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REPORTER'S CERTIFICATION

I, Cindy Cameron, Certified Shorthand Reporter, in
and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn;
that the deposition was then taken before me at the time
and place herein set forth; that the testimony and
proceedings were recorded stenographically by me and
later transcribed into typewriting under my direction;
that the foregoing is a true record of the testimony and
proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this
date: January 26, 2006.



Cindy Cameron, CSR 10315, CCR 671

EXHIBIT 1

1 David L. Nye (SBN: 67009)
Timothy C. Hale (SBN:184882)
2 **NYE, PEABODY & STIRLING, LLP**
33 West Mission St., Suite 201
3 Santa Barbara, California 93101
Telephone: (805) 963-2345
4 Facsimile: (805) 563-5385

5 Laurence E. Drivon (SBN: 46660)
THE DRIVON LAW FIRM
6 David E. Drivon (SBN: 158369)
Robert T. Waters (SBN:196833)
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8 Telephone: (209) 644-1234

9 Richard J. Simons (SBN: 72676)
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10 22274 Main Street
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11 Telephone: (510) 582-1080

12 Jeffrey R. Anderson SBN: 2057
JEFF ANDERSON & ASSOCIATES
13 1000 E. First National Bank Building
332 Minnesota Street
14 St. Paul, MN 55101
651/227-9990 Telephones

15 **Attorneys for Plaintiffs**

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **IN AND FOR THE COUNTY OF ALAMEDA**

19 **COORDINATION PROCEEDING**
20 **SPECIAL TITLE (RULE 1550(b))**

) **JUDICIAL COUNCIL COORDINATION**
PROCEEDING

21 **THE CLERGY CASES III**

) **JCCP No. 4359**

22 **JOHN DOE 39,**
23 **Plaintiffs,**

) **Alameda No. RG03 134157**

24 **v.**

) **AMENDED NOTICE OF TAKING**
DEPOSITION OF FR. [REDACTED]
PURSUANT TO DEPOSITION
PROTOCOL CATEGORY (2) NOTICE
WITNESS; VIDEOTAPE TO BE USED AT
TRIAL (C.C.P. §2025)

25 **FRANCISCAN FRIARS OF CALIFORNIA,**
INC.; JAMES ROE 2;
26 **and ROES 3 through 10, inclusive,**
27 **Defendants.**

) **Date: December 15, 2005**
Time: 9:00 a.m.
Location: 650 Town Center Drive, Suite 1400,
Costa Mesa, CA 92626-1925

1 TO ALL COUNSEL IN CLERGY CASES III:

2 PLEASE TAKE NOTICE that on December 15, 2005, at 9:00 a.m. at the law offices of
3 Lewis, Brisbois, Bisgaard & Smith, LLP located at 650 Town Center Drive, Suite 1400, Costa Mesa,
4 CA 92626-1925; T: (714) 545-9200; F: (714) 850-1030, attorneys for the plaintiff will take the
5 deposition of Fr. [REDACTED], pursuant to Deposition Protocol Category 2 as Deposition of a Notice
6 Witness.

7 Said deposition will be upon oral examination before a Certified Shorthand Reporter and will
8 continue from day to day except Sundays and holidays until completed.

9 Initial examination at this deposition shall be conducted by Plaintiffs' Liaison Counsel
10 Richard Simons, or his designated substitute, with follow-up non-repetitive questioning by a second
11 designated counsel. After completion of the initial examination, any counsel representing any
12 claimed victim of abuse by Fr. Mario Cimmarrusti, as well as any co-defendants' counsel, shall have
13 a reasonable opportunity to examine the witness in an un-repetitive manner. The general subject
14 matters and areas of inquiry upon which the witness will be deposed include any and all information
15 concerning Fr. Mario Cimmarrusti, as well as any other perpetrators identified in supplemental
16 joinders to this notice of deposition.

17 Pursuant to C.C.P. §2025, this deposition will be recorded by audio and video tape. Plaintiff
18 hereby gives notice pursuant to C.C.P. §2025 of his intention to offer said videotaped deposition into
19 evidence at trial.

20 All parties or attorneys for parties on whom this deposition notice is being served are listed
21 on the attached proof of service.

22
23 DATE: December 7, 2005

NYE, PEABODY & STIRLING, LLP

24
25
26
27 By: 

28 DAVID L. NYE
TIMOTHY C. HALE
Attorneys for Plaintiffs

PROOF OF SERVICE

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen years and not a party to this action. My business address is 33 West Mission Street, Suite 201, Santa Barbara, California 93101.

On the date stated below, I served the following document: **AMENDED NOTICE OF TAKING DEPOSITION OF FR. [REDACTED] PURSUANT TO DEPOSITION PROTOCOL CATEGORY (2) NOTICE WITNESS; VIDEOTAPE TO BE USED AT TRIAL (C.C.P. §2025)** on the interested parties in this action, by placing a COPY thereof in a sealed envelope(s) addressed as follows:

Paul Matiasic, Esq.
Brisbois, Lewis, Bisgaard & Smith, LLP
One Sansome Street, Suite 1400
San Francisco, CA 94104
Fax: (415) 434-0882

Jeffrey A. Anderson
Anderson & Associates
1000 E. First National Bank Building
332 Minnesota Street
St. Paul, MN 55101
Fax: (651) 297-6543

Raymond Boucher
Kiesel Boucher & Larson
8648 Wilshire Boulevard
Beverly Hills, CA 90211
Fax: (310) 854-0812

Laurence E. Drivon
David E. Drivon
The Drivon Law Firm
215 N. San Joaquin Street
Stockton, CA 95202
Fax: (209) 463-7668

Richard J. Simons
Furtado, Jaspovice & Simons
A Law Corporation
22274 Main Street
Hayward, CA 94541
Fax: (510) 582-8254

Kathy Freberg
Law Offices of Freberg & Associates
8001 Irvine Center Drive
Suite 1070
Irvine, CA 92618
Fax: (949) 453-1166

- By First Class Mail.** I deposited such envelope(s) with postage thereon fully prepared in the United States mail at Santa Barbara, California on December 7, 2005.
- By Personal Service.** I delivered such envelope(s) by hand to the office(s) of the addressee(s) on December 7, 2005.
- By Fax Service.** I transmitted such document via facsimile transmission machine to the above-listed addressee(s) on December 7, 2005.
- By Express Service Carrier.** I delivered such envelope(s) to a driver of Federal Express, an express service carrier, with delivery fees provided for on December 7, 2005 for next day delivery.

By Case Home Page. By transmitting a true copy thereof by uploading directly to www.casehomepage.com to all parties in said action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 7, 2005


LEAH MARTINO

LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTORNEYS AT LAW

ONE SANSOME STREET, SUITE 1400, SAN FRANCISCO, CA 94104
PHONE: 415.362.2580 | FAX: 415.434.0882 | WEBSITE: www.lbbsslw.com

PAUL A. MATIASIC
DIRECT DIAL: 415.438.6664
E-MAIL: matiasic@lbbsslw.com

March 16, 2006

FILE NO.
50027-354

Cindy Cameron, CSR No. 10315, CCR No. 671
PAULSON REPORTING AND LITIGATION SERVICES
535 Anton Boulevard, Suite 300
Costa Mesa, CA 92626

Re: The Clergy Cases III
JCCP 4359
John Doe 39 v. The Franciscan Friars of California, et al.
Alameda County Superior Court Case No. RG03 134157
Our client: The Franciscan Friars of California

Dear Madam Court Reporter:

Father [REDACTED] hereby makes the following changes to his deposition taken on December 15, 2005.

— Page 157, Line 6 – “Brother” should read “I remember that the person was not actually a member of the order, but instead part of the office staff.”

Thank you for your attention to this matter.

Very truly yours,



Paul A. Matiasic for
LEWIS BRISBOIS BISGAARD & SMITH LLP

PAM/rm

cc: Timothy C. Hale, Esq. ✓
NYE, PEABODY & STIRLING, LLP

LOS ANGELES	SAN DIEGO	COSTA MESA	INLAND EMPIRE	SACRAMENTO	NEW YORK	LAS VEGAS	PHOENIX	TUCSON	CHICAGO
213.250.1800	619.233.1006	714.545.9200	909.387.1130	916.564.5400	212.232.1300	702.893.3383	602.385.1040	520.202.2565	312.345.1718