



Thursday, August 8, 2002

██████████
1500 34th Avenue
Oakland, CA 94601-3092

Dear ██████████ and Provincial Definitors,

Throughout my six years as Program Administrator here at San Damiano Retreat, I have often been asked to perform duties, in the absences of our director, ██████████. Throughout these years, I have served in this capacity because, not only is it part of my job description, but it has been voiced publicly, that whenever ██████████ is not on site I assume "next in command" leadership of the retreat house.

As Guardian, Fr. Barry Brunsman, provides oversight of all of the Friars who reside here. There is a clear understanding that the Friary is distinct from the retreat house operations and leadership.

It is my understanding that Fr. Mario has been assigned here to provide care for Fr. Emmanuel, and now recently, Fr. Sebastian. I know there are others reasons for Fr. Mario's assignment here, though my understanding is limited and I have come to realize that you may wish to keep these reasons confidential and only for Friars' consideration. Staff, covenant members and volunteers are unaware of the psychological needs and limitations which affect Fr. Mario; and without clear disclosure of the acceptable behaviors and activities within which Fr. Mario is expected to function, misunderstandings, injury and harm are resulting. And because of these factors, Fr. Mario can, and has had interactions, which are inappropriate, abusive, divisive and unhealthy, especially when he involves himself in the activities of the retreat center.

In the past few years there have been incidents clearly indicating that Fr. Mario has acted without using good judgment, resulting in damage to property (cars) and the Retreat Center (the front entrance), and might possibly have been far more damaging to the individuals involved. I have discussed the consistent nature of these incidents from time to time with both ██████████ and Fr. Barry, each assuring me that these were "internal" issues and best handled by the Friars. It is clear that whenever ██████████ and Fr. Barry are away, Fr. Mario seems to take advantage of the opportunity to venture into locations and take action in behaviors he would not otherwise consider if either one of them were on site.

Another incident has recently occurred and because there will be an extended period of time in the near future when ██████████ will be in Europe (September 5th through November 10th), I feel compelled to bring the following to your attention. I should also mention that due to the extensive ministerial demands Fr. Barry provides apart from San Damiano, there are significant times when Fr. Barry is not present as well.

On Thursday, August 1, 2002, one of our newly assigned Covenant Members, John Beringer, severely injured his hand, severing fingers, while working in our shop on a table saw. ██████████ was in Oakland

P.O. BOX 767, DANVILLE, CALIFORNIA 94526 • TELEPHONE 925-837-9141 • FAX: 925-837-0522

OFM CIMM 1
0213

providing spiritual direction at the time of this accident, and in his absence, I became the "on-site" director, as per our protocol. Fr. Barry was away on vacation. The accident (see "anecdotal notes" outlined on accompanying page) was handled in an expedient manner with our staff calling 911 and then local Emergency Medical Technicians arriving quickly to care for John and get him safely to the nearest hospital.


During the time of this accident, another incident occurred which involved Fr. Mario, and in my estimation is yet another example of inappropriate behavior, especially in the midst of an emergency situation; another example of Fr. Mario being unable to take leadership and direction from others, especially women; and yet another example of the misunderstandings created when staff, covenant members, and Friars alike, are unclear as to the acceptable actions and functions in which Fr. Mario may and may not be engaged.

With this most recent incident in mind, as well as the extended period in which [REDACTED] will be away, (as well as Fr. Barry's outside commitments), I question whether Fr. Mario is capable of living within the guidelines and under the leadership I am asked to provide. My desire to ensure the safety of staff, covenant members, volunteers, retreatants and Friars alike, is my concern. It is with these considerations that I offer the following proposals, one of which be in place prior to September 5, 2002:

- an alternate location for Fr. Mario be found for the above dates.
- a permanent location be found for Fr. Mario which is site specific for the psychiatric conditions for which he may be diagnosed.
- a Friar or layperson with retreat director experience, be re-located to San Damiano during the above dates, who will function as the Interim Director in [REDACTED] absence.

I do realize that the recommendations I have proposed have consequent reactions for other Friars at this location, and in no way wish to create hardships for them. However, it is Fr. Mario's actions, which I question, and wonder for the safety of everyone concerned, whether San Damiano is an appropriate placement for him. Should one of these proposals not be in place prior to [REDACTED] departure, I cannot assume the duties of "on-site" or Interim Director. I trust that the gravity of this situation is clear and that appropriate actions be taken swiftly for everyone involved.

With peace and all good,


Victoria S. MacDonald, MA
Program Administrator

Cc [REDACTED]
Fr. Barry Brunsman, OFM

OFM CIMM 1
0214

Anecdotal Note of events occurring on Thursday, August 1, 2002:

John F. came into my office mid-morning and said, "Victoria, you are a nurse aren't you?"

I said, "Yes."

He stated that John B. had just had an accident in the shop with the electric saw severing his fingers.

I rushed into the kitchen to find John B. sitting at the table near the ice machine with his left hand in a large jar of ice; Judy was on the phone talking with the 911 personnel who were relaying actions to be taken to care for John.

Judy began relaying instructions to me, which I followed. I also instructed John B. in breathing slowly, calmly, and evenly. His color was ashen and he appeared to be in shock.

As I was trying to keep John calm and focused on his breathing, Mario came walking up to the kitchen table and began asking John, "What's happening?"

I quietly said, "Mario, not now."

Judy, seeing that Mario became upset at this, followed him toward the kitchen back door and explained to him that John was in shock and couldn't talk at this time.

Because I was focused on caring for John, I did not hear the conversation that followed:

Mario began to talk in a strong and loud voice that he had a right to see John as his friend, and that he shouldn't be kept from giving comfort to him. Judy said again, "I understand that, Mario, but John just can't talk right now."

Then Mario said, "Well I'm upset. And you can tell Victoria how I feel."

Judy said, "I'm sorry Mario."

Mario said, "You Women!"

The EMT's arrived and I began to assist them in observation and treatment of John B's hand. Helen, John's wife, wanted to go with John to San Ramon Regional Medical Center, and the EMT suggested Helen follow in her car. I asked Wayne to drive Helen there, which he did. I was concerned about John F. who had witnessed the accident, so I went to talk with him briefly.

It was about ten minutes later, when I arrived back in my office.

I was heading toward my chair, and was just sitting down, when I heard someone following behind me.

Turning around, I was face to face with Mario. who was shaking his finger at me and yelling loudly, "Don't you EVER do that to me again." Repeating it again and again very loudly. His voice could be heard throughout the administrative and lobby areas.

Standing up from my chair, I attempted to speak, "Mario, I am not going to talk with you when you are talking in this way. Get out of my office. We will talk when you can be more appropriate."

Continuing his yelling, Mario at first, took a step or two, and looked like he was going to leave my office, but then turned around and said, "Well, I want to discuss this now, " and began yelling even louder.

I again told him, I would not talk with him when he was yelling. He was not to raise his voice to me in this manner and he needed to get out of my office now. Whereupon Mario began yelling louder still, "You have no right to keep me from seeing my friend, John. You think you are so high and mighty around here, and that you can tell everyone what to do... You think you're God! Well, you're not!"

(He said others things but it is difficult to recall his exact words. I was absolutely silent at this point, and with that, Mario turned and walked out of my office toward the lobby.)

OFM CIMM 1

0215

INDEMNITY AGREEMENT

THIS INDEMNITY AGREEMENT, made and entered into this 8 th day of Sept, 2003 ("Agreement"), by and between the Franciscan Friars of California ("Franciscans") and The Roman Catholic Bishop of Oakland, a California corporation sole ("Corporation Sole").

RECITAL

One of the Franciscans' priests, Father Mario Cimmarrusti, O.F.M. ("Father Cimmarrusti"), has been removed from ministry since 1994. Father Cimmarrusti has undergone therapeutic evaluation for sexual offenders and is in a therapeutic relapse prevention program supervised by the Franciscans' Independent Response Team. Fr. Cimmarrusti is in a residence at the San Damiano Retreat House in Danville, California.

NOW THEREFORE, in consideration of the mutual promises in this Agreement, and intending to be legally bound, the Franciscans and Corporation Sole do hereby covenant and agree as follows:

Section 1. Indemnification. The Franciscans shall indemnify, defend and hold harmless Corporation Sole and its affiliates, and their respective members, trustees, directors, officers, employees, contractors, agents and successors and assigns (collectively, "Indemnitees"), to the fullest extent permitted by governing law for liability arising out of the acts or failure to act of Father Cimmarrusti from this date forward. Without in any way diminishing the scope of the indemnification provided by this Section 1, the Franciscans will indemnify Indemnitees if and whenever any of the Indemnitees is involved in any manner (including, without limitation, as a party or as a witness) in any threatened, pending or completed Proceeding to the extent such proceeding arises out of the acts or failure to act of Father Cimmarrusti from this date forward. The Franciscans' indemnity of Indemnitees shall include all Expenses and Liabilities actually and reasonably incurred by any of the Indemnitees or on their behalf in connection with the investigation, defense, settlement or appeal of any Proceeding. It is intended that Indemnitees shall be paid promptly by the Franciscans all amounts necessary to effectuate the foregoing indemnity in full.

Section 2. Duration and Scope of Agreement; Binding Effect. This Agreement shall continue so long as any of the Indemnitees shall be subject to any possible Proceeding by reason

of any act or omission of Father Cimmarrusti occurring after the execution of this Agreement. This Agreement shall be binding upon the Franciscans and its successors and assigns and shall inure to the benefit of Indemnitees and their respective successors and assigns and other legal representatives.

Section 3. Definitions. For purposes of this Agreement:

(a) "Expenses" shall include all direct and indirect costs (including, without limitation, attorneys' fees and costs, retainers, court costs, transcripts, fees of experts, witness fees, travel expenses, duplicating costs, printing and binding costs, telephone charges, postage, delivery service fees, all other disbursements or out-of-pocket expenses for which it is otherwise not compensated by the Franciscans or any third party) actually and reasonably incurred in connection with either the investigation, defense, settlement or appeal of a Proceeding or establishing or enforcing a right to indemnification under this Agreement, applicable law or otherwise.

(b) "Liabilities" shall mean liabilities of any type whatsoever, including, but not limited to, judgments, fines, penalties, and amounts paid in settlement.

(c) "Proceeding" shall mean any action, suit, arbitration, alternate dispute resolution mechanism, investigation, or administrative hearing.

Section 4. Modification and Waiver. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by both of the parties to this Agreement. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provision hereof (whether or not similar) nor shall such waiver constitute a continuing waiver.

Section 5. Governing Law. The parties agree that this Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, as applied to contracts between California residents entered into and to be performed entirely within California.

Section 6. Consent to Jurisdiction. The Franciscans and Corporation Sole each hereby irrevocably consent to the jurisdiction of the courts of the State of California for all purposes in connection with any action or proceeding which arises out of or relates to this Agreement and agree that any action instituted under this Agreement shall be brought only in the state courts of the State of California.

Section 7. Attorney's Fees. In the event of any dispute concerning the rights or obligations of the parties under this indemnity agreement, the prevailing party shall be entitled to recover all attorney's fees or other expenses actually and reasonably incurred in connection with the dispute concerning this indemnity agreement.

Section 8. Control of Defense and Settlement. With respect to any claim for which the Franciscans are obligated to indemnify Indemnitees under this agreement, the Franciscans shall have the right to control the defense and, if the Franciscans deem it appropriate, settlement of any such claim, including the right to select counsel to defend Corporation Sole at the Franciscans' expense.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the day and year written below.

Dated: Sept 8, 2003

The Roman Catholic Bishop of Oakland

By: S. Barbara Flannery
Sister Barbara Flannery, CSJ
Its Attorney-in-Fact
Chancellor, Roman Catholic Corporation Sole of Oakland
2900 Lakeshore Avenue
Oakland, CA 94610

Dated: August 18, 2003

Franciscan Friars of California

By: Melvin Jurisich, O.F.M.
Melvin Jurisich, O.F.M.
Provincial Minister



SAN DAMIANO
RETREAT

P.O. BOX 767

DANVILLE

CALIFORNIA

94526-0767

VICTORIA S. MacDONALD

PROGRAM ADMINISTRATOR

email: victoriam@sandamiano.org

TEL: 925-837-9141
EXT. 308

FAX: 925-837-0522

OFM CIMM 1
0219

May 31, 2003

Dear Mario,

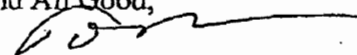
May God give you peace. As you know I am now the Provincial's delegate working with our Independent Response Team and those friars, like yourself, who are in the aftercare program. I met with Dr. Israel Rosales and subsequently formulated the following restrictions I am asking you to follow while you are living at San Damiano. These restrictions follow the Provincial policy for those friars who are in the aftercare program and assigned to live at retreat houses.

- 1) Any unofficial or non-business contact during normal working hours with any of the lay retreat staff, including kitchen and administrative staff, must be strictly limited to polite greetings and normal pleasantries, but not include conversations.
- 2) COVENANT MEMBERS:
 - A) When covenant members are functioning as staff and are engaged in their staff duties the above restriction applies to them. You will be expected to limit yourself only to exchanges of polite greetings under these circumstances.
 - B) When covenant members are participating as part of the friar community and engaged in friar community activities you may have supervised normal social interaction with them.
- 3) You must avoid any significant contact or conversations with any of the retreatants.
- 4) In order to avoid any unnecessary contact with either the staff or the retreatants, you are asked not to sit or rest in either of the administrative wings of the retreat center. You should only enter the administrative areas when necessary for such tasks as getting your mail, otherwise you should avoid these areas during normal working hours.
- 5) You are not to give orders of any kind to any staff member.
- 6) You are to avoid those areas that are frequently used by staff and retreatants. For instance you should not sit or rest near the fountain during the lunch hour, or other times when retreatants or staff are moving about in the courtyard.
- 7) At those times when Fr. Barry and [REDACTED] are both away, one of them will be accessible by cell phone. They will also delegate Richard Karch as your on-site supervisor. I am also available to you at those times as is Gerry Dunn. You will be expected to contact one of us with any questions or problems you encounter. During these times the restriction against entering into any conversation with any of the staff remains in place.

- 8) Those significant retreat staff including the covenant members, will be told that you have been placed at the retreat center for "administrative reasons". For this reason they will be told that you do not have permission to have significant contact or dealings with any staff or retreatants.

I have discussed these restrictions with both [REDACTED] and Fr. Barry. I will meet with you today to go over them personally to assure you understand them.

Peace and All Good,


Tom West OFM

Cc: [REDACTED]
Fr. Barry Brunzman, OFM
Dr. Israel Rosales
Dr. Larry Wornian
Mr. Gerry Dunn

AFTER CARE REPORT TO THE PROVINCIAL

RE: MARIO CIMMARUSTI 12/5/97

Mario continues to live at San Damiano Retreat House in Danville where he is monitored by myself. His chief duties are care of the House and Retreat Sacristies and Chapels, and to answering the phones in evening hours. He may, on request, help the staff with mass mailings.

Mario has undergone in a positive change in a number of areas since I've been here. He has clearly admitted to some of the offenses with which he has been charged. Of others he seems to have no memory. He has expressed at least to me and to his therapist, Jeff, regrets and sorrow for his victims. He has informed his sisters of his situation. He has become more cooperative and faithful in checking in and out when leaving. He never goes out unaccompanied except to his doctors. He has tried harder to carry the few work responsibilities assigned to him.

To his credit, it must be pointed out that there have been occasions on which he could have gone in search of victims if he so chose. He goes directly to and from his therapist and doctors unaccompanied. There have been times when either therapist or doctor was not there and he could have simply used the time to do as he chose; but he returned none. There have been at least two occasions when, due to lack of coordination or planning on the part of the rest of us, he was home alone for a day or two. He did not go out and do anything.

Mario feels that he has been treated unjustly. He claims that no explanation was given him, when he was sent to Seattle, of why or of what was going to happen. He feels unjustly treated in that he was not given a chance to confront his accusers nor to even know their names. He hears us when we say to him that this is kind of the way the judicial and insurance systems work, but he says that it is unjust. I'll have to remind him how much more messy a public trial would have been.

He feels that he has been deprived of his basic liberty without due process. He does accept his present position and repeatedly insists that he will accept it out of obedience. He compares himself to the other men in his therapy group, some of whom have been priests, who went through their therapy and who now are free to come and go as they wish. He feels that he should have the same freedom as any other friar. He focuses on the lack of trust if him that is built into our after-care program and monitoring and restrictions on his movement. He feels that what he does should be between him and his therapist. He says he would report any releases that he might make.

OFM CIMM 1
0222

He is truly and sincerely sorry for the expenses and burden that his action has placed on the Order. He regrets the harm he has done to victims, but he does not seem to recognize that he differs from the others in his group in that he belongs to the Order who is identified with his actions. He feels that five years of therapy should count for something, and that he should not have to be tested, but rather the mere word of his therapist should suffice. Even though his therapist says it is not that way and that he, the therapist, would not want it that way. His therapist insists that the testing to verify his progress or as a way of monitoring him in less accompanied situations is necessary. I offered Mario the analogy that going through the academy was not sufficient for being ordained and missioned, that some proof of having gained something from it was necessary. Both the therapist and I pointed out to him that just going through therapy was not enough; that there had to be some verification that something was learned and internalized.

Although as of yesterday, he offered to reconsider his position, he has stated that he would prefer to continue in present lack of freedom and restrictions rather than undergo further testing or polygraphs. This refusal was based partly on his previous experience of polygraphs and partly on the fact that he felt that refusing was the only area in which he had some control over his life. Obviously this last observation is a bit of an exaggeration and is the hurt and anger speaking. The therapist explained to him at length that the kinds of questions done with the polygraph would be very different as a monitoring device than was the criminal testing.

Now all of this is in regards, not to Mario ever returning to any form of public ministry. It has been made clear to him that that will not happen. And it was made clear that he would never be able to totally come and go as he wished. The therapist pointed out to him that none of us has that kind of freedom. But, the therapist and I do feel that there is a matter of some basic humane treatment of Mario. Mario has not seen his sisters since this process began. He feels emotionally close to his sisters and they to him. He would dearly love to see them before their death. They are close to 20 years older than he. Conditions recommended by Merlin/Israel for his visiting his sister were totally unacceptable to him and do seem to be a bit much. They required that he have to ask his sisters to monitor him and that I would check on him by phone 4 or 5 times a day. I have a hard time seeing the necessity of this since neither Mario nor his sisters are very mobile; although he can go about in car. Also, wanted the age of Mario's sisters even any transsexual would be adults. It also seems to Jeff and I that since Mario has not offended in the past five years; since he has demonstrated responsibility in his returning home at times when he was

have gone about under the cloak of being at an appointment, since he has had opportunity to leave here unaccompanied and he has not done so, that he should be trusted for some small going and coming without having to be accompanied to such things as the barber shop, the market, buying flowers, etc. It has been suggested by Jeff, his therapist, that after three months there would be an administration of a polygraph to verify Mario's conduct. He would suggest something similar for a visit to his sisters.

Now Mario wants and all or nothing situation: i.e., no testing, and no limits on his movement. Both Jeff and I have told him that will not happen. Part of the difficulty in working with Mario is that he tends to react to things as black or white. He has a hard time with grey areas, or with "x" being ok, but "y" is not ok.

I have suggested that in order to work out some modifications on Mario's restrictions that there be a meeting of Eugene Merlin, Israel Rosales, The Provincial, his therapist, and myself. I would like that Gene, Israel, and the Provincial see the Mario that I see, some one who has changed in some significant ways.

I recognize and have pointed out to Mario that this is not simply a matter of the Order, as represented by the Provincial and myself, trusting Mario, but that we must deal with the consequences of the notoriety surrounding his past actions and his public image and being able to demonstrate to the public at all times that we are exercising the caution in our supervision of Mario. I have reminded him that we must take into consideration what other people think.

So, we await to see what Mario will decide on whether he is willing to undergo some polygraph work. We will then try to see if we can get all or most of the above principles together to better understand what it is we are working on.

We also told him that, if he were to agree to a polygraph, and if it were to be approved by the principles, that this would not mean a life time of taking polygraphs. After a time, if a pattern could be established this would not have to be done the rest of his life.

A healthier and happier Mario would be desirable from the standpoint of progress in therapy. He would be in less danger in the long run of a relapse, because of progress in his feelings of trust and self-worth. Both of these add to his depression and its relationship to danger to re-offend. He has a number of physical problems, such as sweating profusely from little or even no physical activity, he has back problems and pain management problems; he often is listless and no interest in anything, even in eating. There does not seem according to his physician to be any physical basis for this. It is probably psychological and his reaction to his surroundings.

OFM CIMM 1
0224

I think it is time to take a second look at Mario. not, as I say, from any viewpoint of a return to ministry, but to move to a healthier human person and one in which we also fraternally do not have him locked into a understanding of him that is static.

There has been problems with Mario working here. He has and is doing faithfully care of the two sacristies and chapels. He does faithfully answer the phones at night except on the night of his group therapy and on the rare occasions he is taken out by Barry or some friends. He has been fairly faithful regarding the nightly lock-up, but here he does become forgetful, distracted, etc. He does do some limited garden work, but this is limited by his back pains and by territorial disputes over the gardens with Emmanuel. He is not a man of many talents. Personality wise he is not a risk taker at trying to learn new skills: this is a major obstacle to moving him into some work position. If he is not to have contact with the public and he does not have typing, computer skills, book keeping skills, there are very limited things he can do. He enjoys cooking, but there is limited opportunity for that with the kitchen service here. He does so for Emmanuel on Sundays.

Our treatment of Mario is a very delicate balancing act. We certainly must be responsible in seeing that he does not offend again, nor even create the appearance of being at risk. We must be aware of the public image and notoriety surrounding Mario and of the Santa Barbara crowd calling for vengeance. It at the same time, we are religious and fraternal men dedicated to Christ with his mercy and forgiveness and his teaching that anyone can become new and different. We also must remember that every human being has certain rights to human relationships and to movement and that these may not be taken away beyond what is truly necessary. There are no nice neat clear guidelines: but I think all of us together must struggle to keep being open to God's working in Mario and to the changing acceptance of his responsibilities for his past actions and to the growth of insight on his part.

Mario Cimmarrusti

1. Allegations first surfaced before the Board of Inquiry began, and then continued during its interviews. Abuse of long duration and extensive. Several settlements.



Psychotherapist/Patient Privilege

Mario Cimarrusti

1. Allegations first surfaced before the Board of Inquiry began, and then continued during its interviews. Abuse of long duration and extensive. Several settlements.

2. Mario was sent to TARA for evaluation: paraphilia, pedophilia, voyeurism; passive aggressive personality disorder with sex deviation traits; histrionic personality disorder with compulsive features. The recommendations of Tim Smith have been followed. He is currently enrolled in sexual deviancy program.

3. Future disposition:

a) Under no circumstances should Mario return to public ministry of any kind. This for several reasons: his own pathology which is severe; the real danger of public scandal; the possibility of reoffense.

b) Mario should continue under the tightest of restrictions and therapeutic help; any future decisions should be made only after extensive consultation with the previous provincials, professionals, the IRT, and aftercare managers.

Therapist/Patient
Privilege

OFM CIMM 1

0226

Fr. [redacted]'s copy

MARIO CIMARRUSTI PROFILE 1964-1970

As of 8/21/93: 19 Victims (1964-70) # of Former Seminarians who said they had information but not formal interview as of 8/18/93: 3

Misc. Information

1. Students that had contact with BOI with allegations, but not formal interview:
9 names

2. Described as a friar who had:
extreme mood swings
Inconsistency in moods and behavior
Incredibly angry
needing to control

Hernia Exam

1. 1964-70 6 names
Rubbed hands down inside of leg and examined scrotum. These were at least once a month / "submit or go home". Examined most of the student body. At one time students were lined up outside of his office. Would pull towels off of students as they came out of showers in playful-sexual manner.

Infirmary Assault

1. 69-70 -
Had student shower, showed soft pornography. Under guise of medical exam-masturbation - pulled back foreskin. Student tried not to have an erection. Mario commented on his ability to not have erection.
3. 69-70 - - Oral Copulation
4. 64-68,
Mario tried to kiss him and wanted pants down whenever kids were sick.
5. 64-65 - Pulled muscle-deep massage while student was naked from the waist down.

Verbal Assault

1. 1966 - Called Students an Ass on the board
2. 64-68.
During mail call he would say derogatory things like-"I guess your mother decided to write"
3. 64-68
Called him a Lard Ass
4. 64
Received groin injury during sports, sent to [redacted] a few blocks from SAS. his testicles were tangled. Returns to SAS and Mario harranges him for masturbating. Mario did not talk to him for a year.

Medical Exam Poison Oak

1. 1964-68 - Medical Exam of genitals and application of poison oak cream to genitals until erection- blew on penis to cool it down.
2. 1965 -
Jock rash ointment and exam, washing until erection.
3. 1965-
Medical Exam and application of ointment cream-
"Don't worry if you get a hard on, it's normal" statement.
4. 1965 -
Medical Exam and application of poison oak to gentilia although that was not where he had poison oak. Masturbation .

Campus Cheating

1. 1966 2 names
Had students walk length of school in underwear to take a test.

Physical Abuse

1. 1966- ,
Beat students on buttocks until skin broke open and had bruises. Threatened under pain of mortal sin to not talk about it.

2. 1964 - ,
Whipping kids

Overweight Club

1. 1965- 2 Names,
Overweight club for students that were slightly overweight. He would weigh the students and then fondle them. Happened every two weeks the whole year.

2 2 Names
Fat Boys Club, checked for circumcision

OFM CIMM 1
0227

Independent Response Team
Office of External Monitor
24 Morrill Ct.
Oakland, California 94618
Tel/Fax: (510) 653-9313

MEMORANDUM

To: [REDACTED] OFM
From: Gerry Dunn
Re: Interim Guidelines
Date: [REDACTED]

[REDACTED] Dr. Israel Rosales instructed me to send to you an interim Guidelines document which will be used until the Internal Response Team and the Province decide on the language which will be used in the finalized version. Please read, sign and return the Document as soon as possible. Also enclosed is a Questionnaire which the IRT wants you to undergo on a bimonthly basis. I will ask you these questions sometime during the next month. [REDACTED]

As of this date, the IRT requires that you:

1. Do not talk to or interact with anyone under age 21 years. Limited contact with minor family members is permitted if an adult is present, providing that adult is aware of your risk factors;
2. Avoid any location where primarily people under 21 years congregate, e.g., malls, arcades, entertainment centers, etc.;
3. You are expected to participate in regular scheduled activities which are a part of your assigned duties or which have been authorized beforehand by your supervisor and guardian. You must advise your guardian or his delegate beforehand whenever you deviate from assigned duties;
4. You must obtain prior permission from your guardian and the aftercare director whenever you vacation, regardless of its length. It is also required that you obtain prior permission from your guardian and aftercare director for any overnight leave.
5. Attend and participate in any therapeutic program approved by the Province and the IRT

Read and agreed:

Date: 12/10/02


Gus Kruttm, O.F.M.



SAN DAMIANO RETREAT

Monday, August 26, 2002

1500 34th Avenue
Oakland, CA 94601-3092

Dear [REDACTED] and Provincial Definitors,

Thank you for your prompt attention to my recent letter, and I appreciate your visit here to San Damiano on Friday, August 9th especially when your schedule has been so busy.

When we met you outlined a tentative plan to stay here yourself on the first few days of [REDACTED] time away and when Barry has his regular days off. You also mentioned that [REDACTED] would then follow by staying here for Elderhostel; and then [REDACTED] and Barry would work out the schedule for the following weeks.

I met with [REDACTED] and he gave me the schedule, which Barry had arranged. When I heard what was proposed for the balance of the time [REDACTED] was away in Rome I must admit I was astonished. No one will be in the Friary on the days I am away when Fr. Barry is off-site (for his days off and when he is ministering elsewhere); and I was asked to take a Monday and Tuesday off when no other coverage could be obtained late in October. What this schedule indicates is that my request for added "supervision" of Fr. Mario, has been seen as "protection" of me, and me personally. Nothing can be further from the truth.

The purpose of my letter, as a responsible administrator, was to alert you to the fact that I cannot both administer to the needs of the retreat house AND be asked to provide oversight and supervision of the Friars. When [REDACTED] and Barry are away, who will supervise Fr. Mario; and to whom will Fr. Mario be responsible and accountable? Fr. Emmanuel and Fr. Sebastian, though capable, cannot be responsible for supervising Fr. Mario, and indeed may need increased supervision themselves.

I realize you may not see this matter as weighty in light of the many other serious cases before you, but I must continue to ask for clarity for a situation I feel is tenuous at best; and I would feel irresponsible if I did not.

Peace and all Good be yours,

Victoria S. MacDonald, MA
Program Administrator

Cc: [REDACTED]
Fr. Barry Brunsman, OFM

OFM CIMM 1
0229

P.O. BOX 767, DANVILLE, CALIFORNIA 94526 • TELEPHONE: 925-837-9141 • FAX: 925-837-0522

*Aug 28
29
Spoke with [REDACTED]
[REDACTED]
they will let me
know what I
should do.
J.*



COPY

May Agenda
I
E.

Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

April 26, 2001

Fr. Mario Cimmarrusti, OFM
San Damiano Retreat
P.O. Box 767
Danville, CA 94526

Dear Fr. Mario,

May the Lord give you peace.

I am in receipt of your letter of April 24, 2001, which begins, "To whom it may concern." Allow me to express a few comments on the content of the letter.

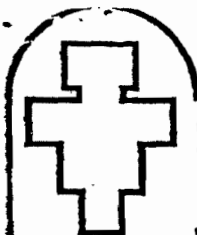
I recall meeting with you and [REDACTED] and Fr. Barry Brunsman, together with the Vicar of the Province, Fr. Steve Barnufsky. We discussed many issues. One, certainly, was the apparent difficulty regarding the group therapy sessions. From speaking with the Vicar Provincial and with [REDACTED] and my own recall, I remember we felt that it had probably run its course and the group therapy needed to be reevaluated. Neither I nor the Vicar Provincial nor [REDACTED] recalls actual permission being given to you to remove yourself from the sessions. There was, however, a unanimous decision that the issue of group therapy be reconsidered after so many years.

Mario, I am presenting your letter to be discussed at the Definitorium meeting of May 20th which will be held in Danville. The Definitors will consider your demand in a larger context and will offer a response to you and to [REDACTED] for the IRT. I will send this letter to all those listed on your letter to me. I hope that this will offer some calmness for the moment.

I have other things to discuss with you; I will do so after the May Definitorium meeting.

[REDACTED]
Provincial Minister
[REDACTED]

OFM CIMM 1
0230



*run up course -
re-evaluation*

**SAN DAMIANO
RETREAT**

April 24, 2001

To Whom It May Concern:

After being advised by [REDACTED], my
canonically elected provincial superior and his vicar,
Fr. Steve Barnufsky, O.F.M., I have made the decision to terminate
group therapy sessions supervised by Dr. Larry Wornian, Ph.D.

In the last four weeks I have attempted to do this in an appropriate
and acceptable manner but to no avail. For me to resume attending
these sessions, I will need an official letter of obedience from my
above-mentioned provincial.

Mario Cimmarrusti
Mario Cimmarrusti, O.F.M.

Emmanuel Muessiggang
Witness
Emmanuel Muessiggang, O.F.M.

cc:

[REDACTED]
Dr. Israel Rosalby, Ph.D.

Dr. Larry Wornian, Ph.D.

[REDACTED]
Rev. Barry Brunsman, O.F.M.

Rev. Stephen B. Ofm Vic. Prov.

OFM CIMM 1

0231



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Mario Cimarrusti, OFM
Old Mission San Miguel
Box 69
San Miguel, California 93451

November 20, 1993

Dear Mario

Peace. I want to let you know how much I appreciate your going up to Seattle and taking the testing. I really hope that it was not too difficult, although I imagine that it was. Dr. Ferder has yet to pass on any evaluations to me, but I will get back to you as soon as I can.

I know that while you were up there [REDACTED] spoke with you about using your name in public. I can appreciate your dilemma and agony, and I have fought that our report from Santa Barbara not contain any names, either those of the victims or those of the friars who have been reported. It grieves me deeply that there has been so much suffering on all sides and with yourself.

With this letter, I would like to bring you up to date on the process which will be used to bring the inquiry in Santa Barbara to a close. The Board of Inquiry has issued two reports: an Internal Administrative Report to me which contains all the pertinent information and details of the allegations; a public report which will be presented to the public (whoever comes) on Monday evening, November 29th, at the Goleta Valley Community Center in Santa Barbara. The public report is about eighty pages long, and it does contain a section listing the number of friars reported (12), the number of victims (35), and a description of the behavior involved. No names are used.

There is also a series of five composite portraits (sort of like case studies) of the types of abuse that occurred. This is followed by a description of the impact of the actions on the victims. There is a brief description of the actions the fraternity and the provincial minister have taken with respect to the friars reported. This is generic and I do not think anyone will be able to identify the individual friars from what has been said. With respect to yourself and one other friar the text reads, "Two other friars, removed from ministry and forbidden contact with minors, are currently completing their assessments. Further decision will be made based on the evaluations of the clinicians."

OFM CIMM 1

0232

The report concludes with some recommendations to the fraternity, the laity, and the administration. Overall, it is a good document, but parts of the text are very difficult to read, very explicit and jarring. Many of us have worked long and hard to get it in this shape and to protect as much as possible the good name of the fraternity and the identity and dignity of the friars involved. Given the circumstances, we have done the best we could.

As you know, your name has been used by some victims in the public forum; it has also been reported in the newspaper by the victims. Will your name come up in the public forum on the evening of the 29th? Well, I wish I could answer this. I hope not. Certainly, we have done our best to keep it out of the public document, but we have no control over the actions of others. If your name does come up, I will try to answer any questions appropriately and do my best to balance great respect for you with the need of the fraternity for credibility.

I know that the press will be present when the report is released; this event will probably be covered on local tv, the newspaper, possibly the LA Times, and the National Catholic Reporter. We have little control over what will be reported. It is my hope that they will indicate how well the friars have responded: the fraternity in helping the victims and friars, the composition and establishment of the Board, the willingness to be honest about this problem in our midst, the adoption of a continuing mechanism for addressing this problem, the cooperation of the friars who have been reported, etc. But, I do not know that these positive notes will be reported in the press. I do think that all of us, including yourself, can say that we did the best we could and acted in the best Christian and Franciscan way.

Let me close by saying that I truly do feel for your situation and also appreciate your cooperation, as trying as I know that has been for you. I ask you to continue to follow the program you have for the last many months, and also that under no circumstances are you to have any ministry in the confines of Santa Barbara County until indicated otherwise. It is very important for the well being of the fraternity that all of these restrictions be adhered to rigorously. They are imposed under the vow of obedience.

God bless you, Mario, Please be assured of my prayers. I hope that you will feel free to share this letter with [REDACTED] and Dr. Clayman-Cook.

Fraternally,

[REDACTED]
[REDACTED]



MISSION SAN MIGUEL — FOUNDED 1797

FRANCISCAN FRIARS

OLD MISSION

SAN MIGUEL, CALIFORNIA 93451-0069

January 27, 1993

REDACTED

Dear

As I mentioned over the phone, my therapist, Mr. Clayman-Cook, whom I address as Frank, has suggested I write you this letter, clarifying certain matters concerning the events that took place in Santa Barbara some twenty-odd years ago. That's been a while, to say the least, but I will try to recall matters as best I can. I hope this letter will help you see things from my point of view. Putting my thoughts on paper is also likely to have a therapeutic effect on me. I am writing as carefully and honestly as I can, and Frank is aware of the contents.

Again I want to say that I sincerely
M. J. T.

OFM CIMM 1
0234

your concern for me and all of us are doing to resolve these matters in the best interest of the province and of all the friars concerned.

All your work and effort must weigh heavily on you at times, and I for one want you to know they are greatly appreciated.

Frank has been most helpful in helping me review that part of my life that led up to the present crisis. Although I was in my thirties at the time, I was still a man struggling for sexual maturity, a process hardly facilitated by my upbringing before I entered the seminary nor during my training during my formation years at the seminary. Frank is gently trying to help me to be honest with myself in evaluating what happened during those years, especially in regards to the events in question. To see now what I didn't see then. To discern motives that, in the



MISSION SAN MIGUEL — FOUNDED 1797

FRANCISCAN FRIARS

OLD MISSION

SAN MIGUEL, CALIFORNIA 93451-0059

light of my whole psychological make-up, might help me understand the inappropriateness of some of my actions. That effect they could have had on others apart from my conscious intentions. That what I thought was appropriate might not have been perceived as such by others. Only by being honest with myself now, admitting my self-delusions and game playing of the past will I be able to assure myself of the possibility to changing certain patterns of behavior in the future. And it is my sincere hope that I will be able to do so.

OEM CIMM 1
0236

On the other hand, Frank has pointed out to me that meeting confrontation with silence, something I have so often done in the past, can also be an inappropriate response to reality. I can remember what happened in the intervention

on my drinks in the early 60s. A report was made on the interviews with certain people in Guaymas, based almost entirely on hearsay and containing many half truths and things that were absolutely not true at all. I had to listen to this report, read in the presence of others, three times in three different parts of the country, but was never given the opportunity to address it and give my side of the story.

When I was finally released from St. Michael's, I was so relieved, I simply let the matter stand. No doubt this report is still in my files, subject to considerable misinterpretation. I don't want this to happen again, so I want to take this opportunity to give my side of the story, especially as regards certain embellishments that in my honest opinion have no foundation in fact.

The idea that in allotting corporal punishment I had a penchant for small, fat students



MISSION SAN MIGUEL — FOUNDED 1797

FRANCISCAN FRIARS

OLD MISSION

SAN MIGUEL, CALIFORNIA 93451-0069

is not true. As I recall, this form of punishment, which were actually spankings, was used relatively rarely, involved students in their freshman year, was never done on the spur of the moment, never in a fit of anger, done after two warnings and only with the consent of the student (alternate punishments were available) and based on circumstances that involved the student's deportment rather than his bodily characteristics.

The idea that I based the number of swats on the number of years in the life of Christ is absurd. I was their disciplinarian not their spiritual director.

Finally, that I placed the students under pain of mortal sin if they revealed what had happened is absolutely false. I doubt whether the students in those days knew what a mortal

OFM CIMM 1
0238

sen was. I was careful, avoid using the words. To keep the spankings secret would have defeated their purpose since they were meant to be a deterrent for the whole freshman class. Besides, my assistants in the faculty knew what was going on.

Also I would like to make some things clear as far as examining the students is concerned. This was part of health checks that were given periodically. These health checks also included weight, height, etc. The manner in which these examinations were done could very well have been under other circumstances, e.g., had I been a medical doctor giving a physical, entirely legitimate. I say this because I cannot honestly recall doing anything that would have given the procedure a sexual nuance.

As Frank has pointed out to me, what I thought I was doing and what was



MISSION SAN MIGUEL — FOUNDED 1797

REDACTED

FRANCISCAN FRIARS

OLD MISSION

SAN MIGUEL, CALIFORNIA 93451-0069

actually perceived as being done are not necessarily the same thing. In the case of

and perhaps others it could have been a disturbing and avoidable experience.

On the other hand to say that such an experience was the major cause of someone's life long

psychological problems seems farfetched to me.

Well, I'm most grateful to you and the province for supporting and helping me in this matter. Believe me, it's something I never dreamed would come up. I consider myself fortunate to have Frank as a therapist.

OFM CIMM 1

0240

I trust him, I think he knows what he is doing, I consider him a friend. I want you to know that I am trying to cooperate in every way possible. It has not been easy. It has

been an extraordinarily difficult ordeal for me in many ways and on many levels. But I'm willing to go through it all if at the end I can reestablish that relationship of trust with the province that I have always felt in the past. This is most important to me. It touches the innermost part of my being.

I really hope you find this letter helpful. Thank you for your prayers. Be assured that you are in mine every day.

Fraternally,

Mario

[REDACTED]

January 23, 1993

[REDACTED]
1500 34th Avenue
Oakland, CA 94601

Dear [REDACTED]

I am pleased with the progress that has been made that has led to the formation of the Board of Inquiry. I learned many things before leaving Santa Barbara that weekend. My capacity to hold the quantity of suffering presented to me during my full visit exceeded all of my capabilities. How good it was to finally be able to weep openly at the celebration of the Eucharist during the singing of the song, "Here I am, Lord".

Thank you for your letter of January 20, 1993. Since the *Agreement* is the main issue, I'll respond at this time. It appears to me that your counsel has recommended the inclusion of Section 4 which is a "standard" release. I will be pleased to agree to Section 4 once we have reached consensus regarding Section 2 (B).

I am faced with an important and practical question. How much future, professional psychological intervention might I need during the remainder of my lifetime? While I am in a demonstrably better emotional state than many of the victims we are seeing, I must avoid having too short a memory for what I have endured and what it took to bring me to the present day. Just as you have a responsibility to interdict unending liability of the Province through my agreement to Section 4, so I must protect myself from the risk of unknown financial liability by asking for your agreement to Section 2 (B). Clearly, we need a "standard reference" for a possible monetary amount for Section 2 (B).

The courts of California have arrived at a "standard lifetime award" for victims of sexual abuse and sexual assault to cover the financial cost of future, professional psychological intervention. This award is calculated according to the following formula: seventy-five dollars for one psychological therapy session per calendar week for five calendar years. I am sorry that this amount of money is high, but I have no control over the costs of psychotherapeutic intervention.

We are in agreement as to Section 2 (A).

Are we in agreement as to Section 1?

OFM CIMM 1
0242

I am surprised that the provisions of Section 3 were agreed to by Father Mario. I have no objection to Father Mario having a therapist present during the meeting. In no way do I want this meeting to be an exercise in cruelty against Father Mario and I will not deny him an opportunity both for comfort and learning. It is precisely in life situations such as these that we remember all that Our Lord wants for us by His example and teaching.

I do not wish to deny myself what I would allow for another. so I. too. will have a therapist present with me during the meeting. In accordance with Section 3. this therapist will. of course. remain silent and not act in an intervening role. I do not plan to ramble about in my remarks to Father Mario: I will speak from prepared notes.

I will be pleased to have this meeting take place in Santa Barbara. either at Old Mission/Fleischmann Addition. or at San Roque Parish facilities. Saint Anthony's Seminary must not be the location for the meeting.

I will be in Santa Barbara on February 18 and 19 to speak to the Board of Inquiry. Because I will drive to Santa Barbara. I do not anticipate being able to attend any meeting before 7 P.M. on February 18. If we can make the arrangements. the meeting could take place during Friday. February 19. My hope is that these dates will provide maximum convenience for all.

I really feel. [REDACTED] that we are making progress here. You and I know how difficult it is to make it happen. While thanking you for your prayers. kindness. and concern. I want to assure you of my continuing prayers and support for the health and mission of our friars.

Sincerely yours,
[REDACTED]

OFM CIMM 1

0243

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarusti, O.F.M., to prevent his access to minors.

2. The Province of Saint Barbara agrees to pay [REDACTED] all reasonable expenses for his past and future psychological counseling according to the following specifications:

- A. Three-thousand-five-hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, within ten days after the execution of this agreement.
- B. A mutually agreed upon amount of funding for future psychological counseling relating to alleged sexual abuse suffered by [REDACTED]. This funding is to be paid as a lump sum within thirty days after execution of this agreement. It is further agreed that [REDACTED] retains the right to select any licensed therapist.

3. The Province of Saint Barbara agrees to cause a meeting to be held with Reverend Mario Cimmarusti, O.F.M., in attendance and Very [REDACTED], as the moderator. [REDACTED] will be permitted to speak without interruption from any party. Reverend Mario Cimmarusti, O.F.M. will not be permitted to speak. Very [REDACTED] will see to it that this rule is observed. The purpose of this meeting is to aid in the healing process by sharing with Reverend Mario Cimmarusti, O.F.M., how his behavior has affected [REDACTED] life.

4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from any and all claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarusti, O.F.M., or others.

Dated: _____

[REDACTED]

Dated: _____

[REDACTED]

Province of Saint Barbara

OFM CIMM 1

0244



Province of St. Barbara

FRANCISCAN FRIARS 1500 34th Avenue Oakland California 94601 (415)536-3722 Fax (415)536-3970

February 3, 1993

Dear [REDACTED]

Peace and good. Thank you for your letter of January 25th. Mine comes to you from Scottsdale, Arizona, where we have a retreat house and I am attending some meetings. I have thought about your letter and would like to offer some of the following reflections so as to continue what I believe is a very fine and important dialogue about our arrangements. In brief, let me indicate that I see no major difficulties and believe we can resolve the arrangement rather quickly.

I am happy for this, as I truly want to be helpful to you and your family after all that has happened. You mentioned in your letter to me your difficulty in holding the capacity of suffering which was offered to you in Santa Barbara. I know what you mean--it is dreadful. I would, however, like to thank you for what you have done and say that, from my perspective, you are acting as a fine Christian and minister to others. We never hold the suffering offered to us; but we can walk with it and in our human way, filled with grace, touch it; and heal it in some fashion. Your own actions are obviously helping others.

Perhaps we can talk about this someday, but now I realize I must be about answering some specifics in your letter.

OFM CIMM 1
0245



Province of St. Barbara

FRANCISCAN FRIARS 1500 34th Avenue Oakland California 94601 (415)536-3722 Fax (415)536-3970

We are in basic agreement as to number one. This is why I did not mention it in the first letter. I certainly would intend and act to limit Father Mario's pastoral work in such a way that it excluded contact with minors. Clearly, all steps must be taken to see that what has happened does not happen again. However, I would like to discuss some of your expectations in this area; I think this might help me deal with other situations involving the friars, should these occur in the future. For me, it is a question of learning.

We are in agreement as to 2A. I have absolutely no difficulty here; it seems to me very just and right.

As to 2B: First, I want to thank you for presenting some norm which we can use. Basically, I find this approach very solid and fair. Most arrangements I am familiar with take care of the counselling for 2 or 3 years, not five; but if you have other information available to you, I would appreciate your sharing it so I can get an understanding of how to go about this both now and in the future. Also, let me mention another possibility: we pay for counselling in lump sum, up to two or three years, and then pay other expenses as they arise up to the total of 19,500.

Above all, I do not want to make this discussion too complicated. From my point of view, this is about healing, and I really don't want to lay obstacles. I am now though trying to learn for the future, and to do so carefully and respectfully. I find my own responsibilities not to be intrusive



Province of St. Barbara

FRANCISCAN FRIARS 1500 34th Avenue Oakland California 94601 (415)536-3722 Fax (415)536-3970

or difficult extremely keenly. I thank you for your own fairness and willingness to discuss. We are definitely on a very similar course in this matter; the details I am sure can be resolved.

With respect to number three, the meeting between yourself and Mario, I would like to mention a couple of things. There is no problem with the meeting, as we are agreed upon it. Unfortunately, I am in Europe during the times you suggest. I leave for meetings in Rome February 10 and return February 25th--then I would be in the Bary Area pretty much until March 14th. So, we could arrange for a meeting in that time or later, as you want. Also, I find this complicated because I must share with you that Fr. Mario's sister Josephine died about four days ago. To say the least, it is a very difficult situation as she was his closest family member. So, my suggestion is that we delay the meeting for a couple of weeks, but not too long. I think you want a meeting soon, and I want to facilitate that to the best of my ability. As to place and who is present: we can discuss this. I am willing to do whatever is best for all, with or without the therapists present.

I will be in Oakland Feb. 8, most of the 9th, and the morning of the 10th if you want to discuss by phone; or perhaps we can set up a personal meeting to finalize details sometime later when I return.

Once again, let me express my deep sadness over what has happened to you and your family. You are in my prayers and I want to do all that I can to help. I thank you for your patience--and your witness. I am glad you are speaking to the Board. I wish your wife, son, and mother all blessings.

Signature

OFM CIMM 1
0247

[REDACTED]

December 6, 1992

[REDACTED]
Province of Saint Barbara
1500 34th Avenue
Oakland, CA 94601-3091

*Sund, 12,
Jan 3pm*

Dear [REDACTED]

Thank you for your kind letter of November 16, 1992. It will be possible to make arrangements to meet with you in Oakland. Because the Christmas season is a busy time for everyone, there are a limited number of dates which would be convenient for us. Saturday, December 12th, early in the day, or either Sunday the 13th or 20th would be workable for us. If it is not possible on any of these dates, please let us know.

We would like to meet with you as soon as possible since this is an issue that has been delayed far too long as it is. It is very difficult to reach me during the day. You may either leave a message on our answering machine at home, which is [REDACTED] or you may contact my wife, [REDACTED]

We know that the majority of the friars are involved in substantial ministries and do their work with great love as you said in your letter. We've got tough work ahead of us and it is very appropriate to acknowledge the tremendous goodness that also surrounds us.

Sincerely yours.

[REDACTED]

OFM CIMM 1
0248

Our Lady of Mount Carmel Church



To: [REDACTED]
From: [REDACTED]
Regarding: Visit and interview in Guaymas, Sonora concerning Mario Cimmarrusti, OFM.

Sept. 24 to 26, 1993

[REDACTED] and I interviewed both Senorita Guadalupe Rodriguez and Senorita Jesusita Lucia Felix. Both are presently directors of the CASA FRANCISCANA and were working there at the time Fr. Mario Cimmarrusti was in charge of the dispensary. Jesusita, especially, worked very close with him. Each stated that there were no rumors or accusations of Mario acting improperly with young boys. They saw or heard nothing.

They did mention that there was a time when alcohol was a problem for Mario.

There was an occasion fifteen years ago, when Fr. Cimmarrusti physically stopped a man of some 22 years of age from stealing drugs from the dispensary. Mario was injured in the fray. The man's attorney insinuated that there might have been something improper going on between Mario and the man. However, the women stated that this was looked upon as a falsehood on the robber's part.

On Sept. 26, [REDACTED] and I also interviewed Fr. John Peterson, OFM. Although, he was not there when Fr. Cimmarrusti worked in Guaymas, John Peterson mentioned that he and Marty Gates, OFM spoke about Cimmarrusti's time in Guaymas. There was no mention of improper actions with male youth.

The results of the investigation imply that altho there were some unfounded rumors regarding improprieties with older men, there was no evidence of improper actions with male minors.

[REDACTED]

OFM CIMM 1

0249

816 Pottle Avenue, Fresno, California 93706 ~ Telephone (209) 264-2587

Mario Cimmarrusti, OFM
O. Lady of Guadalupe
Delano, Calif.

Sept. 11, 1990

Dear Mario,

It was good to visit with you a couple of weeks ago and see the good that you're doing with the poor. Mario, Delano is really doing a Franciscan service to the poor. Congratulations. It's sad, however, that there is some gossip connected with this good deed. And it is the gossip that the Provincial wants me to address.

The provincial has read the report of Sal's visit and the discussion Sal and I had with you. He wants me to inform you that the following recommendations should be implemented at Our Lady of Guadalupe:

To protect your good name, Mario, and that of the Church and the friars from further gossip,

1. No more showers should be given in the house nor in the hall. (The gossip is very much tied in with the phenomenon of showers.)

2. To ensure that the program will continue even after the present staff has gone, lay people should be trained to work with you, Mario, and eventually take over the feeding of the poor. (This is requested so that you can have more time for parish duties.)

3. There can be no practice of medicine whatsoever. (I think you see the reason for this -- even the over-the-counter "remedios caseros".)

Mario, I hope the recommendations can be done without any hardship on your part. If you have any questions, don't hesitate to call the Provincial or myself.

Fraternally,



*Copy,
Sent Sept 12, 1990
JMB.*

OFM CIMM 1
0250



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

January 20, 1993

Dear [REDACTED]

Peace and good. I hope the Holy Spirit blesses you in abundance during this year. Let me take this opportunity to say that I have appreciated your forthrightness and fairness of presentation, both when we spoke together in my office and also in Santa Barbara. I admire your courage, in very difficult circumstances. For myself, I am committed to addressing your concerns in the best way possible. I think your suffering and that of your family is dreadful.

I am sorry for the slight delay in responding to you and to the agreement you sent me towards the end of December. As you could see in Santa Barbara, I wanted to get the Board of Inquiry off to the best start possible. It looks good, and the people on it are very well qualified. I am hopeful that they can accomplish a great deal of good for everyone concerned. I know that you will feel free to respond to them, as you determine. The letter should go out in the next week or so.

When I met with them, I did not give them your name, but simply stated that we had some cases dating back to the late sixties. Of course, they had met you the night before and also had the letter you sent out to your classmates. So, I want to leave you completely free to make your own revelations to the Board. This is, I believe, what we had agreed in my office.

I have looked over your "agreement" and have met with several people about it. First, of course, I wanted to contact Mario. He has agreed to the session, as you have indicated. In speaking with him, I also talked with his therapist. The therapist requests to be present at the session, not to intervene but simply to help Mario deal with the full implications of his actions once the session is over. I think this would be beneficial, as it would enable us to deal with the information you present in a continuing fashion to make sure it is sufficiently addressed. Would it be acceptable to you if Mario's therapist was present? If not, we will still proceed. I simply want to do what is best for all.

If you agree to the presence of the therapist, the suggested places of meeting are Santa Barbara or Los Angeles/Malibu. But we can make arrangements as necessary; whatever works out.

OFM CIMM 1
0251

[REDACTED]

I certainly want to pay for the counselling, as I indicated to you. I would suggest for 2.B that we agree to a comparable amount to cover future costs (i.e. \$3,500.00). We will need to agree to an amount before the agreement is signed.

As you can see, I have added another stipulation under #4. I believe that this is clear.

It has taken some time to speak with everyone involved. I certainly want to move as quickly as possible. It is very difficult, I think, for you; and I want to express, once again, my concern for you, your wife and child, and your mother. Be assured of my continued support and prayers. I am so sorry that all of this has happened.

God bless you. Once again, thank you for your honesty and courage.

Sincerely

[REDACTED]
[REDACTED]
Provincial Minister

P.S. I presume you will want to consider this agreement; and that you will get back to me in due course. I will be available for personal meetings next Friday afternoon, Jan. 29, Saturday, or Sunday morning; after that, on February 9th, or the morning of the 10th. After February 25, I will be in the Bay Area for quite some time. Thank you for your patience.

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS.

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarusti, O.F.M., to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five-hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be paid as a lump sum subsequent to the execution of this agreement. It is further agreed that [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to cause a meeting to be held with Reverend Mario Cimmarusti, O.F.M., in attendance and Very [REDACTED] as the moderator. [REDACTED] will be permitted to speak without interruption from any party. Reverend Mario Cimmarusti, O.F.M., will not be permitted to speak. Very [REDACTED] will see to it that this rule is observed. The purpose of this meeting is to aid in the healing process by sharing with Reverend Mario Cimmarusti, O.F.M., how his behaviour has affected [REDACTED] life.

[REDACTED]
Province of Saint Barbara

EXECUTED this ____ Day of _____, 19____, at Oakland,
Alameda, California.

OFM CIMM 1

0253



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

[REDACTED]

November 16, 1992

Dear [REDACTED]

Peace.

It was with great sadness and feelings for you that I read your letter to me of November 9th. On the one hand I am very grateful that you have come forward so honestly and trustingly with this information about what clearly must be a very painful memory; on the other hand, my heart goes out to you for the injury which has been done by one of our own friars. Please receive my own deep concern, my abhorrence at what has been done, and my promise to do what I can to help. I am so sorry.

Obviously, from what we read in the papers this is a problem with which the Church must come to grips and do so in a forthright and truthful manner. You have experienced it in your own parish. It is terrible, and I have seen the impact on parish communities and on our own friars, most of whom perform their duties well and with great spirit.

I am grateful that you have come forward with such clarity as it enables me to proceed with some certainty in an expeditious way. When I received your letter after returning from a trip, I felt it was best that we act quickly. This morning I met with a consultive team and have informed Mario that he is on administrative leave from all pastoral assignments; he will be allowed to say a community mass for the local friars where he lives, at Old Mission San Miguel. Your narration of events is the first I had heard of such activity with its specific details; I certainly have not been aware of any activity with minors. I have not talked to Father Louis Vitale yet, but I am sure that he felt the steps he took were sufficient to insure that no such activity would ever happen again. To the best of my knowledge, it has not.

But now we view these matters somewhat differently and believe

OFM CIMM 1

0254

that even sterner action must be taken. I think that the knowledge of everyone has increased a great deal in this area, and we need to be as certain as possible.

There are several things which I would like to do to respond. The first, of course, is to meet with you as you request. My own schedule is fairly busy, and if you would like to meet sooner than early December, I would ask if you would feel free to meet with our Vicar Provincial. He speaks for me and will be happy to see you to pursue details and any other concerns you may have. I am returning to the office in Oakland on December 7th; and I know that we can arrange a personal meeting either that week or the following one. If you wish, you can call me and we can speak on the phone about a time either with myself or with my vicar. If you want to leave your number, I will be glad to get back to you as soon as possible. I am enclosing a card for your information.


Father Mario will remain on administrative leave until we are all assured that proper steps have and will be taken. Our procedures for dealing with such situations I think are fairly thorough.

Obviously, you are aware of the difficulties we have been experiencing with Father Philip Wolfe and Robert VanHandel. I heart grieves for the people of God and we are trying to address this grievance in the most proactive way possible. I think that I can understand the feelings of your mother, at least in a partial way. Here we are talking about deeply felt betrayal.

We would like to provide for you whatever help we can to heal the breach which has occurred. I appreciate your honesty and struggle and look forward to seeing you to discuss the matter further.

May God bless you both.

Sincerely


Provincial Minister



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

[REDACTED]

December 11, 1992

Dear [REDACTED]

May the Lord give you peace.

I have read your letter to me of November 27th with great sadness and feeling for all that has transpired to your son, yourself, indeed your whole family. I find myself very inadequate in response, not for lack of feeling but for lack of words. Your own letter is testimony enough to the suffering involved, its implications and long history. I am deeply sorry and apologetic.

Of course, that hardly takes away any pain; it doesn't even begin to address it. I find especially painful your description of the deteriorating relationship between your son and husband, the fear and loneliness and mourning for yourself. And it has even influenced your relationship with your grandson. I am glad that you have been able to share some of this with me: I do want to hear it and try to respond as best I might. In your own way, your letter changes me and then I can try to act in the best way possible to see that this never happens again. I will do my best.

This Sunday I have an appointment with [REDACTED] and his wife. Would you like to speak with me personally? Also, we do have one friar who is quite knowledgeable about these situations, and if you would like to speak with him I can try to arrange it. I want to do what I can.

Certainly when you send a son to the seminary you give him over in all good faith to our care; I am so sorry for the deep injury. Here is a landscape of mourning in so many ways. But your letter to me in its honesty is also light in the dark and green in the desert. I thank you for that expression. You are a very good woman; and mother; and Christian.

Please be assured of my continued concern, and always, prayers.

Sincerely
[REDACTED]

OFM CIMM 1

0256

[REDACTED]

November 27, 1992

[REDACTED]
Franciscan Province of St. Barbara
1500 34th Avenue
Oakland, CA 94601-3091

Dear [REDACTED]

I have before me a copy of the letter my son, [REDACTED] wrote to you. I also have a copy of the recent reply. I have read them both over several times.

Your kind words to him are very much appreciated. [REDACTED] needs to hear that "your heart goes out to him". What he needs more is for you to listen with your heart! He needs to be assured that this situation will be dealt with exactly as you said, "in a forthright and truthful manner"; to know that you will keep your promise!

[REDACTED] letter covered the brief span of two years. What of the years that followed? With the exception of the time when he was in therapy and when he visited [REDACTED] who was then the Provincial, in Oakland, California, and Father Mario at St. Mary of the Assumption in Stockton, California, he does not mention them. He should have; they gradually became a living hell for him and a nightmare for those who love him! It is not sufficient for you to just know of Father Mario's perverted behavior; you must also be made aware that the insidious seeds of self-doubt, shame, guilt, indignation, and anger continued to grow long after graduation day!

That day we did not bring home the same person we had delivered so trustingly to the "good friars" in 1966. He no longer spoke to becoming a priest. He dismantled the altar he had had in his room since grade school. Most importantly, he had forgotten how to laugh. There was no humor in anything; life had become oh, so very serious. What happened to our son? I know now that he was lost in the hallowed halls of Saint Anthony's Seminary at the hands of the "good friars". I do include the other friars in residence at that time. Surely they could not have lived in so close a community without being aware of Father Mario's treatment of the students. What kind of treatment was it?

Bizarre? UnChristian? Definitely not in keeping with the teaching of the Church or have I missed something along the way? I firmly believe they turned their heads and looked the other way. That appalls me! The dedicated Church, the dedicated priests, dedicated to what? Certainly not dedicated to to a loving God as I have been taught.

OFM CIMM 1

0257

Permit me to quote a most significant sentence from [REDACTED] letter. "All of the people who kept silence when they knew about this man's acts only helped to perpetuate a serious evil upon innocent people". This applies to all people who, either as individuals or as an organization, look the other way or conveniently "sweep it under the rug." [REDACTED] who would have been the conscience of the world, assumed a heavy burden of guilt over the silence he kept. For all these years, he has not and does not exclude himself.

When [REDACTED] graduated from college and entered the work force, his problems began to gradually surface. Surprisingly, he did not seek employment in accordance with his education. I realize now that he lacked self esteem. Instead, he took work in lumber yards, hardware stores, etc. There were many jobs because [REDACTED] could not hold a job! The slightest correction or hint of criticism and [REDACTED] was consumed with an anger that, in one instance or another, fed itself; it knew no bounds and had no compassion. His friends faded away and those who did not soon learned to be very, very careful of what they said around [REDACTED] lest they be misunderstood.

Thanks to a wise and loving wife who saw a pattern in [REDACTED] behavior, [REDACTED] was convinced that he should seek counseling. Less than two months into therapy, [REDACTED] confronted me with this question: "How could you have possibly allowed me to go to the seminary?" He was angry. I was confused. This was the first I knew that he was miserable at the seminary. He didn't tell us why; just that it was a hell for him and that we, as responsible parents, should have known that at fourteen, he would be confronted by situations that he was not prepared to face.

"Displaced anger" was not a term that we had heard of back then. If I had heard it later, I didn't relate it to our situation. But make no mistake; I know the pain of experiencing it!

Unfortunately, sadly, and regrettably, at about the time [REDACTED] anger towards us surfaced, [REDACTED] father, [REDACTED] was diagnosed as having terminal cancer. [REDACTED] anger grew as did the cancer. It surpassed his love for us. The remaining thirteen months of [REDACTED] life were without his love and support. We reasoned that [REDACTED] anger and depressions were the result of some sort of struggle with his religious principles. His depressions were frightening us; we feared for the possibility of his taking his own life!

This fear stayed with me for many months following [REDACTED] death. I mourned the death of my husband which at least I could understand. We had been loving parents. Nothing in his childhood could justify such anger and rejection. I lived constantly with the question, why?

During the year following [REDACTED] death, our relationship hit bottom. We no longer saw each other. We lived a mile apart, but we were separated by an abyss that would have engulfed the Universe!

Into this climate of hostility toward me, their son was born. From day one until he was three, he had to have sensed it.

At three, he made it apparent that he did not like me. His parents and I were on shaky ground feeling our way, hopefully, to if nothing else, surface speaking terms. My grandson wasn't having any part of it. On the occasion of their rare visits, he would refuse to speak to me and when no one else was looking, he would make ugly faces at me. I overheard him tell his cousin, who lives with me, "My Dad doesn't like Grandmother". Four years have passed and it's a little better, but he still avoids me, he doesn't make faces anymore, but it's very clear that I am not someone he enjoys seeing. I wonder if the imprint of those earlier days will ever fade enough to allow us the relationship for which I long?

Tell me, [REDACTED], do you really think you know even partially how I feel? This man robbed my son of the joy of his youth. He robbed my husband and I of the comfort, love, and support from our son when we needed it the most. More than likely, he has driven a wedge between my grandson and I that will never quite go away.

I implore you to put an end to the list of Father Mario's victims, now, and for all time. Do not let him slip through the cracks as the former Provincial did. There is no reprimand or punishment that is too severe. What is more despicable than one who hides behind the "cloth" to do the devil's work? What organization, claiming to do the work of Jesus Christ, shuns and rejects those whom it has hurt, again and again? My son, years after being told that he did not meet the requirements to become a Secular Franciscan, finally threw his cord of Saint Francis into the garbage can. Even the lepers were fit company for the beggarman of Assisi.

Sincerely yours,

OFM CIMM 1

0259

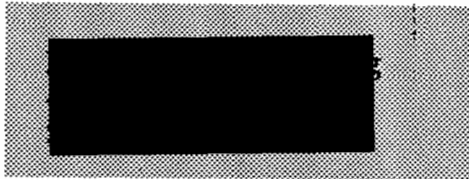


Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

December 1, 1992



Dear [REDACTED]

[REDACTED] our Minister Provincial, is on visitation among the Native American missions in Arizona. I have told him of your painful letter, and he has asked me to drop you a note assuring you that he will respond when he returns to Oakland next week. He is very sensitive to your pain and is sorry that he cannot respond more quickly.

Sincerely yours,

(Rev.) Melvin A. Jurisich, OFM
Secretary of the Province

OFM CIMM 1
0260



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Most Rev. Sylvester D. Ryan
Bishop of Monterey
580 Fremont St.
Monterey, California 93942

November 20, 1992

Dear Bishop Ryan

Happy Thanksgiving.

I am very appreciative of the arrangement which we have been able to work out with respect to Father Mario Cimmarrusti, OFM. Unfortunately, I must bring to your attention a new allegation that he inappropriately touched a minor while he was stationed at our minor seminary in Santa Barbara 1966-1968. We are currently investigating the allegations. I had no evidence before this time that Mario's activity had extended to minors, but I have to check this out more thoroughly now with [REDACTED], my predecessor as provincial.

We have placed Mario on indefinite administrative leave. I have given him permission to celebrate mass for the local community at San Miguel (i.e. the religious community) but he is not to engage in any pastoral responsibilities amongst the people. He is to continue his therapeutic work.

How long this will last at this time, I do not know. Before any other arrangements will be made, I will certainly review his situation with yourself or Father Fatoo and await your counsel. If you are dissatisfied with the present arrangement of administrative leave, please don't hesitate to say so. We are trying to act in the best interests of the Church.

Well, on we go.

God bless you. Sincerely in Christ

[REDACTED]

Provincial Minister

OFM CIMM 1

0261



MISSION SAN MIGUEL — FOUNDED 1797

FRANCISCAN FRIARS

OLD MISSION

SAN MIGUEL, CALIFORNIA 93451-0069

Nov 11, 1992

Dear [REDACTED]

I returned from my vacation on March 5th. I spent most of the time visiting my sisters - who are now elderly - in the Los Angeles area. I hadn't seen any one of them for over a year.

On the following Saturday I went to Mass for the wedding. Before I went I remembered that I had promised Juan that I would help him with the Sunday Mass since he was due to go to Santa Barbara for a commitment he had made previously.

OFM CIMM 1

0262

I phoned you on November 4th for permission to minister to the people of Helms in this way, but you were not in and were not to return till the next day. Julie Juan was due to leave for Santa Barbara on Friday morning, I informed Clifford of my predicament and decided to presume permission. Juan's sister passed away Saturday morning. I had two Masses on Saturday and heard confessions. I celebrated four Masses on Sunday. If I did wrong, I'm sorry. But it was a decision I felt I had to make and take full responsibility for it.

→ Prominent Admin house ←

① don't be gentle - honest, straight ahead -

② 4 points → looking for well as Maria.

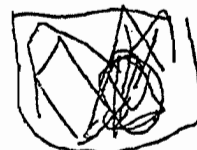
— 1966 — 1968 →

← St. A' ←

→ Central Admin house ← continue

① L-look with approximate alignment on SPS to Maria & too fast that he will be in partial administration house, very close to San Miguel.

② Look will call me if anything has happened in coming, Maria will contact me afterwards.



Maria: some houses - nothing really 'work' & look for houses, nothing special →



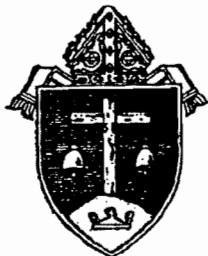
✓ 20 yrs later, consistent - nothing special

① San Miguel to house

② administration house for partial return →

Dr. Cook: partial works →

conservation of Maria
Nov 2, 1992



DIOCESE of MONTEREY

PASTORAL OFFICE — 580 Fremont Street

P.O. Box 2048

Monterey, California 93942

Telephone (408) 373-4345 Fax (408) 373-1175

October 19, 1992

[REDACTED]
Province of St. Barbara
Franciscan Friars
1500 - 34th Avenue
Oakland, California 94601

Dear [REDACTED]

His Excellency, Most Reverend Sylvester D. Ryan, D.D., Bishop of the Diocese of Monterey will grant faculties to Reverend Mario Cimmarrusti, OFM, a priest of the Province of St. Barbara for San Miguel.

The Memorandum of Understanding has our approval, as well as your letter to Father Mario of October 5, 1992. With the Memorandum of Understanding and that letter, the Diocese of Monterey welcomes Father Mario Cimmarrusti to this ministry in San Miguel.

Sincerely yours in Christ,

Charles G. Fatooh

Reverend Charles G. Fatooh
Moderator of the Curia/Chancellor

CGF/dla

OFM CIMM 1
0265



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Confidential

Memorandum of Understanding

This memorandum of understanding is between the Roman Catholic Bishop of Monterey, California, a Corporation Sole, hereafter referred to as the Diocese of Monterey and the Franciscans (O.F.M.), dated the 15th day of September, 1992, and sets forth the agreement between the above-named parties for the ministerial services to be rendered by Rev. Mario Cimmarrusti, as follows:

A. The Diocese of Monterey agrees to the placement of Rev. Mario Cimmarrusti to San Miguel Mission for one year, and the placement can be renewed annually with the agreement of both parties.

B. The Diocese of Monterey will not provide RETA health care benefits. The San Miguel Mission parish will pay two hundred and fifty dollars (\$250.00) per month to the Franciscans (O.F.M.) towards the Rev. Mario Cimmarrusti's health insurance.

C. The Franciscans (O.F.M.) agree to INDEMNIFY AND HOLD HARMLESS the Diocese of Monterey from any and all damages up to a maximum of one million dollars (\$1,000,000.00), which the Diocese of Monterey may incur, arising out of the personal conduct of Rev. Mario Cimmarrusti, which is beyond the course and scope of his duties as a Religious. The Franciscans agree to provide the Diocese of Monterey with evidence of liability insurance coverage of not less than one million dollars (\$1,000,000.00) per occurrence. Such insurance shall name the Diocese of Monterey as an additional insured and shall be primary to any insurance provided by the Diocese of Monterey.

OFM CIMM 1

0266



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

D. The Franciscans community will provide for the counseling program of Rev. Mario Cimmarrusti, as well as providing a mentor.

Dated: 10/9/92

ROMAN CATHOLIC BISHOP OF MONTEREY
CALIFORNIA, A CORPORATION SOLE

By: Sylvester D. Ryan

Most Rev. Sylvester D. Ryan, D.D.

FRANCISCANS (O.F.M.)

By: [REDACTED]

OFM CIMM 1

0267



MISSION SAN MIGUEL — FOUNDED 1797

FRANCISCAN FRIARS

OLD MISSION

SAN MIGUEL, CALIFORNIA 93451-0069

I have made arrangements with
Dr. Clayman-Cook for my sessions. They
will take place on Mondays at 2:00 p.m. and
on Tuesdays at 10:50 a.m. On Tuesdays I
will attend a group session at noon.
Clifford will be my spiritual director.
Peace!

Mario

Our Lady of Mount Carmel Church



Dear Mario

Jul. 16, 1992
Feast of Mt. Carmel

Please excuse the delay in responding to you. Enclosed is a list of people who will help you on the following weekends:

July 18-19	Saturday afternoon and evening --	██████████
	Sunday evening Mass --	██████████
July 25-26	Saturday afternoon and evening --	██████████
August 1-2	Saturday and Sunday --	████████████████████
August 8-9	Saturday and Sunday --	████████████████████

I'm still trying to find someone for the fifteenth of August. I'll let you know for sure next week.

Fraternally,

██████████

Copy

OFM CIMM 1
0269

816 Pottle Avenue, Fresno, California 93706 ~ Telephone (209) 264-2587

Memo to [REDACTED]
From [REDACTED]
Regarding Mario C. July 18, 1992

I just got back from helping Mario. It's Saturday -- 11:00 p.m. I want to report on the future visit to the Doctor.

On July 29, at 7:00 am., we plan to be in LA for Mario's evaluation with Dr. Frank Clayman-Cook, 9535 Wilshire Blvd. #444, 90212. The phone number is: (213) 658-4330.

The evaluation will last all day the 29th, half day the 30th and the 31st.

Mario announced in the bulletin that he would be changed around the middle of August. I told him to say that he would be going to San Miguel. (He needed a terminus ad quem and I told him to use San Miguel. I hope this was OK with you.)

We are offering him help on the weekends. He wants to go to Marco Antonio's diaconate ordination (He's a padrino.) so far I haven't found anyone for that Saturday. I'll take Sunday, but I have a wedding in Fresno on Saturday.

Hope things are OK with you.

Fraternally,
[REDACTED]

3 copy

MARIO CIMARRUSTI PROFILE 1964-1970

As of 8/21/93: 19 Victims (1964-70) # of Former Seminarians who said they had information but not formal interview as of 8/18/93: 3

Misc. Information

1. Students that had contact with BOI with allegations, but not formal interview:
9 names

2. Described as a friar who had:
extreme mood swings
Inconsistency in moods and behavior
Incredibly angry
needing to control

Hernia Exam

1. 1964-70 6 names
Rubbed hands down inside of leg and examined scrotum. These were at least once a month / "submit or go home". Examined most of the student body. At one time students were lined up outside of his office. Would pull towels off of students as they came out of showers in playful-sexual manner.

Infirmery Assault

1. 69-70 -
Had student shower, showed soft pornography. Under guise of medical exam-masturbation - pulled back foreskin. Student tried not to have an erection. Mario commented on his ability to not have erection.
3. 69-70 - - Oral Copulation
4. 64-68,
Mario tried to kiss him and wanted pants down whenever kids were sick.
5. 64-65 - Pulled muscle-deep massage while student was naked from the waist down.

Verbal Assault

1. 1966 - Called Students an Ass on the board
2. 64-68,
During mail call he would say derogatory things like-"I guess your mother decided to write"
3. 64-68
Called him a Lard Ass
4. 64
Received groin injury during sports, sent to [redacted] a few blocks from SAS. his testicles were tangled. Returns to SAS and Mario harranges him for masturbating, Mario did not talk to him for a year.

Medical Exam Poison Oak

1. 1964-68 - Medical Exam of genitals and application of poison oak cream to genitals until erection- blew on penis to cool it down.
2. 1965 -
Jock rash ointment and exam, washing until erection.
3. 1965-
Medical Exam and application of ointment cream-
"Don't worry if you get a hard on, it's normal" statement.
4. 1965 -
Medical Exam and application of poison oak to gentilia although that was not where he had poison oak. Masturbation .

Campus Cheating

1. 1966 2 names
Had students walk length of school in underwear to take a test.

Physical Abuse

1. 1966 - ,
Beat students on buttocks until skin broke open and had bruises. Threatened under pain of mortal sin to not talk about it.
2. 1964 - ,
Whipping kids

Overweight Club

1. 1965- 2 Names,
Overweight club for students that were slightly overweight. He would weigh the students and then fondle them. Happened every two weeks the whole year.
2 2 Names
Fat Boys Club, checked for circumscision

OFM CIMM 1
0271

Wm. Jaffey-Bedner Turner
2027 - Concord Blvd.
Concord 94519

Mavis starts with him
on Feb. 22. 94.

ROSE

1. The Rose

2. The Rose

3. The Rose

4. The Rose

5. The Rose

6. The Rose

7. The Rose

8. The Rose

9. The Rose

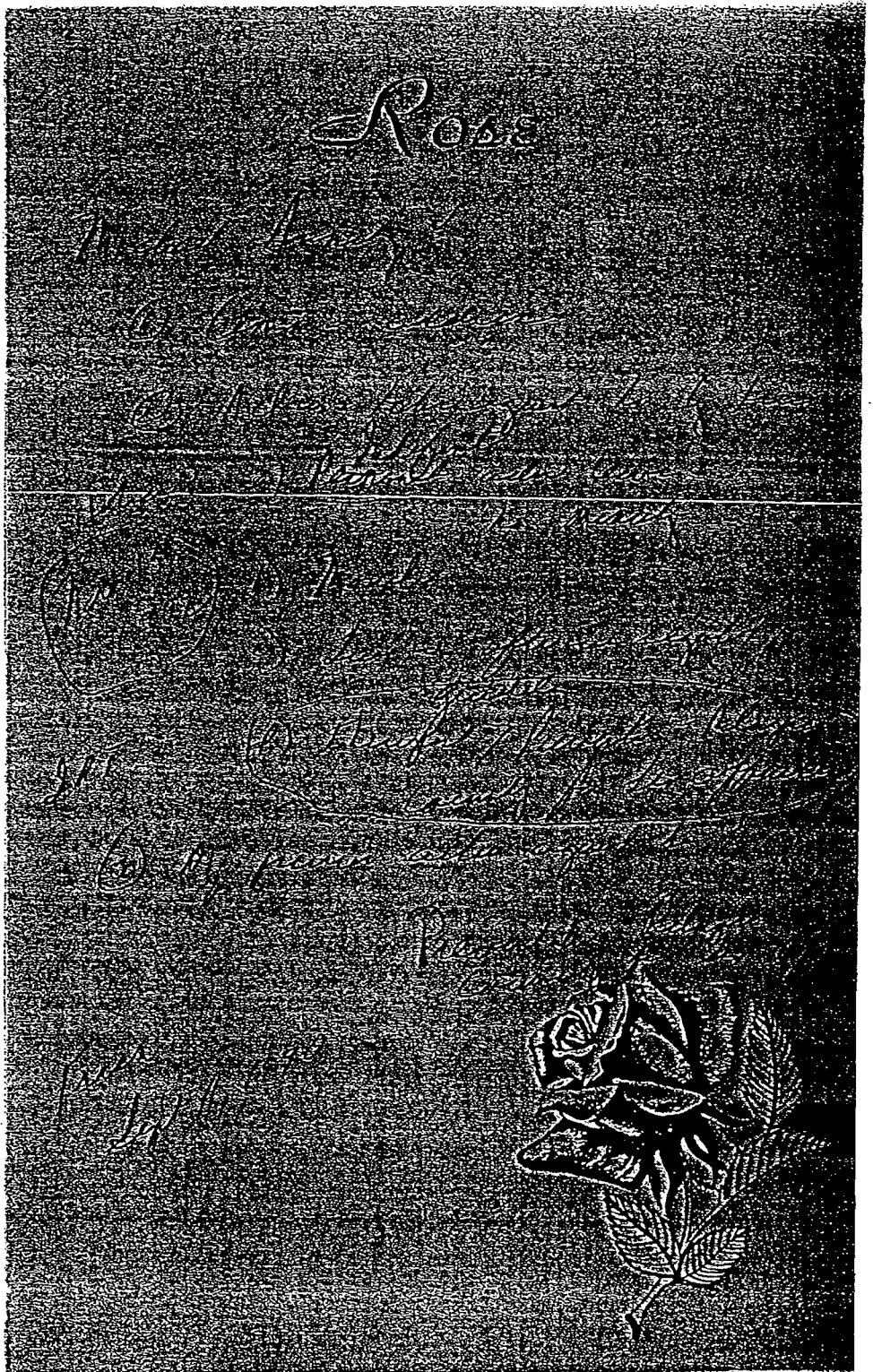
10. The Rose

11. The Rose

12. The Rose

13. The Rose





Bates Nos. 275-276 were removed by the Plaintiffs at the request of the Franciscans.

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS: [REDACTED]

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarrusti, OFM, to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be provided according to the following plan, subsequent to the execution of this agreement:
 - i. A lump sum to provide for one therapy session per week for three years at seventy-five dollars (\$75.00) per session.
 - ii. Should further therapy be required, funding is provided for one therapy session per week at seventy-five dollars (\$75.00) per session for a maximum of two years. This funding is provided on an "as needed" basis rather than in a lump sum, upon the exhaustion of the funds provided in B (i).
 - iii. [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to deliver to Reverend Mario Cimmarrusti, OFM, the written comments of [REDACTED] as these have been delivered to the [REDACTED]
4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from all and any claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarrusti, OFM, or others.

March 16, 1993
Dated:

March 15, 1993
Dated:

[REDACTED]
[REDACTED]
[REDACTED]
Province of Saint Barbara



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970



March 19th, 1993

Dear 

Peace. Happy feast of St. Joseph.

Your letter arrived yesterday, and I would like to respond as soon as possible as I will be leaving for a few weeks.

Enclosed, please find two checks: (1) for 3,500.00 (Three thousand five hundred) and per the agreement, number 2; (2) 11,700 (eleven thousand seven hundred) covering the amount in the agreement 2.B.1. I sincerely hope for your sake that the rest of the agreement in number 2 is never operative.

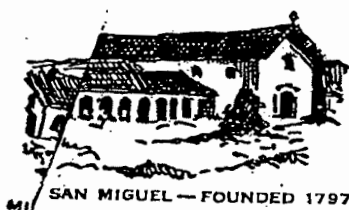
Thank you for the kind wishes. I will continue to pray for you and for many of God's blessings upon you and your family. I am certain they will be there in abundance.

Sincerely



Provincial Minister

OFM CIMM 1
0278



FRANCISCAN FRIARS
OLD MISSION
SAN MIGUEL, CALIFORNIA 93451-0069

February 8, 1994.

To Whom It May Concern:

I hereby authorize my provincial,
[REDACTED] to send my Tara
Report (Seattle, Washington, November 1993) to
Mr. Jeff Bodner-Turner of Concord, California.

Mario Cimmarusti O.F.M.



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

FACSIMILE TRANSMISSION

FAX: (510) 536-3970

TO: Fran Ferder

NUMBER: 206-763-7566

FROM: [REDACTED]

DATE: Nov. 3, 1993

TOTAL NO. OF PAGES (including this page) 3

Dear Dr. Ferder

You are a real gem for calling me last night. I appreciate so much your help. We will be in touch.

Our retreat house was saved completely. The ground was charcoal in all directions; some homes were saved, and Serra Retreat stands glorious and triumphant amidst the barren valley. I hope we can help the poor.

Attached please find a letter to Father Mario which places before him an important decision. I hope that you can discuss this with him.

Thank you. Sincerely

[REDACTED]

OFM CIMM 1

0280

*I hope this is
a prophet
sign!*



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Rev. Mario Cimarrusti, OFM
Old Mission San Miguel
Box 69, San Miguel California 93451

C/O: Therapy and Renewal Center
Fran Ferder

November 3, 1993

Dear Mario

Peace. I hope your testing is going well. I know that it is a very nerve-racking experience. Please be assured of my prayers and support.

I want to write to you while you are with Dr. Ferder about a very important issue, but one which I know can be difficult.

As you know, your name has been mentioned in the public forum in Santa Barbara. This has been done in several ways: one or possibly two students have alleged and named the activity at public meetings; one student sent out a partial newsletter informing others of his experience; your name appeared in the Santa Barbara New Press, both initially, and as recently as last week. The Board of Inquiry, since your name had already been mentioned and to avoid any further innuendo and rogue letter writing, mentioned your name in their cover letter.

I know that this has been terribly embarrassing, and certainly in many ways unjust to you. It has grieved me, but we cannot change or control what others do. We can only hope to respond in the best way possible.

Now, we are getting ready to release a joint final report. In general, names of victims and friars will not be mentioned. The advice I am receiving indicates that it may be good to mention the names of those friars whose name is already in the public forum. What would we say?

Well, I think we would indicate for yourself that you have been removed from active ministry, that you have cooperated with evaluation procedures, and that we are following the recommended courses of action (treatment, therapy, etc.) It would seem to be the most appropriate

OFM CIMM 1
0281

Camarnusti, Ferder, 2

response given the circumstances. If we say nothing or do not use your name, then the rumors will continue, probably fear will arouse mere strident accusations in order to demand to know what was done, and your name will be spread around by word of mouth more maliciously.

It is a sad scene, but I think if we stand in our integrity, admit that we are having treatment, and note that we are taking appropriate steps to address the issue, then at least we give witness in the best possible way to the Christian people. Even within the fraternity this can be helpful to other brothers.

There is a chance, I must say, no matter what course we take, that this story will be covered nationally. But I also want you to know that the story goes well beyond yourself; it involves eleven friars, only some of whose names are in the public forum. There is not much we can do. I will be asking Father Robert Van Handel also if we can use his name publicly. For most others, it is a strictly internal affair.

In releasing your name, I do not think you admit to all the specific allegations. To sort those out, we would need a juridical process of some detail, one which would put everyone through a ringer. It is to avoid that and to try to make for peace that we are trying a pastoral approach. You do certainly admit to a problem in this area--but you also say that you are doing your best to address it well. And I think you are.

So at this point, based on the recommendations I have received, and having thought the matter through, I would like to ask you if you would grant written permission for the release of your name as one of the accused friars in the public report. This, I think, will serve in the best way, given the circumstances, to show your acknowledgment, desire and willingness to address a difficult area, your integrity, demonstrate good action on behalf of the fraternity, and show our good faith with the people.

I think it best to talk this over within the context of the therapeutic process.

God bless you Mario. Fraternally and with affection

[REDACTED]

P.S. Mario, may I suggest you speak with [REDACTED] who will be at San Miguel Wednesday night 805-467-3256) and then at St. Elizabeth's (510-536-3722) Thursday and Friday. I know you are good friends; and I would like to be as supportive as possible. Perhaps as friends you can talk it over.

OEM CIMM 1
0282

EUGENE A. MERLIN, M.A.
MARRIAGE, FAMILY & CHILD COUNSELOR
LIC. MFC 17475
1727 MARTIN LUTHER KING, JR. WAY, SUITE 212
OAKLAND, CA 94612
(510) 835-5131

July 22, 1993

[REDACTED]
Franciscan Friars
Province of Santa Barbara
1500 - 34th Avenue
Oakland, California 94601

Dear [REDACTED]

I am writing you about several things:

- 1.) Enclosed is a copy of my letter to Dr. Valcour at St. Luke's;
- 2.) Enclosed is a copy of a recent article by Patrick Carnes of sexual addiction fame; I thought you might be interested;
- 3.) Enclosed is a copy of the letter by Rev. Warren J. Rouse, OFM, from Human Development; it is a bald-faced example of what drives lay folks and the greater community of SAS nuts: in addition to some posturing about his first point (and a complete ignorance of what import "legal sanctions" have on non-religious offenders), his second point is what many people believe to be the "typical" clerical and/or institutional reaction: not word one about the horror of what was done to victims, but a patronizing lecture on false allegations, "witch hunts," "due process," prudence, confidentiality, etc.; I expected it, but was surprised nonetheless;
- 4.) I read both evaluations sent me by Dr. Clayman-Cook (on Mario C. and [REDACTED]); the main problems with them are:

- I. Dr. C-C was not in possession of anywhere near enough information about Mario C. to do an evaluation;

OFM CIMM 1
0283

II. even if he were, it is quite clear from the internal evidence of the letter that he is not experienced in evaluating or treating sex offenders; I can go through this evidence with you if you wish;

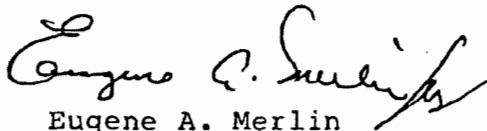
Based on the above two points, I am suggesting an evaluation at TARA (or if you do not want to use them, I'd probably suggest:

Larry Corrigan, MFCC, LCSW
8340 Claremont Mesa Blvd., # 101
San Diego, CA 92111
(619) 565-8303

I'd still vote for TARA, since they know the issues, however.

I have not yet had the chance to phone about the two psychologists whose resumes you showed me last week. You'll hear from me when and if I get any information about them.

Sincerely,


Eugene A. Merlin

Enclosures:

OFM CIMM 1
0284



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Rev. Mario Cimarrusti, OFM
Old Mission San Miguel
Box 69
San Miguel
California 93451

July 7, 1993

Dear Mario

Peace.

Thank you very much for your letter, in which you request to celebrate two masses on special occasions. I very much appreciate your respectful submission of these issues.



I would like to be able to answer affirmatively, but I think that until we pass through the situation in Santa Barbara, it is best that no ministry be exercised.

I know that this is very difficult for you to accept; it is a decision I know that I must make at this time. I hope to be able to give you more information about the Santa Barbara situation in the near future, as I will be meeting with the Board of Inquiry in mid-July.

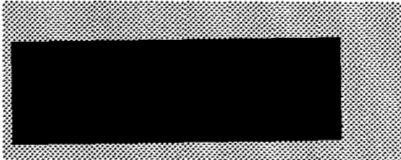
You do have my prayers, and I want to be as supportive as possible.


May God bless you, Mario.


Fraternally



Provincial Minister

OFM CIMM 1
0285


March 20, 1993


Franciscan Friars
1500 34th Avenue
Oakland, CA 94601

Dear Father 

Thank you for your letter and the funds which I received today. I took notice of Saint Joseph's day and kept you in my prayers on Friday. My mother asked me to convey to you her thanks for your concern for our family and for your hard work. You certainly have my thanks and prayers as you continue in dealing with this matter.

Have a happy Easter!

Sincerely yours,


OFM CIMM 1
0286



Saint Luke Institute

April 16, 1993

Eugene A. Merlin, M.A., M.F.C.C.
1727 Martin Luther King, Jr. Way, Suite 212
Oakland, California 94612

Dear Dr. Merlin:

It has come to my attention that in your capacity as a member of the Independent Board of Inquiry you would like information regarding our treatment of priests and religious with sexual behavior problems. Enclosed is a brief description of the Saint Luke Institute which I prepared for a recent conference in which we participated. I would be happy to discuss our programs with you. Please feel free to write or call.

Sincerely,

Frank Valcour, M.D.
Medical Director and
Vice President for Medical Affairs

Enclosure

cc: [REDACTED]

FV/bt

OFM CIMM 1

0287



Saint Luke Institute

April 16, 1993

Eugene A. Merlin, M.A., M.F.C.C.
1727 Martin Luther King, Jr. Way, Suite 212
Oakland, California 94612

Dear Dr. Merlin:

It has come to my attention that in your capacity as a member of the Independent Board of Inquiry you would like information regarding our treatment of priests and religious with sexual behavior problems. Enclosed is a brief description of the Saint Luke Institute which I prepared for a recent conference in which we participated. I would be happy to discuss our programs with you. Please feel free to write or call.

Sincerely,

Frank Valcour, M.D.
Medical Director and
Vice President for Medical Affairs

Enclosure

cc: [REDACTED]

FV/bt

OFM CIMM 1
0288

FRANCISCAN FRIARS OF CALIFORNIA

1500 34TH AVENUE
OAKLAND, CA 94601

SANWA BANK CALIFORNIA

TEMESCAL OFFICE
BRANCH #011
4900 TELEGRAPH AVENUE
OAKLAND, CA 94609
11-40/1210 - 011

21347

3/19/93

PAY TO THE
ORDER OF

Robert M. [illegible]

\$ *****3,500.00

Three thousand, five hundred and 00/100*****

DOLLARS

TWO SIGNATURES REQUIRED OVER \$3,000.00

Melvin D. Juncos, Jr.
Joseph L. [illegible]

MEMO

⑈021347⑈ ⑆121000400⑆ 0114⑈16907⑈

FRANCISCAN FRIARS OF CALIFORNIA

1500 34TH AVENUE
OAKLAND, CA 94601

SANWA BANK CALIFORNIA

TEMESCAL OFFICE
BRANCH #011
4900 TELEGRAPH AVENUE
OAKLAND, CA 94609
11-40/1210 - 011

21348

3/19/93

PAY TO THE
ORDER OF

Robert M. [illegible]

\$ *****11,700.00

Eleven thousand, seven hundred and 00/100*****

DOLLARS

TWO SIGNATURES REQUIRED OVER \$3,000.00

Melvin D. Juncos, Jr.
Joseph L. [illegible]

MEMO

⑈021348⑈ ⑆121000400⑆ 0114⑈16907⑈

OFM CIMM 1
0289

OUR LADY OF SORROWS

5221 S. E. KNIGHT ST.

PORTLAND, OREGON 97206

(503) 775-6731

*free
Mario C.*

February 24, 1993

Dear [REDACTED]

The occasion of this letter was the news of allegations involving Mario C. I was at S.M. for two years in the late sixties with Mario. At the time he was infirmarian and also taught a class involving sex education to the seminarians (ala Fr. Juniper in theology). I found Mario to be very open and his approach filled with euthrophia (sp?). His humor and openness did not reflect a manner that would indicate any sexual deviance. ([REDACTED] might be a good source.) Possibly it was inappropriate for "naive sheltered seminarians" and open to misunderstanding. However, I believe Mario's motives (as evidenced by his conversation and demeanor) were for the best intentions and education of the seminarians. From my own experience and association with Mario, I do not believe the allegations.

This letter may be of no consequence, and my sympathy and prayers are with all. Nonetheless, I wish to express my support and trust of Mario in this matter. Best wishes.

Fraternally,

[REDACTED]

OFM CIMM 1

0290



med. H. Cook
FRANCISCAN FRIARS
OLD MISSION
SAN MIGUEL, CALIFORNIA 93451-0089



FRANCISCAN FRIARS
OLD MISSION
SAN MIGUEL, CALIFORNIA 93451-0089

[REDACTED]
Now that I have completed almost
months of therapy, and apparently
ther reasons as well, my therapist,
Clayman-Cook is after me, contrary
of objections, to ask you at least
want me permission to accept
its to offer Mass on special
sions. There are at present two

possibilities. A year ago I
ted the invitation to witness
marriage of Juan Aguirre and
fiancee in Stockton in August.
one also been asked to celebrate
25th Anniversary Wedding Mass
Isid and Adele Velazquez in

Before writing this letter I have
consulted both my spiritual director
and my confessor. You might want
to discuss this matter with Mr.
Clayman-Cook before making a decision.

Thank you for considering this
matter. You are in my prayers.

Fraternally,

Mario

Mr. Clayman-Cook's paper: (213) 260-6232

OFM CIMM 1
0291

Bates Nos. 292 was ordered removed by the trial court.

REDACTED

REDACTED

Report to Min. Prov.
Regarding initial interview with Mario Cimmarusti, OFM
August 28, 1990 at Delano by Sal

Salvador was informed by a woman of the parish that certain rumors were going around connected with migrant farmworkers (adult males -- over 21 years of age) who ate and, at times, showered at the Franciscan house.

People interviewed: [REDACTED], Elva M., Sister
Tom Hernandez, Pedro U., and Mario C.

1. [REDACTED] interviewed [REDACTED] in Fresno. According to [REDACTED] the parishioners were upset that Mario spent so much time feeding the men. They felt that he neglected them and did not attend their parish meetings because he was so busy taking care of the migrants. He heard nothing of the "shower issue" or any kind of sexual overtones.

2. [REDACTED] interviewed Elva M. who brought the issue to his attention in the first place. She overheard the men while eating commenting on the fact of the showers in the house. She also claimed that members of the youth club would hear the migrants joke about the showers while they were working the fields.

Elva mentioned that perhaps, at times, Mario may have been checking the men for VD.

3. Sal interviewed Sister [REDACTED]. Sister [REDACTED] had heard stories of showers from the youth of the parish and 2 men actually came to her and stated that Mario had dried them off. (One, while he was being dried off, heard a click -- "like a camera"... but saw nothing.) This apparently gave rise to the "picture taking rumor".

[REDACTED] and Elva asked Mario if he had taken pictures and he denied it.

4. Sal interviewed Tom Hernandez, an active parishioner. Tom H. stated that there were stories going around, apparently all hear-say, it was hard to say just how wide spread.

5. Pedro U., interviewed by Sal, stated that he had heard the stories (from a handful of people) and he was not aware of any wrong doing on the part of Mario.

OFM CIMM 1

0293

REDACTED

6. [redacted] and [redacted] interviewed Mario C. on the 28th. Very pointed questions were asked about the showering and the picture-taking rumor. Mario stated that showers were taken but denied any type of wrong doing. He also stated that he did not practice medicine there. (He did admit that he performed some "over-the-counter" remedies.)

We told him there must be no more showers in the house.

SUMMARY AND RECOMMENDATION:

Those interviewed expressed that they were sure the men were not minors but adults over 21.

The stories seemed to have arisen from joking remarks made by some of the men who ate at the house.

Elva and the sister have stated that they will inform Sal should anything new occur or should there be any showers in the house.

As far as can be determined the sexual information seems to be hear-say.

We recommend that the Provincial write (or give [redacted] and or someone else permission to write) Mario and state that because of the gossip:

1. No more showers should be given in the house nor in the hall. NO SHOWERS AT ALL.

2. Lay people should be trained to work with Mario and eventually take over the feeding of the poor -- in the hall.

3. There can be no practice of medicine whatsoever -- not even over-the-counter remedies.

Most of the information was gathered by [redacted] in Delano.

Bates Nos. 295-296 were ordered removed by the trial court.

REDACTED

REDACTED

REDACTED

November 9, 1992
Ded. S. John Lateran

Very Reverend
Franciscan Province of Saint Barbara
1500 24th Avenue
Oakland, CA 94601-3091

Dear Father

REDACTED

I honor the memory of Father and I thank you for your kind words when he died. Your generosity of spirit to the alumni of Saint Anthony's Seminary is also appreciated.

My purpose in writing to you now is, unfortunately, to confront a very old and painful issue to all concerned; the sexual and physical abuse of seminarians of Saint Anthony's Seminary by Franciscans. I did not feel that I could discuss this matter with Father Finbar.

I allege that Father Mario Cimmarusti did commit the following acts from September of 1966 to June of 1968:

1. Handle my genitalia upon many occasions for the purpose of "medical examinations". Father Mario held no medical degrees or licenses at the time.

2. Order my entire class to strip down to underwear and proceed to the English classroom to take a Sacred Doctrine examination dealing with sex education. The entire class was being punished for cheating that was carried out by a minority of the class during a Spanish quarter examination. I did not cheat.

3. Handle the genitalia of at least one other member of my class for "medical purposes". I am a witness and I know the name of the student.

4. Apply corporal punishment to the buttocks of at least one member of my class until the entire five-finger impression of Father Mario's hand could be seen in the black and blue of internal bleeding on his buttocks. I am in constant contact with this alleged victim whose allegations may also include a canon law violation.

1.

OFM CIMM 1

0297

REDACTED

REDACTED

In 1982, I spent one calendar year in therapy under the care of a California licensed clinical psychologist. The allegations listed above are the results of that therapy. The therapist's official log and diagnosis are, of course, available for review by civil and ecclesial courts of law.

My wife and I visited Father [REDACTED] when he was the Provincial to discuss these matters. He told us that Father Mario had committed similar acts against people in Guaymas, Sonora, Mexico, while he was in charge of a medical dispensary. Only action by the Province prevented Father Mario's prosecution by Mexican authorities. [REDACTED]

Father [REDACTED] then assured us that Father Mario had been placed upon permanent disciplinary assignment and that he would never again be placed in a position where he could sexually abuse other people.

We visited Father Mario where he had been "buried" in Stockton, California. We entered the Friary of Saint Mary of the Assumption and confronted Father Mario with what has been alleged earlier. He hurled argumenta ad hominem at me and ordered us to leave the friary.

We let the issue drop.

During the past ten years. I had the extreme misfortune of having a pastor convicted of sexual abuse with minors while I was a member of the parish council. What we discovered was that this priest had been moved from parish to parish because he was a "problem" to the various diocesan authorities. The court finally discovered a long and lurid history of sexual abuse that wound its way from San Diego to Santa Rosa over a period of over a decade. Alter boys were abused and clients in personal counseling were abused. The exact details are disgusting.

All of the people who kept silence when they knew about this man's acts only helped to perpetuate a serious evil upon innocent people. What I would like to know, Father Joseph, is whether Father [REDACTED] told you about Father Mario when you succeeded him as Provincial?

We felt particularly betrayed by the Franciscan hierarchy when we learned that Father Mario had been assigned as pastor of a parish in Delano, Kern County, California. The assignment is clearly wrong.

REDACTED

REDACTED

We have recently learned of the legal actions now pending against friars of this Province, Fathers van Handle and Wolf. Although of greater antiquity, my sufferings at the hands of Father Mario are no less powerful today. My suffering is not the major concern; it is getting Father Mario out of a position where he can commit sexual assault upon others. This is the moral imperative that requires me to act.

You are the Provincial Minister; you have a grave moral responsibility. We want no more failure to take action. Sexual offenders do not become cured; they go into remission, but they strike again. Your duty regarding Father Mario is clear.

Our fervent hope is that you will take a proactive approach and help us. We want to meet with you. We will come to Oakland or you may meet with us here.

My mother is especially distressed to hear of these allegations against Fathers Mario, van Handle and Wolf. You will be hearing from her soon. Above all, a serious bond of parental trust has been broken. Do not be alarmed about anything I can do to make things difficult; be concerned about what to say to my mother.

There is a story told about Francis when he was seeking approval for his friars as an Order in the Church. Pope Innocent dismissed Francis from the court because, unlike everyone else in the room, Francis was not operating from a position of "power". The night after Francis was dismissed from the papal court, the pontiff had a dream. In this dream the Cathedral Church of Saint John Lateran was seen to be leaning and falling down. The pope swiftly approved the creation of the Order of Friars Minor.

Loose plaster and falling bricks are the least of our worries, ; what really tears down our Church is moral degradation from within. Today is the feast of the Dedication of the Cathedral Church of Saint John Lateran. We just wanted you to know.

Sincerely yours, *[Signature]*

REDACTED

Pursuant to an Agreement with the Province of Saint Barbara, I am making the following comments to you, Father Mario.

A READING FROM THE FIRST LETTER OF JOHN

Whoever does not love is still under the power of death. Whoever hates his brother is a murderer, and you know that a murderer does not have eternal life in him. This is how we know what love is: Christ gave his life for us. We too, then, ought to give our lives for our brothers! If a rich person sees his brother in need, yet closes his heart against his brother, how can he claim that he loves God? My children, our love should not be just words and talk; it must be true love, which shows itself in action.

My purpose in speaking to you is to give you a summary of how your actions against me have impacted my life and the lives of those who are closest to me.

The most truthful point I can make is that your invasion of my physical body and other acts causing public degradation and humiliation destroyed my self-esteem. If you destroy a person's self-esteem, you steal what God has given that person in order to grow and have health and life as a child of God.

I am a baptized Christian; I am a part of Christ. When I entered Saint Anthony's Seminary, nothing in the advertising that helped bring me there prepared me for my experiences at your hands.

IS A BOY, BUT

IS AN ASS."

REDACTED

You wrote on the blackboard that morning in English class. You would not have stood in an English classroom at Santa Barbara High School or Bishop Garcia Diego High School and gotten away with that kind of behaviour. You did not treat me as a member of Christ.

I want you to know that it was who was the leader of the cheating on the Spanish exam. That was the provocation that required all of us, guilty or not, to strip down to our underwear to suffer ridicule and humiliation. I am going to re-write your sentence:

CHEATED, BUT

WAS HONEST".

REDACTED

OFM CIMM 1
0300

REDACTED

REDACTED

Then there was corporal punishment. You beat ... and others until the outline of your hand could be seen on their buttocks. I saw their bodies and could only feel for their physical and mental pain. I could do nothing for it was "dog-eat-dog" and "every man for himself" at Saint Anthony's Seminary. What did Ron do to merit such a punishment? He said a few words during a silence period.

We were all mentally brutalized by your beatings because we feared that we were only a "report" away from the same treatment.

Then there were the "medical examinations". You putting your hands on my sexual organs against my will. Having to expose myself before you fearing your power over me all the time.

"You were arrogant!", you said at me at Saint Mary's, in Stockton, that night in 1982. Yes, Father, I was arrogant; arrogant enough to see that one does not train clergy by violating the Gospel of Christ. You would do well to learn a lesson from people who train horses. You used to say that we seminarians were the "cream of the crop". A young, untrained horse has spirit. He must be "broken in", not destroyed in spirit. Just as you can ruin a good horse's spirit, so can you break down a good man. "Go easy on your children", says Saint Paul, "lest they loose heart".

I graduated from the Seminary and went on to graduate from a college and a university. I went to work and got married. The problems you set me up for were only just beginning.

My loss of self-esteem at your hands caused the following problems:

1. Sexual problems during the first year of my marriage.
2. A feeling that children should not be born because they only come into the world to be abused.
3. Difficulty in looking at my unclothed body; this problem remains to this day.
4. Suffering a seizure on the evening of my thirtieth birthday. Extensive medical testing over time has shown no organically-based cause for the event. I have endured humiliating hearings before the Department of Motor Vehicles and must take medication for the rest of my life.
5. Blaming my parents for allowing me to go to the Seminary, thereby making it impossible for me to really be there for my father as he was dying.

6. Unending conflict with the Church leading to my leaving of the Church of Rome for eight years. I have returned, but cannot trust the clergy. I will have to struggle with this problem for the rest of mt life.
7. Alienation from the Franciscans.
8. Conflict with employers leading to short terms of employment and under-employment.
9. Chronic depression suggesting the possibility of suicide.

I did not deserve to be abused. I stand as a witness to the abuse and tell you that it will not be tolerated. For too long now, friars have been abusing children, lying to and slandering the victims, and covering up their knowledge of the abuse. We are sending a message to the Church hierarchy: sexual and physical assault by clergy upon children will bring definitive action.

What you did has very little to do with sex at all; it has everything to do with power and control. As priest, Director of the Infirmary, and Prefect of Discipline you had absolute power over us. You even selected the most vulnerable of us to be your victims.

Life goes on and "what goes around, comes around". This is not the Office of the Prefect of Discipline. This is not Saint Mary's friary. What you are seeing now is years of trying to bring you to justice. I thank God that I have been able to persevere.

You are going to be experiencing some changes in your life very soon. Your duties will be limited so that you cannot have access to minors. Every friar and staff member in any place you are assigned will be notified of your proclivities and history. You will, under Holy Obedience, conform your life to the orders of your superiors and to their spiritual direction.

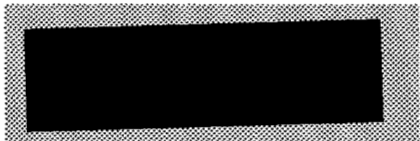
I sincerely urge you to be faithful in your obedience to your superiors. Pedophilia has a compulsive nature; avoid placing yourself and others in danger. If you are successful, you will be able to avoid prison sentences and litigation against you.


I do not know why you entered the Franciscan priesthood. You have always been a mystery man to me. There always seemed to be an air of an undefined darkness about you.

I am sorry for you because you are a soul in trouble. Whether you believe me or not is unimportant; you must live with yourself.

OFM CIMM 1

0302


March 16, 1993



Franciscan Friars
1500 34th Avenue
Oakland, CA 94601

Dear 

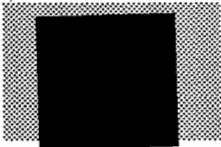
Please find the enclosed copy of the *Agreement* which I have signed.

We really enjoyed your visit. We were able to say important things to each other. I have been able to show my concern for the friars in this Province just as you have shown so much concern for me and my family. With a few honest words, the path to reconciliation is assured.

Thank you for supporting me in passing my statement on to Father Mario's therapist. He may yet benefit from our efforts.

It would be enjoyable to visit with you and talk of much easier topics. I hope we take advantage of opportunities as they arise.  will be receiving his first communion on April 3rd. We are excited and will have a party for him. There is an easy topic!

We want to wish you a happy Easter.

Peace and Good,


OFM CIMM 1

0303



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Rev. Mario Cimarrusti, OFM
Our Lady of Guadalupe
1015 Clinton St.
Delano, California 93215

July 8, 1992

Dear Mario

Peace.

First, I would like to thank you very much for coming up to Oakland to see me, and also for your openness and obvious thoughtfulness of me. I sincerely appreciate it; and hope that I might always be supportive of you. I know the past month has been very difficult for you, but please be assured of my continued support and prayers.

Yesterday, in order to respect your confidentiality and expressed wishes, I met with a team of several friars who had already been aware of the situation: [REDACTED], Warren, [REDACTED] and myself. This is in accordance with the province handbook, and we will keep the information to ourselves. Out of this meeting, and after discussing the need for a change at Delano with the definitorium, I have decided the following:

- 1) I want to say very clearly how much you meant to the fraternity, both to me personally and to so many of the friars. You are a good friar and an excellent minister/pastor. I have heard outstanding things about your ministry in Delano. There is no question in my mind about any of this, and our own conversation last week simply confirmed my respect for you.
- 2) I certainly agree that at this time a change is necessary and we need to look towards a fuller community life and a situation in which you can feel support and a relative ease. We both see the need for a change at Delano. I have asked [REDACTED] to take over the responsibilities of pastor at Delano as of mid-August (August 15th or so, as arranged). This will certainly give you and the parish time for a smooth transition.
- 3) Before considering final placement for yourself (as you know, we discussed San Miguel because of the community situation and the ministerial needs, in which you would be most valuable), I would like you to take this opportunity to have a psychological evaluation, out of which we will receive some recommendation as to a future course of action. I imagine this will involve community life, spiritual direction, active ministry, some continued counselling

OFM CIMM 1
0304

Mario, 2

and group work. I have asked [REDACTED] in conjunction with Father Warren to help with the arrangements for the evaluation. Future placement is contingent upon this and some active program of aftercare. The evaluation should occur as soon as possible.

4) Upon receiving the evaluation, then you and I can discuss the best placement possible.

I know that this course of action involves some difficulty for you, Mario. And I am sorry that it must be this way. On the other hand, I want to offer you encouragement and as much support as possible. I see this as a real opportunity for all of us; and I am very desirous that we set up the best possible situation for future community life and ministry. My own experience and difficulties tell me that to deal creatively with these tensions of life, all of us need the support of others; the more we place it in the context of brothers who care, the more easily we can turn what is difficult into a life-giving experience. I am only grateful that you have not just brothers who care, but brothers who love you. I see and know this for myself.

I am asking [REDACTED] to deliver this letter; I know that he can continue to be a support to you. I wish I would be able to do this myself, and I come to you now through him simply because I know he can be a more constant help and companion.

God bless you, Mario.

Fraternally

[REDACTED]
Provincial Minister

Bates Nos. 306-307 were removed by the Plaintiffs at the request of the Franciscans.



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Most Rev. Sylvester D. Ryan, D.D.
Bishop of Monterey
580 Fremont St.
POB 2048
Monterey, California 93942

October 5, 1992

Dear Bishop Ryan

Peace and good.

I want to thank you very much for considering granting faculties to Rev. Mario Cimmarrusti, O.F.M., a priest of the Province of Saint Barbara. Through Father Charles Fatoo as your representative we have been able to work out the proper forms which you have requested. I hope that this is sufficient.

The draft which you sent us of a "memorandum of understanding" has been reviewed by our province lawyer, and after some changes, we are submitting the enclosed for your approval. Also, please find enclosed a certificate of insurance naming as additional insured the Roman Catholic Bishop of the Diocese of Monterey.

Lastly, Father Mario will be placed on a rigorous counselling schedule, and for the first six months at least, will be restricted by us in his ministry. It is my hope that this can be evaluated in the future. We do not expect any difficulty, and the possibility of any litigation is very remote, but we believe all of this action certainly indicates both your's and our own prudential and cautious approach to any matters of this kind. I enclose a copy of the conditions which I have placed on Father Mario.

Thank you very much for your consideration.

Sincerely in Christ,

Provincial Minister

OFM CIMM 1

0308



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Confidential

Memorandum of Understanding

This memorandum of understanding is between the Roman Catholic Bishop of Monterey, California, a Corporation Sole, hereafter referred to as the Diocese of Monterey and the Franciscans (O.F.M.), dated the 15th day of September, 1992, and sets forth the agreement between the above-named parties for the ministerial services to be rendered by Rev. Mario Cimmarrusti, as follows:

A. The Diocese of Monterey agrees to the placement of Rev. Mario Cimmarrusti to San Miguel Mission for one year, and the placement can be renewed annually with the agreement of both parties.

B. The Diocese of Monterey will not provide RETA health care benefits. The San Miguel Mission parish will pay two hundred and fifty dollars (\$250.00) per month to the Franciscans (O.F.M.) towards the Rev. Mario Cimmarrusti's health insurance.

C. The Franciscans (O.F.M.) agree to INDEMNIFY AND HOLD HARMLESS the Diocese of Monterey from any and all damages up to a maximum of one million dollars (\$1,000,000.00), which the Diocese of Monterey may incur, arising out of the personal conduct of Rev. Mario Cimmarrusti, which is beyond the course and scope of his duties as a Religious. The Franciscans agree to provide the Diocese of Monterey with evidence of liability insurance coverage of not less than one million dollars (\$1,000,000.00) per occurrence. Such insurance shall name the Diocese of Monterey as an additional insured and shall be primary to any insurance provided by the Diocese of Monterey.



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

D. The Franciscans community will provide for the counseling program of Rev. Mario Cimmarrusti, as well as providing a mentor.

Dated: _____

ROMAN CATHOLIC BISHOP OF MONTEREY
CALIFORNIA, A CORPORATION SOLE

By: _____

Most Rev. Sylvester D. Ryan, D.D.

FRANCISCANS (O.F.M.)

By: _____

[REDACTED]

O.F.M. CIMM 1

0310

ACORD. CERTIFICA**OF INSURANCE**

ISSUE DATE(MM/DD/YY)

10/02/92

PRODUCER

Heffernan-Petersen
Insurance Brokers
P.O. Box 5608
Walnut Creek, CA 94596

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND
CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE
DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE
POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY A Aetna Life & Casualty
LETTER

COMPANY B Dimock & Associates
LETTER

COMPANY C Gallagher Heffernan
LETTER

COMPANY D
LETTER

COMPANY E
LETTER

INSURED

Franciscan Friars of California

1500 34th Avenue
Oakland, CA 94601

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD
INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS
CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS,
EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE(MM/DD/YY)	POLICY EXPIRATION DATE(MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	GL022170188	06/01/92	06/01/93	GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG. \$ 2,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR.				PERSONAL & ADV. INJURY \$ 1,000,000
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ 50,000
					MED. EXPENSE (Any one person) \$ 5,000
A	AUTOMOBILE LIABILITY	FJ994016	06/01/92	06/01/93	COMBINED SINGLE LIMIT \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	HIRED AUTOS				
	NON-OWNED AUTOS				
	GARAGE LIABILITY				
B	EXCESS LIABILITY	DIM47926390	06/01/92	06/01/93	EACH OCCURRENCE \$ 10,000K
	<input checked="" type="checkbox"/> UMBRELLA FORM				AGGREGATE \$ 10,000K
	OTHER THAN UMBRELLA FORM				
C	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	WP80541665	01/01/92	01/01/93	<input checked="" type="checkbox"/> STATUTORY LIMITS
					EACH ACCIDENT \$ 1,000,000
					DISEASE-POLICY LIMIT \$ 1,000,000
					DISEASE-EACH EMPLOYEE \$ 1,000,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER IS HEREBY NAMED ADDITIONAL INSURED AS RESPECTS
FRANCISCAN FRIARS LOCATED IN DIOCESE. SUCH INSURANCE IS TO BE PRIMARY
AND NOT CONTRIBUTING WITH ANY OTHER INSURANCE.

CERTIFICATE HOLDER

THE ROMAN CATHOLIC BISHOP OF THE
DIOCESE OF MONTEREY
580 FREMONT ST., P.O. BOX 2048
MONTEREY, CA 93942

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE
EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO
MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE
LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR
LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25-S (7/90) 1 of 1 #11678

OFM CIMM 1

0311

E.I.M. © ACORD CORPORATION 1990



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Rev. Mario Cimmarrusti, OFM
Old Mission San Miguel
Box 69
San Miguel, California 93451

October 5, 1992

Dear Father Mario

Peace and good. I want to thank you very much for your patience and understanding during the past few months. I know that it has been a very difficult period for you. I have tried my best to expedite matters.

The process of granting faculties in the Diocese of Monterey is almost complete. We have sent the memorandum of understanding to the diocese granting them indemnification should any reoccurrence leading to litigation occur; they will be reviewing that in the near future. If the diocese grants faculties they will notify us (and probably yourself directly). Until official notification arrives, you may not engage in any public ministry. You may celebrate the conventual eucharist which takes place in the friar's chapel.

As to public ministry, for the first six months I am placing you under obedience to operate under the following restrictions:

- 1) You must engage in the counselling sessions on a weekly basis which have been arranged between yourself and Dr. Frank L. Clayman-Cook. It is my understanding that this will require a weekly trip to Los Angeles, group work and individual sessions with the therapist.
- 2) You must engage in spiritual direction on a twice monthly basis. Please notify me as to your chosen spiritual director.
- 3) You must refrain from counselling of any kind in the context of your ministry at San Miguel.
- 4) You may not engage in sacramental ministry outside of the mission church at San Miguel. I do not think it is wise to make yourself available at this time for work at San Ardo, Bradley, or any of the others missions associated with our apostolate at San Miguel.

I have discussed these arrangements orally with [REDACTED] and Father Clifford. Father Clifford has agreed to monitor the program.

OFM CIMM 1

0312

Mario Cimarrusti, OFM

I know, Mario, that at first sight these restrictions may appear very difficult. However, I hope that after six months we can in cooperation with the therapist review them and reevaluate their necessity. It is important for us at this time to act in this way.

There is incredible opportunity for ministry at San Miguel, and in speaking with Father Peter I became even more confident that this is a fine place for you to be. I know that you will be of tremendous help. I want to encourage you as much as possible and assure you of my support and prayers. I am very happy that we can work this out. I look forward to speaking with you.

Thank you for your courage, dedication as a friar, and patience. You are a good man and a valued member of the province.

God bless you.

Fraternally

[REDACTED]
[REDACTED]
Provincial Minister

cc. Dr. Frank Clayman-Cook
[REDACTED]
[REDACTED]

Most Rev. Sylvester Ryan, D.D.
[REDACTED]

OFM CIMM 1

0313

Bates Nos. 314 was removed by the Plaintiffs at the request of the Franciscans.

CONFIDENTIAL

Mario Cimmarusti

September, 1992

Mario will begin moving his things to San Miguel. He left Delano with no scandal. He may not engage in any ministry at San Miguel until faculties have been obtained from the Bishop of Monterey.

Mario will work out arrangements for beginning his treatment with a doctor in LA.

He also understands that his ministry in SanMiguel will be done under restrictions placed on him by the Provincial as recommended by the therapist.

OFM CIMM 1

0315



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

[REDACTED]

March 15, 1993

Dear [REDACTED]

Peace.

Thank you for the meeting last week. I very much appreciated the opportunity to come to your home, meet your son, and discuss the whole situation. Enclosed please find a copy of what we had agreed upon, as I understand it. If this is fine, just sign both copies and return one to me; upon receipt of this, then I will follow through on the arrangement.

I am sorry, once again, for all the sorrow for you and your family for so long, and I am glad at least we can bring this stage to a completion. I do look forward to future contact with you of a different kind and substance. I say this for many reasons, but one surely is that I have come to admire you and the way you have chosen to work and deal with a terrible hurt. Your faith and the support of [REDACTED] comes through very clearly, and this is an example to me. May God bless you.

I do wish blessings upon your son [REDACTED] as he comes to make his first communion. Our Lord will bless him in a special way because of the faith and strong character of his parents. I will remember him especially as this day approaches.

I will do my best to see that this is adequately dealt with by Mario.

Have a joyous Easter.

Sincerely in Christ and Francis

[REDACTED]
[REDACTED]
Provincial Minister

PS. Please return one of the signed copies to me. Thank you.

OFM CIMM 1
0316

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarrusti, OFM, to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be provided according to the following plan, subsequent to the execution of this agreement:
 - i. A lump sum to provide for one therapy session per week for three years at seventy-five dollars (\$75.00) per session.
 - ii. Should further therapy be required, funding is provided for one therapy session per week at seventy-five dollars (\$75.00) per session for a maximum of two years. This funding is provided on an "as needed" basis rather than in a lump sum, upon the exhaustion of the funds provided in B.(i).
 - iii. [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to deliver to Reverend Mario Cimmarrusti, OFM, the written comments of [REDACTED] as these have been delivered to the [REDACTED]
4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from all and any claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarrusti, OFM, or others.

Dated: _____

Dated: _____

Province of Saint Barbara

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarrusti, OFM, to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be provided according to the following plan, subsequent to the execution of this agreement:
 - i. A lump sum to provide for one therapy session per week for three years at seventy-five dollars (\$75.00) per session.
 - ii. Should further therapy be required, funding is provided for one therapy session per week at seventy-five dollars (\$75.00) per session for a maximum of two years. This funding is provided on an "as needed" basis rather than in a lump sum, upon the exhaustion of the funds provided in B (i).
 - iii. [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to deliver to Reverend Mario Cimmarrusti, OFM, the written comments of [REDACTED] as these have been delivered to the [REDACTED]
4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from all and any claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarrusti, OFM, or others.

Dated:

Dated:

Province of Saint Barbara

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarrusti, OFM, to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be provided according to the following plan, subsequent to the execution of this agreement:
 - i. A lump sum to provide for one therapy session per week for three years at seventy-five dollars (\$75.00) per session.
 - ii. Should further therapy be required, funding is provided for one therapy session per week at seventy-five dollars (\$75.00) per session for a maximum of two years. This funding is provided on an "as needed" basis rather than in a lump sum, upon the exhaustion of the funds provided in B (i).
 - iii. [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to deliver to Reverend Mario Cimmarrusti, OFM, the written comments of [REDACTED] as these have been delivered to the Reverend [REDACTED]
4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from all and any claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarrusti, OFM, or others.

Dated:

Dated:

Province of Saint Barbara

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarusti, O.F.M., to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five-hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be provided according to the following plan, subsequent to the execution of this agreement:
 - i. A lump sum to provide for one therapy session per week for three years at seventy-five dollars (\$75.00) per session.
 - ii. Should further therapy be required, funding is provided for one therapy session per week at seventy-five dollars (\$75.00) per session for a maximum of two years. This funding is provided on an "as needed" basis rather than in a lump sum, upon the exhaustion of the funds provided in B (i).
 - iii. [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to make Reverend Mario Cimmarusti, O.F.M., available to [REDACTED] for future communications, either in person or through other media. The regulation of, format for, and location of these communications are to be specified by [REDACTED] who reserves the right to be accompanied by a therapist/advocate of his choice. Reverend Mario Cimmarusti, O.F.M., will sign a valid instrument of release that will allow his therapist to provide information regarding the course of therapy to licensed therapists appointed by [REDACTED].
4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from all and any claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarusti, O.F.M., or others.

Dated: February 22, 1993

Dated: _____

Province of Saint Barbara

OFM CIMM 1

0320

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarusti, O.F.M., to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five-hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. A mutually agreed upon amount of funding for future therapeutic intervention. This funding is to be provided according to the following plan, subsequent to the execution of this agreement:
 - i. A lump sum to provide for one therapy session per week for three years at seventy-five dollars (\$75.00) per session.
 - ii. Should further therapy be required, funding is provided for one therapy session per week at seventy-five dollars (\$75.00) per session for a maximum of two years. This funding is provided on an "as needed" basis rather than in a lump sum, upon the exhaustion of the funds provided in B (i).
 - iii. [REDACTED] retains the right to select any licensed therapist.
3. The Province of Saint Barbara agrees to make Reverend Mario Cimmarusti, O.F.M., available to [REDACTED] for future communications, either in person or through other media. The regulation of, format for, and location of these communications are to be specified by [REDACTED] who reserves the right to be accompanied by a therapist/advocate of his choice. Reverend Mario Cimmarusti, O.F.M., will sign a valid instrument of release that will allow his therapist to provide information regarding the course of therapy to licensed therapists appointed by [REDACTED].
4. [REDACTED] hereby releases and discharges the Province of Saint Barbara from all and any claims or damages, known or unknown, past, present or future, relating to any sexual abuse or impropriety inflicted upon [REDACTED] or others by the Reverend Mario Cimmarusti, O.F.M., or others.

Dated: February 22, 1993

Dated: _____

[REDACTED]
Province of Saint Barbara
OFM CIMM 1
0321

[REDACTED]

February 21, 1993

[REDACTED]
Province of Saint Barbara
1500 34th Avenue
Oakland, CA 94601

Dear [REDACTED]

Welcome back. I hope you had a safe and productive trip to Rome. I am writing to you with what I feel should be the final version of the agreement between the Province of Saint Barbara and myself. Please disregard the document I sent to you prior to your trip. I have enclosed two original copies. I have also signed both copies, as I feel sure that you will agree that this a fair and equitable agreement.

As you will see, the only change I have made is in paragraph 3. After a long and very productive meeting with the Board of Inquiry on Friday, February 19th, I feel that the changes made to Paragraph 3 are appropriate. May I say, that I am very impressed with the individuals chosen to make up the Board. They are very thorough, yet very compassionate and caring people. It is apparent that they are working very hard to maintain a fairness to all parties concerned in a situation which is extremely painful to all parties. It was with their concerns in mind that I made the changes to Paragraph 3.

During the discussion of the confrontation with Father Mario, the health professionals on the Board voiced their concerns about whether Father Mario would be ready to deal with what I have to say. Since, neither the Board nor I know how long Father Mario has been in therapy, nor how far he has progressed, the Board felt there was a potential for further damage to me without a very controlled and well timed setting. As I recall, this was the same concern you had at our first meeting in December. I agree with the Board that I am not up to further damage as it has taken considerable time and energy to come as far as I have.

The Board proposed becoming my advocate in determining when, if ever, it would be appropriate for me to communicate with Father Mario. I trust their professional judgement.

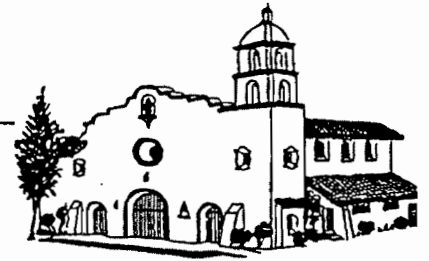
I feel sure, [REDACTED], that we have reached a place in our communications where we can both feel comfortable with the points of the agreement. I look forward to hearing from you soon after your return. I would very much like to complete this agreement, as soon as possible, as I feel we would both like to move on and continue the healing this dialogue has begun.

Sincerely yours,
[REDACTED]

OFM CIMM 1
0322

Bates Nos. 323 was removed by the Plaintiffs at the request of the Franciscans.

Our Lady of Mount Carmel Church



To [REDACTED]
From: [REDACTED] and I [REDACTED]
Regarding: Visit and interview in Guaymas, Sonora concerning Mario Cimmarrusti, OFM.

Sept. 24 to 26, 1993

[REDACTED] and I interviewed both Senorita Guadalupe Rodriguez and Senorita Jesusita Lucia Felix. Both are presently directors of the CASA FRACISCANA and were working there at the time Fr. Mario Cimmarrusti was in charge of the dispensary. Jesusita, especially, worked very close with him. Each stated that there were no rumors or accusations of Mario acting improperly with young boys. They saw or heard nothing.

They did mention that there was a time when alcohol was a problem for Mario.

There was an occasion fifteen years ago, when Fr. Cimmarrusti physically stopped a man of some 22 years of age from stealing drugs from the dispensary. Mario was injured in the fray. The man's attorney insinuated that there might have been something improper going on between Mario and the man. However, the women stated that this was looked upon as a falsehood on the robber's part.

On Sept. 26, [REDACTED] and I also interviewed Fr. John Peterson, OFM. Although, he was not there when Fr. Cimmarrusti worked in Guaymas, John Peterson mentioned that he and Marty Gates, OFM spoke about Cimmarrusti's time in Guaymas. There was no mention of improper actions with male youth.

The results of the investigation imply that altho there were some unfounded rumors regarding improprieties with older men, there was no evidence of improper actions with male minors.

[REDACTED]

OFM CIMM 1
0324