

# CONDENSED TRANSCRIPT OF



**Date:** January 26, 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 )  
\_\_\_\_\_ )

DEPOSITION OF [REDACTED], a Witness, taken  
on behalf of Plaintiffs, commencing at 10:07 a.m.,  
Tuesday, January 24, 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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1 TUESDAY, JANUARY 24, 2006

2 SANTA BARBARA, CALIFORNIA

3 10:07 A.M.

4  
5 THE VIDEOGRAPHER: Good morning. This is the  
6 videotaped deposition of [REDACTED] in the matter of  
7 the Clergy Cases I and III. Case pending in the  
8 Superior Court, State of California for the County of  
9 Los Angeles, Central District. The case numbers are  
10 JCCP 4286 and JCCP 4359.

11 Today's date is January 24, 2006. The location  
12 is the Pepper Tree Hotel in Santa Barbara, and the time  
13 on the video monitor is 10:07. The court reporter is  
14 Maria Rabatin. My name is Christian Martinez, a  
15 certified legal video specialist and a notary public in  
16 the State of California. I represent Depovision of  
17 Santa Barbara, California.

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

21 MR. HALE: Tim Hale for plaintiffs.

22 MR. LAURENCE: Patrick Laurence from Freberg &  
23 Associates on behalf of several plaintiffs.

24 MR. TISDALE: Jon Tisdale of Gilbert, Kelly,  
25 Crowley & Jennett for the Archdiocese of Los Angeles.

1 MR. BONA: David Bona, Carroll, Burdick &  
2 McDonough on behalf of the Archdiocese of Los Angeles.

3 MR. HABEL: James Habel, Hennigan, Bennett &  
4 Dorman for the Archdiocese of Los Angeles and defendants  
5 liaison counsel in Clergy I.

6 MR. MATIASIC: Paul Matiasci, Lewis Brisbois  
7 Bisgaard Smith for the Franciscan Friars of California  
8 in Clergy I and III and the witness.

9 THE VIDEOGRAPHER: Would the court reporter  
10 swear in the witness?

11 THE VIDEOGRAPHER: You may proceed.

12

13

14 a Witness, having been duly administered an oath by the  
15 Certified Shorthand Reporter, testified as follows:

16

17

EXAMINATION

18 BY MR. HALE:

19 Q. Good morning, Mr. [REDACTED]. My name is Tim Hale.  
20 Could you state and spell your name for the record,  
21 please?

22 A. [REDACTED]. It's spelled [REDACTED]. And  
23 the last name is [REDACTED].

24 Q. And it's my understanding Mr. Matiasic is  
25 representing you in this deposition?

1 A. Right.

2 Q. I assume he's probably gone over some of the  
3 rules of a deposition with you. I just want to touch on  
4 a few of those and make sure you and I are on the same  
5 page regarding how this matter is going to go forward.

6 Have you ever had your deposition taken before?

7 A. No.

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

11 A. I do.

12 Q. Do you understand that you have been placed  
13 under oath by the court reporter?

14 A. I do.

15 Q. Have you consumed any alcohol or drugs in the  
16 last 24 hours that might somehow impair your ability to  
17 give good testimony today?

18 A. No.

19 Q. You are doing a really good job of allowing me  
20 to finish my questions before you respond to my  
21 questions. It's going to be very important for both of  
22 us to wait for the other before we respond because, as  
23 you can see, the court reporter is taking down what you  
24 and I are saying. So in order to have a clear record,  
25 just keep doing what you are doing, wait for me to



1 finish my question and then provide your answer. Okay?

2 A. Okay.

3 Q. When I ask you a question today, if you  
4 respond, I'm going to assume you understood the  
5 question. If for some reason you do not understand a  
6 question that I ask you, please ask me to rephrase or  
7 clear up that question.

8 Do you understand that?

9 A. Yes.

10 Q. If I ask a question today that you don't know  
11 the answer to, we do not want you to guess, but we are  
12 entitled to your estimate.

13 Do you understand the difference between a  
14 guess and an estimate?

15 A. Yes.

16 Q. At the conclusion of this deposition, your  
17 testimony is going to be placed into a typed booklet.  
18 You will be free to make any changes that you think are  
19 necessary, but it's very important that you keep in mind  
20 that if you do make any changes, either myself or any  
21 other attorney in this matter will be free to comment on  
22 those changes at the time of trial. So it's very  
23 important that you give your best answers, your best  
24 testimony today.

25 Do you understand that?

1 A. Yes.

2 Q. You are also doing a real good job of speaking  
3 affirmatively. Again, for the sake of having a clear  
4 record, just keep doing what you are doing and try and  
5 avoid answers that include uh-huhs or huh-uhs or shaking  
6 or nodding of the head.

7 Do you understand that?

8 A. Yes.

9 Q. Do you have any questions?

10 A. No.

11 MR. MATIASIC: Tim, before we go forward --

12 MR. HALE: Sure.

13 MR. MATIASIC: -- we would like to make a  
14 record. We are going to object to the deposition notice  
15 to the extent it purports to notice Mr. [REDACTED] as a  
16 hierarchy witness, and to the extent it purports to  
17 notice him as one who had a supervisory role within the  
18 province. So I just want to put that on the record.

19 MR. HALE: Okay.

20 MR. HABEL: I'll join on behalf of the  
21 Archdiocese.

22 MR. HALE: Objections are noted.

23 Q. Did you review any documents for today's  
24 deposition?

25 A. No.

1 Q. Don't want to hold you prisoner here. If you  
2 need to take a break at any time, just speak up and let  
3 me know, and we will take a break. Okay?

4 A. Okay.

5 Q. All right.

6 I want to get some of your background  
7 information, including your education and your  
8 employment history. Are you a native Santa Barbaran?

9 A. No.

10 Q. Where were you born?

11 A. Wisconsin.

12 Q. Where did you attend high school?

13 A. I didn't.

14 Q. Did you attend seminary?

15 A. No.

16 Q. What year did you become a Franciscan?

17 A. 1951.

18 Q. What was the first step in the process for you  
19 becoming a Franciscan? Did you fill out an application?  
20 How did it happen?

21 A. You fill out an application.

22 Q. How did you become aware of -- when you say --  
23 when I say -- when we talk about joining the  
24 Franciscans, are we talking about the Province of  
25 St. Barbara?

1 A. Right.

2 Q. How did you become aware of the Province of  
3 St. Barbara?

4 A. I made a retreat at Malibu.

5 Q. At Sierra Retreat House?

6 A. Right.

7 Q. Prior to that, had you moved from Wisconsin to  
8 California? When did you first come to California?

9 A. In 1941. I was in the Army.

10 Q. How was it you became aware of this retreat at  
11 Malibu?

12 A. I think it was through the Los Angeles  
13 Archdiocesan paper.

14 Q. What was your understanding of the purpose of  
15 the retreat?

16 A. Contemplation.

17 Q. Do you recall if the Archdiocesan paper  
18 advertised the retreat as a Franciscan retreat?

19 A. I don't recall.

20 Q. Was the retreat supervised by a Franciscan?

21 A. Yes.

22 Q. Do you recall who that was?

23 A. No.

24 Q. How many other people, to your recollection,  
25 were a part of that retreat?

1 A. Maybe 50.

2 Q. Was it just a day retreat or was it an  
3 overnight retreat?

4 A. Weekend.

5 Q. So you spent the night at Sierra Retreat House?

6 A. Yes.

7 Q. And was it at this retreat that you first  
8 contemplated becoming a Franciscan?

9 A. Yes.

10 Q. What about the retreat led you to consider  
11 becoming a Franciscan?

12 A. I didn't hear the question.

13 Q. What about the retreat led you to contemplate  
14 becoming a Franciscan?

15 A. I would say yes.

16 Q. What about it, in other words?

17 A. It was a spiritual exercise.

18 Q. What is your date of birth?

19 A. August 14th, 1918.

20 Q. And how old were you when you went to this  
21 retreat do you think?

22 A. Twenty-eight.

23 Q. And during the retreat, did you go to a  
24 Franciscan and inquire about joining the province?

25 A. Yes.

1 Q. Do you recall who you inquired to, who it was?

2 A. I don't recall anymore.

3 Q. Okay.

4 And did you actually join the province that  
5 weekend, or was it an ongoing process?

6 A. The -- they told me I could enter at a certain  
7 time.

8 Q. Was it weeks out or months out or a year out?

9 A. I would say months.

10 Q. What did you do between the time of that  
11 retreat and that time when they told you you could  
12 enter? Were you affiliated with the Franciscans in any  
13 way?

14 A. No.

15 Q. Were you working in Los Angeles?

16 A. Burbank.

17 Q. And then sometime in 1951 was when you  
18 actually -- was your entry date?

19 A. Yes.

20 Q. Can you describe any of the activities that  
21 took place at the retreat that weekend?

22 A. There were conferences, spiritual exercises and  
23 time for contemplation.

24 Q. Were there discussions initiated by the  
25 Franciscans during that conference about joining the

1 province?

2 A. No.

3 MR. MATIASIC: Vague and ambiguous.

4 Q. BY MR. HALE: So your inquiry came solely from  
5 your interest in joining the province? Is that a fair  
6 statement?

7 A. Yes.

8 Q. And you had no contact with the Franciscans  
9 between the time of that retreat and the time you  
10 entered the province in 1951?

11 A. Right.

12 Q. When you entered the province in 1951, where  
13 did you go?

14 A. San Miguel, California.

15 Q. What did you do there?

16 A. I was maintenance manager.

17 Q. Before you became a maintenance manager at San  
18 Miguel, was there any kind of -- were there documents  
19 that you had to fill out? Was there an interview  
20 process of any sort before you became a Franciscan?

21 MR. MATIASIC: Other than the application that  
22 he already testified to?

23 MR. HALE: Let me backtrack for a second.

24 Q. Regarding that application, did you fill the  
25 application out at the retreat weekend or when you

1 entered in 1951?

2 A. When I entered.

3 Q. Do you recall what was requested of you in that  
4 information, what information was asked of you?

5 A. I don't recall.

6 Q. Other than the application, did you interview  
7 with anyone before you became a member of the province?

8 A. Yes.

9 Q. Who?

10 A. Father Terrence Cronin.

11 Q. Was he the Provincial at the time?

12 A. No, he was retreat director. Yes, retreat  
13 director.

14 Q. Did this interview take place at the Sierra  
15 Retreat, or was this in 1951 when you entered at San  
16 Miguel?

17 A. At Sierra Retreat.

18 Q. It was during that retreat weekend?

19 A. (Witness nods head.)

20 Q. Is that a "yes"?

21 A. Yes.

22 Q. Okay.

23 When he interviewed you, what kind of questions  
24 did he ask you about your candidacy?

25 A. I don't recall.



1 Q. Did anyone else interview you?

2 A. No.

3 Q. What about between the time Father Cronin  
4 interviewed you --

5 Cronin is C-r-o-n-i-n; correct?

6 A. Yes.

7 Q. Between when Father Cronin interviewed you and  
8 the time you entered in at San Miguel, did anyone else  
9 speak with you about you becoming a Franciscan?

10 A. No.

11 Q. At some point did you receive notification that  
12 you had been accepted into the province?

13 A. Yes.

14 Q. When was that?

15 A. I don't recall.

16 Q. Was it after the retreat weekend, though?

17 A. Right.

18 Q. Was it shortly before you went to San Miguel?

19 A. Yes.

20 Q. Did you receive notification that you had been  
21 assigned to San Miguel?

22 A. I don't recall.

23 Q. How did you know to go to San Miguel?

24 A. Well, I got a notice. I was informed.

25 Q. Something was mailed to you?

1 A. Right.

2 Q. Before you went to San Miguel, was there any  
3 kind of training or any other workshop you went to to  
4 prepare to become a Franciscan?

5 A. No.

6 MR. MATIASIC: Vague and ambiguous.

7 Q. BY MR. HALE: So you arrived at San Miguel in  
8 1951; correct?

9 A. Right.

10 Q. How long were you at San Miguel?

11 A. One year.

12 Q. Who else was at San Miguel with you?

13 MR. MATIASIC: Are you talking about in the  
14 same year he was, beginning as a friar?

15 MR. HALE: Right.

16 THE WITNESS: About 15 or 20 other candidates.

17 Q. BY MR. HALE: Were you at San Miguel as a  
18 novice?

19 A. Yes.

20 Q. Who was the novice master?

21 A. Father David Temple.

22 Q. Do you recall the names of the other  
23 candidates?

24 A. No.

25 Q. Who was assisting Father Temple?

1 MR. MATIASIC: Lacks foundation.

2 Go ahead, Father.

3 THE WITNESS: Father Kevin Murphy.

4 Q. BY MR. HALE: Did you say "father" or  
5 "brother"?

6 A. Father.

7 Q. Anyone else?

8 A. No.

9 Q. Okay. After you finished your noviate year,  
10 what was the next step in the process?

11 A. I was assigned to St. Boniface in San  
12 Francisco.

13 Q. At that time were you formally a member of the  
14 province then?

15 A. Right.

16 Q. Your first assignment after your noviate year  
17 was at St. Boniface?

18 A. Correct.

19 Q. What were your duties at St. Boniface?

20 A. I was the sacristan.

21 Q. What does the sacristan do again?

22 A. Takes care of the church and vestments,  
23 preparation for services.

24 Q. Could you spell that for me?

25 A. Sacristy?

1 Q. Yes.

2 A. Or sacristan?

3 Q. Yes.

4 A. S-a-c-r-i-s-t-a-n.

5 Q. Thanks.

6 That was in 1952?

7 A. Right.

8 Q. Who was the pastor at St. Boniface?

9 A. Father Alfred.

10 Q. Brother Boeddeker?

11 A. Yes.

12 Q. B-o-e-d-d-e-k-e-r?

13 A. Yes.

14 Q. Did he have any assistants?

15 A. Yes.

16 Q. Who were the assistants?

17 MR. MATIASIC: By "assistants," you mean  
18 associate pastors?

19 MR. HALE: Right.

20 THE WITNESS: I don't recall.

21 Q. BY MR. HALE: Were there any other brothers  
22 assigned to St. Boniface while you were there?

23 A. Yes.

24 Q. Who?

25 A. Brother Hudson.

1 Q. Anyone else?

2 A. No.

3 Q. Were there any other Franciscans simply in  
4 residence at St. Boniface while you were there?

5 A. Yes.

6 Q. Who? I know it's been awhile. Just do your  
7 best.

8 A. I don't recall.

9 Q. How long were you at St. Boniface for?

10 A. Six months.

11 Q. Why only six months, if you know?

12 MR. MATIASIC: Argumentative.

13 THE WITNESS: What was that?

14 Q. BY MR. HALE: Why only six months?

15 A. I didn't like San Francisco.

16 Q. Did you request a transfer?

17 A. Yes.

18 Q. What was your next assignment?

19 A. Mescalero, New Mexico.

20 Q. What was in Mescalero, New Mexico?

21 A. Indian mission.

22 Q. That was in 1952 still, or are we now in '53?

23 A. '53.

24 Q. How long were you there for?

25 A. Six months.

1 Q. What were your duties there?

2 A. Teaching religion.

3 Q. Who did you teach?

4 A. What was that?

5 Q. Who did you teach?

6 A. To the Indians.

7 Q. What age groups?

8 A. Grade school.

9 Q. Were there other Franciscans there with you?

10 A. Yes.

11 Q. Who?

12 A. Father Sylvester.

13 Q. I'm sorry. Did you say "brother" or "father"?

14 A. Father.

15 Q. What is Sylvester's last name?

16 A. Mancuso.

17 Q. Mancuso, M-a-n-c-u-s-o?

18 A. Yes.

19 Q. Anyone else?

20 A. No.

21 Q. Was there a parish there?

22 A. Yes.

23 Q. Any other Franciscans in residence there while  
24 you were there?

25 A. No.

1 Q. What was your next assignment?

2 A. St. Anthony's Seminary.

3 Q. Was that in the 1953-54 school year?

4 A. Right.

5 Q. Were you there until seventy- --

6 A. '72.

7 Q. And what was your assignment at St. Anthony's?

8 A. Maintenance.

9 Q. Was Father [REDACTED] the rector while you were  
10 there?

11 A. Yes.

12 Q. Until Father Harris came along?

13 A. I think [REDACTED].

14 Q. In between those two?

15 A. Yes.

16 Q. And then in '72 did you leave the province?

17 A. Yes.

18 Q. Aside from maintenance, did you have any other  
19 duties during your entire time at St. Anthony's?

20 A. No.

21 Q. Did you assist with any of the athletic teams,  
22 for instance?

23 A. No.

24 Q. Were you involved in any school functions in  
25 any way, for instance, like theater production?

1 A. No.

2 MR. MATIASIC: Vague and ambiguous.

3 Q. BY MR. HALE: Did you do any work at the Old  
4 Mission?

5 A. Yes.

6 Q. What kind of work did you do at the Old  
7 Mission?

8 A. Assembled some display cabinets.

9 Q. Where were those located?

10 A. In the --

11 Q. Were they in the parish?

12 A. In the Old Mission proper where the tourists go  
13 through.

14 Q. Not in the parish?

15 A. No.

16 Q. Any other work at the Old Mission that you did?

17 A. No.

18 Q. Where did you live at St. Anthony's? Strike  
19 that.

20 Did you live at St. Anthony's?

21 A. Yes.

22 Q. Where did you live at St. Anthony's?

23 A. In the main building.

24 Q. If you and I were standing on the athletic  
25 field looking at the building right now, can you



1 describe where we would go if we were going towards your  
2 living quarters?

3 A. From the entrance, it would be to the right.

4 Q. And was it on the ground floor? second floor?

5 A. Ground floor.

6 Q. Did you have your own room?

7 A. Yes.

8 Q. Did you have neighbors?

9 MR. MATIASIC: Are you talking about on either  
10 side of him?

11 MR. HALE: Right.

12 Q. Well, we will start there.

13 A. Yes.

14 Q. Who was that?

15 A. Brother Ivo.

16 Q. How do you spell that?

17 A. I-v-o.

18 Q. What was his last name?

19 A. Don't recall.

20 Q. Did you live in that same location your entire  
21 time you were at St. Anthony's?

22 A. No.

23 Q. How long did you live at that first location?

24 A. I don't recall.

25 Q. Did you move more than once?

1 A. Just once.

2 Q. Where was the second location that you lived  
3 in?

4 A. At the base of the tower.

5 Q. You think that you lived at that first location  
6 for 10 years?

7 A. Yes.

8 Q. Do you think you were still living at that  
9 first location when Father Harris become the rector?

10 A. No.

11 Q. How was it that you came to move to the base of  
12 the tower?

13 A. I don't know.

14 Q. Do you recall if you were happy or angry about  
15 the move?

16 A. No.

17 Q. But that move took place before Father Harris  
18 became the rector?

19 A. I don't recall.

20 Q. And at the first location, other than Brother  
21 Ivo, did you have anyone else that lived around your  
22 room?

23 MR. MATIASIC: Vague and ambiguous.

24 Are you talking about on either side?

25 MR. HALE: Yes.

1 THE WITNESS: The rector lived across the  
2 aisle.

3 Q. BY MR. HALE: Was that Father [REDACTED] when  
4 you first --

5 A. Yes.

6 Q. Okay.

7 Do you recall Father [REDACTED] also living across  
8 the aisle from you?

9 A. Yes.

10 Q. The rector lived across the hallway from you?  
11 Was there a hallway?

12 A. Yes.

13 Q. When you were at that location, did Father  
14 Harris ever live across the hallway from you?

15 A. Yes.

16 Q. Other than Father Harris and Brother Ivo, did  
17 anyone live in that -- were there other living quarters  
18 on that floor?

19 A. No.

20 Q. Just yours and the rector's and Brother Ivo's?

21 A. Right.

22 Q. Was Brother Ivo at that location the entire  
23 time that you were on that floor as well?

24 A. Yes.

25 Q. What about when you lived at the base of the

1 tower? Were there other rooms around your room?

2 MR. MATIASIC: Vague and ambiguous.

3 On either side?

4 MR. HALE: Yeah.

5 Go ahead. Do you understand the question?

6 THE WITNESS: What is that?

7 MR. MATIASIC: Do you understand the question?

8 He's asking whether there were other people on either

9 side of you at the second location that you lived.

10 THE WITNESS: Yes.

11 Q. BY MR. HALE: Who was that?

12 A. Father Alonzo Deblase.

13 Q. Anyone else?

14 A. I don't recall.

15 Q. Was Deblase D-e-b-l-a-s-e, if you know?

16 A. I don't recall how it's spelled.

17 Q. Do you recall there being other living quarters

18 around you when you lived at the base of the tower,

19 other than Father Deblase's?

20 A. No.

21 Q. Was Father Deblase on the St. Anthony's faculty

22 at that time?

23 A. No. He was on the Bishop High faculty, high

24 school.

25 Q. What about Brother Ivo? Was he on staff at

1 St. Anthony's?

2 A. He was the cook.

3 Q. So during your, approximately, 19 years at  
4 St. Anthony's, those were the only two locations that  
5 you lived at?

6 A. Yes.

7 Q. Other than Father Deblase, were you aware of  
8 any other Franciscans living at St. Anthony's who  
9 weren't assigned at St. Anthony's while you were working  
10 at St. Anthony's?

11 MR. MATIASIC: The entire --  
12 Overbroad.

13 THE WITNESS: Yes.

14 Q. BY MR. HALE: How many others?

15 A. Four.

16 Q. Do you recall who they were?

17 A. Father [REDACTED].

18 Q. Okay. Was his last name -- does it start with  
19 an [REDACTED]?

20 A. [REDACTED].

21 Q. Who else?

22 A. Father [REDACTED].

23 Q. [REDACTED]?

24 A. Yes.

25 Q. [REDACTED]?

1 A. Correct.

2 Q. Okay.

3 A. And Father Bernard Stokes.

4 Q. Stokes, is that S-t-o-k-e-s?

5 A. That's right.

6 Q. Anyone else?

7 A. No.

8 Q. Was Father [REDACTED] assigned to Bishop Diego at  
9 the time?

10 A. Yes.

11 Q. What about Father [REDACTED]?

12 A. Also at Bishop.

13 Q. What about Father Stokes?

14 A. He was also at Bishop.

15 Q. And, to your knowledge, during your time at  
16 St. Anthony's, those were the only Franciscans that were  
17 living at St. Anthony's but not working there; is that  
18 correct?

19 A. Correct.

20 Q. Have you ever served on any boards or  
21 committees for the Franciscans?

22 A. No.

23 Q. Have you ever held any elected positions?

24 A. No.

25 Q. Are you familiar with something called The

1 St. Anthony's Seminary Future's Committee?

2 A. No.

3 Q. When you -- while you were living at  
4 St. Anthony's, did you generally eat your meals at  
5 St. Anthony's, as well?

6 A. Yes.

7 Q. Did you ever eat meals at the Mission?

8 A. Yes.

9 Q. How common was that?

10 MR. MATIASIC: For him to eat at the Mission?

11 MR. HALE: Yes.

12 THE WITNESS: Maybe once a month.

13 Q. BY MR. HALE: Was there a specific occurrence  
14 that would lead to that happening? An occasion of some  
15 sort?

16 A. Some celebration.

17 Q. And the flip side of that, was it uncommon for  
18 Franciscans assigned to the Mission to eat at  
19 St. Anthony's?

20 A. They did that on occasion.

21 Q. Was that about once a month as well?

22 A. Yes.

23 Q. Why did you leave the province in 19 -- was it  
24 '72 or '73?

25 A. '72.

1 Q. Why did you leave the province in '72?

2 A. I fell in love with a woman with 13 children  
3 and got married.

4 Q. After you left the province, did you continue  
5 to spend time -- let me strike that.

6 After you left the province, did you continue  
7 to spend time -- strike that.

8 Did you continue to work at St. Anthony's?

9 A. No.

10 Q. Did you continue to spend time at  
11 St. Anthony's?

12 A. No.

13 Q. Did you continue to associate with any  
14 Franciscans from St. Anthony's?

15 MR. MATIASIC: Vague and ambiguous.

16 Do you understand the question, Father? Do you  
17 understand the question?

18 THE WITNESS: Would you repeat it, please?

19 MR. HALE: Sure. Sure.

20 Q. Did you maintain friendships or relationships  
21 with any of the Franciscans after you left? And I'm  
22 talking about the Franciscans at St. Anthony's.

23 MR. MATIASIC: Same objection.

24 THE WITNESS: No.

25 Q. BY MR. HALE: What about after you left the



1 province? Did you -- was there any occasion for you to  
2 continue to spend time at the Mission?

3 A. No.

4 Q. Did you socialize after you left with any  
5 Franciscans who were from the Mission, in other words,  
6 assigned to the Mission or in residency at the Mission?

7 MR. MATIASIC: Vague and ambiguous as to  
8 "socialize."

9 THE WITNESS: No.

10 Q. BY MR. HALE: Have you had any contact with the  
11 Franciscans since you left the province?

12 MR. MATIASIC: Vague and ambiguous.

13 Are you talking about with any Franciscans?

14 Q. BY MR. HALE: Are you still friends with any  
15 Franciscans?

16 A. Yes.

17 Q. Who are you still friends with?

18 A. Well, Father [REDACTED].

19 Q. Who else?

20 A. Father [REDACTED].

21 Q. Anyone else?

22 A. No.

23 Q. Other than your attorneys, have you spoken with  
24 anyone about giving this deposition today?

25 A. No.

1 Q. What were the hours of your typical workday  
2 while you were assigned to St. Anthony's?

3 MR. MATIASIC: Lacks foundation that there was  
4 a typical workday.

5 THE WITNESS: Five hours.

6 Q. BY MR. HALE: And what hours would those span?  
7 Did you have a set schedule, or were you kind of on-call  
8 with specific duties that you had to perform?

9 A. I would say about five hours.

10 Q. Can we do this? Can you walk me through what  
11 your typical routine would have been? Starting with you  
12 wake up in the morning. What time would that be? And  
13 then take me through your day.

14 A. I don't recall the hour that we got up.

15 Q. All right.

16 A. But the first thing was morning prayers.

17 Q. What would happen after morning prayers for  
18 you?

19 A. Then mass and breakfast.

20 Q. What would happen next?

21 A. Then there would be a work period from nine  
22 o'clock to 11:30, and then we had lunch, and then a  
23 siesta until three o'clock.

24 Q. I'm sorry, did you say 3:00 or 2:00?

25 A. 3:00.

1           And then it was a work period until 5:30, and  
2 then dinner at 6:00.

3           Q.    Okay.

4           A.    And then we would have spiritual reading until  
5 about nine o'clock, and then we went to bed.

6           Q.    Where would dinner generally take place?

7           MR. MATIASIC:  Are you talking about for  
8 Clement?

9           MR. HALE:  Right.

10          THE WITNESS:  In the faculty dining room.

11          Q.    BY MR. HALE:  Would that include Franciscan  
12 brothers and priests?

13          A.    Right.

14          Q.    Anyone else?

15          A.    No.

16          Q.    Would Father Harris generally eat with you at  
17 those dinners?

18          A.    Yes.

19          Q.    What about during the time from '64 to '72?  
20 Would Father Cimmarrusti usually join you at those  
21 dinners, or would he eat dinner with the students?

22          A.    He ate dinner with the students.

23          Q.    Were there any other Franciscans who ate dinner  
24 with the students that you are aware with?

25          MR. MATIASIC:  In the entire 18-year period?

1 Q. BY MR. HALE: During the '64 to '72 period.

2 A. I really don't recall.

3 Q. What about before Father Cimmarrusti got to  
4 St. Anthony's? Was there usually a Franciscan that  
5 would eat dinner with the students?

6 A. Yes.

7 Q. Was it always the prefect of discipline?

8 A. Yes.

9 Q. Do you recall there being a recreation room for  
10 the Franciscans?

11 A. Yes.

12 Q. And could brothers and Franciscan priests use  
13 the recreation room?

14 A. Yes.

15 Q. During what time -- would that usually be used  
16 during the spiritual reading period? When would it be  
17 used, to your recollection?

18 A. Usually before dinner for one-half hour, and  
19 then once a week was recreation night.

20 Q. What time would that usually be?

21 A. I would say 7:00 to 9:00.

22 Q. What would take place on recreation night?

23 A. Typically cards.

24 Q. Would that typically include, again, brothers  
25 and priests?

1 A. Right.

2 Q. Anything else that would happen on the  
3 recreation night?

4 A. Not necessarily.

5 Q. Would Father Harris -- do you recall Father  
6 Harris -- did you go to the recreation room regularly?

7 A. Yes.

8 Q. Did you ever miss a recreation night?

9 MR. MATIASIC: In the entire 18-year period?

10 MR. HALE: Right.

11 MR. MATIASIC: Overbroad.

12 THE WITNESS: I don't recall.

13 Q. BY MR. HALE: In other words, it was something  
14 that you enjoyed attending, and if you could, you would.

15 A. Yes.

16 Q. Do you recall Father Harris usually attending  
17 these recreation-room nights?

18 A. Yes.

19 Q. What about in these periods of a half hour  
20 before dinner? Did he usually attend those as well?

21 MR. MATIASIC: I'm just going to object as  
22 vague and ambiguous.

23 Q. BY MR. HALE: In your recollection, do you  
24 recall that you normally saw Father Harris during these  
25 half-hour periods in the recreation room before dinner?

1 Or, would it be out of the ordinary to see him in the  
2 recreation room?

3 A. It would say it would be out of the ordinary.

4 Q. What about on these recreation nights from 7:00  
5 to 9:00? Was it normal to see him there on those nights  
6 or was it out of the ordinary?

7 A. Normal.

8 Q. So he usually went to the recreation-room night  
9 but not so often the half hour before dinner?

10 A. Correct.

11 Q. What about -- was the recreation room, to your  
12 knowledge, used during the day for any reason?

13 A. No.

14 Q. Did you ever simply just go to the recreation  
15 room, for instance, maybe during your siesta period to,  
16 quote-unquote, hang out?

17 MR. MATIASIC: Did he? Did the witness?

18 THE WITNESS: No.

19 MR. HALE: Yes.

20 THE WITNESS: No.

21 Q. BY MR. HALE: Were you aware of any other  
22 Franciscans using the recreation room during the day,  
23 during the school day?

24 MR. MATIASIC: During the 18-year period?

25 MR. HALE: Yes.

1 MR. MATIASIC: Overbroad.

2 THE WITNESS: I don't recall.

3 Q. BY MR. HALE: Would that have been unusual?

4 MR. MATIASIC: Vague and ambiguous.

5 THE WITNESS: I don't know. I don't know.

6 MR. HALE: Would there ever be lay people in  
7 the recreation room?

8 A. What is that?

9 Q. Lay people. Were there ever lay people in the  
10 recreation room?

11 A. Occasional.

12 Q. Who would that be?

13 A. Dr. [REDACTED].

14 Q. Anyone else?

15 A. No. He is the only one that I recall.

16 Q. Do you know Ray and Diane Munana, M-u-n-a-n-a?

17 A. Yes.

18 Q. Did they ever attend any functions in the  
19 recreation room, to your recollection?

20 A. I don't recall.

21 Q. During these periods in the recreation room,  
22 would there be discussions about what was going on in  
23 the school or things involving students and that sort of  
24 thing?

25 MR. MATIASIC: If you recall.

1 THE WITNESS: No, I don't recall.

2 Q. BY MR. HALE: Do you recall Father Cimmarrusti  
3 ever walking into the recreation room and stating  
4 something to the effect that he had just had a class of  
5 students take an exam in their underwear?

6 A. No.

7 Q. Do you recall ever hearing anything about that?

8 A. No.

9 Q. Do you recall hearing about students walking  
10 around the school in their underwear?

11 A. No.

12 Q. Do you recall Father --

13 Did you know Father [REDACTED], [REDACTED]?

14 You might have known him as Father [REDACTED], [REDACTED].

15 A. Don't recall.

16 Q. Do you recall if Father Harris had a secretary?

17 A. Yes.

18 Q. Do you know if she still lives in Santa  
19 Barbara?

20 MR. MATIASIC: Lacks foundation that he knows  
21 who she is.

22 THE WITNESS: I would -- I'm not sure; no.

23 Q. BY MR. HALE: Do you know what her name is?

24 A. I think the last name was Garland. Esther  
25 Garland.



1 Q. Have you had any contact with Ms. Garland since  
2 you left the province?

3 A. No.

4 Q. And you don't know if she lives in Santa  
5 Barbara still?

6 A. Right.

7 Q. Do you know who Pat McKinley is?  
8 M-c-K-i-n-l-e-y.

9 A. No.

10 Q. What about Tom Sneddon?

11 A. No.

12 Q. While you were a Franciscan, were you ever  
13 aware or a part of any discussions regarding the  
14 province's policies with regards to reporting  
15 allegations of childhood sexual abuse?

16 MR. MATIASIC: Vague and ambiguous.

17 THE WITNESS: No.

18 Q. BY MR. HALE: While you were at the seminary,  
19 do you have a recollection of students being punished?

20 A. Yes.

21 Q. What do you recall exactly in that regard?  
22 What were the methods of punishment that you were aware  
23 of?

24 A. It would be on dish shift.

25 Q. Anything else?

1 A. No.

2 Q. Any other forms of punishment that you recall?

3 A. No.

4 Q. Do you recall who would order that punishment?

5 A. The prefect of studies.

6 Q. Not the prefect of discipline?

7 A. Well, I thought that they were the same thing.

8 Q. Do you recall Father Cimmarrusti being both the  
9 prefect of studies and the prefect of discipline?

10 A. Well, he had that job.

11 Q. Which one?

12 A. Prefect of discipline.

13 Q. Okay.

14 MR. HABEL: I'm sorry, Tim. We didn't catch  
15 the nature of the punishment. Is it "dish shift"?

16 MR. HALE: Dish shift.

17 MR. MATIASIC: Dish shift.

18 MR. HABEL: Washing dishes?

19 THE WITNESS: Washing dishes.

20 MR. HABEL: Okay.

21 Q. BY MR. HALE: You are talking about in the  
22 cafeteria; correct?

23 A. Right.

24 Q. What about detention? Was there any kind of  
25 detention for students while you were at St. Anthony's

1 that you are aware of?

2 A. I don't recall.

3 Q. During your time at St. Anthony's, did you ever  
4 observe or hear or learn about a St. Anthony's student  
5 having what appeared to be an emotional breakdown?

6 MR. MATIASIC: Vague and ambiguous.

7 THE WITNESS: No.

8 Q. BY MR. HALE: Have you ever spent anytime at  
9 Franciscan communities in the Philippines?

10 A. No.

11 Q. Are you aware of there being Franciscan  
12 communities in the Philippines?

13 A. Yes.

14 Q. How did you become aware of that?

15 A. Priests were sent there as missionaries.

16 Q. Does the name Anton Samiro, S-a-m-i-r-o, sound  
17 familiar to you?

18 A. Don't recall that name.

19 Q. Have you ever heard the name of Carl Rogers?

20 A. No.

21 Q. Are you familiar with the concept of  
22 sensitivity training?

23 A. Yes.

24 Q. How are you familiar with that?

25 A. We did that one time.

1 Q. When you say "we," do you mean the Franciscan  
2 brothers or the St. Anthony's students?

3 A. Some of the priests, community members.

4 Q. From St. Anthony's?

5 A. Right.

6 Q. When was that?

7 A. I don't recall what year.

8 Q. Was that at Sierra Retreat?

9 A. No.

10 Q. Was it at St. Anthony's?

11 A. Right.

12 Q. Was it a retreat? How would you describe  
13 whatever it was?

14 A. A session.

15 Q. Do you recall who led the session?

16 A. I just don't recall.

17 Q. What went on during the session?

18 A. You talked about your experiences. They were  
19 just experiences.

20 Q. Do you recall if it was a Franciscan who led  
21 the session or if it was somebody from outside the  
22 province that led the session?

23 A. It was a Franciscan.

24 Q. Was it [REDACTED], [REDACTED]?

25 A. That's it.

1 Q. Was there anyone else that helped [REDACTED]?

2 A. Not that I am aware of.

3 Q. Were you aware of St. Anthony students going  
4 through sensitivity training?

5 A. No.

6 Q. Were you aware of the prefect of discipline  
7 reading student mail before the mail was given to  
8 students?

9 A. I was aware of that.

10 Q. How did you become aware of that?

11 A. Well, it was a policy that they had done for  
12 years.

13 Q. Did you have any understanding as to what the  
14 purpose of that policy was?

15 A. No.

16 Q. Did you ever -- did you understand that it was  
17 the prefect that was reading that mail?

18 A. Yes.

19 Q. The prefect of discipline, in other words?

20 MR. MATIASIC: If you know. Don't guess.

21 THE WITNESS: I'm not sure.

22 Q. BY MR. HALE: Did you ever hear anyone  
23 discussing the contents of any mail that was read by the  
24 prefect, by any Franciscan?

25 A. No.

1 Q. How did you become aware that this was the  
2 policy of the province?

3 MR. MATIASIC: That misstates his testimony.

4 Q. BY MR. HALE: How did you become aware that  
5 this was the policy of St. Anthony's Seminary?

6 A. I don't know how to answer that. I just was  
7 aware of it. I knew it; that they did that.

8 Q. Did you ever see a prefect reading a  
9 student's -- a piece of mail for a student?

10 A. No.

11 Q. Did any student at St. Anthony's ever come to  
12 you and complain of inappropriate conduct by another  
13 Franciscan?

14 A. No.

15 Q. Did you ever hear of a student complaining of  
16 inappropriate conduct by another Franciscan?

17 A. No.

18 Q. Were you ever involved in supervising study  
19 hall in any way?

20 A. No.

21 Q. Did you ever serve as a spiritual advisor a  
22 student?

23 A. No.

24 MR. HALE: We have been going for about an  
25 hour. Let's take a break.

1 THE VIDEOGRAPHER: Time is 11:05 a.m. We are  
2 off the record.

3 (Recess.)

4 THE VIDEOGRAPHER: Time is 11:13 a.m. We are  
5 back on the record.

6 MR. HALE: Okay. Back on the record.

7 Q. Regarding those recreation room, predinner,  
8 whatever you want to call them, would Father Cimmarrusti  
9 generally attend those?

10 A. Yes.

11 Q. What about the -- sorry. What was that one  
12 night a week called?

13 MR. MATIASIC: Rec night.

14 THE WITNESS: Recreation night.

15 Q. BY MR. HALE: Recreation night. Would he  
16 generally attend those as well?

17 A. Yes.

18 Q. Regarding the rec night, how many -- between  
19 faculty members and brothers on the staff, how many  
20 people would generally be in the rec room, on average?

21 A. I would say 12.

22 Q. Would there be people -- some playing cards,  
23 some socializing, or would everyone be playing cards?

24 A. Cards and socializing.

25 Q. What about in those half-hour times before

1 dinner? How many people on average would attend those?

2 A. Ten, 12, about the same number.

3 Q. I assume that probably wasn't the time to play  
4 cards, during those meetings?

5 A. No.

6 Q. It was just a social gathering?

7 A. Right.

8 Q. Before dinner?

9 A. Right.

10 Q. During the summers when you were at  
11 St. Anthony's, would you continue to maintain your --  
12 would you be in residence at St. Anthony's and continue  
13 to work there?

14 A. Right.

15 Q. And would there normally -- during your time at  
16 St. Anthony's, would there be students, or did they all  
17 leave the campus?

18 A. They left the campus.

19 Q. During your 19 years at St. Anthony's, did you  
20 ever see students staying overnight?

21 A. No.

22 Q. Were there any kind of camps or retreats for  
23 minors during the summer at St. Anthony's during your 19  
24 years there?

25 MR. MATIASIC: Vague and ambiguous, overbroad.



1 THE WITNESS: No.

2 Q. BY MR. HALE: Was there ever any occasion where  
3 you recall seeing a minor at St. Anthony's campus during  
4 your 19 -- was it 19 summers for you at St. Anthony's?

5 A. Right.

6 Q. During your 19 summers, was there ever an  
7 occasion where you recall seeing a minor on the campus  
8 during the summertime?

9 MR. MATIASIC: For any period of time?

10 MR. HALE: Well, his 19 years.

11 MR. MATIASIC: That is what I am saying, in  
12 terms of the minor being on campus. You mean for five  
13 minutes?

14 Do you understand what he is asking you?

15 THE WITNESS: Yes.

16 Q. BY MR. HALE: No recollection of that?

17 A. Yes.

18 Q. Your counsel just gave an example of maybe a  
19 student walking across the athletic field for -- a minor  
20 is walking across the athletic field just for five  
21 minutes. Did you ever see anything like that?

22 A. I don't recall that.

23 Q. So it would have been unusual to see a minor at  
24 the St. Anthony's campus during the summertime?

25 A. Correct.

1 Q. Were there any retreats held at St. Anthony's  
2 for adults in the summers?

3 MR. MATIASIC: If you know.

4 THE WITNESS: Yes.

5 Q. BY MR. HALE: Who would supervise those  
6 retreats?

7 A. The province had a retreat master from a  
8 different province that would come in and give these  
9 retreats.

10 Q. Do you know who would attend those retreats?  
11 Do you know if it was Santa Barbarans or people from out  
12 of town?

13 A. Some from Santa Barbara, Oregon, Washington,  
14 New Mexico, Arizona. Wherever they had parishes or  
15 houses. Some of them would come.

16 Q. When you say, "Wherever they had parishes or  
17 houses" --

18 A. Franciscans.

19 Q. So in other words, it would be people from a  
20 parish or a community within the province in some other  
21 location would come to St. Anthony's for the retreat?

22 A. Correct.

23 Q. Would these be overnight retreats?

24 A. It was a week.

25 Q. Would the retreat participants stay overnight

1 at St. Anthony's Seminary?

2 A. Yes.

3 Q. Was there more than one of these during the  
4 summer, or was it just this one-week occurrence?

5 A. Just one week.

6 Q. How many people generally would attend?

7 A. Twenty to 25.

8 Q. How many Franciscans would be involved in the  
9 retreat?

10 A. It would all be Franciscans.

11 Q. I misunderstood. I thought these were lay  
12 people coming to the retreat.

13 A. No. Just for the Franciscans.

14 Q. Did you participate in these retreats?

15 A. I attended.

16 Q. What was the purpose of the retreat?

17 MR. MATIASIC: If you know.

18 Are you talking with a stated purpose?

19 Q. BY MR. HALE: What was your understanding of  
20 what was going to happen at these retreats?

21 A. To renew your religious activity.

22 Q. But not all members of the province attended;  
23 correct?

24 A. Right.

25 Q. It sounded like -- do you know how -- strike

1 that.

2           Were people selected to attend the retreats, or  
3 was it a voluntary thing?

4           A.    It was voluntary.

5           Q.    It was priests or brothers?

6           A.    Yes.

7           Q.    During your time at the seminary, did you ever  
8 participate in the evaluation of any students?

9           MR. MATIASIC:  Vague and ambiguous.

10          THE WITNESS:  No.

11          Q.    BY MR. HALE:  Did you ever have any discussions  
12 or hear any discussions regarding evaluating students?

13          MR. MATIASIC:  Same objections.

14          THE WITNESS:  No.

15          Q.    BY MR. HALE:  Were you ever aware of there  
16 being any evaluations of faculty members while you were  
17 at the seminary?

18          A.    No.

19          Q.    Did you ever hear of students' sexual maturity  
20 being questioned?

21          MR. MATIASIC:  Vague and ambiguous.

22          THE WITNESS:  No.

23          Q.    BY MR. HALE:  Were you ever aware of any  
24 disapproved methods of discipline while you were at  
25 St. Anthony's?

1 MR. MATIASIC: Vague and ambiguous.

2 THE WITNESS: No.

3 Q. BY MR. HALE: Were you ever aware of any  
4 approved methods of discipline other than the  
5 dish-cleaning services while you were at St. Anthony's?

6 MR. MATIASIC: Same objections.

7 THE WITNESS: No.

8 Q. BY MR. HALE: Do you know what corporal  
9 punishment is? Let me ask it this way: What is your  
10 understanding of what is meant by corporal punishment?

11 A. When they would strike you with a baseball bat.

12 Q. What about spanking? Would you consider that  
13 to be corporal punishment?

14 A. Yes.

15 Q. Were you aware at any time during your time at  
16 St. Anthony's of students being subjected to corporal  
17 punishment?

18 A. No.

19 Q. Have you ever heard that students at  
20 St. Anthony's were subjected to corporal punishment?

21 A. No.

22 Q. Do you have a recollection of anyone other than  
23 a prefect disciplining the students?

24 A. No.

25 MR. MATIASIC: Vague and ambiguous.

1 Q. BY MR. HALE: Did you ever spend any time in  
2 the infirmary?

3 A. No.

4 Q. Do you have an understanding of whether the  
5 infirmary was only for the use of the students?

6 A. Yes.

7 Q. In other words, if a faculty member or you as a  
8 staff member got sick, you wouldn't go to the infirmary?

9 A. No.

10 Q. When you first arrived at St. Anthony's, do you  
11 recall there being an infirmarian,  
12 i-n-f-i-r-m-a-r-i-a-n?

13 A. I don't recall.

14 Q. Do you recall if the infirmarian was a student  
15 or faculty member when you first arrived?

16 A. No.

17 Q. Do you recall Father Cimmarrusti serving as the  
18 infirmarian?

19 A. Yes.

20 Q. Did that strike you as unusual?

21 MR. MATIASIC: Vague and ambiguous.

22 THE WITNESS: No.

23 Q. BY MR. HALE: Do you recall any other  
24 Franciscan ever serving as an infirmarian?

25 A. Yes.

1 Q. Who?

2 A. [REDACTED].

3 Q. Was he the prefect of discipline as well?

4 A. I don't recall that.

5 Q. Did he serve as infirmarian after Father  
6 Cimmarrusti served as infirmarian?

7 A. Yes.

8 Q. What was your understanding of Father  
9 Cimmarrusti's duties as infirmarian?

10 A. Well, take care of the sick, make sure they got  
11 their medication or medicines.

12 Q. Did you ever do any work in the infirmary, any  
13 maintenance work of any sort?

14 A. I don't recall.

15 Q. Did you ever observe Father Cimmarrusti working  
16 in the infirmary?

17 A. No.

18 Q. Did you ever observe Father Cimmarrusti giving  
19 a student a massage with rubbing alcohol?

20 A. No.

21 Q. Did you ever observe Father Cimmarrusti taking  
22 a student's temperature?

23 A. No.

24 Q. Have you ever heard of Father Cimmarrusti  
25 taking a student's temperature rectally?

1 A. No.

2 Q. Have you ever heard of that happening to a  
3 student at St. Anthony's?

4 A. No.

5 Q. Did you ever hear of students being caught  
6 cheating on an exam at St. Anthony's?

7 A. No.

8 Q. Did you ever spend any time in Father  
9 Cimmarrusti's --

10 Let me ask you this: Where in relation to your  
11 living quarters were Father Cimmarrusti's? You weren't  
12 on the same floor; correct?

13 A. Right.

14 MR. MATIASIC: Which time? The deponent's  
15 already testified he's been at two locations.

16 MR. HALE: Good question.

17 Q. Regarding your first living quarters, was  
18 Father Cimmarrusti on the faculty at the time that you  
19 were in that first location where he lived?

20 A. I just don't recall.

21 Q. What about -- when you lived at the base of the  
22 tower, I assume by then he was on the faculty; correct?

23 A. I really don't know.

24 Q. Were you ever at anytime in Father  
25 Cimmarrusti's living quarters?



1 A. No.

2 Q. Do you recall where they were?

3 A. Yes.

4 Q. Where were they?

5 A. They were on the second floor near the west end  
6 of the building.

7 Q. Did you ever observe students entering Father  
8 Cimmarrusti's living quarters?

9 A. No.

10 Q. Did you ever hear of that, that there were  
11 students entering Father Cimmarrusti's living quarters?

12 MR. MATIASIC: Vague and ambiguous.

13 THE WITNESS: No.

14 Q. BY MR. HALE: Did you ever hear anyone say that  
15 they had walked in on other Father Cimmarrusti in his  
16 living quarters with a student?

17 A. No.

18 Q. Have you ever heard -- strike that.

19 Have you ever heard any Franciscan say that  
20 they observed a student on another Franciscan's bed?

21 A. No.

22 Q. Were you ever aware of any rules prohibiting  
23 students from being in Franciscan's living quarters?

24 MR. MATIASIC: At any time?

25 MR. HALE: While he was at St. Anthony's?

1 THE WITNESS: No.

2 Q. BY MR. HALE: Did you ever have any students in  
3 your room?

4 A. Yes.

5 Q. For what purpose?

6 A. Just to talk.

7 Q. Would you invite them to your room or would  
8 they come and knock on your door?

9 A. They would come knock on the door.

10 Q. Were you friends with some students?

11 A. I guess -- yes.

12 Q. Was that --

13 A. I knew them.

14 Q. Was that a regular occurrence or an uncommon  
15 occurrence?

16 A. Uncommon.

17 Q. When a student would come to your room, would  
18 the -- would you talk to the student while the student  
19 stood in the doorway, or would he actually come into the  
20 room?

21 A. He would come into the room.

22 Q. Would you close the door while the student was  
23 in your room?

24 A. Yes.

25 Q. Can you describe the room? Was there a desk?

1 bed?

2 A. Desk, bed, dresser.

3 Q. Was there a couch or chairs to sit in or  
4 anything like that?

5 A. A chair at the desk.

6 Q. When the student would come into your room,  
7 where would you be and where would the student be,  
8 generally?

9 A. Usually I would sit on the bed. He would sit  
10 in the chair.

11 Q. Did anyone ever talk to you, anyone from the  
12 faculty or any Franciscan ever talk to you, about  
13 whether or not it was appropriate for you to have  
14 students in your room?

15 A. Don't recall.

16 Q. Do you recall ever walking into your room with  
17 a student and being aware that another Franciscan had  
18 observed that happening?

19 A. I don't know.

20 Q. Did anyone ever ask you about what a student  
21 was doing in your room?

22 A. Not that I recall.

23 Q. In your mind, was there any doubt as to whether  
24 it was appropriate for you to have a student in your  
25 room?

1 MR. MATIASIC: Vague and ambiguous.

2 Q. BY MR. HALE: With the door closed.

3 A. No.

4 Q. So you felt it was appropriate to have a  
5 student in your room with the door closed?

6 A. Sure.

7 Q. How often did that happen over your 19 years at  
8 St. Anthony's?

9 MR. MATIASIC: Are you asking for the number of  
10 times, Counsel? Because he already said it was an  
11 uncommon occurrence.

12 THE WITNESS: I don't --

13 MR. MATIASIC: Hold on a second.

14 What is the specific question?

15 MR. HALE: Number of times.

16 Q. I know you can't give me a specific number, but  
17 just give me, on average, per year how often would that  
18 happen? Are we talking about something that was a  
19 weekly occurrence? a monthly occurrence?

20 A. No. No. Occasionally.

21 Q. When you say "occasionally," a couple times a  
22 year?

23 A. Couple of times a year.

24 Q. Do you recall during your 19 years there ever  
25 being any discussion of the policy of the province or

1 the seminary regarding having students and staff in  
2 faculty rooms?

3 A. I don't recall.

4 Q. Did you know a student by the name of [REDACTED]  
5 [REDACTED]?

6 A. Yes.

7 Q. What do you remember about [REDACTED]? How did you  
8 know him?

9 A. His parents were from [REDACTED] or he came  
10 from [REDACTED].

11 Q. Okay.

12 A. And we visited the family one time.

13 Q. When you say "we," who is "we"?

14 A. My nephew and I.

15 Q. Did you know his family before he came to  
16 St. Anthony's?

17 A. No.

18 Q. How was it you came to visit his family?

19 A. I knew the family from when they would visit at  
20 the seminary.

21 Q. Okay.

22 Do you recall [REDACTED] leaving the seminary?

23 A. No, I don't.

24 Q. Do you recall [REDACTED] graduating from the  
25 seminary?

1 A. No.

2 Q. Do you know whether he was -- whether he quit  
3 or was kicked out?

4 A. I don't know that.

5 Q. Do you recall at some point not seeing him  
6 around the school anymore?

7 A. I don't recall that either.

8 Q. Was it -- during your 19 years, was it a common  
9 or uncommon occurrence for students to be kicked out of  
10 school?

11 MR. MATIASIC: Vague and ambiguous.

12 THE WITNESS: I wouldn't recall that either.

13 Q. BY MR. HALE: Do you recall any students being  
14 kicked out of school?

15 A. Yes.

16 Q. Do you recall who?

17 A. Offhand, no.

18 Q. Do you recall for what reasons students were  
19 kicked out of school?

20 A. No.

21 Q. What about during your 19 years? Was it common  
22 or uncommon for students to run away from the school?

23 MR. MATIASIC: Vague and ambiguous.

24 THE WITNESS: Uncommon.

25 Q. BY MR. HALE: Do you recall that?

1 A. Yes.

2 Q. Who do you recall running away from the school?

3 A. I don't recall the name, but I recall the  
4 incident.

5 Q. What do you recall about the incident?

6 A. He got on a bus and went to L.A. and went to  
7 the airport and got on an airplane and flew to Hawaii.

8 Q. Are you talking about [REDACTED]  
9 [REDACTED]? Does that name sound familiar to you?

10 A. I just don't recall that name.

11 Q. Do you recall hearing any discussions about why  
12 he ran away from the school?

13 A. No.

14 Q. Did you ever ask anybody if they knew why he  
15 ran away from the school?

16 A. I don't recall that.

17 Q. Did you ever talk to him after he had run away  
18 from the school?

19 A. Not that I recall.

20 Q. Did you ever talk to anyone who had talked to  
21 him after he ran away from the school?

22 MR. MATIASIC: Obviously, knowing that they had  
23 talked to him after he ran away from school.

24 THE WITNESS: I don't recall that.

25 Q. BY MR. HALE: Did you ever receive any

1 correspondence from him?

2 A. No.

3 Q. Were you ever aware of anyone receiving  
4 correspondence from him?

5 A. No.

6 Q. What about during your 19 years, was it common  
7 or uncommon for students to simply drop out of school  
8 and quit?

9 A. I would say uncommon.

10 Q. Do you recall students quitting?

11 A. Yes.

12 Q. Do you recall any specific students quitting?

13 A. No.

14 Q. Do you remember [REDACTED], [REDACTED]?

15 A. No.

16 Q. What about [REDACTED], [REDACTED]?

17 A. I recall the name.

18 Q. Did you know [REDACTED], [REDACTED]?

19 A. Yes.

20 Q. How did you know [REDACTED]?

21 A. He was a student there.

22 Q. Were you friends with [REDACTED]?

23 A. No.

24 Q. What about Father [REDACTED]? Did you know Father  
25 [REDACTED], [REDACTED]?



1 A. Yes.

2 Q. When was the last time that you spoke with him?

3 A. I don't remember.

4 Q. Did he ever tell you a student had come to him  
5 and complained about being abused by any Franciscan?

6 A. No.

7 Q. Did he ever tell you he walked in on a student  
8 being abused by a Franciscan?

9 A. No.

10 Q. Do you recall Father [REDACTED], [REDACTED]?

11 A. Yes.

12 Q. When was the last time you spoke with him?

13 A. I just don't recall.

14 Q. Did he leave the province before you did?

15 A. Yes.

16 Q. Did you ever talk to him about him receiving  
17 complaints of abuse of students by Franciscans?

18 A. No.

19 Q. Did you ever hear that he walked in on a  
20 student being abused by a Franciscan?

21 A. No.

22 Q. With regards to your first living quarters, do  
23 you recall the walls being thin so that, for instance,  
24 if your neighbor was having a coughing fit, you would  
25 hear it?

1 MR. MATIASIC: Vague and ambiguous. Incomplete  
2 hypothetical.

3 THE WITNESS: No.

4 Q. BY MR. HALE: What about your second living  
5 quarters, the base of the tower?

6 MR. MATIASIC: Same objection.

7 THE WITNESS: It would be the same.

8 MR. HALE: I'm sorry?

9 THE WITNESS: It would be the same. I wouldn't  
10 hear anything.

11 Q. BY MR. HALE: Did you ever hear students  
12 yelling or screaming within the school structure?

13 MR. MATIASIC: Same objections.

14 THE WITNESS: No.

15 Q. BY MR. HALE: So that would have been highly  
16 unusual?

17 A. Yes.

18 Q. Did anyone ever tell you they heard students  
19 screaming within the school?

20 A. No.

21 Q. When you first arrived at St. Anthony's in '53,  
22 was the casa there next to the school, that is?

23 A. Yes.

24 Q. What was the casa being used for at that time?

25 A. I don't recall.

1 Q. At some point did you become aware of the casa  
2 being used for storage or as a recreation room or for  
3 any purpose?

4 A. A library.

5 Q. When do you recall that use commencing?

6 A. I don't recall that year.

7 Q. Do you recall there being a bed or beds in any  
8 rooms in the casa?

9 A. Yes.

10 Q. When did you first become aware of there being  
11 a bed or beds in the casa?

12 A. I wouldn't remember what year.

13 Q. Was it bed or beds? In other words, was there  
14 more than one bed?

15 A. Just one that I recall.

16 Q. Where was that bed located?

17 A. It was on the second floor.

18 Q. Of the casa?

19 A. Right.

20 Q. And was that in a guest room, or what was that  
21 room for?

22 MR. MATIASIC: If you know.

23 THE WITNESS: It was just a room in the casa, a  
24 bedroom.

25 Q. BY MR. HALE: Was it being used by someone as

1 living quarters?

2 A. Yes.

3 Q. Who?

4 MR. MATIASIC: This is at any time?

5 MR. HALE: (Nods head.)

6 THE WITNESS: I think it was Brother [REDACTED]

7 [REDACTED].

8 Q. BY MR. HALE: Do you recall what year you first  
9 became aware of Brother [REDACTED] using the casa, using the  
10 casa room as living quarters?

11 A. No, I don't.

12 Q. Did he use that room in the casa as living  
13 quarters for as long as you can recall being assigned to  
14 St. Anthony's Seminary?

15 MR. MATIASIC: He also said he doesn't know  
16 what year.

17 THE WITNESS: I would --

18 MR. MATIASIC: Hold on. Hold on.

19 It misstates his testimony because he said he  
20 didn't know what year it was being used as a bedroom.

21 Q. BY MR. HALE: There was a period where, while  
22 you were at St. Anthony's, Brother [REDACTED] was not using  
23 the living quarters in the casa?

24 A. Right.

25 Q. Do you recall how many years Brother [REDACTED] used

1 the casa as his living quarters?

2 A. No.

3 Q. Do you recall if he was still using the casa as  
4 his living quarters when you left the province?

5 A. No.

6 Q. Did any other Franciscans use the casa as their  
7 living quarters, to your knowledge, while you were  
8 there?

9 A. Not that I recall.

10 Q. Were you ever aware of Franciscans taking the  
11 students into the casa while you were at St. Anthony's?

12 MR. MATIASIC: Vague and ambiguous. Lacks  
13 foundation. Incomplete hypothetical.

14 THE WITNESS: No.

15 Q. BY MR. HALE: Why not? In other words, what  
16 purpose would the student have had to be in the casa?

17 MR. MATIASIC: Same objections.

18 THE WITNESS: I don't know.

19 Q. BY MR. HALE: Do you recall seeing students in  
20 the casa?

21 A. Well, yes, in the library.

22 Q. Anywhere else?

23 A. No.

24 Q. Did you ever observe a student with bruising or  
25 injury to his buttocks, upper thigh area?

1 MR. MATIASIC: Vague and ambiguous.

2 THE WITNESS: No.

3 Q. BY MR. HALE: Did you ever hear of anyone  
4 observing a student with injury to his upper buttocks or  
5 thigh area?

6 MR. MATIASIC: Same objections.

7 THE WITNESS: No.

8 Q. BY MR. HALE: Did you ever attend faculty  
9 meetings?

10 A. Yes.

11 Q. Did you attend every faculty meeting or just  
12 some?

13 A. Some.

14 Q. In the instances where you attended, were you  
15 specifically invited by someone? How did it come to be  
16 that you attended a faculty meeting?

17 A. We were invited.

18 Q. In your experience, was it common or uncommon  
19 for brothers to be invited to faculty meetings?

20 MR. MATIASIC: This is over his entire time  
21 there?

22 MR. HALE: Right.

23 THE WITNESS: I would say uncommon.

24 Q. BY MR. HALE: When you would attend a faculty  
25 meeting, what do you recall being discussed? Was it

1 discussions about students or about running the school?

2 A. Procedures, students, their studies.

3 Q. The students' studies?

4 A. Right.

5 Q. On average, how many times in the year would  
6 you attend a faculty meeting during your 19 years?

7 MR. MATIASIC: I think it's overbroad. It  
8 assumes that he attended for the same average for the  
9 entire 19 years.

10 THE WITNESS: I have no idea.

11 Q. BY MR. HALE: When you first joined  
12 St. Anthony's, in that first year, in '53, did you  
13 attend faculty meetings that year?

14 A. No.

15 Q. What year do you first recall attending faculty  
16 meetings?

17 A. Possibly the last five years.

18 Q. And do you know why it was in those last five  
19 years that you began attending those faculty meetings?  
20 Was it a change in the rector's approach? Do you know  
21 why?

22 A. No, I don't know.

23 Q. But it was something that happened towards the  
24 end of your time at St. Anthony's?

25 A. Correct.

1 Q. Were you ever aware that Father Cimmarrusti was  
2 concerned about students not developing physically?

3 MR. MATIASIC: Vague and ambiguous.

4 THE WITNESS: No.

5 Q. BY MR. HALE: Were you ever aware of a program  
6 where Father Cimmarrusti assessed the physical  
7 development or maturity of St. Anthony's students?

8 MR. MATIASIC: Same objections.

9 THE WITNESS: No.

10 Q. BY MR. HALE: Do you recall Dr. [REDACTED] ever  
11 assessing St. Anthony's students' physical development  
12 or maturity?

13 A. No.

14 Q. Do you recall any discussions at any faculty  
15 meetings where anybody expressed concern about students  
16 not developing physically?

17 MR. MATIASIC: Same objections.

18 THE WITNESS: No.

19 Q. BY MR. HALE: Were you ever aware of Dr. [REDACTED]  
20 conducting any physical exams of students at the school?

21 A. No.

22 Q. Were you ever aware of any Franciscan  
23 conducting any physical exams of students at the school?

24 MR. MATIASIC: Lacks foundation. Vague and  
25 ambiguous.



1 THE WITNESS: No.

2 Q. BY MR. HALE: Were you ever aware of any  
3 faculty programs at the school which somehow assessed a  
4 student's health?

5 MR. MATIASIC: Same objections.

6 THE WITNESS: No.

7 Q. BY MR. HALE: Did you attend plays at the  
8 school put on by students?

9 A. I watched them.

10 Q. Do you recall any students ever putting on a  
11 production that somehow parodied faculty behavior, kind  
12 of made fun of the faculty?

13 A. I don't remember.

14 Q. Do you remember a student named Benny Silva?

15 A. No.

16 Q. Do you recall any students being expelled for  
17 performing a play where they parodied faculty members?  
18 It was around September of 1966.

19 A. I don't recall.

20 Q. Do you recall ever seeing a skit where students  
21 parodied Father Cimmarrusti spanking students?

22 A. No.

23 Q. Do you recall ever hearing anything about that?

24 A. No.

25 Q. Did you ever hear any reports of one student

1 harassing another?

2 MR. MATIASIC: Vague and ambiguous as to the  
3 term "harassing."

4 THE WITNESS: No.

5 Q. BY MR. HALE: You ever aware of any such  
6 reports?

7 MR. MATIASIC: Same objections.

8 THE WITNESS: No.

9 Q. BY MR. HALE: You ever hear any reports of  
10 inappropriate sexual behavior by one student towards  
11 another?

12 MR. MATIASIC: Same objections.

13 THE WITNESS: No.

14 Q. BY MR. HALE: Ever aware of any such reports?

15 MR. MATIASIC: Same objections.

16 THE WITNESS: No.

17 Q. BY MR. HALE: Do you know a student named [REDACTED]  
18 [REDACTED]?

19 A. Yes.

20 Q. How did you know [REDACTED]?

21 A. He was a student there.

22 Q. What do you remember about [REDACTED]?

23 A. Just an ordinary student.

24 Q. Did you ever hear of him reporting misconduct  
25 by another student?

1 A. No.

2 Q. Did he ever come to your room to speak to you?

3 A. No.

4 Q. Have you ever heard anyone say that he had  
5 something to the effect of mental problems?

6 A. No.

7 Q. Do you remember [REDACTED] and [REDACTED]?

8 A. Yes.

9 Q. How do you remember them?

10 A. Just remember.

11 Q. Do you remember seeing them spend time in the  
12 company of Father Cimmarrusti?

13 A. No.

14 Q. Do you remember [REDACTED]?

15 A. No.

16 Q. You described earlier starting each day with  
17 morning prayers. Would morning prayers include students  
18 and faculty and staff, or would they be separated?

19 A. They would be separated.

20 Q. Did you ever hear about a St. Anthony's student  
21 launching in to a diatribe against Franciscans during  
22 morning prayers?

23 MR. MATIASIC: Vague and ambiguous.

24 THE WITNESS: No.

25 Q. BY MR. HALE: Were you ever aware of any

1 Franciscan recommending that a student not be allowed to  
2 continue down the path of priesthood?

3 A. No.

4 Q. Who was your boss at St. Anthony's? Was it  
5 Father Harris as rector or the person serving as the  
6 guardian?

7 MR. MATIASIC: Lacks foundation. Vague and  
8 ambiguous as to the term "boss."

9 THE WITNESS: Whoever was guardian.

10 Q. BY MR. HALE: Was Father [REDACTED] your guardian at  
11 one point? [REDACTED]

12 A. I don't recall.

13 Q. Did you ever take instructions or orders from  
14 the rector?

15 MR. MATIASIC: Vague and ambiguous.

16 THE WITNESS: Yes.

17 Q. BY MR. HALE: Would that include Father Harris?

18 A. Yes.

19 Q. Do you recall any specific task you were asked  
20 to perform by the rector?

21 MR. MATIASIC: During the entire 19-year  
22 period?

23 MR. HALE: (Nods head.)

24 THE WITNESS: No.

25 Q. BY MR. HALE: But is it safe to say it was not

1 uncommon for you to receive -- to be asked to perform  
2 tasks by the rector?

3 A. Yes.

4 Q. While you were at St. Anthony's, was it common  
5 or uncommon for Franciscans who were not part of the  
6 St. Anthony's community to come and spend the night at  
7 St. Anthony's?

8 MR. MATIASIC: Vague and ambiguous.

9 Q. BY MR. HALE: And excluding that one-week  
10 retreat in the summertime.

11 MR. MATIASIC: Incomplete hypothetical.

12 THE WITNESS: Occasionally.

13 Q. BY MR. HALE: Do you know whether they had to  
14 check-in, those Franciscans, with anyone before they  
15 spent the night?

16 A. I don't recall.

17 Q. Were there guest quarters for such visitors?

18 A. Yes.

19 Q. Where were those located?

20 A. I think up on the second floor.

21 Q. What about lay people? Did you ever see any  
22 lay people come and spend the night at St. Anthony's?

23 A. No.

24 Q. Would that have been unusual?

25 A. Very unusual.

1 Q. Do you recall ever being aware of any  
2 Franciscans bringing minors for overnight visits to the  
3 seminary?

4 A. No.

5 Q. Would that have been unusual?

6 MR. MATIASIC: Vague and ambiguous. Lacks  
7 foundation. Incomplete hypothetical.

8 THE WITNESS: I would say yes.

9 MR. HALE: Okay.

10 Q. While you were assigned to St. Anthony's, was  
11 it common for you to socialize with lay people in the  
12 Santa Barbara community?

13 MR. MATIASIC: "Was it common for you?" are you  
14 talking about the witness?

15 MR. HALE: Yes.

16 THE WITNESS: I would say it was uncommon to  
17 have acquaintances, yes.

18 Q. BY MR. HALE: Were there rules prohibiting a  
19 brother having friends in the lay community?

20 A. I don't recall.

21 MR. MATIASIC: Vague and ambiguous as to  
22 "rules." Rules from where?

23 MR. HALE: From the province.

24 THE WITNESS: I don't quite get that.

25 Q. BY MR. HALE: Let me ask you this: Were there

1 different rules for priests versus brothers regarding  
2 the -- whether it was acceptable for those two groups to  
3 socialize with people outside the  
4 St. Anthony's community?

5 A. I don't know.

6 Q. Were you aware of any brothers who socialized  
7 outside of St. Anthony's community with lay people in  
8 Santa Barbara?

9 MR. MATIASIC: During the entire 19-year  
10 period?

11 MR. HALE: Yes.

12 MR. MATIASIC: Overbroad.

13 THE WITNESS: No.

14 Q. BY MR. HALE: Were you ever aware of any  
15 brothers being chastised or disciplined for socializing  
16 with lay people outside of the St. Anthony's community?

17 MR. MATIASIC: Vague and ambiguous.

18 THE WITNESS: No.

19 Q. BY MR. HALE: During your time at  
20 St. Anthony's, were you ever aware of faculty or staff  
21 buying gifts for students?

22 A. No.

23 Q. Would that have struck you as unusual?

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

1 THE WITNESS: I don't know.

2 Q. BY MR. HALE: Were you aware of any rules  
3 prohibiting faculty or staff from buying students gifts?

4 MR. MATIASIC: Same objections.

5 THE WITNESS: No.

6 Q. BY MR. HALE: Do you know [REDACTED]?

7 A. No.

8 Q. What about [REDACTED]?

9 A. No.

10 Q. I'm going to be asking you about a couple of  
11 your former brothers.

12 Justin Honda, H-o-n-d-a, do you remember him?

13 A. Yes.

14 Q. When was the last time you spoke with him?

15 A. I don't recall.

16 Q. Do you know where he lives?

17 A. No.

18 Q. How about Simon Walsh?

19 A. Yes.

20 Q. When was the last time that you spoke with him?

21 A. I couldn't -- I don't recall.

22 Q. Do you know where he lives?

23 A. No.

24 Q. What about Clete - I'm probably going to  
25 mispronounce this - Degnan, D-e-g-n-a-n? Do you



1 remember him?

2 A. I don't remember.

3 Q. How about Arturo Noyes, N-o-y-e-s?

4 A. No.

5 Q. Were you ever aware of any Franciscans having  
6 their faculty removed by the Archdiocese of Los Angeles?

7 A. No.

8 Q. Were you ever aware of Franciscans being  
9 disciplined by the Archdiocese of Los Angeles?

10 A. No.

11 Q. Were you ever aware of anyone from the  
12 Archdiocese of Los Angeles dictating how mass could be  
13 performed at St. Anthony's or the Old Mission?

14 A. No.

15 Q. Do you know who Bishop John Ward is?

16 A. Heard of him, yes.

17 Q. How have you heard of him?

18 A. I think he did a confirmation at one of the  
19 parishes.

20 Q. When you first got to St. Anthony's, was mass  
21 being performed at the St. Anthony's chapel?

22 A. Yes.

23 Q. And towards the end before you left, do you  
24 recall there being mass performed that was referred to  
25 as the rock 'n roll masses?

1 A. I don't recall that.

2 Q. Do you recall any Franciscan ever being ordered  
3 to appear in the chancellory offices in Los Angeles?

4 A. No.

5 Q. After you left the province, did you continue  
6 to attend mass at the chapel, St. Anthony's?

7 A. Occasionally.

8 Q. Did you attend mass anywhere else?

9 A. At San Roque.

10 Q. Did you become a parishioner of San Roque?

11 A. Right.

12 Q. Did you know Father McCabe?

13 A. Yes.

14 Q. What about Father Roemer, R-o-e-m-e-r?

15 A. Yes, I know him.

16 Q. What about Father Terra, T-e-r-r-a?

17 A. Yes, I remember him.

18 Q. Did you know Father Van Liefde, V-a-n  
19 L-i-e-f-d-e?

20 A. Yes.

21 Q. You knew all of them from attending San Roque?

22 A. Right.

23 Q. Do you know a Jesuit named Leo Rock?

24 A. No.

25 Q. Were any of your -- did any of your wife's

1 children attend catechism classes at San Roque?

2 A. Yes.

3 Q. Was Father Roemer involved in any of those  
4 classes, to your knowledge?

5 A. Not that I know of.

6 Q. During your time on the faculty -- I'm sorry --  
7 working at St. Anthony's, did you ever observe a  
8 Franciscan wrestling with a student?

9 MR. MATIASIC: Vague and ambiguous.

10 THE WITNESS: No.

11 Q. BY MR. HALE: Did you ever hear of a Franciscan  
12 wrestling with a student?

13 MR. MATIASIC: Same objection.

14 THE WITNESS: No.

15 Q. BY MR. HALE: During your time at  
16 St. Anthony's, did you ever observe a Franciscan with  
17 his hands on a student's thighs?

18 MR. MATIASIC: Same objection.

19 THE WITNESS: No.

20 Q. BY MR. HALE: Did you ever see Franciscans  
21 hugging students?

22 MR. MATIASIC: Vague and ambiguous.

23 THE WITNESS: They did that at mass sometimes.

24 Q. BY MR. HALE: Anywhere other than mass?

25 A. No.

1 Q. Would it have been unusual seeing a Franciscan  
2 hugging a student at anywhere other than mass?

3 MR. MATIASIC: Vague and ambiguous. Lacks  
4 foundation. Incomplete hypothetical.

5 THE WITNESS: I don't recall.

6 Q. BY MR. HALE: Would it have been unusual in  
7 your recollections?

8 MR. MATIASIC: Same objections.

9 THE WITNESS: I don't know.

10 Q. BY MR. HALE: Do you recall ever seeing a  
11 Franciscan hug a student anywhere other than mass?

12 A. No.

13 Q. Did you ever see a student sitting in a  
14 Franciscan's lap while you were at St. Anthony's?

15 A. No.

16 Q. I take it that would have been unusual as well.  
17 Did you ever hear of a Franciscan examining a  
18 student's genitals to see if the student could be in the  
19 choir?

20 A. No.

21 Q. Was Father DeSilva on the faculty when you  
22 joined St. Anthony's?

23 A. No.

24 Q. Do you know Father DeSilva -- or, did you know  
25 Father DeSilva?

1 A. What was his first name?

2 Q. Father Owen DeSilva.

3 A. Yes, I knew him.

4 Q. How did you know Father DeSilva?

5 A. He was a superior at a retreat house in  
6 Arizona.

7 Q. You weren't in residence with him or assigned  
8 to him?

9 A. No.

10 Q. Had you ever heard of him examining students'  
11 genitals to see if a student could be in choir?

12 A. No.

13 Q. Have you ever heard of any Franciscan examining  
14 a student at St. Anthony's to determine if they were  
15 growing pubic hairs?

16 A. No.

17 Q. Have you ever heard of any Franciscan examining  
18 a student at St. Anthony's to determine if they had an  
19 undistended testicle?

20 A. No.

21 Q. During your time at St. Anthony's, did you ever  
22 hear of any Franciscan expressing concern about a  
23 student not growing pubic hair?

24 MR. MATIASIC: Vague and ambiguous.

25 THE WITNESS: No.

1 Q. BY MR. HALE: During your time at St.  
2 Anthony's, did you ever hear of any Franciscan  
3 expressing concern about a student having an undistended  
4 testicle?

5 A. No.

6 MR. MATIASIC: Same objection.

7 Q. BY MR. HALE: During your time at  
8 St. Anthony's, were you ever aware of a Franciscan from  
9 the Mission coming to the seminary and pulling a student  
10 out of class?

11 MR. MATIASIC: Lacks foundation.

12 THE WITNESS: No.

13 MR. MATIASIC: Vague and ambiguous. Incomplete  
14 hypothetical.

15 Q. BY MR. HALE: Were you aware of students  
16 working at the Mission while you were assigned to  
17 St. Anthony's?

18 A. No.

19 Q. Were you aware of students spending any time at  
20 the Mission while you were assigned to St. Anthony's?

21 MR. MATIASIC: Vague and ambiguous.

22 THE WITNESS: No.

23 Q. BY MR. HALE: Was there any aspect of your  
24 training to become a Franciscan - by that, I suppose  
25 that would mean your noviate year - that discouraged you

1 from reporting an act of childhood sexual abuse by  
2 another Franciscan?

3 A. I don't understand.

4 Q. Was there anything in your training to become a  
5 Franciscan that discouraged you from reporting, in other  
6 words, advised against or told you not to report an act  
7 of childhood sexual abuse by another Franciscan?

8 MR. MATIASIC: Vague and ambiguous.

9 THE WITNESS: I don't recall.

10 Q. BY MR. HALE: Do you think there's a  
11 possibility, though, that there was such a component to  
12 your training?

13 MR. MATIASIC: Same objections.

14 THE WITNESS: I don't know.

15 Q. BY MR. HALE: Let me ask you this: If you had  
16 observed or received report of inappropriate sexual  
17 conduct between a Franciscan and a minor, would you have  
18 reported that to anyone within the province? I'm  
19 talking about during the time period you were at  
20 St. Anthony's.

21 MR. MATIASIC: Vague and ambiguous. Lacks  
22 foundation. Incomplete hypothetical.

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

24 A. I don't know.

25 Q. It's possible you would have not reported it?

1 MR. MATIASIC: Argumentative.

2 THE WITNESS: I don't know.

3 MR. HALE: What circumstances would have led  
4 you to report it if you observed inappropriate sexual  
5 contact between a student and a Franciscan?

6 MR. MATIASIC: Same objections as to the  
7 original question.

8 THE WITNESS: Well, I don't know what I would  
9 have done back in those days. I don't know.

10 Q. BY MR. HALE: If you observed inappropriate  
11 sexual conduct between a Franciscan and a student at the  
12 seminary, would you have reported it to law enforcement?  
13 And, again, during that time frame that you were at the  
14 seminary.

15 MR. MATIASIC: Same objections.

16 THE WITNESS: I don't know what I would have  
17 done. I don't know.

18 Q. BY MR. HALE: If a student had come to you and  
19 said, "I was raped by a Franciscan," would you have  
20 reported that to law enforcement?

21 MR. MATIASIC: Vague and ambiguous. Lacks  
22 foundation. Assumes facts not in evidence. Incomplete  
23 hypothetical.

24 THE WITNESS: I don't know what I would have  
25 done.



1 MR. HALE: Okay.

2 Q. Would you have reported that to anyone in the  
3 province?

4 MR. MATIASIC: Same objections.

5 THE WITNESS: Same thing. I don't know what I  
6 would have done in that time.

7 Q. BY MR. HALE: What about now? What if a minor  
8 came to you and said, "Someone came and raped me," what  
9 would you do now?

10 MR. MATIASIC: Hold on, Counsel. He's no  
11 longer even a member of the province, not implicated in  
12 any of these cases. I'm going to instruct -- this is  
13 badgering him, in terms of -- and harassing him in terms  
14 of what he would do now if something came to him. I'm  
15 going to instruct -- this is a nonparty witness. I  
16 think this is out of bounds. I'm going to instruct --

17 MR. HALE: But he is saying that he doesn't  
18 know what he would have done then. It seems to be the  
19 implication is maybe --

20 MR. MATIASIC: The difference is there's some  
21 relevance as well because he was a member of the order  
22 that you are asking.

23 MR. HALE: I think it is relevant, though, if  
24 his mind set has changed somehow from the time he was a  
25 Franciscan to the time now. What has changed? I think

1 that's very relevant.

2 MR. MATIASIC: I don't think it's relevant at  
3 all to the issues that present themselves in this case,  
4 namely, whether or not there was notice. He also wasn't  
5 a -- he wasn't a hierarchy witness and so he wasn't  
6 someone within the province who had any type of  
7 supervisory responsibilities. As such you can ask him  
8 what he saw, what he observed, what he knows one way or  
9 another. But these types of errant hypotheticals aren't  
10 going to be considered particularly now in 2006.

11 MR. HALE: I don't think -- his status as a  
12 nonhierarchy witness doesn't mean he can't be a noticed  
13 witness, Paul.

14 MR. MATIASIC: Agreed. And I think you have  
15 asked him noticed questions. Now you are asking him a  
16 hypothetical question as to what he would do today.  
17 That is completely irrelevant to any of the issues  
18 presented in Clergy I or III. And it rises to the level  
19 of being harassing and oppressive to this 87-year-old  
20 witness.

21 MR. HALE: There's nothing harassing or  
22 oppressive about what I'm asking, but in light of the  
23 way he's answered, which is saying he is not sure about  
24 how he would handle it then, sounds like there would be  
25 a different response if he was asked that question now.

1 So I want to understand what's changed. Was there  
2 something about his training or the environment he was  
3 in then that would have produced a different response  
4 than there would be now if the same circumstances  
5 presented themselves?

6 MR. MATIASIC: You already asked him those  
7 questions. You already asked him if there's anything --

8 MR. HALE: We don't --

9 MR. MATIASIC: -- related to his training, et  
10 cetera.

11 MR. HALE: We don't know yet whether his  
12 response would be any different today. Although, his  
13 response certainly indicates that there would be  
14 something different. And if that's the case, I want to  
15 know why, what's changed. I think that's a legitimate  
16 line of questioning. What's changed?

17 MR. MATIASIC: Let's take a break for a second.

18 THE VIDEOGRAPHER: One moment. We are at the  
19 end of Tape #1. The time is 12:11 p.m. And we are off  
20 the record.

21 (Recess.)

22 THE VIDEOGRAPHER: We are at the beginning of  
23 tape number #2. The time is 12:15 p.m., and we are back  
24 on the record.

25 MR. HALE: Okay.

1           Again, if the answer today is different from  
2 the answer then, then I want to know why. If it's the  
3 same, then the question is answered. It's done.

4           MR. MATIASIC: Tim, I'll let him answer the  
5 question just to clarify that point. But I think this  
6 whole line of questioning regarding these hypotheticals  
7 is inappropriate, given the fact he wasn't a hierarchy  
8 witness and he never observed any of these types of  
9 things.

10           That being said, you can go ahead and answer  
11 the question.

12           (The record was read as follows:

13           "Q. What about now? What if a  
14 minor came to you and said,  
15 'Someone came and raped me,'  
16 what would you do now?")

17           MR. MATIASIC: Same objections.

18           THE WITNESS: I don't know what I would do.

19           MR. HALE: Okay. All right. That answers the  
20 question then.

21           Q. Did you perform any work at any parishes in  
22 Santa Barbara other than at the Old Mission?

23           A. No.

24           Q. Were you ever aware of any Franciscan brothers  
25 who worked at parishes in Santa Barbara other than at

1 the Mission?

2 A. No.

3 Q. Did you know Matthew Kelly, Father Matthew  
4 Kelly?

5 A. Doesn't ring a bell.

6 Q. And did you first meet Mario Cimmarrusti when  
7 you were assigned -- actually, I'm sorry.

8 Did you first meet Mario Cimmarrusti when he  
9 was assigned to St. Anthony's?

10 A. Yes.

11 Q. Were you friends with Mario?

12 A. Not a particular friend.

13 Q. When was the last time that you spoke with him?

14 A. I'm sorry. I don't recall.

15 Q. More than 10 years ago?

16 A. Most likely more than 30 years ago.

17 Q. During your time at St. Anthony's, did you ever  
18 observe any behavior by Father Cimmarrusti that you  
19 thought was inappropriate?

20 MR. MATIASIC: Vague and ambiguous.

21 THE WITNESS: No.

22 Q. BY MR. HALE: Did you ever hear of any behavior  
23 by Father Cimmarrusti that you thought was  
24 inappropriate?

25 MR. MATIASIC: Same objections.

1 THE WITNESS: No.

2 Q. BY MR. HALE: Did you ever hear anyone complain  
3 of misconduct by Father Cimmarrusti?

4 MR. MATIASIC: Same objections.

5 THE WITNESS: No.

6 Q. BY MR. HALE: Did anyone ever tell you that  
7 they had received complaints of misconduct by Father  
8 Cimmarrusti?

9 MR. MATIASIC: Same objections.

10 THE WITNESS: No.

11 Q. BY MR. HALE: When [REDACTED] ran away  
12 from the school, was there a lot of discussion about  
13 that happening between you and other Franciscans?

14 A. We talked about it.

15 Q. It was a pretty unusual event; correct?

16 A. Right.

17 Q. What did you talk about?

18 A. How clever it was that he got to Hawaii without  
19 buying a ticket.

20 Q. Was there any discussion of why he would have  
21 done that?

22 MR. MATIASIC: Tim, are you asking whether he  
23 was involved in that --

24 MR. HALE: Right.

25 MR. MATIASIC: -- discussion?

1 MR. HALE: Right.

2 THE WITNESS: No.

3 Q. BY MR. HALE: Did you wonder why he would have  
4 done that?

5 MR. MATIASIC: You are asking at the time was  
6 he wondering?

7 MR. HALE: Yes.

8 MR. MATIASIC: Again, Tim, I think you are  
9 getting into badgering by continuing to ask these  
10 questions. I'm going to allow him to answer, but it's  
11 going to be a very short rope.

12 MR. HALE: There's no badgering going on.  
13 That's a mischaracterization.

14 MR. MATIASIC: You can answer the question.

15 THE WITNESS: I don't recall.

16 MR. HALE: Okay.

17 Q. Do you recall at some point Father Cimmarrusti  
18 was no longer the prefect of discipline but he was still  
19 assigned to St. Anthony's?

20 A. I don't recall that either.

21 Q. Do you recall within a couple of years of you  
22 leaving the province there was a structure change at  
23 St. Anthony's wherein some of the brothers became more  
24 involved in supervising the students?

25 MR. MATIASIC: You are asking whether he is

1 aware that that happened?

2 MR. HALE: Yes.

3 Q. For instance, do you recall Brother [REDACTED]  
4 becoming what is called a class monitor?

5 A. Oh. Yes.

6 Q. What is your understanding of why that took  
7 place?

8 MR. MATIASIC: If you have an understanding.

9 THE WITNESS: I don't know.

10 Q. BY MR. HALE: Do you recall any conflict  
11 between some of the brothers and Father Cimmarrusti over  
12 that happening?

13 A. No.

14 Q. Did you ever hear anything about anything like  
15 that happening?

16 A. No.

17 Q. Was Father Cimmarrusti transferred from  
18 St. Anthony's the year before you left?

19 MR. MATIASIC: Lacks foundation that he was  
20 transferred.

21 THE WITNESS: I don't recall.

22 Q. BY MR. HALE: Do you recall Father Cimmarrusti  
23 leaving St. Anthony's?

24 A. Yes.

25 Q. Do you know why he left St. Anthony's?



1 A. No.

2 Q. Do you know where he went?

3 A. To Mexico.

4 Q. Did you ever talk to him about his assignment  
5 to Mexico?

6 MR. MATIASIC: At any time?

7 THE WITNESS: No.

8 Q. BY MR. HALE: Have you heard that he was  
9 transferred or reassigned from that assignment in  
10 Mexico?

11 MR. MATIASIC: Again, lacks foundation.

12 THE WITNESS: No.

13 Q. BY MR. HALE: Did you ever hear why he was  
14 transferred or reassigned from St. Anthony's to Mexico?

15 MR. MATIASIC: Same objections.

16 THE WITNESS: No.

17 Q. BY MR. HALE: Did you ever discuss with anyone  
18 why he was being reassigned from St. Anthony's to  
19 Mexico?

20 MR. MATIASIC: Same objections.

21 THE WITNESS: No.

22 Q. BY MR. HALE: Have you ever heard that he  
23 was -- Father Cimmarrusti was accused of childhood  
24 sexual abuse by the Mexican authorities?

25 A. No.

1 Q. Do you know if Father Cimmarrusti had any  
2 medical training?

3 A. No.

4 Q. Did you ever hear any loud voices coming from  
5 Father Cimmarrusti's office?

6 MR. MATIASIC: Vague and ambiguous.

7 THE WITNESS: No.

8 Q. BY MR. HALE: Was it your understanding that  
9 his office was also his living quarters?

10 A. No.

11 Q. What was your understanding in that regard?

12 A. That it was two separate offices with living  
13 quarters and his office where he did the discipline or  
14 whatever he was supposed to do.

15 Q. You mean they were in the same room but there  
16 was some sort of divider between the two?

17 A. A wall. They were two different separate  
18 rooms.

19 Q. Did you have to walk through -- do you know  
20 whether you had to walk through his living quarters to  
21 get to his office or visa-versa?

22 A. You had to go out in the hallway.

23 Q. You referenced the office being the location  
24 where he did the discipline. How were you aware of him  
25 disciplining students in his office?

1 A. That is where he did it. That was the job.

2 Q. What was your understanding of the discipline  
3 he utilized against students?

4 A. Well, like I said, dish shift was the main  
5 thing.

6 Q. What about in his office? What discipline in  
7 his office?

8 A. I have no idea what went on in there.

9 Q. But it was your understanding that there was  
10 discipline taking place in his office?

11 A. I don't know how to answer that.

12 Q. Did you have an understanding -- I mean --  
13 strike that.

14 Did you have any reason to believe that Father  
15 Cimmarrusti was disciplining students in his office?

16 MR. MATIASIC: I'm going to object. Vague and  
17 ambiguous as to the term "disciplining."

18 THE WITNESS: I don't understand if he said,  
19 "You are on dish shift," in the office or he said it to  
20 them out in the hallway.

21 MR. HALE: Okay.

22 THE WITNESS: I don't -- no compendo.

23 MR. HALE: Okay.

24 Q. Did you have any personal knowledge of Father  
25 Cimmarrusti disciplining students in his office?

1 A. No.

2 MR. MATIASIC: Same objection.

3 Q. BY MR. HALE: Did anyone ever tell you that  
4 they had personal knowledge of Father Cimmarrusti  
5 disciplining students in his office?

6 MR. MATIASIC: Same objection.

7 THE WITNESS: No.

8 Q. BY MR. HALE: Have you ever heard rumors of  
9 Father Cimmarrusti disciplining students in his office?

10 A. No.

11 MR. MATIASIC: Same objection.

12 Q. BY MR. HALE: Are you aware of the province  
13 running any orphanages?

14 MR. MATIASIC: "Province," you mean Province of  
15 St. Barbara?

16 MR. HALE: Yes.

17 THE WITNESS: Not that -- no, no.

18 Q. BY MR. HALE: Did you ever hear any Franciscan  
19 ordering a student to strip naked?

20 A. No.

21 Q. Have you heard Father Cimmarrusti has been  
22 accused of childhood sexual abuse?

23 MR. MATIASIC: Other than from your attorneys.

24 THE WITNESS: Have I heard?

25 Q. BY MR. HALE: Yes.

1 A. Yes.

2 Q. When did you first hear that?

3 A. I don't recall.

4 Q. Do you think it was within the last 15 years?

5 A. Whenever it broke into the newspapers in Santa  
6 Barbara.

7 Q. Do you recall seeing Father Cimmarrusti  
8 punching students, kind of giving them a Charley horse  
9 kind of thing?

10 MR. MATIASIC: Vague and ambiguous.

11 THE WITNESS: No.

12 Q. BY MR. HALE: Do you know Dave Johnson?

13 A. Yes.

14 Q. How do you know Dave?

15 A. He was a student at St. Anthony's.

16 Q. Do you know when he became a priest?

17 A. I would say no.

18 Q. Were you aware of there being any disciplinary  
19 action taken against Johnson while he was a student?

20 MR. MATIASIC: Vague and ambiguous.

21 THE WITNESS: No.

22 Q. BY MR. HALE: Do you recall if he was a good  
23 student?

24 A. No.

25 Q. Were you ever involved in evaluating his

1 performance as a student?

2 A. No.

3 Q. Are you aware that he has been accused of  
4 childhood sexual abuse?

5 MR. MATIASIC: Other than from counsel.

6 THE WITNESS: Through the newspapers.

7 Q. BY MR. HALE: Were you ever interviewed by the  
8 Board of Inquiry?

9 A. No.

10 Q. Did you read the Board of Inquiry's report when  
11 it was issued?

12 A. No.

13 Q. Did anyone ever tell you who the perpetrators  
14 in the Board of Inquiry report were?

15 A. No.

16 Q. Do you know Father David Carriere,  
17 C-a-r-r-i-e-r-e?

18 A. Yes.

19 Q. How do you know Father Carriere?

20 A. He was a student at St. Anthony's.

21 Q. Did you know him from anywhere beyond -- in  
22 other words, after his time at St. Anthony's?

23 A. When he was at the Old Mission.

24 Q. That's after you were a Franciscan; correct?

25 A. I think it was after I left the order.

1 Q. How did you know him from his time at the  
2 Mission?

3 A. See him occasionally.

4 Q. Where would you see him?

5 A. Around town.

6 Q. Was that in the late '70s or 1980s?

7 A. Could be.

8 Q. Did you go to his funeral?

9 A. What?

10 Q. Did you go to his funeral?

11 A. No.

12 Q. Do you recall there being any problems with him  
13 as a student?

14 MR. MATIASIC: Vague and ambiguous.

15 THE WITNESS: No.

16 Q. BY MR. HALE: Did you ever observe or hear of  
17 any inappropriate behavior by him as a student?

18 MR. MATIASIC: Same objection.

19 THE WITNESS: No.

20 Q. BY MR. HALE: What about by him while he was in  
21 residence at the Mission?

22 MR. MATIASIC: Same objection.

23 THE WITNESS: No.

24 Q. BY MR. HALE: Did you socialize with Father  
25 Carriere after he returned to Santa Barbara?

1 A. No.

2 Q. Do you know Father [REDACTED]?

3 A. Yes.

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

5 A. About 30 years ago.

6 Q. Are you aware that Father Carriere has been  
7 accused of childhood sexual abuse?

8 A. Am I or was I?

9 Q. Are you?

10 A. Through the newspapers, yes.

11 Q. Do you recall Father Carriere being assigned in  
12 Fresno?

13 A. No.

14 Q. Have you ever spoken with anyone who said that  
15 Father Carriere was engaging in inappropriate conduct  
16 with minors in Santa Barbara?

17 A. No.

18 Q. Have you ever heard that Father Carriere was  
19 engaging in inappropriate conduct with minors in Santa  
20 Barbara other than what you read in the newspapers and  
21 heard from counsel?

22 A. No.

23 Q. Do you know Robert Van Handel?

24 A. Yes.

25 Q. How do you know him?



1 A. Student at St. Anthony's.

2 Q. Did you know him after he graduated from  
3 St. Anthony's? Strike that.

4 Did you have any contact with him after he  
5 graduated from St. Anthony's?

6 A. Yes.

7 Q. How?

8 A. He was chaplain of the Third Order.

9 Q. When was that?

10 A. Nineteen -- I don't know -- '75.

11 Q. When you say chaplain of the Third Order, are  
12 you referring to the lay Franciscans?

13 A. Yes.

14 Q. Were you a lay Franciscan for a while?

15 A. Yes.

16 Q. What years were you a lay Franciscan?

17 A. Well, maybe '75 to '78.

18 Q. Why did you stop being a lay Franciscan?

19 A. I don't know; just didn't go to the meetings.

20 Q. How did you interact with Father Van Handel in  
21 his capacity of the chaplain of the lay Franciscans of  
22 the Third Order?

23 MR. MATIASIC: Vague and ambiguous. You mean,  
24 did they talk or correspondence or how they got along?

25 MR. HALE: I don't know.

1 THE WITNESS: (Overlapping.)

2 MR. MATIASIC: Hold on.

3 If you don't know, then we have a problem,  
4 because, I mean, there's many different ways one can  
5 interact. Are you talking about mode of communication?  
6 Are you talking about how they got along? What are  
7 you --

8 MR. HALE: I think he spelled it out.

9 Q. Was there a meeting where he attended with you  
10 guys?

11 A. Occasionally.

12 Q. Anything else?

13 A. No.

14 Q. What would he do at those meetings? Would he  
15 lead the meetings?

16 A. Discuss some religious aspect.

17 Q. Do you know Gerald Heather? Does that name  
18 sound familiar to you?

19 A. No.

20 Q. Are you familiar with the Santa Barbara Boys  
21 Choir?

22 A. Heard of them.

23 Q. How did you hear of them?

24 A. Well, newspaper articles.

25 Q. Did you ever attend any of their performances?

1 A. No.

2 Q. Did Father Van Handel ever talk about them  
3 while he was chaplain of the Third Order?

4 A. No.

5 Q. When did you first hear he was accused of  
6 childhood sexual abuse?

7 A. When it came out in the papers.

8 Q. When was the last time that you spoke with him?

9 A. I really don't know.

10 Q. Do you know Sam Cabot?

11 A. I heard of him.

12 Q. How have you heard of him?

13 A. Also through the newspaper.

14 Q. Have you ever spoken about him with any  
15 Franciscan?

16 A. No.

17 Q. You have never met him, though?

18 A. No.

19 Q. Have you heard he's been accused of childhood  
20 sexual abuse?

21 MR. MATIASIC: Other than from counsel. Other  
22 than from counsel, is the question.

23 THE WITNESS: What?

24 MR. MATIASIC: Have you heard he's been accused  
25 of childhood sexual abuse other than from counsel?

1 THE WITNESS: Oh.

2 No.

3 Q. BY MR. HALE: Did you ever meet any of Alfred  
4 Boeddecker's relatives here in Santa Barbara?

5 A. Yes, his brother.

6 Q. His brother?

7 A. Right.

8 Q. What about -- do you know Bob Boeddecker?

9 A. No. I would say I don't remember. The name  
10 don't ring a bell.

11 Q. Did you know Kevin [REDACTED] before you were  
12 assigned to St. Anthony's?

13 A. No.

14 Q. When was the last time that you spoke to Kevin  
15 [REDACTED]?

16 A. Couple of years ago.

17 Q. Where was that at?

18 A. They were having a mass at St. Anthony's  
19 Seminary.

20 Q. What did you talk to him about?

21 A. I didn't talk to him; just met him.

22 Q. Was that the mass where Father Mel apologized  
23 regarding the scandal?

24 A. I don't recall that. Could have been, but I  
25 don't recall.

1 Q. Do you recall Brother [REDACTED] leaving  
2 St. Anthony's in the middle of a semester?

3 A. No.

4 Q. Do you recall him leaving St. Anthony's?

5 A. No.

6 Q. Do you recall him ever taking any students out  
7 to dinner?

8 A. No.

9 Q. Do you recall any Franciscans taking a student  
10 out to dinner?

11 A. No.

12 Q. Do you recall ever seeing any Franciscans smoke  
13 cigarettes with a student?

14 A. Smoking cigarettes with a student?

15 Q. Right.

16 A. No.

17 Q. Do you recall any Franciscans -- have you ever  
18 been aware of any Franciscans saying that they were  
19 sexually abused while they were students at  
20 St. Anthony's?

21 A. No.

22 Q. Have you heard Robert Van Handel has said that  
23 he was abused by Father McKeon, M-c-K-e-o-n, while he  
24 was a student at St. Anthony's?

25 A. No.

1 Q. Is it McKeon or McKeon?

2 A. I think it's McKeon.

3 Q. Do you remember Father McKeon?

4 A. Yes.

5 Q. Do you remember he was the prefect?

6 A. Yes.

7 Q. Did you ever observe any inappropriate behavior  
8 by Father McKeon with the students?

9 A. No.

10 Q. Was Father McKeon the infirmarian?

11 A. I don't recall that.

12 Q. Have you ever heard that Father McKeon has been  
13 accused of childhood sexual abuse?

14 MR. MATIASIC: Other than from counsel.

15 THE WITNESS: Other than?

16 MR. MATIASIC: Other than from counsel. That's  
17 the question. He wants to know if you have heard that  
18 he's been accused of childhood sexual abuse other than  
19 from your counsel.

20 THE WITNESS: No.

21 Q. BY MR. HALE: Did you ever observe any conduct  
22 by Father McKeon that you considered to be  
23 inappropriate?

24 MR. MATIASIC: Vague and ambiguous.

25 THE WITNESS: No.

1 Q. BY MR. HALE: Did you know Gus Krumm?

2 A. Yes.

3 Q. How did you meet Gus?

4 A. He was a student.

5 Q. Do you know his dad?

6 A. Yes.

7 Q. You ever socialize with his dad?

8 A. We did for a number of years.

9 Q. When was the last time that you spoke with his  
10 dad?

11 A. Three or four years ago.

12 Q. What did you talk about?

13 MR. MATIASIC: Hold on.

14 Q. BY MR. HALE: Let me ask you this: Have you  
15 ever talked with Mr. Krumm about the allegations  
16 involving Gus?

17 A. He told me about them.

18 Q. What did he tell you about them?

19 A. That he didn't believe it.

20 Q. Did you ask him if he asked Gus about the  
21 allegations?

22 A. No.

23 Q. What did you say when he told you that he  
24 didn't believe the allegations?

25 A. What did I say?

1 Q. Yes.

2 A. I don't recall. I don't recall.

3 Q. Did he tell you why he didn't believe the  
4 allegations?

5 A. No.

6 Q. What else did he talk to you about regarding  
7 Gus?

8 MR. MATIASIC: Are you talking about in the  
9 context of sexual abuse?

10 MR. HALE: No; with Gus. Discovery at this  
11 point. If he talked about Gus for any other reason, I  
12 would like to hear what it is. If it's not related to  
13 abuse, I probably won't hear it. But if he talked about  
14 treatment or where he was assigned or anything like  
15 that, I want to hear it.

16 MR. MATIASIC: Go ahead.

17 THE WITNESS: No, no.

18 Q. BY MR. HALE: Do you know Gus's mother?

19 A. Yes.

20 Q. Have you socialized with her?

21 A. Not in the last 20 years.

22 Q. She wasn't present during the conversation  
23 where he said he didn't believe the allegations?

24 A. No.

25 Q. Do you recall Gus being disciplined as a



1 student?

2 A. No.

3 Q. Do you recall observing any inappropriate  
4 behavior by Gus while he was a student?

5 MR. MATIASIC: Vague and ambiguous.

6 THE WITNESS: No.

7 Q. BY MR. HALE: Did you ever hear of Gus engaging  
8 in any inappropriate behavior while he was a student?

9 MR. MATIASIC: Same objections.

10 THE WITNESS: No.

11 Q. BY MR. HALE: Did you ever have any contact  
12 with Gus after he returned as a brother to  
13 St. Anthony's?

14 A. No.

15 Q. Did you discuss with Mr. Krumm the fact that  
16 Finan McGinn had filed reports of childhood sexual abuse  
17 with the Oakland Police Department regarding Gus?

18 A. No.

19 Q. Are you aware that that has taken place?

20 A. No.

21 Q. Do you know [REDACTED]?

22 A. No.

23 Q. Never heard of the name?

24 A. No.

25 Q. What about Phil Wolfe? Did you know him?

1 W-o-l-f-e.

2 A. Yes.

3 Q. How do you know him?

4 A. Student at the seminary.

5 Q. Did you know him after he left -- graduated  
6 from the seminary?

7 A. No.

8 Q. Have you heard he's been accused of childhood  
9 sexual abuse?

10 MR. MATIASIC: Other than from counsel.

11 THE WITNESS: Yes.

12 Q. BY MR. HALE: How did you hear that?

13 A. Through the papers, newspaper.

14 Q. Anywhere else?

15 A. No.

16 Q. What about Tom Fing? Did you know him?

17 A. I'm just not -- I don't know.

18 Q. Does the name sound familiar?

19 A. Sounds familiar, but I don't see a face.

20 Q. What about Ed Byrom, B-y-r-o-m?

21 A. No, I don't know him.

22 Q. Do you know Chris Berbena, B-e-r-b-e-n-a?

23 A. No.

24 Q. What about Bernard Connolly, C-o-n-n-o-l-l-y?

25 A. Yes.

1 Q. How did you know Bernard?

2 A. He was a brother of one of the Franciscans.

3 Q. When did you first meet him?

4 A. I just don't remember.

5 Q. Have you heard he's been accused of childhood  
6 sexual abuse?

7 MR. MATIASIC: Other than from counsel.

8 THE WITNESS: No.

9 Q. BY MR. HALE: Were you aware he was ever  
10 assigned in Spokane?

11 A. I don't recall.

12 Q. Did you ever socialize with Brother Bernard  
13 when he was assigned to St. Anthony's in the 1980s?

14 A. I don't recall.

15 Q. Did you know Paul Conn, C-o-n-n?

16 A. No.

17 Q. Have you heard that Michael Terra has been  
18 accused of childhood sexual abuse? T-e-r-r-a.

19 A. Other than through the newspaper.

20 Q. While you were at San Roque, did you ever  
21 observe any inappropriate behavior by Father Terra?

22 A. No.

23 Q. Did you know Gerald Chumik, C-h-u-m-i-k?

24 A. No.

25 Q. Do you know who he is?

1 A. What is that?

2 Q. Do you know who he is?

3 A. No.

4 Q. How about [REDACTED]?

5 A. Yes, I know him.

6 Q. How do you know him?

7 A. Student at the seminary.

8 Q. When is the last time that you spoke with him?

9 A. A number of years ago.

10 Q. More than five?

11 A. I'm sure.

12 Q. How about Joseph Prochnow, P-r-o-c-h-n-o-w?

13 A. Yes, I know him.

14 Q. How did you meet him?

15 A. Also a student at the seminary.

16 Q. Did you have contact with him after he  
17 graduated from the seminary?

18 A. Yes.

19 Q. In what context?

20 A. He was a professor at the seminary. He was a  
21 teacher.

22 Q. He was on the faculty?

23 A. Yes.

24 Q. What years was he on the faculty at  
25 St. Anthony's?

1 MR. MATIASIC: If you know.

2 THE WITNESS: I don't recall.

3 Q. BY MR. HALE: But it was while you were there?

4 A. Yes.

5 Q. So sometime between '53 and '72?

6 A. Right.

7 Q. Did you ever observe him wrestling with  
8 students?

9 A. No.

10 MR. MATIASIC: I think that's asked and  
11 answered. You asked whether he observed any Franciscans  
12 wrestling with students.

13 Q. BY MR. HALE: Did you ever observe him sticking  
14 his finger in a student's ear?

15 A. No.

16 Q. Did you ever observe any inappropriate behavior  
17 by Father Prochnow with a student?

18 MR. MATIASIC: Vague and ambiguous.

19 THE WITNESS: No.

20 Q. BY MR. HALE: When is the last time that you  
21 spoke with him?

22 A. I don't recall.

23 Q. More than five years ago?

24 A. Oh, yes. Thirty.

25 Q. Are you aware that he's been accused of

1 childhood sexual abuse?

2 MR. MATIASIC: Other than from counsel.

3 THE WITNESS: No.

4 Q. BY MR. HALE: Have you ever been aware of any  
5 member of the province warning a member or members of a  
6 parish or a community that a Franciscan who has been  
7 accused of sexual abuse of a minor was assigned or in  
8 residence at that location?

9 MR. MATIASIC: Lacks foundation. Vague and  
10 ambiguous. It's an incomplete hypothetical.

11 THE WITNESS: I don't understand the question.

12 MR. HALE: Do you want to read it back?

13 (The record was read as follows:

14 "Q. Have you ever been aware of  
15 any member of the province warning  
16 a member or members of a parish or  
17 a community that a Franciscan who has  
18 been accused of sexual abuse of a minor  
19 was assigned or in residence at that  
20 location?")

21 MR. MATIASIC: Same objections.

22 THE WITNESS: No.

23 Q. BY MR. HALE: Have you ever been aware of any  
24 discussions within the province regarding whether the  
25 province should take such actions, in other words,

1 warning members of a parish or a community?

2 MR. MATIASIC: Same objections.

3 THE WITNESS: No.

4 Q. BY MR. HALE: Have you ever heard of the House  
5 of Affirmation?

6 A. No.

7 Q. What about St. Luke's?

8 A. No.

9 Q. The Servants of the Paraclete?

10 A. No.

11 Q. Have you ever heard of there being treatment  
12 centers for priests with sexual problems?

13 A. Yes. Seems to me -- no. It was for  
14 alcoholics. I'm sorry. I don't know.

15 Q. Can you think of any of those specific  
16 treatment centers?

17 A. What was that?

18 Q. The names of any treatment centers that you can  
19 recall.

20 A. No. It was back East someplace.

21 Q. When do you first recall hearing about the  
22 existence of such centers?

23 A. Two Catholic papers.

24 Q. Okay. But when? How long ago?

25 MR. MATIASIC: And this is when did he first

1 recall hearing about treatment centers for priests with  
2 alcohol problems?

3 MR. HALE: Right.

4 MR. MATIASIC: How this is relevant to this  
5 case, I don't know, Tim. I'll let him answer the  
6 question to keep moving.

7 THE WITNESS: Forty years ago.

8 Q. BY MR. HALE: You read advertisements for those  
9 centers in publications such as -- is there one called  
10 "The Priest"?

11 A. I don't recall. It just won't come back to me.

12 Q. But would these be publications that you would  
13 have found, for instance, in the recreation room,  
14 perhaps at the --

15 A. Right, yeah.

16 MR. MATIASIC: Let him finish his question.

17 THE WITNESS: Oh, I'm sorry.

18 Q. BY MR. HALE: These publications would be lying  
19 around the recreation room at the seminary and that is  
20 how you would come across them?

21 A. Right. Yes.

22 Q. In other words, you didn't have a personal  
23 subscription; it was a subscription for the community?

24 A. Right.

25 Q. Were you aware of there being a



1 no-fraternization policy for Franciscans and students?

2 A. Yes.

3 Q. How did you become aware of that policy?

4 A. I guess we were told that at some point.

5 Q. Do you recall who told you that? Was it the  
6 guardian? the rector?

7 A. Most likely it was the guardian.

8 Q. Do you recall how it came up? What was the  
9 context?

10 A. No, I don't recall.

11 Q. Was there any discussion regarding what crossed  
12 the line into the no-fraternization policies as far as  
13 conduct goes?

14 MR. MATIASIC: Any discussion that he was  
15 involved in?

16 MR. HALE: That he was aware of.

17 THE WITNESS: I don't recall.

18 Q. BY MR. HALE: What was your understanding of  
19 where a Franciscan would cross the line into conduct  
20 that violated the no-fraternization policy?

21 MR. MATIASIC: Vague and ambiguous.

22 THE WITNESS: I don't recall that.

23 Q. BY MR. HALE: Were you ever aware of any  
24 Franciscan being reprimanded for violating that  
25 no-fraternization policy?

1 MR. MATIASIC: Same objection.

2 THE WITNESS: No.

3 Q. BY MR. HALE: Did you have any understanding of  
4 why that no-fraternization policy was in place?

5 A. I don't know.

6 Q. Did you ever hear that Father Cimmarrusti was  
7 examining students to determine if they had hernias?

8 A. No.

9 Q. Do you recall there being any Franciscans who  
10 were disciplined by the guardian or the rector while you  
11 were at St. Anthony's?

12 MR. MATIASIC: Vague and ambiguous.

13 THE WITNESS: No.

14 Q. BY MR. HALE: Has anyone, other than your  
15 counsel, ever asked you if you observed - or myself -  
16 asked you if you observed any inappropriate conduct by  
17 Father Cimmarrusti?

18 A. No.

19 Q. What about by Brother [REDACTED]?

20 A. Brother [REDACTED]? Did you say "Brother [REDACTED]"?

21 Q. [REDACTED].

22 A. [REDACTED].

23 Q. [REDACTED].

24 A. I lost the --

25 Q. Has anyone other than your counsel or myself

1 ever asked you if you ever observed any inappropriate  
2 conduct by Father [REDACTED]?

3 A. No.

4 Q. What about by Father McKeon?

5 A. No.

6 Q. By any Franciscan?

7 A. No.

8 MR. HALE: I'm done.

9 Do you have any questions?  
10

11 EXAMINATION

12 BY MR. LAURENCE:

13 Q. Clement, my name is Patrick Laurence, and I  
14 represent a man in this litigation who claims he was  
15 sexually molested by Father Mario Cimmarrusti.

16 Is "[REDACTED]" your middle name?

17 A. Yes.

18 Q. During your time at St. Anthony's, did you know  
19 of a student by the name of [REDACTED]?

20 A. No.

21 MR. LAURENCE: I would like to have this marked  
22 as Exhibit 1. I'll pass a copy to counsel.

23 (Plaintiffs' Exhibit 1 was  
24 marked for identification.)

25 Q. BY MR. LAURENCE: Counsel has handed you what

1 has been marked as Exhibit 1. Do you recognize the  
2 young man with the tie in that photo?

3 A. No.

4 Q. Do you recognize the woman standing next to him  
5 in the photo?

6 A. No.

7 Q. Earlier you testified that you knew of a priest  
8 name Father Patrick Roemer; is that correct?

9 A. Yes.

10 Q. Do you recall when it was that you first  
11 learned of who he was?

12 A. I don't recall.

13 Q. Do you know if you first came to know of Father  
14 Roemer after you left the province in 1972?

15 A. Yes.

16 Q. So you did not know who he was before 1972?

17 A. Right.

18 Q. Other than from your attorneys have you heard  
19 that Father Roemer was accused of sexually molesting  
20 children?

21 A. Yes, I heard that.

22 Q. When was it that you first learned that?

23 A. I don't remember.

24 Q. Was it more than 30 years ago?

25 A. No. It was after I was married.

1 Q. When were you married?

2 A. '72.

3 Q. Do you recall --

4 A. It was sometime after that.

5 Q. Do you recall was it within 10 years after you  
6 were married?

7 A. I really don't know.

8 Q. How was it that you learned that Father Roemer  
9 was accused of sexual misconduct with children?

10 MR. MATIASIC: Other than anything that you  
11 received from counsel.

12 THE WITNESS: It was talked about in the  
13 parish.

14 Q. BY MR. LAURENCE: Which parish was this?

15 A. San Roque.

16 Q. When you say "it was talked about," do you  
17 remember who was discussing that he had been accused?

18 A. I don't remember.

19 Q. Do you remember the specific details of what he  
20 was accused of, if you know?

21 A. That he was molesting some of the children.

22 Q. Was this common knowledge among the  
23 parishioners at San Roque that he had sexually molested  
24 children, Father Roemer?

25 MR. MATIASIC: Calls for speculation.

1 THE WITNESS: I would have to say I don't know.

2 Q. BY MR. LAURENCE: Do you remember -- was there  
3 an individual who first informed you of the allegations  
4 against Father Roemer?

5 A. I don't recall.

6 Q. You don't recall how you came to first know  
7 about this?

8 A. Right.

9 Q. But as far as you know, it's within, roughly,  
10 10 years after you came here?

11 MR. MATIASIC: Counsel, you are misstating his  
12 testimony. He already testified that he learned that  
13 Roemer had molested children sometime after he got  
14 married in 1972. That's his testimony.

15 MR. LAURENCE: He didn't say within 10 years;  
16 correct?

17 MR. MATIASIC: He didn't say within 10 years.  
18 He said sometime after '72. What I'm saying is you are  
19 misstating the testimony by saying it is within 10  
20 years.

21 Q. BY MR. LAURENCE: But you can say with  
22 certainty that you knew about Father Roemer during your  
23 time at San Roque as a parishioner?

24 A. Yes.

25 Q. Are you still a parishioner at San Roque?

1 A. What?

2 Q. Are you still a parishioner at San Roque?

3 A. Yes.

4 MR. LAURENCE: That's all the questions I have.

5 MR. HALE: I have a few more.

6

7

FURTHER EXAMINATION

8 BY MR. HALE:

9 Q. Did you hear in the '70s of a group of parents  
10 from San Roque going down to the Archdiocese office in  
11 Los Angeles and complaining about the Archdiocese  
12 sending problem priests, such as Father Roemer, to Santa  
13 Barbara?

14 MR. HABEL: Assumes facts not in evidence.  
15 Lacks foundation. Calls for speculation.

16 Q. BY MR. HALE: You can answer that.

17 A. I don't recall.

18 Q. Did you ever hear about any parents going down  
19 and complaining about Father Roemer in Los Angeles?

20 A. No.

21 MR. HABEL: Same objections.

22 Q. BY MR. HALE: Were you aware of Father Roemer  
23 being involved in the CDC program at San Roque?

24 A. I don't recall.

25 Q. Were you ever aware of any of your wife's

1 children participating in such a program at San Roque?

2 MR. MATIASIC: Hold on.

3 Counsel, you are going to have to make a  
4 showing here before he starts talking about what his  
5 wife's children --

6 MR. HALE: If her children were participating  
7 in a program with a known perpetrator, I would think he  
8 would want to know, for one thing. Second of all, they  
9 may be noticed witnesses. So it's highly relevant.

10 MR. MATIASIC: If you want to ask him regarding  
11 whether or not his children may have noticed regarding  
12 Father Roemer, then that's fine. But you are not going  
13 to just have unfettered inquiry into what his children  
14 did or didn't participate in.

15 MR. HALE: It's not unfettered. I am asking if  
16 they participated in a CDC program run by a known  
17 perpetrator. I don't think it's unfettered at all.  
18 It's very specific.

19 MR. MATIASIC: Like you just said, they may be  
20 noticed witnesses. Ask specifically about whether or  
21 not his children were aware of Donald Roemer being  
22 accused of childhood sexual abuse.

23 MR. HALE: He may not know if they have notice  
24 of evidence. But if they were a part of the group of  
25 kids that were attending CDC programs with a perpetrator



1 priest, that could make them witnesses in those cases.

2 I'm not going to ask were they noticed  
3 witnesses. One, that is a legal question. Two, this is  
4 clearly designed to elicit evidence that is going to  
5 lead to discoverable evidence.

6 MR. MATIASIC: Are you making a representation  
7 here that Roemer molested children during the CDC  
8 program?

9 MR. HALE: Absolutely.

10 MR. MATIASIC: That's fine.

11 MR. HALE: But if you didn't understand my  
12 question, my question was, was he aware of a group of  
13 families who actually went down to Los Angeles and  
14 complained to the Archdiocese.

15 MR. MATIASIC: I heard that question. But I'm  
16 talking about specifically when you are asking questions  
17 related to what his children did or did not do, it has  
18 to be very limited in scope.

19 MR. HALE: I just want to know.

20 MR. MATIASIC: You made a representation that  
21 Roemer's accused of molesting children in the CDC group.  
22 I'll let him answer that question. I'm just saying that  
23 he's not going to carte blanche answer questions  
24 regarding what his children did.

25 MR. HALE: I'm not asking for carte blanche. I

1 just want to know if they were participants in the CDC  
2 program.

3 MR. MATIASIC: The showing was fine with me.

4 MR. HALE: Okay.

5 MR. MATIASIC: Now with the showing, I'm okay  
6 with the question.

7 MR. HABEL: I think he answered that around  
8 eleven o'clock, too. I think you asked him that  
9 already.

10 MR. HALE: I asked him about -- it's possible.  
11 I'm not going to definitively say --

12 MR. HABEL: I could have sworn you asked him  
13 about eleven o'clock.

14 MR. MATIASIC: I don't remember. Unless you  
15 want me to say asked and answered, but I won't.

16 MR. HALE: Fair enough. Fair enough.

17 Q. If you can answer.

18 A. I don't know.

19 Q. Do you recall learning of these allegations  
20 involving Father Roemer before Father Terra was assigned  
21 to San Roque?

22 A. No.

23 Q. Do you think it was after Father Terra was  
24 assigned to San Roque that you learned of those  
25 allegations?

1 A. Whenever they came out in the paper.

2 Q. Do you recall being aware of Father Roemer  
3 being arrested in Thousand Oaks for allegations of  
4 childhood sexual abuse?

5 A. No.

6 Q. I'll represent to you that the first  
7 allegations that came out were in the context of the  
8 arrest in Thousand Oaks. So there weren't any  
9 allegations until recent years about Father Roemer in  
10 town.

11 Are you convinced that you heard allegations  
12 involving Father Roemer sometime in the '70s or the  
13 early '80s?

14 A. I can't recall that.

15 Q. Okay.

16 Do you know if you heard the allegation before  
17 Father Van Liefde was assigned to San Roque?

18 A. I can't recall that either.

19 Q. Was there any action discussed being taken by  
20 parishioners after hearing of these allegations  
21 involving Father Roemer?

22 MR. MATIASIC: That you --

23 MR. HALE: That he is aware of.

24 THE WITNESS: I don't recall that.

25 Q. BY MR. HALE: Were you aware of any discussions

1 involving inquiring as to children who were under Father  
2 Roemer's supervision as to whether they had been abused  
3 by Father Roemer?

4 A. No.

5 Q. Were there ever any group discussions about  
6 abuse by Father Terra, to your knowledge?

7 A. No.

8 Q. The only one that you had knowledge of  
9 previously was Father Roemer?

10 A. Correct.

11 MR. HALE: All right. I'm done.

12 Let's stipulate we will relieve the reporter of  
13 her duties under the Code. We will send the original to  
14 Mr. Matiasic's office, and he can maintain custody of  
15 the original. Then forward the original to Mr. [REDACTED],  
16 and 30 days to review.

17 Is that okay?

18 MR. MATIASIC: Thirty days from when he  
19 receives it?

20 MR. HALE: Yes.

21 Make any changes you feel are necessary and  
22 sign under the penalty of perjury. If you could then  
23 forward it back to Mr. Matiasic, and he will make any  
24 changes known to all counsel as soon as possible  
25 especially with this trial date coming up. If the

1 signed original is not available before trial, an  
2 unsigned certified copy can be used for all purposes.

3 MR. MATIASIC: So stipulated.

4 THE VIDEOGRAPHER: One moment.

5 This concludes today's deposition of [REDACTED]  
6 [REDACTED]. The number of videotapes used was two. The time  
7 is 1:07 p.m. and we are off the record.

8 (The deposition concluded at 1:07 p.m.)

9

10

11

--ooOoo--

12

13

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

15

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006,

16

at \_\_\_\_\_, California.

17

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA, )  
 ) ss  
COUNTY OF SANTA BARBARA. )

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

That, prior to being examined, the witness named in the foregoing deposition, to wit, [REDACTED], was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

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

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

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

\_\_\_\_\_  
Certified Shorthand Reporter  
State of California  
CSR No. 6821