 faculty members --

11 A. Yes.

12 Q. -- with offices around you?

13 A. Yes.

14 Q. Who?

15 A. I shared a room with Father [REDACTED].

16 Q. Anyone else?

17 And [REDACTED] is [REDACTED].

18 A. I think.

19 Q. Anyone else that had an office or living  
20 quarters around you?

21 A. Across the hall was the rector.

22 Q. Father Harris?

23 A. Uh-huh.

24 Q. Anyone else?

25 A. No.

1 Q. Was there anyone on that -- with space around  
2 you who had living quarters as opposed to --

3 A. No.

4 Q. -- office space?

5 MR. MATIASIC: You have to let him finish his  
6 question first. Let him finish first.

7 Q. BY MR. HALE: Did your office remain there --  
8 well, let me ask you this: How long did you volunteer  
9 at St. Anthony's?

10 A. Until '80 when I retired. And then I went back  
11 for the year of '87.

12 Q. So you retired in 1980?

13 A. Yes.

14 Q. So your last school year was '79 to '80?

15 A. Yes.

16 Q. Then when you returned in 1987, was that for  
17 the '86-'87 school year, the last school year at  
18 St. Anthony's?

19 A. Yes.

20 Q. So you had one final year at St. Anthony's  
21 before it closed?

22 A. Yes.

23 Q. After Father Mario and the two seniors  
24 interviewed you, did someone call you that you had been  
25 hired, or did they tell you right there? How did you

1 find out?

2 A. I don't remember.

3 Q. Fair enough.

4 From '65 to 1980, was your office space that  
5 same location that you just described for me, or did  
6 that ever change?

7 A. It enlarged. Father [REDACTED] moved out.

8 Q. So you had the whole office to yourself?

9 A. (Witness nods head.)

10 Q. Is that a "yes"?

11 A. Yes.

12 Q. But you were still in the same location --

13 A. Yes.

14 Q. -- from '65 to 1980?

15 A. Yes.

16 Q. What about when you came back in '86 and '87?

17 A. Same room.

18 Q. What about during the '66-'67 school year, did  
19 you take on any additional responsibilities?

20 A. No.

21 Q. At some point did you take on additional  
22 responsibilities other than just teaching the one class  
23 and helping with the class play?

24 A. Yes.

25 Q. What year do you think that was, approximately?



1           A.    I can't remember the exact year, but when the  
2 redemptionist seminary closed in Scottsdale, Oregon, the  
3 redemptionist came down - Father [REDACTED] - came down  
4 with 12 students, and he took over the American  
5 literature, and I took over the speech.

6           Q.    So you actually lost your American literature  
7 class? You weren't teaching that any longer?

8           A.    No, I was teaching speech.

9           Q.    You think that was the '66-'67 school year?

10          A.    I think it was '77-'78. I can't remember.

11          Q.    The bottom line is when Father [REDACTED] joined  
12 the staff, that is when you stopped your teaching  
13 American literature?

14          A.    Yes, he wanted to teach American literature.

15          Q.    Was your workload the same when you were  
16 teaching speech? You would have three days of a  
17 one-hour class and two days of a 40-minute class?

18          A.    Yes.

19          Q.    Was that also in the morning as well?

20          A.    I think so. Yes.

21          Q.    Was there a -- did the school have a debate  
22 squad of some sort, a debate team?

23          A.    Yes.

24          Q.    Did you help coach that?

25          A.    No.

1 Q. Do you know who did?

2 A. Father Xavier started, and then two lawyers in  
3 town helped.

4 Q. Did you ever assist with the debate team?

5 A. Debate was not my field.

6 Q. What about -- was there some kind of speech  
7 team for a group for students to perform speeches?

8 A. Yes.

9 Q. Did you assist with that?

10 A. Yes.

11 Q. When did that start? When did you start  
12 assisting with that speech?

13 A. When I started teaching speech.

14 Q. Whatever year Father [REDACTED] arrived was the  
15 same year you started helping with that?

16 A. Yes.

17 Q. What was the name of the group? Did it have a  
18 club name?

19 A. No.

20 Q. How much time did that take usually?

21 A. A lot.

22 Q. Was it year-round?

23 A. Not during the summer.

24 Q. But it was during the entire school year?

25 A. During the school year.

1 Q. And how much -- were there practice sessions?

2 A. Yes.

3 Q. What time of day would those be usually?

4 A. It varied.

5 Q. Was it usually in the afternoon?

6 A. Or during speech class. Sometimes after.

7 Q. Was speech class always in the morning?

8 A. I don't remember. I think -- yes.

9 Q. Where would you -- did you have the same  
10 classroom you used for your speech class? Was there --

11 A. Yes.

12 Q. -- one classroom?

13 Did you also coach the students regarding  
14 speech in that same classroom?

15 A. Yes.

16 Q. Do you recall if there were practice sessions  
17 in that classroom in the afternoon or was it just in the  
18 morning?

19 A. I don't remember.

20 Q. How much time in a week would you spend  
21 coaching students in speech?

22 A. Hours and hours.

23 Q. On average, during that year when Father  
24 [REDACTED] arrived, how many hours per day do you think  
25 that you spent on average at the school?

1 A. Probably four.

2 Q. Do you recall, roughly, what time your speech  
3 class would start?

4 A. No.

5 Q. But it was definitely in the morning?

6 A. Yes.

7 Q. And the American literature class, the year  
8 before, that would have been in the morning as well?

9 A. Yes.

10 Q. Do you recall what time that would start?

11 A. 8:00.

12 Q. Were -- to your knowledge, were both the  
13 American literature course and the speech course classes  
14 that started the school day? Basically, in other words,  
15 they were the first classes to begin in the day? Do you  
16 know?

17 A. I don't know.

18 Q. Would you eat lunch at the school usually?

19 A. Yes.

20 Q. Would you eat breakfast at the school?

21 A. No.

22 Q. Did you ever eat dinner at the school?

23 A. Sometimes.

24 Q. When did you start eating dinner at the school?

25 A. When we put on plays.

1 Q. Did that happen sometimes in the 1960s, or did  
2 it start later in your time at the seminary?

3 A. I don't remember.

4 Q. So you never ate breakfast there. You  
5 sometimes ate lunch there. You sometimes ate dinner at  
6 the school?

7 A. Yes.

8 Q. When you would eat lunch at the school, would  
9 you eat lunch with other faculty members or with  
10 students or by yourself?

11 A. In the kitchen.

12 Q. Who else would be there usually?

13 A. The other faculty.

14 Q. Was there a dining room area?

15 A. Yes.

16 Q. And what about when you would eat dinner there?  
17 Again, would it be in the same location?

18 A. Yes.

19 Q. Sometimes faculty would be there?

20 A. Yes.

21 Q. When you ate dinner with the faculty, would  
22 that only happen during the times that you were  
23 preparing for the senior play, or would there be other  
24 times in the year when you would have dinner with the  
25 faculty?

1 A. There would be other times.

2 Q. Was it a common occurrence or uncommon  
3 occurrence for you to have dinner with the faculty?

4 MR. MATIASIC: Vague and ambiguous.

5 Q. BY MR. HALE: In other words, did it happen  
6 once a week? Once a month?

7 A. No.

8 Q. Couple of times a semester?

9 A. I don't remember.

10 Q. Okay.

11 Did you receive any compensation for your  
12 volunteer work at St. Anthony's?

13 A. No.

14 Q. Did you receive any kind of, for instance,  
15 benefits such as insurance coverage?

16 A. No.

17 Q. Your time at St. Anthony's was strictly your  
18 time, and it was simply volunteer time?

19 A. Yes.

20 MR. MATIASIC: Tim, based upon Fern's  
21 testimony, I'm going to object to the deposition notice  
22 to the extent it purports to notice her as a hierarchy  
23 witness. Based upon her testimony, she clearly wasn't.

24 MR. HALE: Okay.

25 MR. MATIASIC: She won't answer any questions

1 in that respect.

2 MR. HABEL: Join.

3 Q. BY MR. HALE: Were there clubs at St. Anthony's  
4 while you were there? School clubs? Maybe a chess  
5 club, or anything like that?

6 A. I don't know.

7 Q. Did you participate in any of those?

8 A. No.

9 Q. At some point did your responsibilities expand  
10 beyond helping with the plays, teaching speech and  
11 coaching speech?

12 A. Yes.

13 Q. What did they expand to include?

14 A. When the art teacher left, I took over teaching  
15 art appreciation.

16 Q. What year do you think that was?

17 A. I have no idea.

18 Q. Who was the art teacher?

19 A. I can't even remember that.

20 Q. Was it a Franciscan or was it a layperson?

21 A. I think -- don't think. I don't know.

22 Q. Do you think it was in the '70s that this  
23 happened?

24 A. Sometime in the '70s.

25 Q. Who was the rector at that time when you

1 started teaching art?

2 A. I don't remember.

3 Q. Were there -- were there -- let's see if I can  
4 get -- the rectors when you were at St. Anthony's, first  
5 Father Harris?

6 A. Father Harris.

7 Q. And then was Father Jurisich, J-u-r-i-s-i-c-h,  
8 was he the next rector?

9 A. I think, if I remember, Father [REDACTED] came in  
10 there sometime.

11 Q. Okay.

12 A. And then Father Mel Jurisich.

13 Q. Were you at St. Anthony's -- well, Father  
14 Van Handel was the rector when you were there from '86  
15 to '87; right?

16 A. At the end, yes.

17 Q. It went Father Harris, Father [REDACTED], Father  
18 Jurisich, and then there was a gap when you weren't  
19 there, and then it was Father Van Handel. Does that  
20 sound right to you?

21 A. Sounds -- yes.

22 Q. When you began teaching art in the '70s, were  
23 you still teaching your speech course?

24 A. No, just the forensics.

25 Q. What was the difference between the forensics



1 and the speech course?

2 A. That was extra-curricular. Speech meets on  
3 Saturdays in maybe Camarillo, Cabrillo, different high  
4 schools in the area.

5 Q. Did you ever meet at St. Anthony's?

6 A. Pardon?

7 Q. Did the forensics group ever --

8 A. Oh, yes.

9 Q. Would they be during the week or weekends?

10 A. Weekends.

11 Q. '64-'65 you are teaching American literature.  
12 I'm sorry, '65-'66 you are teaching American literature.  
13 And then Father [REDACTED] comes and you begin teaching  
14 speech and you begin coaching speech as well. Were you  
15 doing forensics then, as well, or was that the same  
16 thing as coaching speech?

17 A. Forensics, yes.

18 Q. So - I'm sorry - was forensics the same thing  
19 as coaching speech?

20 A. Yes.

21 Q. And then sometime in the 1970s you are no  
22 longer teaching speech but you are teaching art and you  
23 are coaching forensics still?

24 A. Yes.

25 Q. In between that time, are there any other

1 duties we haven't discussed or positions you held?

2 A. I also taught critical painting to the seniors.

3 Q. To seniors?

4 A. Uh-huh.

5 Q. But that wasn't at St. Anthony's?

6 A. Oh, yes.

7 Q. Oh, to senior --

8 A. Senior class members.

9 Q. When do you think that was?

10 A. I don't remember.

11 Q. When would you be at school for that? Was that  
12 a morning class or afternoon class?

13 A. I can't remember.

14 Q. And then were you teaching that while you were  
15 also teaching the art class in the 1970s?

16 A. Yes.

17 Q. And then while you were teaching --

18 Those were two art classes you were teaching  
19 correct?

20 A. Yes.

21 Q. Did you take on any additional responsibilities  
22 after those?

23 A. We combined art appreciation with music  
24 appreciation and it became humanities.

25 Q. Sometime in the '70s that happened?

1 A. Uh-huh.

2 Q. Was that just a one-hour class?

3 A. Yes.

4 Q. Do you recall if that was usually in the  
5 morning or the afternoon?

6 A. I can't remember.

7 Q. Any other responsibilities you took on after  
8 those?

9 A. That was enough.

10 Q. Did you attend faculty meetings?

11 A. Yes.

12 Q. Did you start attending them as soon as you  
13 became a teacher at the school in '65-'66?

14 A. No.

15 Q. When did you start attending faculty meetings?

16 A. I can't remember.

17 Q. Do you think it was in the 1970s, or had you  
18 already started attending faculty meetings?

19 A. Sometimes in the '70s.

20 Q. Was Father Cimmarrusti on the faculty when you  
21 began attending faculty meetings?

22 A. No.

23 Q. Was Father Harris still the rector when you  
24 began attending faculty meetings?

25 A. Yes.

1 Q. Before -- during your time on the faculty, were  
2 you ever asked to evaluate students by Father Harris?

3 MR. MATIASIC: Vague and ambiguous.

4 You can answer, Fern. If you understand the  
5 question, go ahead and answer.

6 THE WITNESS: Yes. I'm trying to think.

7 Yes, we were.

8 Q. BY MR. HALE: Was there any kind of written  
9 format for you to evaluate students?

10 A. No, just discussion.

11 Q. Was that in the '60s that you recall that  
12 happening or was it in the '70s?

13 A. '70s.

14 Q. Do you recall there being faculty meetings  
15 where student evaluations were discussed?

16 A. Pardon?

17 Q. Do you recall there being faculty meetings  
18 where student evaluations were discussed by the entire  
19 faculty?

20 A. Yes.

21 Q. Was there any kind of written form you would  
22 fill out to evaluate a student?

23 A. No.

24 Q. It was just something that you discussed with  
25 the faculty?

1 A. Yes.

2 Q. Did you ever discipline any students?

3 A. No.

4 Q. Did you ever send any students to see Father  
5 Harris because they had been misbehaving?

6 A. No.

7 Q. Did you ever send any students to see Father  
8 Cimmarrusti because they had been misbehaving?

9 A. No.

10 Q. Were you ever aware of students being  
11 disciplined at St. Anthony's?

12 A. No.

13 Q. Were you ever aware of students being  
14 reprimanded at St. Anthony's?

15 A. No.

16 Q. Did students ever get in trouble while you were  
17 at St. Anthony's?

18 MR. MATIASIC: Vague and ambiguous.

19 THE WITNESS: I don't know.

20 MR. HALE: Okay.

21 Q. Do you recall anything like detention for  
22 students at St. Anthony's? Detention, for instance,  
23 where a student had to stay --

24 A. I don't know.

25 Q. Were you aware of any acceptable methods of

1 discipline at St. Anthony's?

2 A. None.

3 MR. MATIASIC: Vague and ambiguous.

4 THE WITNESS: Sorry.

5 MR. MATIASIC: I still got it out. It's okay.

6 Q. BY MR. HALE: During the summer months did you  
7 spend time at the school in the summers?

8 A. No.

9 Q. Ever?

10 A. No.

11 Q. So school ended, and you were off campus until  
12 the next school year?

13 A. Right.

14 Q. Did you have any contact with Franciscans when  
15 school would end before the next school year?

16 MR. MATIASIC: Vague and ambiguous.

17 THE WITNESS: At mass.

18 Q. BY MR. HALE: Other than that, any contacts?

19 A. No.

20 Q. Were there any -- at some point -- when you  
21 began volunteering at St. Anthony's, were you the only  
22 layperson on the faculty?

23 A. Yes.

24 Q. Do you recall when was the first time another  
25 layperson was hired to work on the faculty?

1 MR. MATIASIC: Lacks foundation.

2 Q. BY MR. HALE: Do you know, at some point while  
3 you were a volunteer at St. Anthony's, was a layperson  
4 hired to work on the faculty?

5 A. A nun from Marymount.

6 Q. Any other people?

7 Oh, a nun. A nun from Marymount. Is that what  
8 you said?

9 A. A nun.

10 Q. Although I don't know if she would qualify as a  
11 layperson.

12 She was a former nun?

13 A. I have no idea.

14 Q. From the time that you began volunteering at  
15 St. Anthony's until 1980, can you recall any other lay  
16 people, in other words, someone not affiliated with a  
17 religious order, working on the faculty at  
18 St. Anthony's?

19 A. Yes.

20 Q. Do you recall who the first one was?

21 A. No.

22 Q. Do you recall approximately when it was?

23 A. I can't remember.

24 Q. When you ate dinner at St. Anthony's, would you  
25 eat dinner with faculty only, or would it be in a room

1 with the students as well?

2 A. It varied.

3 Q. Sometimes you ate dinner with the students?

4 A. Uh-huh.

5 Q. Is that a "yes"?

6 A. Yes.

7 Q. When you ate dinner with the students, would  
8 there be -- would Father Cimmarrusti eat dinner in there  
9 as well as the prefect of discipline?

10 A. I can't remember.

11 Q. When you ate dinner with the students, do you  
12 recall any Franciscans in the room?

13 A. Oh, yes.

14 Q. When you ate dinner with the students, would it  
15 generally be for some kind of a celebration?

16 A. Yes.

17 Q. Was that the only time you would eat dinner  
18 with the students?

19 A. Yes.

20 Q. Would you eat -- sometimes eat with the faculty  
21 when it was just a normal dinner and not a celebration?

22 A. Yes.

23 Q. Do you recall eating dinner with the faculty  
24 where Father Cimmarrusti ate dinner with you as well?

25 A. No.



1 Q. Was it your understanding he would eat dinner  
2 with the students?

3 MR. MATIASIC: If you have an understanding.

4 THE WITNESS: I don't remember.

5 Q. BY MR. HALE: Do you know why you began -- at  
6 some point you began attending faculty meetings;  
7 correct?

8 A. Yes.

9 Q. Do you know why you had not -- were you invited  
10 to prior faculty meetings?

11 A. I don't know.

12 Q. Do you recall Father Harris saying, "Why don't  
13 you come to a faculty meeting?"

14 A. No.

15 Q. Do you have any understanding as to why you  
16 were not invited to other faculty meetings?

17 A. No.

18 MR. MATIASIC: Calls for speculation.

19 MR. HALE: Okay.

20 Q. Did you ever ask anyone why you were not being  
21 invited to faculty meetings?

22 A. No.

23 Q. Do you know why this change took place to the  
24 point that you were being invited to faculty meetings?

25 A. No.

1 MR. MATIASIC: Calls for speculation.

2 MR. HALE: I'm sorry?

3 THE WITNESS: No.

4 Q. BY MR. HALE: During the 1960s, on average per  
5 day how many hours do you think you would spend at  
6 school? Please include any meals that you had.

7 A. Four.

8 Q. Four hours per day.

9 Did that change in the '70s, or was it still  
10 about four a day?

11 A. Became more.

12 Q. Five? Six? What do you think?

13 A. Six.

14 Q. Did you ever go beyond six hours?

15 A. It seems it did when plays were being put on.

16 Q. What about when you came back in '86-'87? How  
17 many hours per day do you think? Just approximately.

18 A. About two.

19 Q. And in the 1960s when it was four hours a day,  
20 would it be a continuous four hours, or would it be  
21 broken up where you would work two hours and maybe go  
22 home for a little while and come back and work a couple  
23 more hours?

24 A. It would vary.

25 Q. Sometimes it was continuous?

1 A. Sometimes.

2 Q. And sometimes it would be broken up during the  
3 day?

4 A. Sometimes.

5 Q. During the '60s what is the latest that you  
6 would ever stay at school?

7 A. After the plays were over and I took the --  
8 helped the kids remove their makeup and I put everything  
9 away, sometimes it would be eleven o'clock at night.

10 Q. Aside from the times where you were helping  
11 with the plays, what is the latest you would normally  
12 stay at school?

13 A. Probably four o'clock.

14 Q. What about the 1970s when your hours increased?  
15 Would it be six hours unbroken or would it be throughout  
16 the day?

17 A. It would vary.

18 Q. And aside from when you were helping with the  
19 plays, what is the latest you would stay at  
20 St. Anthony's in the 1970s?

21 A. About four o'clock.

22 Q. Okay. So pretty consistent with the 1960s time  
23 frame?

24 A. Yes.

25 Q. What about '86-'87? What is the latest you

1 would stay that school year?

2 A. Maybe two o'clock.

3 Q. With these hours we are talking about, did you  
4 ever have office hours where a student could come in and  
5 see you in your office?

6 A. No.

7 Q. Were you aware are of any other Franciscans  
8 that had office hours?

9 A. I don't know.

10 Q. Did you do your own typing while you were on  
11 the faculty?

12 A. Yes.

13 Q. Do you recall Father Harris having a secretary  
14 while he was the rector?

15 A. Yes.

16 Q. Do you recall her name?

17 A. Yes.

18 Q. Who was that?

19 A. Esther. Esther.

20 Q. Esther Garland?

21 A. Yes.

22 Q. Is she still alive?

23 A. I think so.

24 Q. Do you know if she still lives in Santa  
25 Barbara?

1 A. I don't know. I think so.

2 Q. Have you had any contact with her recently?

3 A. Yes.

4 Q. When was the last time you spoke with her?

5 A. A funeral for Father -- for Brother Fabian on  
6 Saturday.

7 Q. Just this last Saturday?

8 A. Yes. Father Fabian died.

9 Q. And you saw Esther --

10 A. After the funeral, uh-huh.

11 MR. MATIASIC: You answered the question.

12 Q. BY MR. HALE: When Father [REDACTED] was the  
13 rector, was Esther his secretary as well? In other  
14 words, did Esther continue to be the secretary for the  
15 rector after Father Harris left?

16 MR. MATIASIC: If you know.

17 THE WITNESS: What did you say?

18 MR. MATIASIC: If you know.

19 THE WITNESS: I think so, yes.

20 Q. BY MR. HALE: Was she also the secretary for  
21 Father Jurisich when he was the rector?

22 A. Yes.

23 Q. And --

24 A. Wait.

25 Q. Go ahead.

1 A. Back up. No.

2 Q. No?

3 A. No.

4 Q. Do you recall who was the secretary for Father  
5 Jurisich?

6 A. Yes. Betty McCowski.

7 Q. Is that M-c --

8 A. I don't know.

9 Q. McCowski, though, is the phonetic sound?

10 A. McCowski.

11 Q. Do you know if she still lives here in Santa  
12 Barbara?

13 A. No, she's died.

14 Q. She's died?

15 A. Oh, yes.

16 Q. Is Esther's health okay?

17 A. I don't know.

18 Q. Do you know how old Esther is?

19 A. One doesn't ask. I don't know.

20 Q. Do you know where Esther lives?

21 A. No.

22 Q. Do you know what her phone number is?

23 A. No.

24 Q. Is she married?

25 MR. MATIASIC: If you know.

1 THE WITNESS: Her husband died.

2 Q. BY MR. HALE: What about when you came back in  
3 '86-'87, did Father Van Handel have a secretary when he  
4 was the rector?

5 A. I think it was Betty. I think Betty McCowski.

6 Q. Still. Okay.

7 Other than Esther Garland and Betty McCowski,  
8 were you aware of any secretaries --

9 A. No.

10 Q. -- for the rectors?

11 A. No.

12 Q. Other than those two women, were you aware of  
13 any other secretaries for the Franciscans at the  
14 seminary?

15 A. No.

16 Q. Would you normally -- would you spend time in  
17 your office grading papers when you were on the faculty?

18 A. Yes.

19 Q. Was that time included within your estimates  
20 regarding the hours worked?

21 A. Yes.

22 Q. What about the -- did you assist with the Santa  
23 Barbara Boys Choir?

24 A. Yes.

25 Q. When did you begin assisting with the Santa

1 Barbara Boys Choir?

2 A. I can't remember.

3 Q. Do you recall Father Van Handel arriving to  
4 St. Anthony's around 1975?

5 A. Yes.

6 Q. Do you recall if he formed the boys choir  
7 shortly thereafter?

8 A. He graduated in '65. I can't remember.

9 Q. Did you know him when he was a student at  
10 St. Anthony's?

11 A. No.

12 Q. Do you think you began assisting with the choir  
13 while you were still teaching at the school in the  
14 1970s?

15 A. Yes.

16 Q. How did you assist with the choir?

17 A. When the choir -- when the boys put on a little  
18 play for doing the spring concert, I assisted in writing  
19 the plays and helping them with the plays.

20 Q. So you helped with the plays. Did you help  
21 with anything else with the choir?

22 A. When they took trips to England, I went along.  
23 Uniforms; helped with the uniforms, the surpluses and  
24 cassocks.

25 Q. Any other ways in which you assisted with the



1 choir?

2 A. That's all.

3 Q. How was it you came to assist with the choir?  
4 Did Father Van Handel ask you or did you volunteer?

5 A. Yes. Father asked me because I had -- was in  
6 charge of the drama.

7 Q. So he asked you sometime in the late '70s to  
8 help?

9 A. Um-hum.

10 Q. Is that a "yes"?

11 A. Yes.

12 Q. Sorry. We have to get it -- for the record, I  
13 have got to get your response.

14 A. Sorry.

15 Q. Did you generally attend choir practices?

16 A. No.

17 Q. What would you attend in helping with the  
18 choir? In other words, you went on the trips,  
19 obviously. Would you just attend the performances, or  
20 how else did you help?

21 A. I taped their performances in the cathedral  
22 when they --

23 Q. What cathedral?

24 A. Christ Church in Oxford, the first trip;  
25 Lincoln Cathedral, the second trip; and Litchfield

1 Cathedral in the third trip.

2 Q. What about back in the States? You didn't  
3 attend practice?

4 A. I didn't have anything to do with it.

5 Q. Did you only help with the choir with the  
6 Europe trips?

7 A. Yes.

8 Q. What about with plays? Where would these  
9 happen?

10 A. Spring concerts St. Anthony's Seminary would  
11 put on.

12 Q. That would be in Santa Barbara?

13 A. Uh-huh.

14 Q. Is that a "yes"?

15 A. Yes.

16 Q. When you helped with the plays, what did that  
17 involve?

18 A. Either rewriting some Shakespeare or practicing  
19 with them, sending parts, and that's it.

20 Q. Did you ever help Father Van Handel in  
21 evaluating a student to see if he could join the choir?

22 A. No.

23 Q. Were you aware of Father Van Handel doing that,  
24 auditioning students?

25 A. I suppose so.

1 Q. I shouldn't say students. They weren't  
2 seminary students. They were younger boys than that;  
3 correct?

4 A. Yes.

5 Q. When you would help the choir with plays, how  
6 many days of practice would there be to help with the  
7 play?

8 A. They usually went to camp for three days a  
9 weekend, seven hours day.

10 Q. When you say "camp," are you talking about  
11 choir camp?

12 A. Um-hum.

13 Q. "Yes"?

14 A. Yes.

15 Q. Would choir camp usually be at St. Anthony's?

16 A. Baptist camp. Over the hill.

17 Q. By Lake Cachuma?

18 A. Yes.

19 Q. Okay. Would that be an overnight camp?

20 A. Three nights.

21 Q. Would you go up and spend -- stay overnight at  
22 the camp?

23 A. Yes.

24 Q. Going back to your time at St. Anthony's in the  
25 '60s before you were allowed to join faculty meetings,

1 were you aware of there being faculty meetings --  
2 faculty meetings taking place that you just weren't  
3 attending?

4 A. No.

5 Q. Did you ever spend any time in the recreation  
6 room for the Franciscans?

7 A. No.

8 Q. Were you aware of the recreation room existing?

9 A. Yes.

10 Q. How was it you aware of it?

11 A. When the lay faculty was finally invited to  
12 join them in the recreation room, then I became aware of  
13 the recreation room.

14 Q. When was the lay faculty invited?

15 A. Who knows. I don't know.

16 Q. Do you think it was in the '70s, though?

17 A. Probably.

18 Q. Not in the '60s?

19 A. Not in the '60s.

20 Q. When you began assisting with the choir in the  
21 1970s, did you continue to assist with the choir from  
22 that time forward, or was there ever a break where you  
23 stopped or took a year off, maybe, or did not assist  
24 with the choir?

25 A. I don't understand.

1 Q. In other words, was it an uninterrupted  
2 sequence of years that you were assisting with the  
3 choir -- strike that.

4 At some point did you stop assisting with the  
5 choir?

6 A. Yes, when I quit.

7 Q. In 1980?

8 A. When the director changed. When Helman came in  
9 and took over the choir.

10 Q. When was that? Was that 1990s?

11 A. I don't remember.

12 Q. Was that after Father Robert was arrested?

13 A. I guess.

14 Q. From the time you started assisting in the  
15 1970s up until the time Father Van Handel was arrested,  
16 did you assist every year with the choir?

17 A. Yes.

18 Q. How are you doing? Would you like to break?  
19 Are you okay? Would you like to keep going? We can  
20 take a five- or 10-minute break. We have been going for  
21 about an hour now.

22 THE WITNESS: I think I will use the restroom.

23 MR. HALE: Sure.

24 THE VIDEOGRAPHER: The time is 3:10 p.m. We  
25 are off the record.

1 (Recess.)

2 THE VIDEOGRAPHER: Time is 3:19 p.m. We are  
3 back on the record.

4

5 EXAMINATION

6 BY MR. DIMARIA:

7 Q. Did you know a Brother Bernard Connolly?

8 A. Yes.

9 Q. How would you describe your relationship with  
10 Brother Bernard Connolly?

11 MR. MATIASIC: Vague and ambiguous.

12 THE WITNESS: I just knew him.

13 MR. MATIASIC: Before we go further, if you can  
14 introduce yourself to the witness.

15 Q. BY MR. DIMARIA: My name is Ryan Dimaria, and I  
16 represent one plaintiff in this case.

17 A. You what?

18 Q. My name is Ryan Dimaria, and I represent one  
19 plaintiff who is suing the Franciscans.

20 MR. MATIASIC: Thank you, Counsel.

21 Q. BY MR. DIMARIA: Were you an acquaintance of  
22 Brother Connolly or close friend?

23 A. No, just an acquaintance.

24 Q. When was the first time that you learned --  
25 have you learned that Brother Connolly has been accused

1 of sexual abuse of a minor?

2 MR. MATIASIC: Other than from counsel.

3 Do you understand the question, Fern?

4 THE WITNESS: No.

5 MR. DIMARIA: I can rephrase.

6 Q. Do you know whether Brother Bernard Connolly  
7 has been accused of sexual abuse of a minor?

8 MR. MATIASIC: Unless you heard it from your  
9 lawyers.

10 THE WITNESS: I think I read it in the paper.

11 Q. BY MR. DIMARIA: When did you read it in the  
12 paper?

13 A. Who knows.

14 Q. Within the last couple of years?

15 A. I can't remember.

16 Q. Do you remember what paper you read it in?

17 A. Probably the News-Press, Santa Barbara.

18 Q. Do you recall a student by the name of Daryl  
19 Delgado?

20 A. No.

21 Q. When you would attend the faculty meetings,  
22 were issues of sexual abuse ever discussed at the  
23 faculty meetings?

24 A. No.

25 Q. Were you ever informed of a policy on how to

1 deal with sexual abuse if it came to your attention?

2 A. No.

3 Q. Had you ever heard any discipline -- strike  
4 that.

5 Had you ever heard of any complaints about  
6 Brother Bernard Connolly acting inappropriately with  
7 students?

8 A. No.

9 MR. MATIASIC: Vague and ambiguous.

10 Q. BY MR. DIMARIA: Do you know Steven -- Brother  
11 Steven Kain?

12 A. No. Father.

13 Q. Father [REDACTED]?

14 A. Yes.

15 Q. How would you describe your relationship with  
16 Father [REDACTED]? Are you more acquaintances or close  
17 friends?

18 A. Fellow faculty member.

19 Q. When was the first time that it came to your  
20 attention that Father [REDACTED] is accused of sexually  
21 abusing a minor?

22 MR. MATIASIC: Other than anything you learned  
23 from a lawyer.

24 THE WITNESS: Hmm?

25 MR. MATIASIC: Other than anything you learned



1 from a lawyer.

2 THE WITNESS: I can't remember.

3 Q. BY MR. DIMARIA: As you sit here today, do you  
4 know that Father [REDACTED] has been accused of sexual  
5 abuse of a minor?

6 MR. MATIASIC: Unless you learned it from your  
7 lawyer.

8 THE WITNESS: No.

9 Tell me again.

10 Q. BY MR. DIMARIA: We are talking about Father  
11 [REDACTED].

12 A. Yes.

13 Q. And I had asked you if you knew him, and you  
14 said yes.

15 A. Yes. Fellow faculty member.

16 Q. My next question was, as you sit here today, do  
17 you know whether Father [REDACTED] has been accused of  
18 sexual abuse of a minor?

19 MR. MATIASIC: Other than from lawyers.

20 THE WITNESS: No.

21 Q. BY MR. DIMARIA: Right now is the first time  
22 that you have heard of an allegation like that?

23 A. In the paper. I can't remember.

24 Q. And I just want to make it clear. Is it that  
25 you can't remember where you heard it or you can't ever

1 remember hearing it?

2 A. I don't remember hearing it.

3 Q. Have you ever heard an allegation of physical  
4 abuse made against Father [REDACTED]?

5 MR. MATIASIC: Vague and ambiguous.

6 THE WITNESS: That was in the paper.

7 Q. BY MR. DIMARIA: What was said in the paper, if  
8 you recall?

9 A. I think it was just a disciplinary thing where  
10 he was -- this boy was said to hold something in his  
11 hands while he recited something. I don't know.  
12 Something stupid. Something like that.

13 Q. Had you ever heard of any practices like what  
14 you had read in the paper while you were volunteering --

15 A. No.

16 MR. MATIASIC: You have to let him finish his  
17 question.

18 Q. BY MR. DIMARIA: Had you ever heard of any  
19 practices like you read in the newspaper while you were  
20 volunteering at St. Anthony's?

21 A. No.

22 MR. MATIASIC: Lacks foundation.

23 Q. BY MR. DIMARIA: Was Father [REDACTED] in  
24 charge of discipline at St. Anthony's?

25 MR. MATIASIC: Vague and ambiguous.

1 THE WITNESS: I don't know.

2 Q. BY MR. DIMARIA: You don't recall him having a  
3 title of dean of discipline or anything like that?

4 A. No.

5 Q. Did it come as a surprise to you when you heard  
6 about allegations of physical abuse against Father

7 [REDACTED]?

8 A. Yes.

9 Q. Were issues of physical abuse ever discussed in  
10 the faculty meeting that you attended?

11 MR. MATIASIC: Vague and ambiguous as to the  
12 term "physical abuse."

13 THE WITNESS: No.

14 Q. BY MR. DIMARIA: Were procedures for  
15 disciplining students ever discussed in the faculty  
16 meetings at St. Anthony's?

17 MR. MATIASIC: Calls for speculation. Lacks  
18 foundation.

19 THE WITNESS: No.

20 Q. BY MR. DIMARIA: Was there ever an occasion in  
21 those faculty meetings that you attended a student  
22 was -- the decision was made to expel a student?

23 MR. MATIASIC: Incomplete hypothetical. Lacks  
24 foundation. Vague and ambiguous.

25 Do you understand the question, Fern?

1 THE WITNESS: I don't think I understood that.

2 MR. DIMARIA: I can rephrase it.

3 THE WITNESS: Say that again.

4 Q. BY MR. DIMARIA: My question is -- basically it  
5 goes to discipline. And at the faculty meetings was a  
6 decision ever made to expel a student?

7 MR. MATIASIC: That you were present at.

8 THE WITNESS: I can't remember.

9 Q. BY MR. DIMARIA: You can't remember an  
10 instance --

11 A. No.

12 Q. -- of that?

13 A. Evidently it didn't happen that I can remember.

14 Q. Were there ever issues with students possessing  
15 pornography at St. Anthony's discussed in the faculty  
16 meetings?

17 MR. MATIASIC: Vague and ambiguous.

18 THE WITNESS: What? What was that word?

19 Q. BY MR. DIMARIA: Pornography.

20 A. What about it?

21 MR. DIMARIA: Can we have the question reread?

22 (Record read as follows:

23 "Q. Were there ever issues with  
24 students possessing pornography at St.  
25 Anthony's discussed in the faculty

1 meetings?")

2 MR. MATIASIC: Same objection.

3 THE WITNESS: No.

4 Q. BY MR. DIMARIA: Were there discussions in the  
5 faculty meetings about students taking pornographic  
6 pictures?

7 MR. MATIASIC: Same objection.

8 THE WITNESS: No.

9 Q. BY MR. DIMARIA: When you were at St. Anthony's  
10 as a volunteer, did you ever -- actually, strike that.

11 When you were at the faculty meetings, were  
12 there alcohol abuse issues discussed with regard to  
13 students?

14 MR. MATIASIC: Vague and ambiguous.

15 THE WITNESS: Yes.

16 Q. BY MR. DIMARIA: What was discussed  
17 specifically?

18 A. They were against it.

19 Q. The faculty was against the students drinking  
20 alcohol?

21 A. Yes.

22 Q. Were there actual problems with students --

23 A. I don't know.

24 Q. -- drinking alcohol?

25 A. I don't know.

1 Q. Problems with specific students drinking  
2 alcohol to excess was not something that was discussed  
3 in the faculty meetings?

4 A. No.

5 Q. Were there discussions in the faculty meetings  
6 about faculty, whether they be priests or lay people,  
7 using alcohol excessively?

8 A. No.

9 MR. MATIASIC: You are confining that to the  
10 faculty meetings that she attended?

11 MR. DIMARIA: Correct.

12 THE WITNESS: No.

13 Q. BY MR. DIMARIA: Was there ever an instance  
14 discussed in the faculty meetings where a priest had or  
15 a brother had given alcohol to one of the students?

16 A. No.

17 Q. Were you aware of any procedures or lights-out  
18 procedures or times that students were supposed to be in  
19 their beds?

20 A. No.

21 MR. DIMARIA: I think that's about it.

22 Thank you very much.

23 THE WITNESS: You're welcome.

24 (Mr. Dimaria exits the proceedings.)

25 / / /

FURTHER EXAMINATION

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BY MR. HALE:

Q. Ms. Sayovitz, when Father Van Handel was arrested -- actually, when he went incarcerated to serve time, did he store any personal belongings at your house?

A. No.

Q. Has he ever stored any of his belongings at your house?

A. No.

MR. HALE: I'm going to attach as Exhibit 1 the deposition subpoena in this case. I'll slide it over to you guys. I only have one copy. So when you are done looking at it, if you could slide it back to me.

(Plaintiffs' Exhibit 1 was marked for identification.)

MR. MATIASIC: Go ahead.

MR. HALE: Could I --

MR. MATIASIC: Sure.

Q. BY MR. HALE: Ms. Sayovitz, I'm holding the subpoena. On the third page of the subpoena, there's an attachment. It says, "Documents to be Produced." I was wondering if you had a chance to review these requests and confirm whether or not there were any documents in your possession responsive to these requests?

1           MR. MATIASIC: The witness has reviewed any  
2 documents that she had with counsel, and we have no  
3 documents to produce, in that any documents she had was  
4 equally available to the plaintiffs and/or private  
5 correspondence between her and any of the friars not  
6 implicated in these cases isn't germane to the lawsuit,  
7 and we are going to assert a privacy right.

8           MR. HALE: I think I'm entitled -- I'm entitled  
9 to ask her about these things. And if you want to  
10 instruct her not to answer, I suppose you can.

11           MR. MATIASIC: Well, I could just save you the  
12 time, because these documents were discussed with  
13 counsel. So she is me not going to talk about any of  
14 the documents because it was all discussed with counsel.

15           MR. HALE: Okay, but you can't protect the  
16 documents by discussing them with her. I think I'm at  
17 least entitled to know who the correspondence -- who the  
18 addressees or who the authors of the documents are. I'm  
19 not necessarily going into the subject matter of the  
20 documents, but I think I'm entitled to know who the  
21 people involved are.

22           MR. MATIASIC: Well, I guess I'm not quite  
23 understanding what you are asking for, Counsel.

24           MR. HALE: In other words, who wrote the  
25 letters or who the letters are written to. Not the



1 subject of the matters, the contents, but at least -- I  
2 mean, certainly if there, for instance, was a privileged  
3 log, I would be entitled to know the date, who wrote the  
4 letter.

5 MR. MATIASIC: Counsel, I certainly think it's  
6 fair if you want to ask about specific people and  
7 whether she's communicated with specific people on  
8 issues of sexual abuse or something like that. You are  
9 entitled to ask about that. But anything beyond that --

10 MR. HALE: I'm going to go through, and you can  
11 tell me -- you can handle it however you want to handle  
12 it, and we will take it from there.

13 Q. The first request asks for documents that refer  
14 or reflect or relate to St. Anthony's Seminary including  
15 but not limited to yearbooks.

16 Did you have a chance to go through your  
17 personal belongings and confirm whether there were any  
18 documents in your possession that were responsive to  
19 this request?

20 MR. MATIASIC: Well, I'll answer that,  
21 Counsel --

22 MR. HALE: Well, hang on. She's the witness  
23 here. You can't answer that.

24 MR. MATIASIC: I'll tell you what, we are  
25 objecting to that specific request. You said we can

1 handle this how we like. We are going to go through and  
2 I'll tell you whether we have specific objections to  
3 each and every document. And that document we -- that  
4 particular document request was overbroad and unduly  
5 burdensome so as to be oppressive and harassing.

6 MR. HALE: This is the first notice that I have  
7 received of any objections to this subpoena. I haven't  
8 received any written notice. I think any objections are  
9 hereby waived. I don't think you have a right to raise  
10 any objections to this document.

11 MR. MATIASIC: You can go ahead and ask  
12 specific questions on that, but we are lodging that  
13 objection for the record.

14 MR. HALE: Okay. I mean, I haven't missed  
15 something? You didn't send a written list of objections  
16 that I didn't see, have I?

17 MR. MATIASIC: I don't know whether, given the  
18 amount of time that we have had to go over things, I  
19 don't know whether written objections were sent to you  
20 or not. I haven't signed any. I'll represent that to  
21 you.

22 MR. HALE: Okay. Fair enough.

23 Q. So my question is have you had a chance to look  
24 through your belongings and see if you had any documents  
25 responsive to that first demand in your possession?

1 A. Yes.

2 Q. Do you?

3 A. Not anymore.

4 Q. When you say "not anymore" --

5 MR. MATIASIC: Well, don't -- anything  
6 related --

7 THE WITNESS: No.

8 MR. MATIASIC: -- to whether or not -- any  
9 conversations related to your counsel, you don't need to  
10 discuss that, Fern.

11 THE WITNESS: No.

12 Q. BY MR. HALE: Are you telling -- have you  
13 turned over documents that were responsive to this  
14 request to your counsel?

15 MR. MATIASIC: Fern, don't answer that.

16 Tim, as I represented, we have reviewed any  
17 documents that are responsive to this request with her.  
18 She is not going to get into what documents she did or  
19 did not give to counsel.

20 Q. BY MR. HALE: Prior to your meeting with  
21 counsel, did you have documents that you believe were  
22 responsive to this first request?

23 Here the request is, "All documents that refer,  
24 reflect or relate to St. Anthony's Seminary including  
25 but not limited to yearbooks."

1 A. Yearbooks I had.

2 Q. Any other documents?

3 A. Personal letters, emails.

4 Q. Are those no longer in your possession?

5 A. No. Yes. Yes, no longer in my possession.

6 MR. HALE: You really think this is going to  
7 fly?

8 MR. MATIASIC: Is there a question pending,  
9 Tim?

10 Q. BY MR. HALE: Have you turned those documents  
11 over to your counsel?

12 A. Yes.

13 MR. MATIASIC: Fern, don't answer any questions  
14 until I tell you it's okay on this line.

15 What she did or did not do with her counsel,  
16 she isn't going to testify to. Tim, I have represented  
17 on the record that any documents that she has responsive  
18 to these requests, she's gone over with her lawyers.

19 So in terms of anything related to the  
20 production, that's communication she had with counsel.  
21 And if you want -- I said at the very beginning what our  
22 basis was for objecting to these requests.

23 MR. HALE: Again, I think the time for  
24 objections has passed and the objections have been  
25 waived.

1           Q.    Mrs. Sayovitz, I think we are entitled to these  
2 documents. I understand you have turned them over to  
3 your counsel, but the law says that you still have a  
4 right to request those back. I have to tell you that if  
5 you do not request those back and if those documents are  
6 not produced, I'm going to go in front of the Court in  
7 this case and I'm going to ask for the production of  
8 those documents and I think the Court is going to order  
9 those to be produced.

10           MR. MATIASIC: Fern, you don't need to respond  
11 to that.

12           MR. HALE: You don't have to respond it, but I  
13 just want to make sure you are aware of what's happening  
14 here.

15           MR. MATIASIC: Anything related to the  
16 exchange of documents will go through counsel.

17           MR. HALE: Paul, I just think it's  
18 inappropriate for you to be taking documents and  
19 asserting a privilege when there was a time to file an  
20 objection and it's past.

21           MR. MATIASIC: First of all, Tim, I don't think  
22 there's been any evidence that there was a taking of any  
23 documents. Like I've represented to you two times now -  
24 here we go again for the third time - she has reviewed  
25 any documents responsive to this request with counsel,

1 and counsel certainly has the right to take a look at  
2 documents and ascertain whether any legal privilege  
3 applies. So --

4 MR. HALE: I'm not questioning your right to  
5 take a look at documents. That is not the issue here.  
6 You have every right to look at them, and we do, too.

7 MR. MATIASIC: And our objection to it, in  
8 terms of the call of the request for the production,  
9 stands.

10 Q. BY MR. HALE: So the documents that are  
11 responsive to this Request No. 1, they are now all in  
12 the custody of your counsel?

13 MR. MATIASIC: Do not answer that question.

14 MR. HALE: There's no privilege there.

15 MR. MATIASIC: What she did and did not give to  
16 counsel is privileged.

17 I'll represent to you that we have reviewed  
18 documents with the witness, but she's not going to tell  
19 you what she sent to her lawyers or what she did with  
20 them.

21 Q. BY MR. HALE: Do you have custody of any  
22 documents related to this Request No. 1 any longer?

23 MR. MATIASIC: Fern, don't answer the question.

24 MR. HALE: Wait a minute. I'm asking if she  
25 has custody.

1 MR. MATIASIC: And I'm instructing her not to  
2 answer.

3 MR. HALE: Based on what?

4 MR. MATIASIC: Based upon the fact that I've  
5 already told you that she has gone over these documents  
6 with counsel. And anything that -- any discussions  
7 she's had or anything she's given or respectively not  
8 given to counsel is privileged.

9 MR. HALE: I'm not asking for any discussions  
10 between you and her.

11 MR. MATIASIC: Right.

12 MR. HALE: I'm not asking what she's turned  
13 over. I want to know if she's got anything in her  
14 possession responsive. I'm not asking where they are.

15 MR. MATIASIC: Tim, you can ask her now whether  
16 she has any documents --

17 MR. HALE: That is what I just asked.

18 MR. MATIASIC: No, you didn't. You asked  
19 whether there are any in her possession, meaning at her  
20 home or somewhere else.

21 MR. HALE: Right.

22 MR. MATIASIC: Ask her right now if she has  
23 documents to turn over responsive to that request. You  
24 can ask that one. But in terms of whether or not she  
25 still has --

1 MR. HALE: I'm not seeing the distinction.

2 MR. MATIASIC: Well, there's a big one in terms  
3 of the communication with her lawyers.

4 Q. BY MR. HALE: Do you have custody or control of  
5 any documents responsive to this first request?

6 MR. MATIASIC: Do not answer that question.

7 MR. HALE: That is inappropriate.

8 MR. MATIASIC: It's not in- --

9 MR. HALE: It's inappropriate and it's  
10 improper.

11 MR. MATIASIC: It's absolutely not.

12 MR. HALE: Okay. We are definitely going to be  
13 filing on this one.

14 Q. Let's go to Request No. 2. All documents --  
15 strike that.

16 Let's go back to No. 1. You said you had  
17 yearbooks; correct? For what years did you have  
18 yearbooks?

19 MR. MATIASIC: If you can remember, go ahead  
20 and answer.

21 THE WITNESS: '65 to '80.

22 Q. BY MR. HALE: So you had yearbooks for every  
23 year from '65 to '80?

24 A. (Witness nods head.)

25 Q. Is that "yes"?



1 A. Yes.

2 Q. Okay.

3 A. I'm trying to think.

4 Q. What other documents did you have?

5 A. Thank-you letters from my donations.

6 MR. MATIASIC: Hold on. What other documents  
7 do you have?

8 THE WITNESS: Are those documents?

9 MR. HALE: Responsive to this letter.

10 MR. MATIASIC: Which request again?

11 MR. HALE: No. 1, "that reflect or relate to  
12 St. Anthony's Seminary."

13 MR. MATIASIC: Again, that request is so  
14 overbroad. It's unduly burdensome and oppressive and  
15 harassing.

16 MR. HALE: Again, I think objections have been  
17 waived.

18 Are you instructing her not to answer that  
19 question?

20 MR. MATIASIC: No. She can answer.

21 MR. HALE: Okay.

22 THE WITNESS: "Any documents," does that  
23 include Christmas letters?

24 MR. HALE: Sure. Yes.

25 MR. MATIASIC: Actually, I think that refer or

1 relate to St. Anthony's. That's what he wants.

2 THE WITNESS: Not just the friars.

3 MR. HALE: No.

4 MR. MATIASIC: To St. Anthony's.

5 MR. HALE: Although we'll get to some of those,  
6 I think, later.

7 THE WITNESS: Donations to St. Anthony's.

8 MR. HALE: Okay.

9 Q. Anything else?

10 A. Monetary.

11 That's all.

12 Q. Any other documents that you are aware of that  
13 were responsive to this Request No. 1? Again --

14 A. No.

15 Q. -- anything referring to or reflecting or  
16 relating to St. Anthony's?

17 A. No.

18 Q. The second request, "All documents that refer  
19 or reflect or relate to the Old Mission Santa Barbara."

20 Did you have any documents responsive to that  
21 request?

22 A. Just a check for my donation.

23 Q. Donations to the Mission?

24 A. Uh-huh, my collection.

25 Q. Anything else?

1 A. No.

2 Q. Third request, "All documents that refer,  
3 reflect or relate to the Santa Barbara Boys Choir."

4 Did you have anything responsive to that?

5 A. No.

6 Q. For instance, did you have any choir rosters or  
7 pictures from when you were helping with the choir?

8 A. No, I think I threw out all the Christmas  
9 letters, Christmas pictures.

10 Q. What about memorabilia from the Europe trips,  
11 for instance?

12 A. Got thank-you medallion someplace in the house,  
13 but I don't know where it is.

14 Q. Anything else at all related to the boys choir  
15 in your possession?

16 MR. MATIASIC: Any other documents?

17 MR. HALE: Right.

18 THE WITNESS: No documents.

19 Q. BY MR. HALE: You understand documents includes  
20 photographs; right?

21 A. Pardon?

22 Q. You understand documents includes photographs?

23 A. They were Christmas cards --

24 MR. MATIASIC: He's just asking you questions.  
25 When he says "documents," he's also meaning photographs.

1 Do you understand that, Fern?

2 THE WITNESS: I don't have them anymore.

3 Q. BY MR. HALE: What happened to them?

4 A. I threw them out. Christmas --

5 Q. Any other photographs in your possession  
6 related to the boys choir?

7 A. No, no.

8 Q. The Request No. 4, "All documents that refer  
9 reflect or relate to any criminal activity by any  
10 current or former Franciscan friar."

11 A. No.

12 Q. No. 5, "All documents that refer, reflect or  
13 relate to the Board of Inquiry."

14 A. No.

15 Q. No. 6, "All documents sent to or received from  
16 any Franciscan friar."

17 MR. MATIASIC: Again, we incorporate the same  
18 objections.

19 THE WITNESS: Just emails.

20 Q. BY MR. HALE: Who are the emails to -- or,  
21 from?

22 A. To Robert.

23 Q. Who else --

24 Robert Van Handel, you mean; correct?

25 A. Uh-huh.

1           And Mel. I think that was it. I can't  
2 remember.

3           Q. Are those emails that you have sent to them or  
4 they have sent to you?

5           A. I sent to them.

6           Q. How recent are these emails? What are the  
7 dates, in other words?

8           A. I can't recall.

9           Q. Do you still correspond with Father Van Handel?

10          A. Yes.

11          Q. What about Father Mel?

12          A. No, except Christmas letters.

13          Q. Did you bring those emails with you?

14          A. No.

15          Q. You understand under this demand you were  
16 required to bring those emails?

17           MR. MATIASIC: You don't have to say anything  
18 about that.

19           MR. HALE: Again, I'm going to have to go to  
20 the Court and ask for a Court instruction ordering you  
21 to produce those emails.

22          Q. Do you understand that?

23           MR. MATIASIC: And the lawyers will take that.

24           MR. HALE: Paul, I think your objections were  
25 waived. Your time to take control of these documents

1 was lost awhile ago. You had a chance, and it's passed.  
2 I don't think -- I think you have an obligation to turn  
3 those documents -- if you don't have them in your  
4 possession right now, you have got an obligation to turn  
5 these documents over right now.

6 MR. MATIASIC: We have no documents to produce  
7 today. Like I said, I think the Request for Production  
8 of Documents, to the extent that they related  
9 specifically to childhood sexual abuse, they may be  
10 relevant, depending if there's no other privilege that  
11 attaches. But the document request themselves is  
12 overbroad and impinges upon the privacy rights of a  
13 third-party.

14 MR. HALE: Again, the time to object has been  
15 waived. I think it's inappropriate for you to come in  
16 and grab these documents and refuse to produce them at  
17 this time.

18 MR. MATIASIC: First of all, Counsel, it's  
19 inappropriate to characterize anything as coming in and  
20 grabbing documents. Certainly, the witness and her  
21 lawyers have a right to look over the documents and see  
22 whether it would be appropriate legally to produce them  
23 responsive to the document request.

24 MR. HALE: And you are going to instruct her  
25 not to answer regarding any questions regarding the

1 contents of these documents? Is that my understanding  
2 as well? You have got one of the most notorious  
3 perpetrators here.

4 MR. MATIASIC: If you want to ask specific  
5 questions about correspondence related to sexual abuse,  
6 I certainly think that's fair, and she won't get an  
7 instruction.

8 If you want to ask her if she's been  
9 corresponding with specific witnesses on the issue of  
10 sexual abuse, I think you are entitled to that  
11 information, and I won't instruct her. But other  
12 conversations that she may have had with friars, she has  
13 a privacy right as protected in the California  
14 Constitution. So we will assert that privacy right.

15 Q. BY MR. HALE: When was your most -- has your  
16 correspondence between yourself and Father Van Handel  
17 only been by email, or has there been handwritten mail  
18 as well?

19 A. Email.

20 Q. When was your most recent correspondence with  
21 Mr. Van Handel? Was it within the last year?

22 A. Yes.

23 Q. Do you correspondence on a monthly basis or  
24 weekly basis?

25 A. When his mother died, I sent him an email.

1 MR. MATIASIC: Fern, he asked you how often.

2 MR. HALE: Right.

3 THE WITNESS: Probably twice a year.

4 Q. BY MR. HALE: Okay. Has it been twice a year  
5 since -- as long as you -- since he's gotten own out of  
6 prison?

7 A. Yes.

8 Q. Did you correspond with him while he was in  
9 prison?

10 A. Yes.

11 Q. Did you have any correspondence from him while  
12 he was in prison?

13 A. No. I visited him personally.

14 MR. MATIASIC: Fern, he asked you whether you  
15 had any correspondence.

16 THE WITNESS: No. No.

17 Q. BY MR. HALE: How many times did you visit him  
18 in prison?

19 A. I don't remember.

20 Q. More than once, though?

21 A. Twice.

22 Q. Did you ever discuss with Father Van Handel in  
23 any of your correspondence whether the allegations  
24 against him were true?

25 A. No.



1 Q. Did you ever discuss with him the scandal at  
2 St. Anthony's?

3 A. No.

4 MR. MATIASIC: Vague and ambiguous.

5 Q. BY MR. HALE: Are you aware that there's  
6 current litigation involving allegations of abuse by  
7 Father Van Handel? In other words, current lawsuits.

8 A. Pardon me?

9 Q. Are you aware that there are current lawsuits  
10 involving allegations of abuse by Father Van Handel?

11 A. No.

12 Q. Do you remember the [REDACTED] ?

13 A. I don't know.

14 Q. [REDACTED] ?

15 A. I don't know.

16 Q. How about [REDACTED] ?

17 A. I don't know.

18 Q. Did you know their mother [REDACTED] ?

19 A. I think I met her.

20 Q. Have you ever discussed them with Father  
21 Van Handel?

22 A. No.

23 Q. Do you remember [REDACTED] ?

24 A. No.

25 Q. What about [REDACTED] ?

1 A. No.

2 Q. Have you ever discussed them with Father  
3 Van Handel?

4 A. No.

5 Q. Have you ever discussed the [REDACTED] brothers  
6 with Father Van Handel?

7 A. No.

8 Q. What about [REDACTED]'s son? Ever discuss him  
9 with Father Van Handel?

10 A. No.

11 MR. MATIASIC: Lacks foundation.

12 Q. BY MR. HALE: Do you know what Father  
13 Van Handel's current -- have you discussed with him his  
14 current -- where he is working right now?

15 A. No.

16 Q. Do you know if he has any contact with  
17 children?

18 A. No.

19 Q. Have you discussed Father Van Handel's status  
20 with Father Jurisich?

21 A. Pardon?

22 Q. Have you ever discussed Father Van Handel's  
23 status with Father Jurisich?

24 A. No.

25 Q. Have you discussed the abuse scandal with

1 Father Jurisich?

2 A. No.

3 Q. Have you discussed any of the allegations  
4 against Father Van Handel with Father Jurisich?

5 A. No.

6 Q. What have the discussions been with Father  
7 Jurisich?

8 MR. MATIASIC: Hold on, Fern.

9 She has a privacy right here that we are going  
10 to assert, Tim. If you want to ask -- notice I let her  
11 answer any questions related to the sexual abuse topic.  
12 But if she talks about other things with Father  
13 Jurisich, that is outside the scope of the discovery in  
14 this case. So I'm going to instruct her not to answer.

15 MR. HALE: The problem is we don't know what is  
16 outside the scope until we get to see the documents. I  
17 think we are going to get to see these documents.

18 MR. MATIASIC: Well, you can ask her  
19 specifically about whether or not she talked about  
20 sexual abuse in any way, shape or form with Father  
21 Jurisich, and she will answer those questions. But what  
22 she talked about generally, she has a privacy right in  
23 terms of what she talks about.

24 MR. HALE: That right has been waived. It's  
25 been waived. There was an opportunity to raise it. It

1 wasn't raised. You can't raise it now.

2 MR. MATIASIC: She is asserting it right now --  
3 or, we are asserting it.

4 MR. HALE: All right.

5 Q. Other than Father Van Handel and Father  
6 Jurisich, have there been any other emails between you  
7 and any Franciscan friars?

8 A. No.

9 Q. Any other mail or correspondence between you  
10 and any other Franciscan friars?

11 A. No.

12 Q. Do you need a break?

13 A. Hum?

14 Q. Do you need a break?

15 A. No. I have allergies so my nose is itching.

16 Q. No. 7, "All documents that refer, reflect or  
17 relate to Father Cimmarrusti, including but not limited  
18 to photographs, scrapbooks, letters and notes."

19 Did you have any documents --

20 A. No.

21 Q. -- responsive to that request?

22 MR. MATIASIC: Again, we are --

23 THE WITNESS: No.

24 MR. MATIASIC: -- incorporating the same  
25 objections.

1 MR. HALE: Why don't we have a standing, where  
2 you incorporate the same objections and I'll incorporate  
3 my response, which is I don't think you have the right  
4 to raise any objections.

5 MR. MATIASIC: That's fair enough.

6 MR. HALE: Fair enough, okay.

7 No. 8 is --

8 So that's going to be true for 8 through 19?

9 MR. MATIASIC: With respect to the documents,  
10 sure.

11 MR. HALE: "All documents that refer, reflect  
12 or relate to Father Robert Van Handel including but not  
13 limited to photographs, scrapbooks, letters and notes."

14 Q. Did you have any documents responsive to that  
15 request?

16 A. Let's see. Does that include emails?

17 Q. Sure.

18 A. Yes, emails.

19 Q. Anything other than those emails related to  
20 Father Van Handel?

21 A. No.

22 Q. No photographs?

23 A. I don't think so. I don't know.

24 Q. Did you search your house to make sure there  
25 weren't any? I know it seems kind of onerous, but the

1 Court would expect you to --

2 A. Yes. I wouldn't know where to look in that  
3 pile of junk for photographs.

4 Q. Do you have a -- for instance, do you have a  
5 box of old boys choir stuff?

6 A. No.

7 Q. Do you have a stack of old photo albums  
8 somewhere?

9 A. I have boxes of old photographs. Boxes. Shoe  
10 boxes.

11 Q. Did you have a chance to go and look through  
12 those?

13 A. No way.

14 Q. How many boxes are there?

15 A. Would you believe hundreds?

16 MR. MATIASIC: And, Tim, just for record, I'm  
17 going to note I sincerely doubt a Court would expect  
18 this 88-year-old lay witness going through boxes and  
19 boxes of photographs.

20 MR. HALE: Well, no, and that's the thing; I  
21 don't think she would be expected to, but I think  
22 someone could certainly go in for her and do that and  
23 find out if there's something relevant or not. So I  
24 agree.

25 No one is going to expect you to get down on

1 your hands and knees and dig through a box of photos.

2 But I know for a fact that her son, for  
3 instance, has been involved initially just helping her  
4 get ready for this deposition. In light of that, there  
5 were resources available. We are going --

6 THE WITNESS: I couldn't ask --

7 MR. MATIASIC: Fern --

8 MR. HALE: You don't have to answer.

9 MR. MATIASIC: -- there's no question.

10 MR. HALE: We are going to have to take this  
11 up.

12 Q. But do you think it's possible there are photos  
13 of you and -- or, Father Van Handel in those boxes?

14 A. I don't think so. There might be, but who  
15 knows.

16 Q. The next one is, "All documents that refer,  
17 reflect or relate to Brother [REDACTED], including but  
18 not limited to photographs, scrapbooks, letters and  
19 notes."

20 A. Nothing.

21 Q. Nothing?

22 A. Nothing.

23 Q. The next is the same kind of request, but this  
24 time for Brother Sam Cabot. Anything responsive --

25 A. Never heard of him.

1 Q. Never heard of him. That's an easy one.

2 How about for Father [REDACTED], [REDACTED]?

3 A. Nothing.

4 Q. Nothing related to him?

5 A. Nothing.

6 Q. How about Father Dave Johnson?

7 A. I taught him, but I have nothing.

8 Q. Did you know him while he was assigned to  
9 St. Anthony's?

10 A. I taught him. I didn't really teach him. He  
11 liked to debate. He wasn't in my speech class.

12 Q. Do you recall when he was actually on the  
13 faculty at St. Anthony's?

14 A. Yes, I do.

15 Q. What about -- No. 13, same request for Father  
16 David Carriere, C-a-r-r-i-e-r-e.

17 A. He has died.

18 Q. Yes.

19 A. What about him?

20 Q. Did you have any documents --

21 A. No.

22 Q. -- responsive --

23 A. No.

24 Q. -- related to him?

25 The next document request is for Father Gus



1 Krumm, K-r-u-m-m.

2 A. Yes.

3 Q. Did you have any documents related to Father  
4 Krumm?

5 A. I think I have -- I have an email. One, maybe.  
6 Someplace.

7 Q. An email from Father Krumm?

8 A. And to his parents.

9 Q. To his parents?

10 A. Uh-huh. They are friends of mine.

11 Q. It's about Father Krumm?

12 A. Uh-huh.

13 Q. Is it about the abuse allegations?

14 A. Yes.

15 Q. What is the date on that?

16 A. I have no idea.

17 Q. Have you brought that with you?

18 A. No.

19 Q. Is it at home still?

20 A. No.

21 MR. MATIASIC: Fern, don't answer that  
22 question.

23 MR. HALE: She can't answer me if it's at home  
24 still?

25 MR. MATIASIC: Well, I'll represent to you that

1 Counsel, that Ms. Sayovitz has gone over some of these  
2 documents with counsel. So if they are not at home,  
3 then they are with counsel.

4 MR. HALE: Okay. But I need to hear that from  
5 her.

6 THE WITNESS: They are not at home.

7 Q. BY MR. HALE: Other than that email, anything  
8 else related to Gus Krumm?

9 A. No.

10 Q. The next document request related to Chris  
11 Berbena, B-e-r-b-e-n-a.

12 A. Never heard of him.

13 Q. The next one is related to Berard Connolly.

14 A. Yeah.

15 Q. Were there any documents in your possession?

16 A. No.

17 Q. By the way, did you understand his first name  
18 to be "Berard" or "Bernard"?

19 A. Berard.

20 Q. That's what I thought.

21 A. And he's dead, too.

22 Q. Yes.

23 The next document request is related to Gerald  
24 Chumik, C-h-u-m-i-k.

25 A. Never heard of him.

1 Q. No documents responsive?

2 A. Naturally not.

3 Q. The next document request, No. 18, is related  
4 to [REDACTED].

5 A. I think years ago I met him, but I don't know  
6 him.

7 Q. No documents responsive?

8 A. No documents.

9 Q. The next and final one is related to Father  
10 [REDACTED]. Any documents in your possession --

11 A. Never heard of him.

12 Q. Never heard of him. Okay.

13 Just so I'm clear, you did, at least at one  
14 time, have documents in your possession related to  
15 Father Gus Krumm, Father Van Handel, St. Anthony's  
16 Seminary and to Father Jurisich; correct?

17 A. Yes.

18 Q. Any other Franciscans we haven't talked about  
19 that you had documents related to?

20 A. (Witness shakes head.)

21 MR. MATIASIC: How you doing, Fran?

22 THE WITNESS: I'm fine.

23 MR. HALE: Do you want a break?

24 THE WITNESS: I'm fine.

25 Do you need a break?

1 MR. MATIASIC: Very much so.

2 MR. HALE: The thing is we are going another  
3 45. You said 4:45 is the cutoff; right?

4 MR. MATIASIC: That is the absolute cutoff.

5 MR. HALE: So, do you want to take a  
6 five-minute break now, or do you just go through the 45?

7 THE VIDEOGRAPHER: I'm going to need to change  
8 tape at some point pretty soon.

9 MR. HALE: All right.

10 MR. HABEL: Let's take a break and change the  
11 tape then.

12 THE VIDEOGRAPHER: We are at the end of tape  
13 number 1. The time is 3:58, and we are off the record.

14 (Recess.)

15 THE VIDEOGRAPHER: Tape number 2. We are back  
16 on the record.

17 MR. HALE: I want to meet and confer and be  
18 sure I understand your position on the record regarding  
19 these document demands. It seems like the document  
20 demands at issue are one, six and eight; one being about  
21 St. Anthony's Seminary; six being about correspondence  
22 between the witness and any Franciscans friars, and  
23 eight being correspondence between the witness and  
24 Father Van Handel.

25 My understanding is the objection you are

1 raising is a privacy right objection. Are there any  
2 other objections that are the basis for your instructing  
3 her not to either answer those questions and your  
4 refusal to provide documents? Because I think they need  
5 to be produced forthwith.

6 MR. MATIASIC: First of all, I think you are  
7 mischaracterizing the objections. As I indicated --

8 (Overlapping.)

9 MR. MATIASIC: I also object -- I don't know  
10 why we keep putting this on the record over and over  
11 again, but if you want to waste time this way, let's do  
12 it.

13 I said we are objecting on the basis that it's  
14 overbroad, unduly burdensome so as to be oppressive and  
15 harassing.

16 MR. HALE: Okay.

17 MR. MATIASIC: And to the extent that it is  
18 potentially violative of privacy rights, namely,  
19 Ms. Sayovitz.

20 And with respect to the yearbooks, specifically  
21 document one, that's equally available to the plaintiffs  
22 through other means.

23 So our position is we will revisit the issue  
24 with you and look forward to a meet-and-confer process,  
25 if you want to continue to talk about it.

1           With respect to communications, to try to find  
2 out what documents she did and didn't have, you will  
3 notice I let you ask all those questions to find out  
4 about the correspondence.

5           It is our position that any correspondence that  
6 doesn't specifically relate to sexual abuse and the  
7 allegations that form the gravity of these cases just --  
8 she has a privacy right in those communications.

9           MR. HALE: What is the privacy right at issue?  
10 Are we talking financial? Medical? Sexual?

11           MR. MATIASIC: How about Article 1, Section 1  
12 of the California Constitution?

13           MR. HALE: Well, you know as well as I do there  
14 are specific components to the privacy rights.

15           MR. MATIASIC: Tim --

16           MR. HALE: There are things protected by the  
17 rights and things that aren't.

18           MR. MATIASIC: My objection is already noted.  
19 I already cited the basis Article 1, Section 1 of the  
20 California Constitution. We are going to leave it at  
21 that.

22           And you are welcome to continue to ask  
23 questions related to whether or not she had  
24 communications related to sexual abuse. I'll let you  
25 ask questions on each and every request. You are still

1 free to do so. And to the extent that they have  
2 relevance in this case, we certainly will produce them.

3 MR. HALE: I'm sure you agree relevance is not  
4 a proper basis to refuse to produce.

5 MR. MATIASIC: We are talking about in terms of  
6 whether or not she waives her privacy right, it does  
7 certainly come in, because if the documents aren't  
8 relevant to these cases, then she has a privacy right.  
9 That privacy right, when it comes into collision with  
10 documents that are relevant to these cases may not hold  
11 up, but on its own, it certainly does. If it doesn't  
12 relate to sexual abuse, she still has a privacy right.

13 Q. BY MR. HALE: Mrs. Sayovitz, regarding these  
14 three sets of document demands - and, apparently,  
15 documents responsive to them have been turned over to  
16 your Counsel - do any of those documents contain your  
17 personal financial information in them?

18 A. My personal?

19 Q. Yes.

20 A. No.

21 Q. Do any of those documents contain any of your  
22 personal medical information in them?

23 A. No.

24 Q. Do any of those documents contain your personal  
25 sexual information in them?

1 A. My sexual?

2 Q. Yes.

3 A. No.

4 MR. HALE: Okay. There is no privacy right to  
5 be protected by -- for this witness. I think your  
6 objection is not well taken, and I'm going to file a  
7 motion to compel and I think there's going to be a basis  
8 for sanctions. This is inappropriate. There --

9 MR. MATIASIC: Counsel, any communications she  
10 has just by virtue of the fact that your clients have  
11 sued Franciscans just because she's had  
12 communications with Franciscans friars doesn't mean that  
13 they automatically have to be produced in this case. If  
14 it relates to sexual abuse, that's another story, and we  
15 are willing to work with you on that issue. But to say  
16 that she doesn't have a privacy right in discussing the  
17 holidays or whatever else with certain friars, that's  
18 preposterous. She certainly does have a privacy right  
19 and so does that other friar. It doesn't automatically  
20 become at issue just because you sued this huge umbrella  
21 organization called the province.

22 MR. HALE: But you have also heard testimony  
23 from her that the correspondence at issue involved, one,  
24 Father Van Handel, who's a perpetrator in four claims  
25 that are currently pending in Clergy I & II. And, two,



1 Father Mel Jurisich, who was on the faculty during the  
2 time that Father Cimmarrusti, a current perpetrator, was  
3 on the faculty and also was the provincial during the  
4 time when multiple perpetrators in current litigation,  
5 you know, were going about their criminal acts.

6 MR. MATIASIC: These type of issues -- you can  
7 talk about the motion to compel all you want. These  
8 type of issues have already been before the Court in  
9 Clergy III. I would suggest you go and look up the  
10 Court's ruling in that area.

11 To the extent that she had communications  
12 related to sexual abuse, which is at issue in these  
13 cases, that is a different story, and those documents  
14 will be turned over.

15 If she's talking about a vacation she had and  
16 whether she liked visiting Wyoming or whatever she may  
17 have been talking about with Franciscan friars, just by  
18 virtue of the fact that she communicated with a  
19 Franciscan friar does not mean that we are going to turn  
20 it over in this case. She does have a privacy right in  
21 those type of documents, and so, like I said, you are  
22 welcome to ask about the specifics of each and every  
23 documents. And to the extent those questions establish  
24 that they do have relevance to these cases, we will turn  
25 them over.

1 MR. HALE: Okay. But I think the point is  
2 these are not just any Franciscan friars. These are two  
3 prominent, key players in this current litigation.

4 MR. MATIASIC: Tim, by that logic any  
5 percipient witness, any person in California who's  
6 communicated with the Provincial Mel Jurisich's province  
7 of St. Barbara, they have to turn over documents of  
8 those conversations. That is preposterous.

9 MR. HALE: I disagree.

10 MR. MATIASIC: No Court would ever allow you to  
11 do that.

12 MR. HALE: This is not any person in  
13 California. This is someone who is on the faculty in  
14 the seminary for the entire -- with the exception of one  
15 year, she was on the faculty for every year that is at  
16 issue in 25 lawsuits in Clergy I litigation.

17 MR. MATIASIC: Right. And if she's talking  
18 about issues related to her family and that type of  
19 thing with Father Mel Jurisich or another friar, she has  
20 a privacy right in those communications. Like I said  
21 before, if it relates to sexual abuse, it's a different  
22 story.

23 So, there's not just this blanket right to  
24 information by virtue of the fact that you have sued the  
25 Franciscan friars.

1 MR. HALE: This isn't a blanket request. This  
2 is, like I said --

3 MR. MATIASIC: Take a look at the Request for  
4 Production of Documents. It's certainly --

5 MR. HALE: This is a request to a witness who  
6 is -- I mean, I told you earlier no one has spent more  
7 time at the seminary during the key periods than she  
8 has, period. No one. It's not even close.

9 MR. MATIASIC: That still doesn't give you a  
10 right to have access to documents that don't relate to  
11 sexual abuse.

12 MR. HALE: I disagree. Your objections have  
13 been waived. They were never raised timely. Your  
14 privacy right is unstated, simply stating Article 1 of  
15 the Constitution doesn't tell me or the Court anything  
16 as far as --

17 MR. MATIASIC: It's actually Article 1,  
18 Section 1.

19 MR. HALE: -- claiming financial privacy,  
20 medical privacy, sexual privacy. This is inappropriate.  
21 We are going to file a motion to compel, and I think  
22 sanctions are going to be appropriate, and we are going  
23 to seek sanctions as well. This is completely  
24 inappropriate and uncalled for and it's obstruction of  
25 discovery.

1           MR. MATIASIC: Well, like we said, Counsel,  
2 you're welcome to inquire as to the nature of the  
3 communications, because I think that would be  
4 illustrative to the Court in terms of whether or not a  
5 privacy right exists. So, you are certainly free to do  
6 that. And if you are not going to do that, if you think  
7 you just have an unfettered right, then that's your  
8 choice. We will see what the Court decides. But you  
9 certainly are free to ask her what the subject matter of  
10 the conversations were as you have been so far.

11           MR. HALE: I think you instructed her not to  
12 answer, though.

13           MR. MATIASIC: No. I -- you clearly -- we can  
14 go back through the record, Tim, when this deposition is  
15 over. You clearly asked her questions regarding whether  
16 or not she communicated with Van Handel about sexual  
17 abuse and Jurisich about sexual abuse. You already  
18 asked her those things.

19           MR. HALE: But you instructed her not to answer  
20 regarding any subject matter -- any questions regarding  
21 what was the subject matter of communication.

22           MR. MATIASIC: Right.

23           MR. HALE: I think that is inappropriate.

24           MR. MATIASIC: You don't have unfettered right  
25 to find out what she was talking about.

1           MR. HALE: I just questioned her as to whether  
2 the subject matter included financial interest on her  
3 part or medical interest or sexual interest, all which  
4 would definitely be within the privacy interests, and  
5 she answered "no" to each one of those questions. I  
6 think we have a right to information as a result. It's  
7 not privacy-protected.

8           MR. MATIASIC: If you also want to ask her a  
9 specific question as to whether or not she had  
10 communications with them about the policies and  
11 practices of the province or something else, go ahead  
12 and ask her that. But just because she may have talked  
13 about what a nice Christmas she had or something else,  
14 that doesn't mean that she's waived those types of  
15 rights.

16           MR. HALE: I think we will let the Court figure  
17 this one out.

18           Q. When you first commenced assisting with the  
19 choir in 1970s, was anyone assisting Father Van Handel,  
20 to your knowledge?

21           A. Organist.

22           Q. Who?

23           A. The organist.

24           Q. Would that be David Gell?

25           A. Yes.

1 Q. Anyone else?

2 A. Can't think.

3 The women that helped with the uniforms.

4 Q. Were those choir mothers?

5 A. Choir mothers.

6 Q. Do you know who -- who were they when they  
7 first helped?

8 A. The mothers of the choir boys.

9 Q. Do you recall any specific names?

10 A. No.

11 Q. Did you help with the uniforms?

12 A. No.

13 Q. Did you help with the wardrobe for the theater  
14 productions they put on?

15 A. Yes, I helped with that, and also on the  
16 European -- the English trips. I was in charge of the  
17 uniforms then. Cassocks and surpluses.

18 Q. But with the uniforms for the performances on  
19 stage, you didn't help with those?

20 A. Yes.

21 Q. You did help with those?

22 A. (Witness nods head.)

23 Q. Is that a "yes"?

24 A. I'm thinking.

25 Q. When did you start helping with the uniforms in

1 the United States? When did you start helping with the  
2 uniforms in the United States?

3 A. On stage?

4 Q. No, no, no. In the United States.

5 A. In the United States.

6 Q. Right, the uniforms, the choir uniforms.

7 A. I did not help with the choir uniforms, period.

8 That was the choir mothers that was in charge of those.

9 The cassocks and surpluses on trips to England I  
10 helped with.

11 Q. During your time assisting with the choir -- so  
12 that was a period for about, roughly, 10 years that you  
13 helped with the choir. Is that an accurate statement?

14 A. I guess, yes.

15 Q. Did any other adults help with the choir?

16 A. The choir here?

17 Q. Right.

18 A. No, I don't know.

19 Q. Were you aware of any Franciscans helping with  
20 the choir?

21 A. I don't know.

22 Q. What about on the European trips? Were there  
23 any Franciscans that went on the European trips?

24 A. Fathers of the boys, but they weren't  
25 Franciscans. No.

1 Q. Was there a Franciscan with the last name  
2 "Thing" that went on the choir trips?

3 A. Who?

4 Q. I think it was Tom Thing.

5 A. Oh, yes, Tom Thing.

6 Q. He was a Franciscan.

7 A. He was a former student, too.

8 Q. Okay. But he was a Franciscan; correct?

9 A. Yes. I keep forgetting that he was ordained.

10 Q. Okay.

11 A. They do grow up.

12 Q. So he went on trips, the choir trips, with you?

13 A. As a member of the choir.

14 Q. As a member --

15 A. He sang in the choir.

16 Q. When he was a minor or when he was an adult?

17 A. They had what they called the -- something that  
18 were former students that were now in the choir. Some  
19 were Fathers. I couldn't tell you how many or who they  
20 were. I just remember Tom. He was a former painting  
21 student of mine.

22 Q. While you were on the faculty, did it appear to  
23 you that anyone other than Father Harris was running the  
24 seminary?

25 MR. MATIASIC: Vague and ambiguous.



1 THE WITNESS: I don't know.

2 Q. BY MR. HALE: It did not?

3 A. No.

4 Q. For instance, are you aware that there's a  
5 guardian, what is called a guardian, at the Franciscan  
6 community at the seminary?

7 A. There's a guardian of the Old Mission.

8 Q. What about at the seminary?

9 A. I have no idea what they -- the hierarchy.

10 Q. Were you aware of Father Harris taking  
11 instructions from anyone?

12 A. No.

13 Q. Were you friends with Father Harris?

14 A. Yes.

15 Q. Did you socialize with Father Harris outside of  
16 the school hours?

17 A. No, no.

18 Q. Were you aware that Father Cimmarrusti was what  
19 was called the prefect of discipline?

20 A. Was I?

21 Q. Were you aware Father Cimmarrusti was called  
22 the prefect of discipline?

23 A. Yes.

24 Q. How was it you became aware of him having that  
25 title?

1           A.     Everyone knew who the prefect of discipline  
2 was.

3           Q.     What was your understanding of the duties of  
4 the prefect of discipline?

5           MR. MATIASIC:   If you had an understanding.

6           THE WITNESS:   I don't know what his duties  
7 were.

8           MR. HALE:     Okay.

9           THE WITNESS:   I didn't care.

10          Q.     BY MR. HALE:   Were you ever aware that he was  
11 reading students' mail before it could be sent out?

12          A.     Yes.

13          Q.     How were you aware of that?

14          A.     I had a student come to me, and he had applied  
15 for information on -- for the navel, and he was crying.  
16 He was being dismissed because he didn't want to become  
17 a priest. At that time, if they didn't want to become  
18 priests, they were let out. It's the only instance that  
19 I know of.

20          Q.     So was it your understanding that he had  
21 written an application to the Navy --

22          A.     Not an application, just information.

23          Q.     He had written for information. And Father  
24 Cimmarrusti had become aware of it?

25          A.     I think it was him. I think it was Mario.

1 Q. Was it your understanding that student was  
2 expelled as a result?

3 A. Asked to leave, uh-huh.

4 Q. Did the student tell you whether it was Father  
5 Harris or Father Cimmarrusti --

6 A. He didn't tell me anything.

7 MR. MATIASIC: Fern, you need to let him finish  
8 his question.

9 Q. BY MR. HALE: Go ahead.

10 A. He didn't tell me.

11 Q. Did you have an understanding of who told him  
12 to leave?

13 A. No.

14 Q. Did you ever ask Father Harris or Father  
15 Cimmarrusti?

16 A. No.

17 Q. Were you aware that Father Cimmarrusti was  
18 reading students' mail when it came in before he gave it  
19 to the students?

20 A. No.

21 Q. Did any Franciscan ever tell you that they were  
22 personally treated inappropriately while they were a  
23 student at the seminary?

24 MR. MATIASIC: Vague and ambiguous.

25 Q. BY MR. HALE: You can answer.

1 A. I don't understand. What did you say?

2 Q. Did any Franciscan ever tell you that they were  
3 treated inappropriately while they were students at the  
4 seminary?

5 MR. MATIASIC: Same objection.

6 THE WITNESS: No.

7 Q. BY MR. HALE: "No"?

8 A. I can't remember anybody telling me that.

9 Q. Did any Franciscan --

10 MR. MATIASIC: Counsel, I was just going to  
11 say, it's my understanding that you are not going to be  
12 able to finish your questions today; is that right?

13 MR. HALE: That's right.

14 MR. MATIASIC: At any point that's convenient  
15 for you in your line of questions within the next ten  
16 minutes or so, we need to stop the deposition because  
17 Ms. Sayovitz doesn't like to drive at night and can't.  
18 It's getting darker and darker. The last cutoff point  
19 would be 4:45.

20 MR. HALE: I got you.

21 MR. MATIASIC: But at any time before that, if  
22 it's convenient --

23 MR. HALE: I'm aware of the cutoff. Don't  
24 worry. We don't go over it.

25 MR. MATIASIC: Okay.

1 Q. BY MR. HALE: Did any Franciscan ever tell you  
2 that they were treated inappropriately by another  
3 Franciscan at any other time in your Franciscan career?

4 MR. MATIASIC: Same objection.

5 Q. BY MR. HALE: Have you ever talked to Father  
6 Van Handel about his contention that he was abused by  
7 Father McKeon?

8 MR. MATIASIC: Lacks foundation.

9 THE WITNESS: No.

10 Q. BY MR. HALE: Did you ever read any of the  
11 media articles about Father Van Handel's prosecution?

12 A. No.

13 Q. Have you ever heard that Father Van Handel says  
14 he was abused by another Franciscan, Father McKeon?

15 A. No.

16 Q. He was the prefect before Father Cimmarrusti.  
17 When was the first time that you ever heard of  
18 a Franciscan engaging in inappropriate conduct with a  
19 minor?

20 MR. MATIASIC: Vague and ambiguous.

21 THE WITNESS: Just when I read in the Yellow --  
22 in the News-Press.

23 Q. BY MR. HALE: What about when Father Wolfe was  
24 arrested? Did you learn about that before it was in the  
25 News-Press?

1 A. No.

2 Q. How did you learn about that?

3 A. In the NEWS-PRESS. And he had been a student  
4 of mine.

5 Q. Were you ever on campus during one of the  
6 study-hall periods for the seminarians?

7 A. Well, yes.

8 Q. Did you ever ask a student to leave study hall  
9 during a study-hall period?

10 A. Did I ask?

11 Q. Yes.

12 A. No.

13 Q. Did you ever supervise study hall?

14 A. No.

15 Q. Were you ever aware of who was supervising  
16 study hall?

17 A. No.

18 Q. Were you ever aware of Father Cimmarrusti  
19 asking students to leave study hall to come see him?

20 MR. MATIASIC: Vague and ambiguous.

21 Q. BY MR. HALE: Did you ever hear that he was  
22 doing that?

23 A. No.

24 Q. Did you ever hear any Franciscan express  
25 concern for a student's health?

1 MR. MATIASIC: Vague and ambiguous.

2 Q. BY MR. HALE: Did you ever hear any Franciscan  
3 express that they were worried about a student's health?

4 MR. MATIASIC: Same objection.

5 THE WITNESS: No.

6 Q. BY MR. HALE: Did you hear that Father  
7 Cimmarrusti had a program where he was assessing the  
8 younger students' physical maturity or development?

9 MR. MATIASIC: Same objection.

10 THE WITNESS: No.

11 Q. BY MR. HALE: Did you hear Father Cimmarrusti  
12 express concern that a student, for instance, had an  
13 undistended testicle?

14 A. No.

15 Q. Did you ever hear Father Cimmarrusti express  
16 concern that a student's voice was not changing?

17 A. No.

18 Q. Did you ever hear Father Cimmarrusti express  
19 concern about a student's medical condition?

20 A. No.

21 Q. Were you aware that Father Cimmarrusti was the  
22 infirmarian?

23 A. Yes.

24 Q. How were you aware of that?

25 A. Everybody knew who the infirmarian was.

1 Q. What was your understanding of the  
2 infirmarian's duties?

3 MR. MATIASIC: If you had an understanding.

4 THE WITNESS: All I understood was that if a  
5 kid had a headache or stomachache or some complaint, he  
6 went to the infirmarian and ended up in the infirmary.

7 Q. BY MR. HALE: Were you aware of any students  
8 spending the night in the infirmary?

9 A. I don't know what went on in the infirmary.

10 Q. Did you ever spend any time in the infirmary?

11 A. No.

12 Q. Just checking.

13 MR. HABEL: You tell him.

14 MR. HALE: Well, paper cut. Some things happen  
15 at school.

16 THE WITNESS: Oh, sure. God.

17 MR. HALE: I had to ask.

18 THE WITNESS: You had to ask.

19 Q. BY MR. HALE: Do you recall there ever being  
20 any discussion of a faculty-approved program wherein a  
21 Franciscan was going to be assessing younger students'  
22 physical maturity or development?

23 A. No.

24 MR. MATIASIC: Vague and ambiguous.

25 Q. BY MR. HALE: Did you ever hear that Father



1 Cimmarrusti was spanking students?

2 A. No.

3 Q. Were you ever aware of students parodying  
4 faculty behavior?

5 MR. MATIASIC: Vague and ambiguous.

6 THE WITNESS: (Witness shakes head.)

7 Q. BY MR. HALE: Do you recall a group of students  
8 putting together a parody of faculty behavior that was  
9 recorded by the students?

10 A. No.

11 MR. MATIASIC: Same objection.

12 Q. BY MR. HALE: Do you recall any students being  
13 expelled for putting on parody of faculty behavior?

14 A. No.

15 MR. MATIASIC: There's no question pending.

16 Q. BY MR. HALE: Do you recall any students ever  
17 performing a skit of some sort in the student recreation  
18 room?

19 MR. MATIASIC: Vague and ambiguous.

20 THE WITNESS: No.

21 Q. BY MR. HALE: Were you aware of there being a  
22 student recreation room, kind of a lounge for the  
23 students?

24 A. Yes. Yes.

25 Q. Okay. Were you ever aware of -- did you hear

1 of any students having to take an exam in their  
2 underwear?

3 A. No.

4 Q. Did you ever hear Father Cimmarrusti instructed  
5 a group of students to take an exam in their underwear?

6 A. No.

7 Q. Were you aware of any approved methods of  
8 discipline at St. Anthony's?

9 A. No.

10 MR. MATIASIC: Vague and ambiguous.

11 Q. BY MR. HALE: Were you aware of any disapproved  
12 methods of discipline at St. Anthony's?

13 A. No.

14 Q. Were there any rules regarding discipline?

15 A. I don't know.

16 Q. Were there any discussions about discipline?

17 A. No.

18 MR. MATIASIC: Overbroad.

19 Q. BY MR. HALE: Did you know a student named

20 [REDACTED]

21 A. Who?

22 Q. [REDACTED]

23 A. (Witness shakes head.)

24 Q. "No"?

25 Do you recall any students being expelled for

1 putting on a play?

2 A. No.

3 MR. HALE: Here's as good a place as any to  
4 stop.

5 Same stipulation?

6 MR. MATIASIC: Sure, that's fine.

7 Can I add for the record? I understand that  
8 you have communicated to me you can't finish today.  
9 Obviously, given the time constraints, I understand  
10 that. We got a late start today. But I know the  
11 witness would appreciate it if when we come back for her  
12 deposition, to try to confine it to an hour, hour and a  
13 half. Two hours at the very latest. She's an  
14 88-year-old witness, who's not a member of the province.  
15 So these depositions can be a pretty big hardship. We  
16 want to just put that on the record.

17 MR. HALE: I'll certainly do my best.

18 If it's too much of a strain on you, what we  
19 can do, if you like, is break it down into two more  
20 sessions so there are two shorter ones, or if you'd  
21 rather get it all over with, it's up to you.

22 THE WITNESS: I as soon get it over.

23 MR. HALE: But given that she was on the  
24 faculty from '65 to '87, that's the period of abuse for  
25 every one of the cases.

1 MR. MATIASIC: I understand. Just do your  
2 best.

3 MR. HALE: You have my word I will do that.

4 MR. LAURENCE: Let me just state for the  
5 record, this is Patrick Laurence. I also represent  
6 three plaintiffs in this litigation, and I haven't been  
7 given an opportunity to ask my questions. I don't  
8 anticipate asking very many, perhaps ten minutes, but it  
9 depends on the answers given. I just want to state  
10 under the circumstances, I haven't been able to ask the  
11 questions.

12 MR. MATIASIC: Same stipulation?

13 MR. HALE: Same stipulation.

14 THE VIDEOGRAPHER: All right. You guys ready  
15 to go off?

16 MR. HALE: Yes.

17 THE VIDEOGRAPHER: This concludes today's  
18 deposition of Fern Sayovitz. Number of videotapes used  
19 was two. The time is 4:40 p.m., and we are off the  
20 record.

21 (The deposition adjourned at 4:40 p.m.)

22 (Stipulation re Deposition of Bernard Wehe:

23 "MR. HALE: Let's stipulate we will relieve the  
24 reporter of her duties under the Code. We will send the  
25 original to Mr. Matiasic's office, and he can maintain

1 custody of the original. Then forward the original to  
2 Mr. Wehe, and 30 days to review.

3 "Is that okay?

4 "MR. MATIASIC: Thirty days from when he  
5 receives it?

6 "MR. HALE: Yes.

7 "Make any changes you feel are necessary and  
8 sign under the penalty of perjury. If you could then  
9 forward it back to Mr. Matiasic, and he will make any  
10 changes known to all counsel as soon as possible,  
11 especially with this trial date coming up. If the  
12 signed original is not available before trial, an  
13 unsigned certified copy can be used for all purposes.

14 "MR. MATIASIC: So stipulated.")

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--ooOoo--

I hereby declare, under penalty of perjury,  
that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
at \_\_\_\_\_, California.

\_\_\_\_\_

FLORENCE SAYOVITZ

--ooOoo--

REPORTER'S CERTIFICATE

1  
2 STATE OF CALIFORNIA, )  
3 ) ss  
4 COUNTY OF SANTA BARBARA. )

5  
6 I, MARIA G. RABATIN, CSR #6821, Certified Shorthand  
7 Reporter, in the County of Santa Barbara, State of  
8 California, hereby certify:

9 That, prior to being examined, the witness named in  
10 the foregoing deposition, to wit, FLORENCE SAYOVITZ, was  
11 by me duly sworn to testify the truth, the whole truth,  
12 and nothing but the truth;

13 That the deposition of the witness in this  
14 proceeding was taken down by me in stenotype at the time  
15 and place herein named and thereafter reduced to  
16 typewriting by computer-aided transcription under my  
17 direction.

18 I further certify that I am not interested in the  
19 event of the action.

20 WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_  
21 2006, at Santa Barbara, California.

22  
23 \_\_\_\_\_  
24 Certified Shorthand Reporter  
25 State of California  
CSR No. 6821