

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ORANGE

JOHN DOE, Individually,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 30-2009-00124288
	)	
ROMAN CATHOLIC BISHOP OF	)	
ORANGE; FRANCISCAN FRIARS OF	)	
CALIFORNIA, INC., et al.,	)	
	)	
Defendants.	)	
_____	)	

Videotaped deposition of [REDACTED] taken  
at 10:41 a.m., Friday, November 5, 2010, at 1430 Chapala  
Street, Santa Barbara, California, before Mark McClure,  
C.S.R. #12203, Certified Shorthand Reporter in and for  
the State of California.

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OUR FILE NO: 68155

REPORTED BY: MARK MCCLURE, CSR #12203



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17    ALSO PRESENT:

18                    CHRISTIAN MARTINEZ, VIDEOGRAPHER  
19  
20  
21  
22  
23  
24  
25

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E X H I B I T S

(NO EXHIBITS)

WITNESS INSTRUCTED NOT TO ANSWER

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1 SANTA BARBARA, CALIFORNIA

2 FRIDAY, NOVEMBER 5, 2010, 10:41 A.M.

3  
4 VIDEOGRAPHER: Good morning. This is the  
5 videotaped deposition of [REDACTED] in the matter of  
6 John Doe versus Roman Catholic Bishop of Orange. This  
7 case is pending in the Superior Court of the State of  
8 California in and for the County of Orange. The case  
9 number is 30-2009-00124288.

10 Today's date is Friday, November 5, 2010. The  
11 location is 1430 Chapala Street, Santa Barbara,  
12 California, and the time on the video monitor is 10:41  
13 a.m.

14 The certified shorthand reporter is Mark  
15 McClure. My name is Christian Martinez, a certified  
16 legal video specialist, and I represent Frank Nelson &  
17 Associates, located in Santa Barbara, California, and  
18 DepoVision, located in Santa Barbara, California.

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

21 MS. COLOVER: Shaina Colover for plaintiff.

22 MR. SOLMAYOR: Robin Solmayor on behalf of  
23 Defendant [REDACTED]

24 MR. CALLAHAN: Peter Callahan for the Diocese  
25 of Orange and related entities.

1 MR. GASPARI: Paul Gaspari for the Franciscan  
2 Friars of California, Inc.

3 MR. HALE: Tim Hale for [REDACTED]

4 VIDEOGRAPHER: Thank you.

5 Would the court reporter please swear in the  
6 witness.

7  
8 [REDACTED]  
9 having been sworn, was examined  
10 and testified as follows:

11  
12 EXAMINATION

13 BY MS. COLOVER:

14 Q. Can you please state and spell your name for  
15 the record.

16 A. [REDACTED]

17 Q. And could you please state your age and date  
18 of birth.

19 A. Age of 45, 3/17/65.

20 Q. And where do you live?

21 A. Glendale, Arizona.

22 Q. What's your current profession?

23 A. Executive director of a nonprofit  
24 organization.

25 Q. Where did you grow up?

1            A.    Phoenix, Arizona.

2            Q.    Did you attend grammar school in Phoenix?

3            A.    I did.

4            Q.    Where was that?

5            A.    St. Catherine's of Sienna Elementary School.

6            Q.    Was that a Catholic school?

7            A.    It was, is.

8            Q.    What grade did you attend through  
9 St. Catherine's?

10           A.    Kindergarten through eighth grade.

11           Q.    What school did you attend next?

12           A.    St. Anthony's Seminary, in Santa Barbara,  
13 California.

14           Q.    Can you tell us how you ended up at  
15 St. Anthony's Seminary?

16           A.    In 1979, my eighth-grade year, there was a  
17 tour given, or a presentation given at St. Mary's  
18 Basilica, in Phoenix, with all the seventh- and  
19 eighth-grade boys who wished to attend to basically  
20 attend the presentation of St. Anthony's Seminary. And  
21 you had the option of going over for a field trip to  
22 tour the program to see what it was about, and which I  
23 opted to do so.

24           Q.    Now, when you went you said there was a  
25 presentation given and that was in Arizona?



1            A.    Correct.

2            Q.    Do you remember who gave that presentation?

3            A.    I believe it was Brother Berard Connolly.

4            Q.    Was he basically presenting information about  
5 the school at St. Anthony's?

6            A.    Yes.

7            Q.    And ways for individuals that were interested,  
8 kids who were interested to attend there for high  
9 school?

10           A.    Correct.

11           Q.    And you state there was a way to go look. Did  
12 you say you actually go check out the campus before you  
13 attended St. Anthony's?

14           A.    I did.

15           Q.    Can you tell us about that?

16           A.    It was a field trip that they just asked for a  
17 small monetary donation to cover the gas -- I believe it  
18 was \$10 -- and we took a small passenger van with  
19 several eighth-grade students from the Phoenix area over  
20 to St. Anthony's for the weekend. I believe we left, if  
21 I'm not mistaken, on a Friday and returned on a Sunday.

22           Q.    Was it somebody from the school who took you  
23 on the field trip?

24           A.    No, it was Brother Brerard.

25           Q.    So he was the one who drove the small

1    passenger van with the students to St. Anthony's  
2    Seminary for that field trip weekend?

3            A.    Yes, ma'am.

4            Q.    And at some point on that trip or thereafter  
5    did you decide whether you were going to attend  
6    St. Anthony's?

7            A.    Thereafter I decided.

8            Q.    And what did you decide?

9            A.    To attend St. Anthony's.

10          Q.    With what was your reason for attending there?

11          A.    To escape an abusive household at home with my  
12    stepfather, and to give myself an opportunity to have a  
13    good education.

14          Q.    What years did you attend St. Anthony's  
15    Seminary?

16          A.    1979, ending in 1981, one year, my freshman  
17    year.

18          Q.    Was it a boarding school?

19          A.    Yes.

20          Q.    So there were kids that lived on campus in  
21    dormitories?

22          A.    Yes.

23          Q.    Could you describe the dormitories, was there  
24    more than one?

25          A.    There were several dormitories. Mine was

1    split in two and between freshman and sophomores, and  
2    then each dormitory had its own cubicle-type area which,  
3    you know, I was in the freshman dormitories and then the  
4    juniors and seniors had their own rooms on the other  
5    side of the school buildings.

6            Q.    Were there some students, as well as faculty,  
7    living in the dormitory you lived in?

8            A.    Well, you had the students, but the faculty  
9    seemed to just monitor the areas, and they had their  
10   offices or bedrooms set up outside of the dormitories.

11           Q.    Did any hazing go on while you were at  
12   St. Anthony's?

13           MR. GASPARI:    Vague.

14           THE WITNESS:    Yes.

15    BY MS. COLOVER:

16           Q.    You know what I mean by hazing?

17           A.    I do.

18           Q.    What kind of activity would you categorize as  
19   hazing?

20           A.    Things of taking physical abuse by other  
21   students. Being thrown over a parapet; in fact, there  
22   was a student in my class who had his leg broken because  
23   of it. It was a bunch of fear instilled into new,  
24   coming students.

25           Q.    And would you say that was something that was

1 rare or less than rare or how would you describe the  
2 hazing that went on?

3 A. It was a normative culture, it was something  
4 that had been going on for years. After the student who  
5 broke his leg, Father Robert Smith, who was acting  
6 rector at the time, tried to put a stop to the hazing  
7 but it didn't actually stop.

8 MR. GASPARI: Related motion to strike, lacks  
9 foundation.

10 BY MS. COLOVER:

11 Q. From what you witnessed when you were on  
12 campus, was the hazing prevalent?

13 A. Yes.

14 Q. Was it severe hazing, from what you witnessed?

15 MR. GASPARI: Leading.

16 THE WITNESS: Yes.

17 BY MS. COLOVER:

18 Q. And that was a "yes"?

19 A. Yes.

20 Q. As far as you saw, were faculty aware of the  
21 severe hazing going on at St. Anthony's?

22 MR. GASPARI: Lacks foundation.

23 BY MS. COLOVER:

24 Q. Did you see other faculty around when this  
25 hazing was going on?

1            A.    Yes.

2            Q.    And as far as you could see, they were aware  
3 of the hazing?

4            MR. GASPARI: Lacks foundation, speculation.

5            THE WITNESS: Yes, they were.

6 BY MS. COLOVER:

7            Q.    Do you recall being subjected to a physical  
8 exam of any sort at St. Anthony's?

9            A.    Yes.

10           Q.    Can you please tell us about that.

11           A.    I remember being in study hall one evening  
12 towards the beginning of the school year and a student  
13 tapping me on the shoulder saying, "You're wanted down  
14 in the infirmary." I remember going down into the  
15 infirmary where I stood -- went down the steps and  
16 waited for my turn for an examination.

17           Q.    And when was this?

18           A.    This was in, I would say, within the first  
19 four to eight weeks of the school year.

20           Q.    Were there other kids that were getting  
21 examined, too, as far as you saw?

22           A.    Yes.

23           Q.    What were you told this examination was?

24           A.    I wasn't told anything, I was just given an  
25 examination.

1            Q.    Who was present at the time of the  
2 examination?

3            A.    There was Father Robert Van Handel, as well as  
4 another Franciscan -- I'm not sure who it was -- and  
5 myself.

6            Q.    And Father Robert Van Handel as well as the  
7 other Franciscan, they were both wearing what kind of  
8 clothing?

9            A.    Franciscan garb.

10           MR. CALLAHAN: That's leading.

11 BY MS. COLOVER:

12           Q.    I'm sorry, what kind of clothing?

13           A.    Franciscan robes, garb.

14           Q.    Did you see anybody wearing a white doctor's  
15 coat?

16           A.    No, I did not.

17           Q.    Did you ever see any doctors, anybody that you  
18 recognized as a doctor at St. Anthony's Seminary  
19 infirmary while you were there?

20           A.    I was led to believe that one person was a  
21 doctor, but I had never seen an actual doctor.

22           Q.    Who was it you were led to believe was a  
23 doctor?

24           A.    Paul Conn, who was also on the staff, was led  
25 to believe he was medical personnel.

1            Q.    And later on you found out that he wasn't  
2 actually a doctor?

3            MR. GASPARI:    Lacks foundation.

4            THE WITNESS:    Social sciences teacher.

5 BY MS. COLOVER:

6            Q.    So as far as you believed, he was not a  
7 doctor, is that correct?

8            MR. GASPARI:    Lacks foundation.

9            THE WITNESS:    Yes, correct.

10 BY MS. COLOVER:

11            Q.    Can you describe what was done during this  
12 physical -- purported physical examination?

13            A.    I was asked to drop my shorts and my genitals  
14 were checked for descending or ascending testicles.

15            Q.    Is that what you were told they were doing?

16            A.    No, they just did it.

17            Q.    Was anything else done during this exam?

18            A.    Yes.    I was then asked to lay over one of the  
19 infirmary beds where a finger was stuck up my rectum.

20            Q.    And were Father Van Handel -- who was it that  
21 did this examination, was it Father Van Handel or the  
22 other friar?

23            A.    It was the other Franciscan in the room.

24            Q.    And Father Van Handel was present during this  
25 examination?

1            A.    He was present; however, he just seemed to try  
2            to disinterest himself, he was kind of away from the  
3            examination, but clearly in the room.

4            Q.    And he was watching what was going on?

5            MR. GASPARI:    Speculation.

6            THE WITNESS:    Watching, I don't know, but in  
7            the room and aware of what was going on, yes.

8            MR. GASPARI:    Lacks foundation.

9            BY MS. COLOVER:

10           Q.    So as far as you saw, he was in the room,  
11           correct?

12           A.    Yes.

13           Q.    And as far as you saw, he was aware of what  
14           was happening to you, correct?

15           MR. GASPARI:    Lacks foundation.

16           MR. CALLAHAN:    It's also leading.

17           BY MS. COLOVER:

18           Q.    At the time of this exam, the rectal portion  
19           of the exam you still had your pants down, correct?

20           MR. CALLAHAN:    Leading.

21           THE WITNESS:    Correct.

22           BY MS. COLOVER:

23           Q.    And you would have been visibly naked to both  
24           of the friars in the room?

25           MR. CALLAHAN:    Leading.



1                    THE WITNESS:    I would have been.

2    BY MS. COLOVER:

3            Q.    Were there other students waiting to be  
4    examined by these two friars?

5            A.    The students were waiting outside the door,  
6    down the steps, so it was like one student in the room  
7    at a time.

8            Q.    So it would have been just you and the two  
9    friars during this exam, correct?

10          A.    Correct.

11          Q.    What did you do after the exam?

12          A.    Went back to study hall.

13          Q.    Were you told to send any other kids down for  
14    the same type of exam?

15          A.    Yes, I was.

16          Q.    And did you do that?

17          A.    I did.

18          Q.    When you were a student at St. Anthony's  
19    Seminary did you encounter a Friar Dave Johnson?

20          A.    Yes, I did.

21          Q.    Was he a student or a faculty at St. Anthony's  
22    at that time?

23          A.    He was a faculty member.

24          Q.    Can you describe him for us, his demeanor?

25          A.    Not a happy man, seemed to always be testing

1    students, playing around with students, being cruel to  
2    students and, for the most part, in my mind, just wasn't  
3    a nice person.

4            Q.    Did he ever physically hit or kick you?

5            A.    Yes, he did.

6            Q.    Can you tell us about that?

7            A.    I can remember one night towards the first  
8    couple of months of the school year I had some extra  
9    assignments that needed to be completed on a Friday  
10   evening, is what they called the jug, over half of my  
11   freshman class was put in it because they refused to  
12   complete an assignment, which we thought was an  
13   excessive punishment. Therefore, when we had to  
14   complete it, it was a decision made by the rector,  
15   acting rector, that we had to complete it, so we went to  
16   jug on Friday night and completed the assignment.

17            After the assignment was complete there was no  
18   free time -- there was not enough free time to go into  
19   town, or other students were in town, so I decided to go  
20   to the gymnasium.

21            Walking into the gymnasium, as soon as I  
22   walked in there was a basketball laying on the floor. I  
23   picked it up, and just whimsically threw it to go for  
24   almost what I would call a half-court shot, and  
25   simultaneously Dave Johnson was playing and tried to

1      slam the ball.

2                      Well, as he's trying to slam the ball, my ball  
3      was hitting the rim, causing him to be a bit disrupted  
4      or disturbed. He was very upset, turned around, came  
5      directly at me and hit me squarely in the chest as hard  
6      as he could. I dropped to the ground and I remember him  
7      kicking me and telling me get up and get out of the  
8      gymnasium.

9              Q.      What did you do?

10             A.      Got out of the gymnasium, got back to my dorm  
11      room and pretty much cried myself to sleep.

12             Q.      Did you see him after that?

13             A.      I did. Day after day for several days,  
14      which -- you know, in the hallways, as he's, you know,  
15      going through the dorm rooms doing whatever it is that  
16      he did, as he went throughout showers and smoking area  
17      and everything else that he did, I mean, any time I  
18      encountered him shortly after this incident, it was just  
19      the look, the stern look he gave me, I mean just knowing  
20      that something was going to happen. I mean, I just  
21      physically instinctively felt that he was going to do  
22      something to me. I thought he was going to hurt me.

23             MR. CALLAHAN: Objection. Speculation.

24             MR. GASPARI: It's also narrative testimony.

25             BY MS. COLOVER:

1            Q.    As you recall what happened to you then, you  
2 actually recall feeling that you were in danger?

3            MR. GASPARI:    Leading.

4            THE WITNESS:    I did feel in danger.

5 BY MS. COLOVER:

6            Q.    And was that danger based on how Friar Johnson  
7 was acting towards you?

8            MR. GASPARI:    Leading.

9            THE WITNESS:    The looks and the sternness and  
10 the just constant under the microscope or the wanton eye  
11 was really frightening.

12 BY MS. COLOVER:

13            Q.    And when he hit and kicked you in the  
14 gymnasium, did he hurt you?

15            A.    He did.    I mean, did he physically cause  
16 damage that lasted forever?    Physically, no.    Did I get  
17 over it?    Yes.    But did it hurt?    Absolutely.

18            Q.    So after this feeling of seeing Friar Johnson  
19 and feeling threatened, as you've described, what  
20 happened next?

21            A.    Within, you know, a week's time or so I was  
22 summonsed to Dave Johnson's office one evening.    I don't  
23 know which evening, what day of the week it was, I just  
24 know I was summonsed to his office.

25            Q.    And did you go?

1            A.    I did go. You know, you're told to do  
2 something, you go.

3            Q.    And what happened when you got there?

4            A.    When I entered into his office, I was told to  
5 take my clothes off and kneel on the floor.

6            Q.    And did you do that?

7            A.    I kneeled to the floor, crying, but did not  
8 take my clothes off.

9            Q.    Then what happened?

10           A.    I asked -- again, I was told to take my  
11 clothes off, which I didn't. I was then forced to the  
12 ground by Dave Johnson, tackled and straddled and then I  
13 heard, "Get his pants and take them off." So my pants  
14 were taken down to my ankles and then I hear, "And the  
15 underwear, too." The underwear then came down to the  
16 ankles.

17                    And at this point I am crying uncontrollably,  
18 not knowing what's going on, you know, just going,  
19 "Please, please don't do anything, don't do anything."  
20 I mean, at this point I'm starting to pray to God,  
21 "Please don't let them hurt me, please don't let them  
22 hurt me."

23                    Next thing you know, I'm being poked and  
24 prodded with some sort of an object in my rectum, and at  
25 this point I'm really just kind of, you know, just

1 crying -- I mean, I kind of went to a blackout point  
2 after that -- at this stage.

3 I was then told -- you know, when the incident  
4 was over, I heard laughing, I was told to get up, to  
5 clean myself up and go to my room.

6 When I got up, I noticed another person in the  
7 room wearing a Franciscan robe. I also noticed another  
8 student in the room hiding in a corner trying to get  
9 behind a coat rack that was in the corner.

10 At that point I turned as fast as I could, got  
11 out of the room, when I left the room I noticed two  
12 other students standing almost as sentries outside the  
13 door. I'm crying, I'm kind of trying to get out of  
14 there as fast as possible, looking back, seeing the  
15 students, and I just again went to my dormitory room.

16 Q. And so the students, you said they were  
17 sentries, they were posted outside Johnson's door?

18 MR. GASPARI: Leading.

19 BY MS. COLOVER:

20 Q. Is that what you remember?

21 A. That's what I remember.

22 Q. Did they say anything to you or do anything  
23 when you left?

24 A. I just remember a couple of giggles and that  
25 was about it.

1            Q.    And what happened after that?

2            A.    I went back to my room and just, again, pretty  
3 much cried and kind of, you know, try to go on, just  
4 tried to go on with normal routine.

5            Q.    Did you tell your mom or your parents?

6            A.    I did not.

7            Q.    And why is that?

8            A.    I just didn't. There were reasons, probably,  
9 because I didn't want to go home and face abuse at home,  
10 either.

11           Q.    Were you afraid?

12           A.    I was extremely afraid.

13           Q.    Did that fear ever abate when you were at  
14 St. Anthony's?

15           A.    I would say not.

16           Q.    How bad did it get?

17           A.    I mean, between, you know, students and  
18 faculty -- I mean, it was on a daily occasion, near  
19 constantly looking over your shoulder making sure that  
20 you're being -- you have to protect yourself, watch  
21 yourself, strange things happen at this place, and I'm  
22 just going to do my best to muddle my way through.

23           Q.    And what's the next thing that stands out in  
24 your mind during that year at St. Anthony's?

25           A.    Well, the next thing, I believe, would be my

1     attempted suicide.

2            Q.    Tell us about that.

3            A.    I found a handful of pills and didn't know  
4     what they were, a little pill bottle. And I popped all  
5     the pills I could that I found, and, you know, the next  
6     thing you know I ended up back in the infirmary.

7            Q.    In the infirmary? You didn't end up at the  
8     hospital?

9            A.    I did not.

10          Q.    Did you end up seeing any type of doctor?

11          A.    I did not.

12          Q.    What did the friars do for you?

13          A.    They put me in a bed and they would come  
14     around and make sure that everything was okay and just  
15     kind of, you know, sponged me off and kept me in the  
16     infirmary, basically, for the whole weekend.

17          Q.    So they never took you to the hospital?

18          A.    Never took me to the hospital, no.

19          Q.    And never brought a doctor, an actual doctor  
20     to see you?

21          A.    No.

22          Q.    Did they ever call your mother?

23                MR. GASPARI: Lacks foundation.

24                THE WITNESS: My mother says she never  
25     received a phone call.



1                    MR. GASPARI:   Hearsay.

2                    BY MS. COLOVER:

3                    Q.    When you heard her say that, did you believe  
4                    her?

5                    A.    Of course.   Keep in mind, this was years later  
6                    when I asked my mom that question.

7                    Q.    And when she told you that, you believe that  
8                    nobody had ever spoken to her about that incident?

9                    A.    Absolutely, correct.

10                   Q.    When you said they wiped you down with a  
11                   washcloth --

12                   A.    Sponge-bath-type thing.

13                   Q.    Do you remember any of the friars that did  
14                   that?

15                   A.    Honestly, no, but I do realize that several  
16                   friars would come through, ones that I knew and ones  
17                   that I didn't know.   Many friars on campus that year  
18                   you'd see once or twice and they would hide in their  
19                   cloisters and you'd have no clue who they were.   You'd  
20                   only see them at meals or walking the halls.   There was  
21                   no real interaction between those friars and myself or,  
22                   you know, the underclassmen, or even a lot of the  
23                   upperclassmen.

24                   Q.    Do you recall Gus Krumm being in the infirmary  
25                   with you at that time?

1            A.    Yes, I remember him being one of the people  
2            that checked through and making sure that I was okay.

3            Q.    Do you recall Robert Van Handel being in the  
4            infirmary during that time that you were in there?

5            A.    Yes. Robert Van Handel labeled the  
6            infirmarian the year that I was there.

7            Q.    What did you understand that to be?

8            A.    Basically in charge of the infirmary.

9            Q.    And as far as you knew, did Robert Van Handel  
10           have any medical training?

11           MR. GASPARI: Speculation.

12           THE WITNESS: I thought he did.

13           BY MS. COLOVER:

14           Q.    Were you led to believe he did?

15           A.    I can't say as if I did. I think I drew my  
16           own conclusion on that.

17           Q.    Just based on him being called the  
18           infirmarian?

19           A.    The infirmarian --

20           MR. GASPARI: Leading.

21           THE WITNESS: -- yes.

22           BY MS. COLOVER:

23           Q.    How long were you in the infirmary after this?

24           MR. GASPARI: Asked and answered.

25           BY MS. COLOVER:

1            Q.    You said that weekend, is that correct?

2            A.    Yes. I remember being integrated back into  
3 population on a Sunday evening during dinner.

4            Q.    They didn't send you home?

5            A.    No.

6            Q.    So they actually had you go back to the  
7 general population of the school that Sunday evening?

8            A.    Correct.

9            Q.    So what happened after that, as far as you  
10 recall?

11           MR. GASPARI: Vague.

12           A.    Things got a little different. I felt I was  
13 like walking on eggshells and felt that other students  
14 were walking on eggshells around me, and that people  
15 were afraid to interact with me, that I may have been  
16 too fragile to basically be there. I mean, people just  
17 treated me like a bit of a plague.

18           Q.    Did any of the friars ask you questions about  
19 what happened?

20           A.    I do remember being asked why I did what I  
21 did, and I don't recall answering, I don't recall what I  
22 said but I do remember Father Albrecht coming to see me  
23 at the infirmary before I went back to population and  
24 him asking if I felt comfortable going back to school  
25 and I said yes.

1            Q.    You wanted to get out of the infirmary?

2            A.    Yes.

3            Q.    So you mentioned that Gus Krumm was one of the  
4 people came to the infirmary when you were there?

5            A.    Yes.

6            Q.    Was he a teacher at St. Anthony's at the time,  
7 as far as you recall?

8            A.    As far as I recall, just about everybody on  
9 staff was, yes.

10           Q.    Did you have any interaction with him after  
11 being released from the infirmary -- Father Gus Krumm  
12 that is?

13           A.    On several occasions, yes.

14           Q.    What is the first one you recall?

15           A.    I recall not being very happy one evening, and  
16 I think I had a bad call from home and I was pretty  
17 depressed, pretty much crying. He came up trying to  
18 console me and I believe it was a Sunday evening, early,  
19 and it was -- it was before we went out on our community  
20 service. We used to go out on Sunday evenings to  
21 Hillside, the people with cerebral palsy, they would  
22 give Mass, and I remember prior to that us going out for  
23 ice cream with two other students in an attempt to  
24 console me.

25           Q.    Krumm took you out to ice cream?

1 A. Yes.

2 Q. And do you recall who the other students were?

3 A. [REDACTED]

4 Q. And anything you recall about those boys?

5 A. I recall that [REDACTED] was a very quiet,  
6 mild-mannered kid from Tucson who his goal in life was  
7 to be a priest, [REDACTED] being real small, real  
8 fragile, from Scottsdale, who seemed to be, in  
9 retrospect, being groomed by several of the staff --

10 MR. GASPARI: Objection. Move to strike --

11 THE WITNESS: -- at St. Anthony's.

12 MR. GASPARI: Lacks foundation, speculation.

13 BY MS. COLOVER:

14 Q. When you say being groomed, can you just  
15 describe for us what you witnessed?

16 A. [REDACTED] driving [REDACTED] around town. I  
17 remember one time we drove together to Hillside.

18 You know, there seemed to be students and  
19 faculty, and faculty had their favorites, and it seemed  
20 that [REDACTED] seemed to be the favorite of a lot of the  
21 faculty there.

22 Q. And when you say the favorites, what memories  
23 recall to your mind?

24 A. Special treatment, being treated, you know,  
25 like, you know, real nicely, you know, whereas often in

1 cases a lot of the staff didn't treat you so nice, but a  
2 lot of people seemed to be pretty nice to [REDACTED]

3 Q. And you say -- correct me if I'm wrong, but a  
4 lot of the faculty, who else did you notice around [REDACTED]  
5 [REDACTED]

6 A. Gus Krumm, Paul Conn, and actually Father  
7 Finbar.

8 Q. And when you went out to ice cream with Gus  
9 Krumm and [REDACTED] and [REDACTED] did you notice  
10 anything, observe anything that you found to be odd?

11 A. No.

12 Q. Did you notice anything that now, in  
13 hindsight, you deem to be inappropriate behavior?

14 MR. GASPARI: Leading.

15 MR. CALLAHAN: Calls for speculation.

16 THE WITNESS: Honestly, no.

17 BY MS. COLOVER:

18 Q. Did Krumm, when you went out to ice cream with  
19 them, did you observe him touching the boys in any way?

20 A. Sat close to us, was real kind of like  
21 hands-on you, not really grabbing at anything  
22 inappropriate, but like shoulders and taps and some  
23 physical contact, just hair strokes, stuff of that  
24 nature.

25 Q. So you witnessed Krumm doing that to the other

1 boys?

2 A. To [REDACTED] sitting right next to him.

3 Q. You said stroking his hair?

4 A. Tapping his shoulders, you know, atta-boy-type  
5 things, just in discussions, conversation.

6 Q. And after that interaction at the ice cream  
7 parlor with Gus Krumm did you have any other  
8 interactions that you recall with Gus Krumm?

9 A. Besides just daily routine, towards the end of  
10 the school year, I remember it was very close to the end  
11 of the school year and I was walking down the main  
12 hallway towards the kitchen when I heard some loud  
13 screams, what appeared to be grunting and groaning, not  
14 sure what was going on at the time, and I walked -- you  
15 know, kind of tapped on the door, the door was open,  
16 main door, walked in and I'm like "Hello, hello, is  
17 everything okay in here?" All of a sudden, from the  
18 secondary office, Gus Krumm came out.

19 Q. This was Gus Krumm's office you were walking  
20 by?

21 A. Yes.

22 Q. Where was that located?

23 A. Towards -- it was in the main hallway towards  
24 the front entrance you had, you know, the rector's  
25 office and then Gus Krumm's office, and that was prior

1    to going down the steps and into the kitchen, cafeteria.

2            Q.    Who was the rector at that time?

3            A.    [REDACTED]

4            Q.    Was there another rector that you were aware  
5    of during your time at St. Anthony's Seminary?

6            A.    Father Mel Jurisich was the rector on  
7    sabbatical.

8            Q.    But you were aware that he was the rector at  
9    St. Anthony's Seminary?

10           A.    Absolutely. He made his presence known on  
11   more than one occasion.

12           Q.    Can you describe what happened after you  
13   approached Gus Krumm's office?

14           A.    After I entering the office and "Hello, hello,  
15   is everything okay, is everybody all right?" Gus Krumm  
16   came out of the secondary office and pretty much came  
17   right at me and he grabbed me and threw me up against a  
18   wall.

19           Q.    So he came out quickly or slowly?

20           A.    Very quickly. And he grabbed me and pushed me  
21   up against the wall to where my face was pinned against  
22   the wall. He then reached around and grabbed me by the  
23   genitals and had a firm grip. He then pressed his body  
24   up against mine. He got right next to me, his face and  
25   hair and everything, and started talking to me in my ear



1    in a soft manner, which I still remember the smell. He  
2    smelled extremely bad, I mean -- and he told me that,  
3    you know, "You're out of place here, you shouldn't have  
4    been here, you're not wanted here, your days here are  
5    numbered and you should just go away."

6                    He then actually physically pushed me out of  
7    his office into the hallway.

8            Q.    And this interaction with him from him quickly  
9    exiting his office, was it a fast interaction?

10           A.    It was fast. It reminded me of a bull  
11    charging a red coat.

12           Q.    He charged out of his office?

13           A.    He did.

14           MR. GASPARI: Leading.

15    BY MS. COLOVER:

16           Q.    Did he shut his door behind him?

17           A.    I can't recall.

18           Q.    So when you're describing how he pushed you  
19    against the wall, he was behind you?

20           A.    He was in front of me, pushed me and then spun  
21    me to where my face was against the wall and he was  
22    pressed behind me.

23           Q.    So his chest was pressed to your back?

24           MR. GASPARI: Leading.

25           THE WITNESS: Chest was pressed against my

1    back, I believe his groin area was pressed against my  
2    buttocks, and his lips were close to my ears.

3    BY MS. COLOVER:

4            Q.    And when he spoke to you, how did it make you  
5    feel?

6            A.    Very uncomfortable, very scared, very  
7    uncertain that a priest would even be doing this to me,  
8    and I believe he wasn't a priest at the time but  
9    studying to be a priest, that he was Brother Gus, but I  
10   cannot recall that. But it just seemed very strange  
11   that someone would do that to me, especially when they  
12   were wearing the robes.

13           Q.    And was his voice calm or angry?

14           A.    Very, very angry.

15           Q.    And when he grabbed you, did he grab you hard  
16   or gently, how would you describe the way he physically  
17   grabbed you?

18           A.    He definitely was not gentle. He grabbed me  
19   with anger, with angst, with aggression and pushed me  
20   against the wall to where it did hurt.

21           Q.    And when he squeezed you, it also hurt you?

22           A.    It was more of a firm grip on the situation.  
23   Did it hurt? No. Did it scare me? Yes.

24           Q.    You say he smelled really bad. Could you  
25   describe that to us?

1            A.    In hindsight, the smell was of body odor of  
2 someone that stunk real bad, such as -- just smelled as  
3 if he was having sex, smelled like --

4            MR. GASPARI:    Move to strike, calls for  
5 speculation.

6            THE WITNESS:    -- smelled like a room where  
7 two -- that I have walked into where somebody has had  
8 sex.

9            BY MS. COLOVER:

10           Q.    Any other smells that you recall?

11           A.    Yes.    Gus had the worst case of halitosis that  
12 I have ever met of anybody in my life.    So when he's  
13 right up against my ear and he's saying these things to  
14 me, the smell between that, the smell between his body  
15 and the sweat that was coming off his body was just  
16 atrocious.

17           Q.    And did he appear to you like he had been  
18 physically exerting himself?

19           A.    He was sweaty, I remember, you know, he was  
20 wearing these corduroy shorts that you could see sweat  
21 stains coming through and he was somewhat breathless,  
22 where, you know, his heart rate was going or basically  
23 his voice was more agitated.

24           Q.    Did he tell you anything about what you saw or  
25 heard that day?

1            A.    He basically told me that I didn't see or hear  
2 anything and that I need to just go away.

3            Q.    And how did what he told you make you feel?

4            A.    Scared and a bit withdrawn, confused.

5            Q.    And you say he threw you out. What do you  
6 mean by that?

7            A.    He physically -- felt like I was being bounced  
8 out of a bar and bouncers are throwing me out in the  
9 alleyway. I mean, he literally opened his -- you know,  
10 threw me out the door.

11           Q.    Were you surprised by Krumm's actions that  
12 day?

13           A.    Extremely.

14           Q.    Why is that?

15           A.    Because Gus always seemed to be a  
16 mild-mannered, very well-liked, very respected staff  
17 member at St. Anthony's Seminary. I liked Gus at the  
18 time. I mean I thought he was a nice guy. Most  
19 students did. But there was definitely a dark side to  
20 Gus Krumm.

21           Q.    And did this incident change anything about  
22 what you thought about him?

23           A.    Absolutely, changed everything.

24           Q.    What did you see that day in Gus Krumm?

25           A.    I saw basically a wolf in sheep's clothing.

1            Q.    After that incident did you go home to  
2 Arizona?

3            A.    Shortly thereafter.

4            Q.    Did you talk to anybody about what had  
5 happened to you with Johnson and Krumm at St. Anthony's  
6 Seminary?

7            A.    Several weeks later.

8            Q.    Can you tell us about that?

9            A.    I went to my diocese parish that, you know, I  
10 grew up in, St. Catherine's, and went to go see Father  
11 McKenna, who was a priest that helped me get into  
12 St. Anthony's, because he was a, basically a resident  
13 Franciscan, but at St. Catherine's. I had much respect  
14 for him, knew him for a couple years. I mean, he was  
15 real liked, everybody liked Father Mac, so he was known.

16                    I went to see Father Mac and unfortunately,  
17 Father Mac had been transferred out of the parish to,  
18 you know, someplace unknown, I was never told where to.

19            Q.    So the priest that you went looking for wasn't  
20 there. Did you speak to anybody else?

21            A.    I did. At that time Father Thomas O'Brien, as  
22 well as "He's not here, he's not going to be here, is  
23 there anything I can do for you?"

24                    And at that time I said yes, and we sat down  
25 at his office -- at his desk.

1            Q.    And what did you discuss with Father O'Brien?

2            A.    Reluctantly and a bit frightened, I talked to  
3    Father O'Brien. I had actually brought my yearbook with  
4    me as well to discuss, you know, the things that I went  
5    through at St. Anthony's at the hands of Dave Johnson  
6    and Gus Krumm.

7                    I was there trying to see if there was any  
8    possible way to go to another boarding-type school  
9    besides St. Anthony's, because I was afraid to go there  
10   and I was afraid to stay at home.

11           Q.    And based on your conversation with him, did  
12   you believe he was going to help you?

13                MR. GASPARI: Calls for speculation, lacks  
14   foundation.

15                THE WITNESS: I was hoping he was going to  
16   help me, the reason why I sat down and talked to him.  
17   One of the key elements of the conversation was I cannot  
18   let my parents know about this because that would bring  
19   on perpetual -- that would bring on more violence at  
20   home for airing dirty laundry in public, letting other  
21   people know. You know, family problems are your own  
22   problems, you don't discuss those type of things in the  
23   household I grew up in. Anything, you know, if there's  
24   something wrong you don't discuss that with anybody.

25           Q.    Did you explain that to him, that that's how

1    it worked in your household?

2            A.    Absolutely. And I believe he knew my family  
3    well enough to know that that was true, seeing how my  
4    stepfather was a political figure in the state of  
5    Arizona and the city of Phoenix and any type of  
6    publicity of that nature could bring political suicide  
7    to him.

8            Q.    And did he know that you faced physical abuse  
9    at home?

10           A.    I believe he did, especially after -- you  
11    know, CPS had investigated my family on numerous  
12    occasions, including trips to the school, which he was  
13    aware of.

14           MR. GASPARI: Calls for speculation, lacks  
15    foundation.

16    BY MS. COLOVER:

17           Q.    From your conversation with him, he made you  
18    believe that he was aware of your violent home  
19    situation?

20           A.    I made it perfectly clear to him.

21           Q.    So you told Father O'Brien about your abuse by  
22    Friars Johnson and Krumm?

23           A.    I did. I even showed him pictures of the men  
24    from my yearbook that I brought with me.

25           Q.    And what did he do?

1            A.    He basically told me that he would have to  
2            take this matter under advisement, that he would need a  
3            few days to see what he could do, and at this point I'm  
4            feeling optimistic that he might be able to help me and  
5            get me into another school, away from the abuse at  
6            St. Anthony's and away from the abuse at home. He told  
7            me to come back and see him in a few days, which would  
8            have been a Friday afternoon, and I left the office.

9            He asked if I could -- if he could keep the  
10           year book to take it down to the parish, or to the  
11           general diocese, I'm not sure, and, you know, basically  
12           I left his office and planned on coming back a few days  
13           later.

14           Q.    So you left your yearbook with him?

15           A.    I did.

16           Q.    Did you come back a few days later?

17           A.    I did.

18           Q.    And what happened?

19           A.    He was not anywhere to be found, the secretary  
20           said, "I'm sorry he's not here. You might want to check  
21           back again next week."

22           So I actually did go back on Monday, and again  
23           I was told he was not there, that I might want to check  
24           back again.

25           So the third attempt, which was like a day or



1    two later, I finally asked for him. They said he was  
2    not there. Within a couple minutes of them telling me  
3    that -- within a couple seconds of them telling me that,  
4    he came walking around from inside the parish office.  
5    He was there, but the secretary, for some reason or  
6    other, tried to say that he was wasn't.

7            Q.    And what happened when you saw that he was  
8    there?

9            A.    I asked, "Do you have time to talk because,  
10    you know, you promised that we would meet last week,"  
11    and he did make the time to talk.

12           Q.    And what happened?

13           A.    We went and sat at his desk and he basically  
14    started out with, "Do you know Father Mel Jurisich?"

15                    And I said, "Yes, I do."

16                    And he then looked at me and said, "Are you  
17    aware that it's a mortal sin to lie to a priest?"

18                    And like, "Well, yes."

19                    And he goes, "Well, you know, you're lying,  
20    you're discrediting two good men." He goes, "There's no  
21    foundation or basis for your being here discussing this  
22    and if you continue with these type of lies or  
23    fabrications, then I'm going to have to get your family  
24    involved."

25            Q.    Now when he asked you do you know Mel

1        Jurisich, did he tell you he spoke to Mel Jurisich?

2                MR. GASPARI:    Vague.

3                THE WITNESS:    He made me believe that he spoke  
4        to Father Jurisich.

5        BY MS. COLOVER:

6                Q.        And what he said to you in that conversation  
7        led you to believe that he'd spoken to Mel Jurisich?

8                MR. GASPARI:    Leading.

9                THE WITNESS:    It was my understanding that he  
10       spoke to Father Mel and that Father Mel told him I was  
11       lying.

12       BY MS. COLOVER:

13               Q.        Based on what Father O'Brien told you, you  
14       believed he spoke with Mel Jurisich?

15               MR. GASPARI:    Leading.

16               THE WITNESS:    I did believe that.

17       BY MS. COLOVER:

18               Q.        And based on your conversation with Father  
19       O'Brien, you believe that Mel Jurisich said you were  
20       lying?

21               MR. GASPARI:    Leading.

22               MR. CALLAHAN:    Leading.    I join in all these  
23       objections.

24               THE WITNESS:    Yes.

25       BY MS. COLOVER:

1            Q.    And when he told you that was a mortal sin to  
2 lie to a priest, what did you believe he was doing?

3            MR. CALLAHAN:    Objection.    Calls for  
4 speculation.

5            THE WITNESS:    Accused me --

6            MR. GASPARI:    Lacks foundation.

7            THE WITNESS:    -- of being a liar.

8 BY MS. COLOVER:

9            Q.    Can you repeat that?

10           A.    Accusing me of being a liar.

11           Q.    And how did that make you feel?

12           A.    Devastated, absolutely devastated and scared.  
13 You know, and that stern look that Father O'Brien had  
14 was, keep it up, we're going to bring your family in on  
15 this one, and it really scared me.

16           Q.    And was that different than the attitude he  
17 had when you first spoke with him?

18           A.    Completely.

19           Q.    So the attitude he had prior to speaking to  
20 Mel Jurisich was different than the attitude he had  
21 after speaking to him?

22           MR. GASPARI:    Leading --

23           MR. CALLAHAN:    Leading.

24           MR. GASPARI:    -- calls for speculation, no  
25 foundation.

1            THE WITNESS: His demeanor was much different  
2 from the first time I spoke to him from the second time  
3 that I spoke to him.

4 BY MS. COLOVER:

5            Q. And when he told you he was going to bring  
6 your parents in, what did you take that as?

7            A. A threat.

8            Q. And was it a threat to you?

9            A. Yes, it was.

10           Q. How did you feel about that, bringing your  
11 family into this?

12           A. Completely devastated, completely scared,  
13 completely wondering if they get -- if they get involved  
14 in this, you know, the kind of beatings that I would  
15 take on a daily basis when I got home.

16           Q. So what did you do?

17           A. I didn't go home. Not knowing whether or not  
18 he was actually bringing my parents in, I jumped on a  
19 city bus and ended up being downtown Phoenix, at the  
20 time a very bad part of town.

21           Q. And what happened then?

22           A. I ended up in a park known for people that  
23 were homeless, and I stayed there all night long,  
24 scared, confused, and in a cloudy haze wondering what  
25 the heck's going on, not sure why I was there. At a

1    certain point I'm like "Why am I here?"    At the time,  
2    bus service stopped running at like 6:00 o'clock at  
3    night, I had no way home and ended up spending the night  
4    in the park.

5            Q.    And what did you do after that?

6            A.    The next day I -- being basically out of  
7    money, I didn't have much money, I called my mom collect  
8    and I asked her to come get me, which she did.

9            Q.    And following your discussion with Father  
10    O'Brien, did you feel there was anywhere you could turn  
11    regarding your abuse?

12           A.    There was nowhere I could turn.    After --  
13    basically, after that evening, I mean, I put it out of  
14    my mind until 30 years later.

15           Q.    When you were talking to Father O'Brien on the  
16    second visit, did he tell you anything else Mel Jurisich  
17    may have said about the priests, whether they were good  
18    priests or bad priests or anything that he knew?

19           MR. CALLAHAN:    Objection.    Calls for hearsay  
20    and leading.

21           MR. GASPARI:    Leading, lacks foundation and  
22    assumes facts not in evidence.

23    BY MS. COLOVER:

24           Q.    From what you remember?

25           A.    As I said earlier, basically he told me I was

1     trying to discredit two good men.

2            Q.     And your understanding was that he got that  
3     information from Mel Jurisich?

4            MR. GASPARI:   Leading, misstates the  
5     testimony.

6            THE WITNESS:   I would believe that's where he  
7     came from, especially after he told me if I knew who Mel  
8     Jurisich was.

9     BY MS. COLOVER:

10           Q.     So your impression based on that conversation  
11     was that Father O'Brien was siding with Mel Jurisich?

12           MR. CALLAHAN:   Objection.

13           MR. GASPARI:   Leading, misstates the evidence.

14           MR. CALLAHAN:   Calls for speculation.

15     BY MS. COLOVER:

16           Q.     On this issue?

17           A.     I don't know if it was siding, all I know is  
18     he wasn't going to help me.

19           Q.     You mentioned earlier, on another subject, you  
20     mentioned earlier before the initial incident with Dave  
21     Johnson in the gymnasium there was some excessive  
22     punishment that your class was receiving. Can you  
23     describe that, what you were talking about there?

24           A.     Brother Philip Garcia, who was our Spanish  
25     teacher, was so, I guess, peeved at our classroom

1 behavior one day that he wanted us to copy, verbatim, a  
2 complete chapter of our Spanish book, which was  
3 extremely long, and not only wanted us to copy it but  
4 copy it 10 times. Most of the students thought it was  
5 an excessive punishment. We felt that if we banded  
6 together and didn't do it, then we wouldn't have to do  
7 it and that the [REDACTED] would be able to overturn  
8 that punishment. That's what we felt.

9 Q. And the Spanish teacher, had he done this type  
10 of stuff before, this type of punishment, or did he do  
11 things that you were surprised by in the past?

12 A. He actually did things that we were surprised  
13 at in the past. I mean, he was very well known from  
14 throwing chalk and erasers, hitting students, tapping  
15 students upside the back of their head. I mean, he  
16 could nail somebody with an eraser anywhere in the room.  
17 If you just got out of line once, he'd throw it and he'd  
18 get you. I never got hit, but I saw many students who  
19 did.

20 Q. And any other activities by that teacher that  
21 surprised you?

22 A. You know, just his verbal combativeness, the  
23 things that he would, you know, state, you know, lo and  
24 behold, you call San Francisco "Frisco" in his classroom  
25 and he would just turn you inside and out and upside

1        down and berate you.

2                Q.     So he was cruel in the classroom?

3                A.     He was very cruel.

4                        MR. GASPARI:    Leading.

5        BY MS. COLOVER:

6                Q.     Did you ever witness him doing anything else  
7        in the classroom, drinking in the classroom?

8                        MR. GASPARI:    Leading.

9                        THE WITNESS:    It was speculative that he did.  
10       Nobody knew that he --

11                        MR. CALLAHAN:    I object to the speculation.

12                        MR. GASPARI:    Lacks foundation.

13                        THE WITNESS:    It was known by other students,  
14       rumored by other students that he was drinking in his  
15       coffee.    And he wasn't the only priest in the school  
16       doing that.

17        BY MS. COLOVER:

18                Q.     Why do you say that?

19                        MR. CALLAHAN:    Speculation, lacks foundation.

20        BY MS. COLOVER:

21                Q.     From what you saw, why do you think there were  
22       other priests drinking during the day?

23                        MR. GASPARI:    Leading.

24                        THE WITNESS:    I believe there were other  
25       priests, such as Father Michael Doherty.



1 That was drinking as well, to the point where he  
2 actually used -- he brought students alcohol to drink as  
3 well.

4 BY MS. COLOVER:

5 Q. Father Michael Doherty?

6 A. Yes.

7 MR. CALLAHAN: Objection, lacks foundation.

8 BY MS. COLOVER:

9 Q. Did you actually witness that or --

10 A. I actually partaked in a beer one time.

11 Q. That came from him?

12 A. Correct.

13 Q. And this was while you were a freshman at  
14 St. Anthony's?

15 A. Yes.

16 MS. COLOVER: Let's take a brief break.

17 VIDEOGRAPHER: The time is 11:33 a.m. We're  
18 off the record.

19 (Discussion off the record.)

20 VIDEOGRAPHER: The time is 11:42 a.m., we're  
21 back on the record.

22 BY MS. COLOVER:

23 Q. [REDACTED] is there any other name that you  
24 used at St. Anthony's Seminary?

25 A. [REDACTED]

1            Q.    Whose last name was that?

2            A.    My stepfather's, who never legally adopted me,  
3 but for years we used that name, all through grade  
4 school.

5            Q.    When you were at St. Anthony's Seminary, other  
6 than the conduct we've previously gone over, were there  
7 other instances of inappropriate conduct you can recall  
8 between faculty members and students?

9            MR. GASPARI:    Vague.

10           THE WITNESS:    Yes, I can remember like movie  
11 nights where we were up in the, I guess, day area, or  
12 night area, whatever you wanted to call it, a big open  
13 great room where we had couches and stuff and they would  
14 show movies, you would see priests, especially Dave  
15 Johnson, sit next to people and giving shoulder massages  
16 and all chummy and arms around students and things like  
17 that. You know, looking back at it now, I think it's  
18 completely inappropriate; back then it was just part of  
19 the culture.

20           BY MS. COLOVER:

21           Q.    When you say part of the culture, what do you  
22 mean, what did you notice?

23           A.    I mean, from day one, you know, going to  
24 church wasn't, you know, just a handshake when you would  
25 go through the "peace be with you" thing, it would be

1    hugs, so they promoted hugging and touching and things  
2    of that nature.

3            Q.    Between the faculty and students?

4            A.    Between students and students, faculty and  
5    students, just it was kind of be more friendly while  
6    you're here.

7            Q.    And when you say friendly, do you mean in a  
8    physical sense?

9            A.    I believe so, yes.

10           Q.    And that's what you noticed, that the  
11    friendliness that was promoted was a physical  
12    friendliness?

13           MR. GASPARI:   Misstates testimony, calls for  
14    speculation.

15           MR. CALLAHAN:   And it's leading.

16    BY MS. COLOVER:

17           Q.    From what you saw?

18           A.    I believe so, yes.

19           Q.    You talked earlier about Father -- or Friar  
20    Paul Conn.   Is that how you pronounce that?

21           A.    Yes.

22           Q.    You said that you were led to believe or you  
23    believed that he had some medical background, is that  
24    correct?

25           A.    Yes.   I mean, he dressed in layman's clothing,

1 and for part of the school year he was constantly in the  
2 infirmary, he was constantly running kids here and there  
3 in his car, based on medical, you know, whether they  
4 needed to go someplace outside of St. Anthony's, but I  
5 really at first thought he was the doctor until later on  
6 down the road I found out he was not.

7 Q. So one of the things you noticed about him was  
8 that some of his duties was he was posted at the  
9 infirmary?

10 A. Quite often.

11 MR. CALLAHAN: I'd object that misstates a  
12 fact not in evidence and leading.

13 MR. GASPARI: Misstates his testimony.

14 BY MS. COLOVER:

15 Q. What from what you saw when you were at  
16 St. Anthony's Seminary in '79 and '80 was Paul Conn  
17 acting as if he was a doctor?

18 MR. GASPARI: Calls for speculation.

19 THE WITNESS: He seemed to be one of the  
20 people that was at the infirmary when people had issues.  
21 He was there, like Father Van Handel, to help triage the  
22 situation.

23 BY MS. COLOVER:

24 Q. So you were, as you were a student there in  
25 the '79-'80 school year Paul Conn and Father Van Handel

1    were held out as being capable to run the infirmary?

2            MR. GASPARI:    Misstates his testimony,  
3    leading.

4    BY MS. COLOVER:

5            Q.    As you recall, as you were in school there  
6    what you saw, were they being held out as being capable  
7    to run the infirmary and the medical needs --

8            MR. GASPARI:    Lacks foundation, calls for  
9    speculation.

10   BY MS. COLOVER:

11            Q.    -- the medical needs of the infirmary?

12            A.    If I or any other student had medical issues  
13    at St. Anthony's, it was my vision, what I saw was that  
14    it was either originally handled by Father Van Handel or  
15    Paul Conn.

16            Q.    And were there also student infirmarians at  
17    the infirmary at St. Anthony's Seminary?

18            A.    I don't know.

19            Q.    As you sit here today, do you recall at any  
20    time ever seeing anybody that you were told was an  
21    actual doctor or you believed to be an actual doctor at  
22    St. Anthony's infirmary?

23            A.    I never had seen them, never knew who he was,  
24    but I heard the name [REDACTED] but that was it. But I  
25    never saw him, didn't know who he was, couldn't tell you

1 to this day what he looked like, but you would hear that  
2 name throughout the seminary.

3 Q. But you never saw him?

4 A. Never did.

5 Q. Not even when you had a suicide attempt and  
6 you were ill?

7 A. Correct.

8 Q. While you were at St. Anthony's Seminary in  
9 '79-'80 did you witness Gus Krumm gravitate towards  
10 certain student or certain types of students?

11 MR. CALLAHAN: Calls for speculation.

12 THE WITNESS: Not just Gus Krumm, all of the  
13 faculty members, it seemed, had their favorites, they  
14 would have their own little cliques of students. I  
15 noticed like Dave Johnson would have a lot of the bigger  
16 students, enforcing-type students; I'd see Gus Krumm  
17 kind of gravitate towards some of the, what I would call  
18 the more pretty boys or the littler kids, as well as  
19 other priests did the same thing. It wasn't just Gus  
20 Krumm, it was a bunch of other faculty as well. And  
21 students as well, students gravitated towards other  
22 students. It was very cliquey in the school.

23 Q. What is your understanding of how  
24 St. Anthony's, as an institution, dealt with that kind  
25 of cliquey behavior between the faculty and the

1        students?

2                    MR. GASPARI:    Lacks foundation.

3        BY MS. COLOVER:

4            Q.        From what you saw?

5                    MR. GASPARI:    Lacks foundation.

6                    THE WITNESS:    To me, they promoted it.    I mean  
7        it was part of the culture, and if you tried to go  
8        outside of that culture and report things that you felt  
9        inappropriate, oftentimes people would try to dismiss or  
10       sweep things under the carpet.

11       BY MS. COLOVER:

12            Q.        And that was the experience you had when you  
13       were there?

14            A.        I had that experience one time, yes.    More  
15       than once, but one specific occasion I can remember.

16            Q.        Where you pointed out to a faculty member  
17       that something inappropriate in a sexual nature happened  
18       to you?

19                    MR. GASPARI:    Leading.

20                    THE WITNESS:    Yes, there was a situation where  
21       as part of a rite of passage -- I'm not sure which  
22       passage it was, but it was a rite of passage -- you  
23       needed signatures of upperclassmen to basically get off  
24       of what I considered the hazing list.

25                    One of the upperclassmen was a student by the

1    name of Mike Piccoli, who basically started dry humping  
2    me and tried to get -- tried to do more than that, and  
3    when I fought off his advance I went and reported it to  
4    Brother Bill Green. Bill Green said "Give me some time  
5    to work on this." The next day or two we spoke and he  
6    basically tried to tell me, "You know what, it's just  
7    probably more trouble than it's worth. Nothing was  
8    meant by it. Do you really want to go down this road?"  
9    And I basically dis- -- you know, he helped me dis- --  
10   just let it go.

11   BY MS. COLOVER:

12          Q.    Is that because what he told you made you  
13   believe it was just futile to say anything or do  
14   anything?

15          MR. GASPARI: Leading.

16          MR. CALLAHAN: Objection. Leading.

17          THE WITNESS: Just made me think there was  
18   nothing really wrong with what happened. I mean, it  
19   just wasn't . . .

20   BY MS. COLOVER:

21          Q.    Because of what he told you?

22          A.    Yes.

23          Q.    So your impression, what you believe, was that  
24   it was just swept under the rug?

25          MR. GASPARI: Leading and lacks foundation.



1 THE WITNESS: That's my understanding. That's  
2 how I feel, yes. It was just kind of dismissed like,  
3 you know, it doesn't mean a whole lot.

4 MS. COLOVER: I have no further questions  
5 right now.

6 MR. GASPARI: Let's switch.

8	EXAMINATION
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9 BY MR. GASPARI:

10 Q. Good morning, again, [REDACTED] We've met  
11 before and we have met off the record, but just for the  
12 formalities of the record let me reintroduce myself. My  
13 name is Paul Gaspari and I represent the Franciscans.  
14 I've just got some follow-up questions to Ms. Colover's.

15           It's true, is it not, that in 2009 you filed a  
16 lawsuit against the Franciscan order regarding the  
17 claims that you had regarding your events at  
18 St. Anthony's Seminary, is that correct?

19           A.     2009?  Is that when we filed?  Yes, it would  
20     be.

21 Q. And that case was settled between you and the  
22 Franciscans in 2010?

23 A. It was settled, yes, sir.

24 Q. Is it also true that in the allegations in  
25 that complaint you alleged that sometime after your

1    conversation with Father O'Brien that you repressed the  
2    memories of the abuse at St. Anthony's?

3            A.    Yes, sir.

4            Q.    And those memories were repressed for about 30  
5    years?

6            A.    Approximately. I'm guessing around -- from  
7    about 1980 to 2006, 26 years.

8            Q.    In fact, that was my follow-up question. I  
9    believe the allegations in your complaint were that upon  
10   seeing an individual whom you believed either was or  
11   looked like Dave Johnson, your memories began to come  
12   back?

13           A.    Yes, sir.

14           Q.    And that was in 2006?

15           A.    Correct.

16           Q.    And after the time that your memories began to  
17   come back, did you begin seeing a therapist or  
18   therapists to help you with what you were feeling and  
19   also help you retrieve memories?

20           A.    Yes, sir.

21           Q.    And in fact, were some of your memories  
22   recovered with the help of the therapist through a  
23   technique known as EMDR?

24           A.    I believe the EMDR was used; however, I really  
25   don't think that brought back the memories, I think the

1    memories were already coming back before the EMDR was  
2    started.

3            Q.    Did some of the memories come back, though,  
4    after the EMDR?

5            A.    I think EMDR helped make the memories as more  
6    vivid.

7            Q.    And if you can please tell me what the EMDR  
8    technique is.

9            A.    It's basically putting -- the therapist  
10   putting you back in the time of the situation, not so  
11   much hypnosis but more in a relaxed state, and then  
12   using snap counts and techniques using motions and just  
13   setting your brain in a different wavelength in order  
14   to, you know, basically have more of a remembrance of  
15   what happened.

16           Q.    And I want to talk in particular about your  
17   memory of the incident with Gus Krumm where he threw you  
18   up against the wall.

19                   Did you not tell your therapist in 2008 that  
20   that memory was recovered after you had had a dream  
21   about your sexual abuse?

22            MR. HALE:   I'm going to object.   That violates  
23   the therapist-patient privilege and his right to  
24   privacy.

25            MR. GASPARI:   Although that's all been

1 produced in the preceding litigation.

2 MR. HALE: It has, it has, but that case is  
3 now settled. And one of the reasons that you guys  
4 settle these cases is so that they don't have to delve  
5 back into the therapeutic treatment.

6 MR. GASPARI: I appreciate that, and I'm happy  
7 to stipulate to a protective order that this won't be  
8 used outside of the course of this litigation.

9 I think it's relevant to his testimony. I  
10 think he opened the door to it. And I'm happy to work  
11 with you, I don't intend to go into it in much detail,  
12 I'm trying to be as delicate as I can.

13 MR. HALE: Okay.

14 You can answer.

15 THE WITNESS: Can you repeat.

16 BY MR. GASPARI:

17 Q. Sure. That memory of Gus Krumm throwing you  
18 up against a wall, did you not tell your therapist in  
19 2008 that you had a dream about that memory?

20 MR. HALE: I would also object that any  
21 document that you're reading from is written by the  
22 therapist and the document speaks for itself.

23 With that said, you can answer.

24 THE WITNESS: The dream occurred more towards  
25 Dave Johnson, Dave Johnson and that issue. As the Dave

1 Johnson issue started becoming more vivid, then other  
2 things became more vivid, and that's where the Gus Krumm  
3 situation came in, in effect, so Gus Krumm wasn't about  
4 the dream, Dave Johnson was.

5 BY MR. GASPARI:

6 Q. Well, let me read to you, if you don't mind,  
7 what the therapist wrote.

8 "Had a dream about his sexual abuse. Think it  
9 was triggered by a woman who was pursuing him sexually.  
10 The dream was memory of walking in on priest," in  
11 brackets, "and visiting priest," in brackets, "at  
12 St. Anthony's who were having sex in next room, next to  
13 him and put him up against a wall and reached behind him  
14 and grabbed him inappropriately and threatened him to  
15 never tell what he walked into."

16 That was the Gus Krumm incident, correct?

17 A. That is the Gus Krumm incident. However, I  
18 don't believe it was because -- triggered by a dream.

19 Q. Did you tell this same therapist that the  
20 house you had grown up in was haunted?

21 A. Yes.

22 Q. Am I correct that in addition to repressing  
23 the memories of the abuse you also repressed the memory  
24 of having talked to Father O'Brien?

25 A. Correct.

1            Q.    And that memory of having talked to Father  
2 O'Brien was recovered through therapy after 2006?

3            MR. HALE:   Assumes facts.

4            BY MR. GASPARI:

5            Q.    Is that correct?

6            A.    After Dave Johnson triggered the memory,  
7 everything else started to come back into the picture.

8            Q.    You said your father was a political figure.  
9 Did he hold office?

10           A.    He did hold an elected position as justice of  
11 the peace as well as ran for several other positions in  
12 Maricopa County.

13           Q.    He was a judge?

14           A.    Yes.

15           Q.    Other than Father O'Brien, until your memories  
16 were recovered in 2006 did you ever tell anyone what Gus  
17 Krumm did to you?

18           A.    No.

19           Q.    Other than Father O'Brien, until you recovered  
20 your memories in 2006, did you ever tell anyone what  
21 Dave Johnson did to you?

22           A.    No.

23           MR. GASPARI:   That's all.

24           MR. CALLAHAN:   I have just a few questions.

25           ///

EXAMINATION

BY MR. CALLAHAN:

Q.    My name is Peter Callahan and I represent the  
Diocese of Orange and other related entities -- the  
school and the church and stuff like that.

I'm going to ask you just a couple of  
questions that I would have asked if I had interrupted  
somebody else, so it may seem like I'm skipping around,  
but I'm actually what I'm doing is starting at the back  
of your testimony and going forward to the places in my  
notes where I've got a question mark.

One of the question marks, the first one is  
this EMDR technique. Can you explain that to me in a  
little more detail your understanding of what it is or  
how it's utilized?

MR. HALE: Calls for expert testimony.

MS. COLOVER: It's actually asked and  
answered.

MR. HALE: I join in that.

You can answer.

THE WITNESS: Eye movement has a way of --  
with the clicks and the motions has a way of helping you  
bring to the forefront memories of trauma and abuse.

BY MR. CALLAHAN:

Q.    Just tell me if you can, sir, because I think

1 the objection was a good one, you're not an expert on  
2 this stuff, tell me what your experiences were with your  
3 therapist. This therapist, did, like, he or she hold a  
4 watch, like the old proverbial hypnosis thing?

5 A. No, sir. Basically trying to put me more in a  
6 relaxed state, putting me back in time. It was kind of  
7 a self -- like speaking to me, trying to put me back as  
8 a kid, putting me back to '79-'80, and not so much the  
9 watch or hypnosis, but then just trying to ask me  
10 questions of what happened and what I remember.

11 And as the questions -- as I started speaking,  
12 then she would try to get more detail out of it, and as  
13 she's getting detail it's like, "Okay, now open your  
14 eyes," and she would do something with her hands and  
15 with clicks and snaps. And then, "Close your eyes and  
16 think," and then it would help bring more memories --  
17 remembrances.

18 Q. Okay. Did she make suggestions to you to  
19 guide you into various areas as to your age, "Think of  
20 yourself as a ten-year-old," or "Picture yourself in a  
21 school room," or things like that?

22 MR. HALE: Objection. Vague and ambiguous.

23 THE WITNESS: She had asked me to put myself  
24 back in time to when I was a student at St. Anthony's.

25 BY MR. CALLAHAN:



1            Q.    You mentioned that there were cliques at the  
2            seminary. Did you belong to any particular cliques  
3            yourself?

4            A.    I really didn't. I felt more of a social  
5            outcast, somewhat of a black sheep.

6            Q.    But did you have any friends there at school?

7            A.    I believe I did. Kind of -- actually, I hung  
8            out with a few students that we did, like, Hillside  
9            together. Actually [REDACTED]  
10          [REDACTED] there were several.

11                    But pretty much stayed to the people within my  
12            own class, freshmen, because there was a lot of social  
13            status, you know, freshman to sophomore, sophomore to  
14            junior, and so forth, so you were basically a small  
15            scrub as a freshman so you kind of stuck with freshmen.

16                    Did I have a clique I always hung out with?  
17            No, but we had a little group that went out and gave  
18            Mass out at Hillside and I kind of associated myself  
19            with those students because those are the ones I kind of  
20            hung out the most with.

21            Q.    Did you stay friends with any of those fellows  
22            that you hung out with?

23            A.    No, sir.

24            Q.    Have you ever had any contact with them after  
25            leaving the school?

1            A.    Until San Francisco when we went through  
2 mediation I had not seen any but one student, who was  
3 not part of my class, he was a sophomore. His mom  
4 actually worked at the second school I went -- the  
5 second high school I went to.

6            Q.    This fellow that you saw at the mediation, was  
7 he one of your friends back in high school or was it  
8 just somebody you recognized at the mediation?

9            A.    Acquaintances, you know, fellow students. I  
10 wouldn't really say I had any friends at St. Anthony's.  
11 I would say I had, you know, fellow students and  
12 acquaintances. I don't have very many friends. I take  
13 friendship as serious and I don't have but not even a  
14 handful.

15           Q.    At the current time?

16           A.    To this day.

17           Q.    Any friends that you have had, back then or  
18 currently, have you ever discussed the events at  
19 St. Anthony's with any of your friends from back then or  
20 in the interim period or current friends?

21           A.    After recollection, yes.

22           Q.    Who have you talked to about it?

23           A.    Actually, I did speak to a fellow student that  
24 didn't attend when I was there, he attended after I was  
25 there. And I have also spoken to my current roommate.

1 I've spoken to my mother, but in not so many terms, she  
2 doesn't know details, she just knows bad things happened  
3 at St. Anthony's and we left it at that. And I  
4 basically told people if they wanted to really know what  
5 was going on, Google my name, it will come up.

6 Q. Do you recall speaking to any of the fellow  
7 students who were students with you during that same  
8 period of time that you attended St. Anthony's? Your  
9 classmates, have you ever talked to any of your  
10 classmates about your allegations against St. Anthony's?

11 A. Basically, the day of mediation, in  
12 San Francisco I spoke to [REDACTED] and [REDACTED]  
13 [REDACTED] and that was it.

14 Q. Those were guys that were --

15 A. Part of mediation as well. [REDACTED] was in my  
16 class and [REDACTED] was a year ahead.

17 Q. This episode that you have described with Gus  
18 Krumm where he came out of an inner office and he  
19 smelled sweaty and BO and appeared to be breathless, did  
20 you ever see any other human being that was involved in  
21 that room other than either the inner office that Gus  
22 came out of or the room that you were in with Gus Krumm,  
23 any other students or faculty or any other people?

24 A. Yes.

25 Q. Who else did you see?

1 A. Don't know the name, don't know who he is. I  
2 do have a general idea of who he might be.

3 It was after I was sent out of the office. I  
4 went down, back to my room, and then came back to eat  
5 lunch. And I can recall it was a Saturday. I came back  
6 to eat lunch. And this wasn't too long after the  
7 incident occurred. I remember still just basically  
8 getting back to the room enough to compose myself and  
9 then get back to lunch, but there was another, I would  
10 have to say, brother or somebody that was involved with  
11 the Franciscan order, I remember seeing him on occasion  
12 at St. Anthony's, I also remember seeing him when I went  
13 to the Malibu Retreat Center, he kind of was there to  
14 kind of help give us a tour, but he and Gus Krumm were  
15 very friendly towards each other for numerous occasions,  
16 every time he would come into class, because I can  
17 remember what he looked like. He and Gus seemed to pal  
18 around quite a bit. But as I was coming back from the  
19 dorms towards the lunch, I noticed him coming out of the  
20 room and Gus still having the sweaty look towards him.

21 Q. Was this a faculty member?

22 A. He was not on faculty at St. Anthony's, in my  
23 best opinion, and that's all it is, is opinion, he was a  
24 Franciscan from the Malibu Retreat Center.

25 Q. Some other adult?

1            A.    Yes.

2            Q.    And you saw him where?

3            A.    They were coming out of the office together as  
4 I was walking down the hall, kind of laughing and  
5 giggling, and I believe they were heading towards lunch  
6 as well.

7            Q.    You mentioned an attempted suicide and you  
8 said you found some pills.

9            A.    Yes.

10           Q.    And the question I would have asked if I had  
11 interrupted at that point is, where did you find these  
12 pills?

13           A.    In the dormitory, up on the -- in the  
14 bathroom, up on the sink. Up on one of the sinks there  
15 was a bottle of pills and a bunch of green pills and I  
16 took them.

17           Q.    Did it appear to be a prescription bottle?

18           A.    It was a prescription bottle, yes.

19           Q.    Did it have anything written on it?

20           A.    No, not that I'm aware, but I was told  
21 afterwards that they were nasal decongest -- Drix Orals,  
22 because apparently I didn't take all of them, one or two  
23 of them had spilt and when they checked it was a Drix  
24 Oral tablet.

25           Q.    Who told you this was a nasal decongestant?

1           A.    I believe it was Father Alberic.

2           Q.    Was that a memory that you suppressed for  
3 those 26 years?

4           A.    Yes.

5           Q.    And it came back to you through this technique  
6 that you described earlier about the hand movement  
7 and --

8                   MR. HALE:  Objection.  Misstates testimony.

9           BY MR. CALLAHAN:

10          Q.    How did that memory come back to you?

11          A.    Like most of the other memories, just starting  
12 to really self-going back in time, thinking about things  
13 and really dwelling upon it.  EMDR was very short and  
14 short-lived with me.  I basically started really --  
15 really started to just basically go back in time and in  
16 my mind and start remembering the things that happened.

17          Q.    Thank you.  You told us at the beginning of  
18 your testimony about this physical examination and then  
19 you were told to return to the study hall.

20          A.    Correct.

21          Q.    And were you directed to send any other  
22 students for physical exams?

23          A.    Yes.

24          Q.    What did you tell them?

25          A.    Basically, you're told to go tap on the

1    shoulder and let them know it was their turn to go down  
2    for an exam, and that was it.

3            Q.    And where was the student whose shoulder you  
4    tapped, where physically was he?

5            A.    In study hall as well. This all occurred, in  
6    my situation, during the evening study hall.

7            Q.    Did you tell this fellow you tapped about what  
8    was going on?

9            A.    I did not. I was pretty much withdrawn, and  
10   just like the student that came to me, he was basically  
11   teary-eyed and sat back down at their desk and did their  
12   work, and I pretty much did the same thing.

13           Q.    Was there ever any discussion among your  
14   fellow students about why people were coming back from  
15   this physical exam teary-eyed and upset?

16           A.    Not that I recall.

17           Q.    And then, as you can tell, I'm working  
18   backwards and we're almost at the very beginning, you  
19   said that you decided to attend the seminary to escape  
20   an abusive stepfather. Was he physically abusive?

21           A.    Yes, sir.

22           Q.    Was he sexually abusive?

23           A.    No, sir.

24           MR. HALE: Objection. That violates this  
25   client's right to privacy.

1            And I instruct you not to answer that  
2 question. That has no relevance to what the line of  
3 questioning intended here. I invite you to explain to  
4 me the relevance. I'll listen, but I just don't think  
5 the court is going to allow that question.

6            MR. CALLAHAN: You know, here's the problem --

7            MR. GASPARI: I think he answered. I think he  
8 said "no."

9            MR. HALE: Yeah, I know, you're right.

10           THE WITNESS: If you don't mind, I would like  
11 to answer that question.

12           MR. HALE: Go ahead.

13           THE WITNESS: No, he did not.

14 BY MR. CALLAHAN:

15           Q. I think we got the "no" anyway, but we lawyers  
16 are trained to do certain things and it's kind of hard  
17 to get us off.

18           The last question: You started off by telling  
19 us that you are the director of a nonprofit organization  
20 in Glendale, Arizona.

21           A. Sun City, Arizona. I live in Glendale.

22           Q. What is the name of the organization?

23           A. [REDACTED], Incorporated. We're a  
24 nonprofit thrift store raising money for abused and  
25 victimized teenaged girls in Prescott Valley, Arizona.



1            Q.    Sexually abused girls?

2            A.    Both physically, sexually, mentally,  
3 displaced, troubled. It's a residential treatment  
4 center designed to help girls with a plethora of  
5 problems from the ages of 11 to 18.

6            MR. CALLAHAN:    Okay, that's all the questions  
7 I have.

8            MS. SOLMAYOR:    No questions.

9            MR. HALE:    Let's take a little break.

10           VIDEOGRAPHER:    The time is 12:13 p.m. We're  
11 off the record.

12           (A brief recess was taken.)

13           VIDEOGRAPHER:    The time is 12:22 p.m. We're  
14 back on the record.

15

16    FURTHER EXAMINATION

17           BY MS. COLOVER:

18            Q.    Just a couple of follow-up questions while I  
19 put my microphone on.

20    We were talking about the incident with Krumm  
21 outside of his office or in his office earlier. Do you  
22 remember that?

23            A.    Yes.

24            Q.    Now, you stated, you testified earlier that  
25 after he threw you -- you know, he was enraged and he

1       threw you from his office, right?

2           A.    Yes, ma'am.

3           Q.    And after that you went back to your room,  
4       correct?

5           A.    Correct.

6           Q.    And there was a period of time when you don't  
7       know who came in and out of his office, is that correct?

8           A.    No, ma'am.

9           Q.    Is that correct, you don't know?

10          A.    That is correct.

11          Q.    And when you did see him and he had you pushed  
12       against the wall and he was telling you that you didn't  
13       see what was going on there and that he didn't think you  
14       belonged there, did he seem like he was defensive?

15               MR. CALLAHAN:  Objection.  Calls for --

16               MR. GASPARI:  Speculation.

17       BY MS. COLOVER:

18          Q.    Like he was worried that you were going to say  
19       something about what you saw?

20               MR. CALLAHAN:  Objection.

21               MR. GASPARI:  Speculation.

22       BY MS. COLOVER:

23          Q.    From you what you witnessed?

24               MR. GASPARI:  Speculation, lacks foundation.

25               MR. CALLAHAN:  Having said all that, you can

1    answer.

2    BY MS. COLOVER:

3            Q.    I'll rephrase the question. From what you  
4    witnessed of Krumm's behavior, did he seem to you like  
5    he was concerned that you had interrupted him doing  
6    something?

7            MR. CALLAHAN: Same objections.

8            MR. GASPARI: Same objections.

9            THE WITNESS: Yes. I believed him to be very  
10    angry that I walked in and interrupted something.

11    BY MS. COLOVER:

12            Q.    And did he seem like he was trying to get you  
13    out of there as quickly as possible?

14            MR. GASPARI: Same objections.

15            MR. CALLAHAN: I join.

16            THE WITNESS: He made it perfectly clear by  
17    throwing me out.

18    BY MS. COLOVER:

19            Q.    And that whole interaction happened quickly  
20    and he actually threw you physically out of that space  
21    pretty quickly --

22            MR. GASPARI: Leading.

23    BY MS. COLOVER:

24            Q.    -- correct?

25            A.    It all happened within maybe a minute, minute

1    and a half, so it didn't take very long at all.

2            Q.    So there could have been a student in that  
3    office with those priests --

4            MR. CALLAHAN:    Objection.

5            MR. GASPARI:    Wild speculation.

6            MR. CALLAHAN:    Rank speculation, much more  
7    serious.

8    BY MS. COLOVER:

9            Q.    There could have been anybody in that office  
10    with them, correct?

11           MR. GASPARI:    There could have been a possum  
12    in the office.

13           THE WITNESS:    Could have been -- yeah, could  
14    have been anything, anyone, anybody. Absolutely, I was  
15    thinking the same thing. Not a possum, but . . .

16    BY MS. COLOVER:

17           Q.    But the question I'm asking you is this: You  
18    don't know whether it was just two adults in that  
19    office, do you?

20           A.    I have no idea.

21           Q.    And the attitude that Krumm had when he came  
22    out, that you witnessed, was that he was trying to get  
23    you out of there quickly, correct?

24           MR. GASPARI:    Leading.

25           THE WITNESS:    He was hostile, tried to get me

1    out of that office as soon as he possibly could.

2    BY MS. COLOVER:

3            Q.    Because he didn't want you seeing what was  
4    going on in that office --

5            MR. GASPARI:    Objection.

6    BY MS. COLOVER:

7            Q.    -- from what you could tell.

8            MR. GASPARI:    Leading, calls for speculation.

9            MR. CALLAHAN:    Argumentative, just a bad  
10    question.

11    BY MS. COLOVER:

12            Q.    From what you witnessed, he didn't want you  
13    going into that back office, did he?

14            MR. GASPARI:    Same objection.

15            MR. CALLAHAN:    Objection.

16            THE WITNESS:    He did not want me in his  
17    office, period, front office, back office, he did not  
18    want me in there.

19    BY MS. COLOVER:

20            Q.    And he actually threw you out of there to get  
21    you as far away as he could?

22            MR. GASPARI:    Leading.

23            MR. CALLAHAN:    And cumulative.

24            THE WITNESS:    He did throw me out out of  
25    anger.    I would have easily walked out of that office if

1    he had just said, "Get out of my office," but he chose  
2    to throw me out.

3    BY MS. COLOVER:

4            Q.    All right. Now Gaspari and Mr. Callahan were  
5    asking you about when you recovered your memory of  
6    abuse. Do you recall when that was when you recovered  
7    your memory of abuse?

8            A.    Right around June of 2006.

9            Q.    When did you start the therapy?

10          A.    It was just after -- it was like right around  
11    the holidays, about a year -- about 2007, November,  
12    December, right that area.

13          Q.    So about a year and a half later you started  
14    therapy after you had already recovered memories of  
15    abuse?

16            MR. GASPARI: Leading.

17            THE WITNESS: Well, you know, if we take the  
18    math from June of 2006 to the holidays, yeah, it's about  
19    18 months, 16, 17 months.

20    BY MS. COLOVER:

21          Q.    Sixteen, 17 months from when you had first  
22    recovered memories of your abuse to when you actually  
23    started therapy for the -- started therapy,  
24    psychological therapy?

25          A.    Psychotherapy, yes.

1            Q.    Now, did you know [REDACTED] when you were a  
2 student at St. Anthony's Seminary?

3            A.    I know [REDACTED] yes.

4            Q.    Who is he?

5            A.    He was an older brother of [REDACTED] who was  
6 a year ahead of me in class. I know he had been an  
7 alumni of St. Anthony's, and he would come back and  
8 visit and, you know, always pal around, chum around with  
9 the students.

10                    And I remember him being a fantastic singer.  
11 He would sing solos. I know he was -- being part of the  
12 choir and Van Handel being the choir director brought  
13 him in to do some singing, and he sang with the choir,  
14 he'd sing solo, but he was a fantastic singer.

15            Q.    But he wasn't a student anymore at that time  
16 when you saw him?

17            A.    No, he was a graduate.

18            Q.    So in the '79-'80 school year when you saw him  
19 on campus hanging out, he was a graduate, he was already  
20 an alumni of St. Anthony's Seminary?

21            A.    Yes, ma'am.

22            Q.    Was he on the faculty?

23            A.    I don't believe so.

24                    MS. COLOVER: That's all the questions I have.

25                    MR. CALLAHAN: Just one.

FURTHER EXAMINATION

BY MR. CALLAHAN:

Q.    The truth of the matter is, you don't know if there was anyone or anything in the office with Gus Krumm that he came out, do you?

A.    When I walked into that office, no, all I know is there were noises coming out of that office. As far as I know he could have stubbed his toe, but it didn't smell that way.

MR. CALLAHAN:    Thank you.    That's all I have.

FURTHER EXAMINATION

BY MS. COLOVER:

Q.    One last question. As you sit here today and you remember that scene in that office and Gus Krumm coming out of that back office, do you think he was alone in there --

MR. GASPARI:    Calls for speculation.

MR. CALLAHAN:    Calls for speculation.

BY MR. CALLAHAN:

Q.    -- from what you saw.

MR. GASPARI:    Calls for speculation.

MR. CALLAHAN:    Calls for speculation.

MR. GASPARI:    Lacks foundation.

THE WITNESS:    In my general well-being, I



1    would absolutely say that someone was in there because  
2    it sounded like more than one voice.

3            MS. COLOVER:    No further questions.

4            MR. GASPARI:    I have none.

5            MR. CALLAHAN:    I have none.

6            MS. SOLMAYOR:    I don't have any questions.

7            MR. HALE:    Okay.

8            MS. COLOVER:    Off the record.

9            (Discussion off the record.)

10           MS. COLOVER:    The court reporter can be  
11    relieved of his custodial duties under the CCP with  
12    regard to retaining the custody and control of the  
13    original transcript; the original can be sent to  
14    Mr. Hale's office; he'll make arrangements to have  
15    [REDACTED] read and review the original transcript; and  
16    if there are any corrections he will notify us within 30  
17    days of receipt of the transcript of any corrections or  
18    that it's been so signed; that if the original is lost  
19    or damaged that a copy can be used in its stead; that if  
20    it's available it will be brought to trial, any hearing  
21    and trial without further notice.

22           MR. HALE:    Or sent to you.

23           MS. COLOVER:    Or sent to us; and upon verbal  
24    notice you'll send it to us so we'll have it for trial.

25           MR. HALE:    Yes, that's fine.

1 MR. CALLAHAN: So stipulated.

2 MS. SOLMAYOR: So stipulated.

3 MR. GASPARI: Yes.

4 VIDEOGRAPHER: This concludes the deposition  
5 of [REDACTED] The number of media used was one. The  
6 time is 12:29 p.m. We're off the record.

7 (The deposition concluded at 12:29 p.m.)

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DEPONENT'S DECLARATION

I, [REDACTED] hereby declare:

I have read the foregoing deposition transcript and identify it as my own and approve same.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
2010, at \_\_\_\_\_, California.

\_\_\_\_\_  
[REDACTED]

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REPORTER'S CERTIFICATE

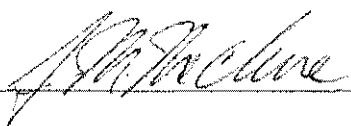
I, MARK McCLORE, CSR NO. 12203, a Certified  
Shorthand Reporter for the County of Santa Barbara,  
State of California, do hereby certify:

That, prior to being examined, the witness  
named in the foregoing deposition was by me duly sworn  
to testify the truth, the whole truth, and nothing but  
the truth;

That said deposition was taken down by me in  
shorthand at the time and place therein 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 15<sup>th</sup> day of  
November, 2010.

  
\_\_\_\_\_  
Certified Shorthand Reporter in and for the  
County of Santa Barbara, State of California

