

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JOAQUIN AGUILAR MENDEZ, ) Case No. BC 358 718  
Plaintiff, )  
vs. ) **CERTIFIED**  
CARDINAL ROGER MAHONY, THE ) **COPY**  
ROMAN CATHOLIC ARCHBISHOP OF )  
LOS ANGELES, a corporation sole, )  
et al., )  
Defendants. )

Full Caption on Page 3. )

VIDEOTAPED DEPOSITION OF CARDINAL ROGER MAHONY  
Los Angeles, California  
Thursday, September 13, 2007  
(Pages 1 through 205)

Reported by:  
Janet M. Taylor, RMR, CSR No. 9463  
Certified Realtime Reporter

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JOAQUIN AGUILAR MENDEZ, ) Case No. BC 358 718  
Plaintiff, )  
vs. )  
CARDINAL ROGER MAHONY, THE )  
ROMAN CATHOLIC ARCHBISHOP OF )  
LOS ANGELES, a corporation sole, )  
et al., )  
Defendants. )

Full Caption on Page 3. )

Videotaped deposition of CARDINAL ROGER  
MAHONY, taken on behalf of plaintiff, at Cathedral of  
Our Lady of the Angels, 555 West Temple Street,  
Los Angeles, California, beginning at 9:50 a.m. and  
ending at 2:49 p.m., on Thursday, September 13, 2007,  
before Janet M. Taylor, Certified Shorthand Reporter No.  
9463.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JOAQUIN AGUILAR MENDEZ, ) Case No. BC 358 718  
Plaintiff, )  
vs. )  
CARDINAL ROGER MAHONY, THE )  
ROMAN CATHOLIC ARCHBISHOP OF )  
LOS ANGELES, a corporation sole, )  
CARDINAL NORBERTO RIVERA, THE )  
DIOCESE OF TEHUACAN, FATHER )  
NICHOLAS AGUILAR, DOES 1-100, )  
Defendants. )

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(Appearances Continued . . .)

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EX. 33

1 APPEARANCES (Cont'd):  
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 14 Also Present:  
 15 Scott LaClair, Legal Videographer  
 Hahn & Bowersock Corporation  
 16  
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1 I N D E X  
 2  
 3 WITNESS EXAMINATION  
 4 CARDINAL ROGER MAHONY  
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 10 E X H I B I T S  
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 12 EXHIBITS DESCRIPTION PAGE PAGE  
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 14 Exhibit A Plaintiff's Amended Notice of Taking Deposition of Cardinal Roger Mahony, dated 9/4/07 16 16  
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 16 Exhibit B Documents produced by the witness 15 15  
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 18 Exhibit 19 Document, prod. nos. RIV 19 and 19a and certification 95 95  
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 4 Exhibit 24 Letter dated 3/12/87 to Norberto Rivera Carrera from Nicolas Aguilar R. Presbyter, prod. nos. RIV 24 and 24a and certification 103 103  
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 7 Exhibit 26 Letter dated 3/23/87 to Rogelio Mahony from Norberto Rivera C., prod. nos. RIV 26 and 26a and certification 111 111  
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 10 Exhibit 29 Letter dated 12/20/87 to Norberto Rivera Carrera from Presbyter Nicolas Aguilar Rivera, prod. nos. RIV 29 and 29a and certification 187 187  
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 13 Exhibit 30 Letter dated 1/11/88 to Norberto Rivera C. from Thomas Curry, prod. no. RIV 30 116 116  
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 15 Exhibit 31 Letter dated 2/23/88 to Norberto Rivera C. from Thomas Curry, prod. nos. RIV 31 through 35 195 195  
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 18 Exhibit 36 Letter dated 3/4/88 to Norberto Rivera Carrera from Roger Mahony, prod. nos. RIV 36 through 39 156 156  
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 20 Exhibit 40 Letter dated 3/17/88 to Roger Mahony from Norberto Rivera C., prod. nos. RIV 40 through 43 166 166  
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 23 Exhibit 44 Letter dated 3/30/88 to Norberto Rivera C. from Roger Mahony, prod. nos. RIV 44 through 47 170 170  
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 4 Exhibit 48 Letter to F. Nicolas Aguilar Rivera from Rutilio S. Ramos Rico, prod. nos. RIV 48 and 48a and certification 180 180  
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 7 Exhibit 77 Letter dated 5/20/04 to Mario Espinosa Contreras from Rogelio Cardenal Mahony, prod. nos. RIV 77 and 77a and certification 176 176  
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 10 Exhibit 78 Letter dated 6/11/04 to Rogelio Mahony from Mario Espinosa Contreras, prod. nos. RIV 78 and 78a and certification 179 179  
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 13 Exhibit 100 Spanish and English versions of Declaration of Defendant Cardinal Norberto Rivera Carrera, etc., dated 2/12/07 182 182  
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 15 Exhibit 101 Police report, prod. nos. 1 through 82 142 142  
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1 Los Angeles, California; Thursday, September 13, 2007  
2 9:50 a.m. - 2:49 p.m.  
3  
4 P R O C E E D I N G S  
5  
6 THE VIDEOGRAPHER: The date is September 13th,  
7 2007. The time is 9:50 a.m. We are taking the  
8 deposition of Cardinal Roger Mahony in the matter of  
9 Joaquin Aguilar Mendez versus Cardinal Roger Mahony,  
10 et al., for the Superior Court of the State of  
11 California, for the County of Los Angeles, case number  
12 BC958718.  
13 My name is Scott LaClair. I represent Hahn &  
14 Bowersock, which is located in Costa Mesa, California.  
15 This deposition is being taken at Cathedral of our Lady  
16 of the Angels, located in Los Angeles.  
17 At this time, could all parties please  
18 introduce themselves, starting with the witness.  
19 THE WITNESS: Cardinal Roger Mahony.  
20 MR. WOODS: Donald Woods of the firm of Hennigan,  
21 Bennett & Dorman, appearing on behalf of the Cardinal.  
22 MR. HABEL: James Habel, Hennigan, Bennett &  
23 Dorman, for the Cardinal.  
24 MR. SELSBERG: Steve Selsberg, Mayer Brown,  
25 Cardinal Norberto Rivera and the Diocese of Tehuacan.

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09:51:23 1 MR. WOOTEN: Evan Wooten, Mayer Brown, for  
2 Norberto Rivera and the Diocese of Tehuacan, defendants.  
3 MR. JIMENEZ: Claudio Jimenez, Mayer Brown, for  
4 Norberto Rivera and the Diocese of Tehuacan.  
09:51:35 5 MR. GROSS: Martin Gross for the plaintiff.  
6 MR. WATERS: Rob Waters, the Drivon Law Firm, for  
7 the plaintiff.  
8 MR. ANDERSON: And Jeff Anderson for the  
9 plaintiff.  
09:51:44 10 THE VIDEOGRAPHER: Would the court reporter  
11 please swear in the witness.  
12  
13 CARDINAL ROGER MAHONY,  
14 called as a witness and having been first duly  
09:51:46 15 administered an affirmation to tell the truth by the  
16 Certified Shorthand Reporter, was examined and testified  
17 as follows:  
18  
19 EXAMINATION  
20  
09:51:46 21 MR. WOODS: Okay. I'd like to make a preliminary  
22 statement. By order of the court, this deposition is  
23 limited to inquiries of the witness relevant to personal  
24 jurisdiction by the State of California over Cardinal  
09:52:11 25 Rivera, a Mexican citizen and resident, and the Diocese

13

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09:52:15 1 of Tehuacan, a Mexican corporation, for the causes of  
2 action asserted by plaintiff.  
3 Jurisdiction over foreign nationals is  
4 permissible in two circumstances. General jurisdiction  
09:52:29 5 exists when a person has contacts with the forum which  
6 are substantial and continuous. The contacts must be so  
7 extensive and wide ranging as to make the defendant  
8 virtually living or doing business in the forum.  
9 Specific jurisdiction exists when a person  
09:52:47 10 sustains personal injuries in the forum that arose out  
11 of or related to the foreign defendants' purposeful  
12 contacts with the forum. The defendant must  
13 purposefully and voluntarily direct his activities  
14 toward the forum, and such activities must have caused  
09:53:04 15 the plaintiff forum-related injuries.  
16 The most common example of specific  
17 jurisdiction is when a foreign manufacturer, such as  
18 Toyota, sells goods in California, causing injury to a  
19 California resident.  
09:53:20 20 In view of the court's order limiting the  
21 scope of the deposition, the witness has limited his  
22 preparation to all contacts, written and oral, between  
23 the Archdiocese of Los Angeles and the Mexican  
24 defendants over whom jurisdiction is sought.  
09:53:39 25 With that in mind, we have gone through the

14

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09:53:45 1 records covered by the request to produce associated  
2 with the deposition of the Cardinal and have produced a  
3 group of records, which I will now hand to the court  
4 reporter.  
09:54:02 5 These records that we have culled and  
6 produced fall into the limited nature of this inquiry,  
7 namely, all written and oral contacts between the  
8 Archdiocese of Los Angeles and church officials in  
9 Mexico. They either are correspondence to or from the  
09:54:28 10 Mexican defendants or they are documents which refer to  
11 correspondence or contacts with the specific Mexican  
12 defendants.  
13 Okay. With that in mind, then, you can  
14 proceed with the deposition.  
09:54:45 15 MR. ANDERSON: Counsel, before we inquire of the  
16 witness, the documents you just produced are intended to  
17 be your entire response to our request for production of  
18 documents to the notice of deposition; is that correct?  
19  
09:55:04 20 MR. WOODS: Yes.  
21 MR. ANDERSON: Okay. We'll mark the production  
22 of what was just made by Mr. Woods Exhibit B.  
23 (Whereupon, Exhibit B was introduced and  
24 marked for identification by the Certified Shorthand  
25 Reporter, a copy of which is attached hereto.)  
09:55:14 25 BY MR. ANDERSON:

15

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09:53:15 1 Q And for the record, Counsel, we'll mark  
2 Exhibit A the notice of deposition with the request for  
3 production of documents appended to it as Exhibit A.  
4 (Whereupon, Exhibit A was introduced and  
09:55:25 5 marked for identification by the Certified Shorthand  
6 Reporter, a copy of which is attached hereto.)  
7 MR. WOODS: Okay. Fine.  
8 MR. ANDERSON: And any -- for the record,  
9 Counsel, any documents requested in Exhibit A that have  
09:55:37 10 not been produced here today, which I have not had an  
11 opportunity to examine, but I will, are there any  
12 documents that exist responsive to this request that  
13 have not been produced or are being withheld pursuant to  
14 a privilege or an objection?  
09:56:01 15 MR. WOODS: Well, since one of your requests asks  
16 for any document that even mentions the name Aguilar  
17 Rivera, there's obviously a number of documents that  
18 have not been produced because, in our opinion, they are  
19 outside the scope of this deposition.  
09:56:23 20 And there are no documents within the scope  
21 of the deposition as I have interpreted it in my opening  
22 statement that have been excluded because of privilege,  
23 any kind of privilege. Okay. All the correspondence  
24 with Mexican officials and documents referring to it  
09:56:42 25 have been produced.

16

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09:56:44 1 MR. ANDERSON: So any document or file in the  
2 possession of the Archdiocese pertaining to Nicolas  
3 Aguilar or Nicolas Aguilar Rivera have now been produced  
4 in this production; is that correct?  
09:57:02 5 MR. WOODS: I think that's a -- if I heard you  
6 correctly, that's a broader statement than the one I  
7 made. We've produced all documents relating to the  
8 jurisdictional issues. We have not withheld any  
9 documents in that category because of privilege. But we  
09:57:19 10 have excluded -- let me just explain.  
11 Father Nicolas Aguilar Rivera has a clergy  
12 file -- it's called a clergy file. Okay -- kept by the  
13 Archdiocese. And you'll see production numbers on these  
14 documents. Those are -- all the documents in the clergy  
09:57:43 15 file have been numbered with a production number.  
16 You'll see that there's gaps in the numbers.  
17 Wherever there's a gap in the number, documents have  
18 been withheld because they do not relate to  
19 jurisdiction -- the issues relevant to jurisdiction. So  
09:58:03 20 there -- there is a file that has 150-some-odd pages in  
21 it that is his file, which would cover everything.  
22 MR. WATERS: And just for the record, when you  
23 say "not responsive to jurisdiction" --  
24 MR. ANDERSON: Let me --  
09:58:18 25 MR. WATERS: -- "jurisdiction" -- oh, sorry.

17

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09:58:22 1 MR. ANDERSON: Counsel, I'm looking at the  
2 production, for example, documents in Exhibit B numbered  
3 20 and then there's a gap, 20 -- and the next one is 37  
4 as Bates stamped, so there are approximately 17  
09:58:38 5 documents there that have been -- that are in the file  
6 of Nicolas Aguilar Rivera that you referred to as the  
7 clergy file, those documents are being withheld on the  
8 basis they are not relevant to the jurisdictional  
9 inquiry that's being permitted here?  
09:58:55 10 MR. WOODS: Correct.  
11 MR. ANDERSON: Isn't the relevancy objection for  
12 the court and us to decide? Is that really a proper  
13 basis to withhold documentation pertaining to the priest  
14 file?  
09:59:12 15 MR. WOODS: Well, we may have a dispute about it.  
16 But I'm comfortable that the court on a number of  
17 occasions in this matter has specifically stated that  
18 this should be a short deposition specifically focusing  
19 on jurisdictional facts and not getting into the  
09:59:32 20 underlying substance or any other issues that might be  
21 relevant to the lawsuit, in general, but just  
22 jurisdiction.  
23 And so with that in mind, the witness has  
24 been prepared for that limited type of inquiry, and we  
09:59:46 25 have produced documents limited to that inquiry. And

18

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09:59:50 1 it's up to you if you want to take it up with the judge,  
2 but -- and we will obviously be guided by his ruling.  
3 But we understand that he's already ruled this way.  
4 MR. ANDERSON: The purpose of this deposition is  
10:00:03 5 to do discovery on jurisdiction. I agree with you on  
6 that. I don't agree that it permits you to withhold  
7 documents in the clergy file maintained by the  
8 Archdiocese pertaining to Nicolas Aguilar Rivera. And  
9 so it would be our intention to take that up with the  
10:00:23 10 court.  
11 As an alternative, I would invite you to  
12 consider a sealed production of those documents, that  
13 is, a separate production to us of those documents that  
14 allows us to review them to determine whether or not  
10:00:37 15 there may or may not be something in there that is  
16 relevant to the jurisdictional inquiry. And then if  
17 there is something we consider relevant to the  
18 jurisdictional inquiry, you and I will do a meet and  
19 confer and decide whether or not we need to use it.  
10:00:52 20 So please consider that proposal, and we'll  
21 have time through the course of this morning to do that  
22 as an alternative to utilizing the court on this issue.  
23 MR. WOODS: Okay.  
24 MR. ANDERSON: Because I think it's clear that  
10:01:06 25 there is documents that have not been produced on the

19

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10:01:09 1 basis of relevancy.  
2 Are there any other -- is there any other  
3 basis on which documents in the clergy file of Nicolas  
4 Aguilar Rivera have not been produced besides relevancy?  
10:01:22 5 MR. WOODS: As I said before, we limit the scope  
6 to jurisdictional facts. We have produced all the  
7 documents relating to jurisdictional facts. None  
8 relating to jurisdictional facts have been withheld  
9 because of a privilege.  
10:01:39 10 And obviously, just to make it clear, to say  
11 the opposite, there are privileged documents in the  
12 file, but they don't relate to jurisdiction. So nothing  
13 has been withheld from our scope of production because  
14 of a privilege.  
10:01:58 15 MR. ANDERSON: What privileges do you believe are  
16 assertable pertaining to the documents that have been  
17 withheld?  
18 MR. WOODS: We haven't made an ascertainment. We  
19 haven't made a discernment of that because they're  
10:02:10 20 totally irrelevant to this proceeding.  
21 MR. ANDERSON: If they're in the file of Nicolas  
22 Aguilar Rivera, how can they be irrelevant to this  
23 proceeding?  
24 MR. WOODS: There may be attorney-client  
10:02:20 25 communications. There may be psychiatric-patient

20

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10:02:25 1 privilege communications. I don't know. Because we  
2 didn't -- we didn't make a discernment of documents that  
3 are beyond the scope of this deposition.  
4 MR. ANDERSON: Okay. I'm going to ask you to  
10:02:39 5 give me an answer to my alternative proposal to the  
6 nonproduction before the conclusion of the deposition,  
7 obviously, of Cardinal Mahony, and I'll simply advise  
8 you that it is our position that you're required to  
9 produce the file of Nicolas Aguilar Rivera.  
10:02:58 10 If there are privileges that are assertable,  
11 they need to be identified as such, and we need to be  
12 allowed -- be allowed to inquire as to whether they're  
13 relevant or whether they fall within an identifiable  
14 privilege. And for --  
10:03:15 15 MR. WOODS: Right. Well, I can respond to that  
16 right now. I mean it's not appropriate, it's not  
17 customary within our discovery procedures to turn over  
18 irrelevant or privileged matter to an opponent so that  
19 they can determine whether, in their opinion, it's  
10:03:30 20 relevant and privileged.  
21 We make the determination. And if you want  
22 to challenge it, you take it up with the judge, and the  
23 judge, if anyone, would make that determination. But we  
24 certainly wouldn't give it to our opponent. That would  
10:03:43 25 defeat the whole purpose of asserting the objections.

21

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10:03:47 1 MR. ANDERSON: Counsel, I wasn't suggesting you  
2 give us the document on which you're asserting the  
3 privilege. I was suggesting you give us -- identify the  
4 nature of the document and the privilege on which it's  
10:03:58 5 being withheld so that that can be scrutinized. I'm not  
6 suggesting you give us the document.  
7 As -- as to the documents being withheld on  
8 the basis of relevancy pertaining to jurisdiction, I am  
9 suggesting, as the alternative proposal, you give us  
10:04:12 10 those documents. Do you understand?  
11 MR. WOODS: I hear it.  
12 MR. ANDERSON: Okay.  
13 MR. WOODS: You have my response, and we'll --  
14 we'll let the judge decide.  
10:04:18 15 MR. ANDERSON: Okay.  
16 BY MR. ANDERSON:  
17 Q Okay. Now we can go forward, Cardinal. Good  
18 morning.  
19 A Good morning.  
10:04:25 20 Q Would you please give us your full name for  
21 the record?  
22 A Roger Michael Mahony.  
23 Q Okay. Cardinal, you've been through this  
24 protocol before. And if there's any questions that I  
10:04:37 25 ask you that you don't understand, just let me know, and

22

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10:04:41 1 I'll be happy to try to make it clear to you. Okay?  
2 A Fine.  
3 Q Anytime you wish to take a break, feel free  
4 to, and we'll -- we'll move through this.  
10:04:51 5 A Thank you.  
6 Q It appears to me that you have now been a  
7 priest for over 45 years, maybe 46.  
8 A Correct. Forty-five.  
9 Q Okay. And when you consider the various  
10:05:11 10 positions you have held as bishop, it appears also that  
11 you have been a bishop for 32 years.  
12 A Correct.  
13 Q And it would also appear that you have been a  
14 cardinal for 16 -- over 16 years now, cardinal  
10:05:37 15 archbishop?  
16 A That is correct.  
17 Q Okay. And in that time, you've also served  
18 as vicar general and chancellor, head of Catholic  
19 charities, and as a parish priest, as well as a number  
10:05:48 20 of other capacities, correct?  
21 A That is correct.  
22 Q Okay. Nicolas Aguilar Rivera was never  
23 incardinated into this Archdiocese, was he?  
24 A Not to the best of my knowledge, no.  
10:06:07 25 Q And he would, then, be described fairly as an

23

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10:06:11 1 extern priest, at least at the time that he worked here,  
2 correct?  
3 A Yes. In our terminology, he would be an  
4 extern priest.  
10:06:22 5 Q And what is an extern priest?  
6 A An extern priest is one from some other  
7 jurisdiction besides the Archdiocese of Los Angeles,  
8 either a diocese or religious community or some other  
9 affiliation, who is permitted to come to this  
10:06:46 10 Archdiocese, usually for a limited period of time, to  
11 function here as a priest.  
12 Q And you understand that he was and still may  
13 be a priest of the Diocese of Tehuacan?  
14 A Correct. Tehuacan, Mexico.  
10:07:18 15 Q Yeah. It is also correct to say that in the  
16 case of Nicolas Aguilar Rivera, as in the case of any  
17 diocesan priest, that that priest takes and makes a vow  
18 of obedience to his superior, correct?  
19 A Diocesan priests do not make a vow in the  
10:07:42 20 same way as religious do in the three --  
21 Q They make a promise?  
22 A But they make a promise of obedience.  
23 Q Okay. It's correct to say they make a  
24 promise of obedience?  
10:07:52 25 A That's right.

24

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10:07:52 1 Q Okay. And that promise of obedience from the  
2 priest to his superior and his superior's successors and  
3 in the case of a priest such as Nicolas Aguilar Rivera  
4 means what, Cardinal?  
10:08:11 5 A Well, the question asked at ordination is  
6 quite broad. It says, "Do you promise respect and  
7 obedience to me and my successors?" That's  
8 approximately the question, the way it's asked. So it's  
9 quite broad.  
10:08:26 10 It means, in general, that directives of the  
11 bishop or the diocese in which the priest is ordained  
12 and serves are to be followed, as well as the directives  
13 of the bishop and his lawful superiors.  
14 Q And that priest diocesan also makes a promise  
10:08:52 15 of celibate chastity, does he not?  
16 A Yes. That is actually made at major orders,  
17 which is usually the order of deacon.  
18 Q And that promise of celibate chastity means  
19 what?  
10:09:11 20 A That means that he's promising to live a life  
21 outside of marriage, not to be married, and to live  
22 chastely according to the moral guidance down through  
23 our tradition.  
24 Q And does that promise include to not engage  
10:09:31 25 in any sexual activity with any adult or child?

25

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10:09:36 1 A Yes. That's correct.  
2 Q When in time did you first receive a request  
3 that Nicolas Aguilar Rivera be allowed to live and work  
4 in the Archdiocese of Los Angeles?  
10:10:04 5 A It was sometime near the end of January 1987  
6 or early March of 1987.  
7 Q And how did you receive that request?  
8 A Actually, it would have just been something  
9 probably mentioned to me by Monsignor Thomas Curry, the  
10:10:30 10 vicar for clergy.  
11 Q And do you remember today Monsignor Curry,  
12 your vicar for clergy, making mention to you that a  
13 priest from Tehuacan, Nicolas Aguilar Rivera, was  
14 intending to come here?  
10:10:49 15 A No, I do not recall that specifically.  
16 Q What makes you think today, then, that  
17 Monsignor Curry mentioned it to you?  
18 A In our normal course of conversation and  
19 especially back in those years, our offices were right  
10:11:09 20 next to each other. And from time to time during the  
21 week, Monsignor Curry would simply indicate we have  
22 these transfers in mind, we have -- this three or four  
23 priests have come into the Archdiocese and are looking  
24 for assignments, just general update.  
10:11:34 25 Q So in the normal course of conversation with

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10:11:37 1 Monsignor Curry, who was then vicar for clergy, it was  
2 not unusual for him to mention to you, as the ordinary,  
3 that there was a priest who was seeking or another  
4 superior who was seeking to have a priest serve as an  
10:11:58 5 extern within the Archdiocese?  
6 A Could you rephrase it? It's got a couple of  
7 negatives.  
8 Q Okay. I will. Thank you.  
9 It wasn't unusual for Monsignor Curry to take  
10:12:11 10 the topic up of having another priest come into the  
11 Archdiocese to serve, correct?  
12 A Yes. He would routinely do that. But he may  
13 not even give me the names. He would just say the --  
14 "Myself and the personnel board are reviewing three or  
10:12:24 15 four priests who have applied for an assignment."  
16 Q Okay. Before Monsignor Curry would have  
17 mentioned this one to you in the end of January, do you  
18 remember any other priest from Mexico having come or  
19 considering allowing any other priest to come into the  
10:12:45 20 Archdiocese to work from Mexico?  
21 A No. I do not recall specifically another  
22 priest in Mexico.  
23 Q When Monsignor Curry first mentioned this to  
24 you January of '87 --  
10:13:04 25 MR. WOODS: If he did.

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10:13:07 1 BY MR. ANDERSON:  
2 Q -- did you or do you recall thinking it  
3 unusual that a priest from Mexico would be coming or  
4 considered to be coming to serve in the U.S.?  
10:13:21 5 MR. SELSBERG: Objection; assumes facts not  
6 evidence.  
7 MR. WOODS: He's just asking if you have a  
8 recollection of your feeling at that time.  
9 THE WITNESS: My understanding was we had many  
10:13:33 10 priests come and serve here for limited periods from  
11 Mexico and many other countries over those years,  
12 especially from Mexico to Latin America.  
13 BY MR. ANDERSON:  
14 Q And this Archdiocese has got a heavy or a  
10:13:47 15 large Latino population, does it not?  
16 A That is correct.  
17 Q What do you think the composition is in the  
18 Archdiocese of Latino Catholics? Any idea?  
19 A You mean in 1987 or today?  
10:14:04 20 Q '87.  
21 A I would estimate it would be fairly  
22 substantial, possibly 50 percent.  
23 Q And did you know or do you know whether or  
24 not Nicolas Aguilar Rivera speaks English?  
10:14:26 25 A No. I do not know.

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10:14:28 1 Q You speak Spanish, do you not?  
 2 A Yes.  
 3 Q Fluent?  
 4 A Well, was o menos.  
 10:14:32 5 Q Okay.  
 6 A More or less.  
 7 Q Yeah. After Monsignor Curry perhaps  
 8 mentioned to you that Nicolas Aguilar Rivera was seeking  
 9 to work here and discussed that with you, what, to your  
 10:15:10 10 knowledge, is the next thing that happened pertaining to  
 11 Nicolas Aguilar Rivera and his work in L.A.?  
 12 MR. WOODS: Okay. I object that the question may  
 13 call for facts not in evidence and beyond the testimony.  
 14 I believe he said that Cardinal -- Monsignor Curry may  
 10:15:33 15 have mentioned transfer from Mexico, but he didn't say  
 16 he discussed it with him.  
 17 But I'll let him answer the question with  
 18 that objection.  
 19 THE WITNESS: Well, as I said earlier, he would  
 10:15:47 20 most frequently say we have a group of priests from  
 21 outside seeking assignment. I don't recall him  
 22 mentioning the names specifically. So I couldn't recall  
 23 if he mentioned that name. I don't recall it at all.  
 24 BY MR. ANDERSON:  
 10:16:06 25 Q Okay. When is the first time, Cardinal, that

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10:16:09 1 the name Nicolas Aguilar Rivera as a priest either  
 2 coming to L.A. or serving in L.A. came into your stream  
 3 of consciousness?  
 4 A My recollection would be after we learned of  
 10:16:31 5 the misconduct.  
 6 Q And when did you first learn of the  
 7 misconduct?  
 8 A I don't remember the exact date, but I do  
 9 remember Monsignor Curry telling me as soon as he found  
 10:16:51 10 out.  
 11 Q And when you say "misconduct," you're  
 12 referring to criminal sexual conduct by Nicolas Aguilar  
 13 Rivera that is sexual abuse of minors, correct?  
 14 A That is correct.  
 10:17:05 15 Q Okay. And so the first time you learned that  
 16 Nicolas Aguilar Rivera had engaged or was suspected of  
 17 engaging in criminal sexual conduct was from Monsignor  
 18 Curry?  
 19 A That's my best recollection.  
 10:17:31 20 Q And it was Monsignor Curry's job as vicar for  
 21 clergy if he got that information to bring it to you  
 22 immediately as his superior and the Ordinary, correct?  
 23 A That is correct.  
 24 Q And he did that, as far as you know?  
 10:17:45 25 A Yes, as far as I recall.

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10:17:47 1 Q As far as you know, as soon as Monsignor  
 2 Curry got the information that Nicolas Aguilar Rivera  
 3 was suspected of this crime or these crimes, he would  
 4 have brought it to you right away as the kind of  
 10:18:01 5 information that was important, correct?  
 6 A Yes.  
 7 Q Okay. Do you have a date that that would  
 8 have happened in mind?  
 9 A No. I don't recall exactly what that date  
 10:18:15 10 was.  
 11 Q Have you reviewed any of the documents in  
 12 Nicolas Aguilar Rivera's file?  
 13 A Yes.  
 14 Q Okay. Have you reviewed the file in its  
 10:18:25 15 entirety?  
 16 A No.  
 17 Q Okay. What portions of it have you reviewed?  
 18 A I reviewed these documents that were prepared  
 19 for this deposition.  
 10:18:37 20 Q Okay. And in preparation for this  
 21 deposition, have you reviewed any documents other than  
 22 those that were just produced here to us today?  
 23 A I reviewed briefly the deposition of Cardinal  
 24 Norberto Rivera and Bishop Rodrigo Aguilar Martinez.  
 10:18:58 25 Q Okay. Have you ever spoken with either

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10:19:04 1 Bishop Martinez or Cardinal Norberto Rivera?  
 2 A I spoke with Cardinal Rivera one time when  
 3 this whole matter became public and Father Aguilar had  
 4 disappeared.  
 10:19:27 5 Q When was -- when was that?  
 6 A I don't recall the exact date. It may be  
 7 referenced in these documents.  
 8 Q Okay. We'll go back to that, and that may --  
 9 may help refresh your recollection as to a date or time.  
 10:19:45 10 Let's go back, then, Cardinal, to the moment  
 11 or day in time where you first learned from Monsignor  
 12 Curry that Nicolas Aguilar Rivera had been or was  
 13 suspected of crimes against children.  
 14 What did Monsignor Curry tell you?  
 10:20:12 15 MR. WOODS: Okay. I object to the question as  
 16 beyond the scope of the limited nature of this  
 17 deposition. As my preliminary statement indicated, this  
 18 deposition is limited to contacts with the two Mexican  
 19 defendants.  
 10:20:31 20 Discussions between Monsignor Curry and the  
 21 Cardinal about complaints or allegations of misconduct  
 22 by Aguilar Rivera do not relate to jurisdiction, and so  
 23 I'm going to instruct the witness not to answer that  
 24 question.  
 10:20:51 25 MR. ANDERSON: Counsel, I'm going to urge you to

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10:20:53 1 reconsider that instruction. It is an inquiry that is  
2 essential to the central inquiry here, and that is  
3 Monsignor Curry and others could have already been in  
4 contact with the foreign defendant here.

10:21:15 5 MR. WOODS: You can ask him that.  
6 MR. ANDERSON: No. That doesn't -- that doesn't  
7 permit a full inquiry into this, both circumstantially  
8 and otherwise. And in order to make a full or fair  
9 inquiry into the jurisdiction, it is imperative that I  
10:21:34 10 be allowed to inquire as to what the Cardinal heard from  
11 Monsignor Curry and anybody else possessed of the  
12 knowledge of -- of Nicolas Aguilar Rivera.  
13 And if -- if you persist in that, that  
14 will -- that will hasten this deposition towards a quick  
10:21:57 15 court appearance before Judge Berle.  
16 MR. WOODS: Okay. Well, if you persist in  
17 thinking and arguing that discussions about the  
18 allegations of misconduct has some relevance to  
19 jurisdiction over the Mexican defendants, I think you'll  
10:22:15 20 have to get an order from the judge. Because, you know,  
21 my reading of the case law on jurisdiction does not  
22 indicate that that has any relevance whatsoever to  
23 jurisdiction.  
24 MR. ANDERSON: And so the basis for the  
10:22:33 25 instruction to not answer is relevance?

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10:22:37 1 MR. WOODS: Yes.  
2 BY MR. ANDERSON:  
3 Q Are you going to follow that instruction,  
4 Cardinal?  
10:22:42 5 A Yes.  
6 Q Okay.  
7 MR. SELSBERG: Excuse me. Can y'all inquire to  
8 the judge whether he's willing to resolve any of these  
9 disputes on the scope of the deposition today while  
10:22:56 10 we're all here?  
11 MR. ANDERSON: Let's see where it goes. No  
12 inquiry's been made. I didn't anticipate, frankly, such  
13 an objection. So it comes as a surprise to me, so we'll  
14 see where it goes.  
10:23:10 15 MR. SELSBERG: He was willing to do it with  
16 respect to our deposition. Perhaps he'd be willing to  
17 do it with respect to this one.  
18 MR. ANDERSON: Well, let's see. Let's see.  
19 MR. SELSBERG: On behalf of my clients, I'm  
10:23:21 20 asking you both to -- to seek relief from -- from the  
21 court today as it -- unless -- we would like to finish  
22 this deposition and not reconvene or brief the issue.  
23 We oppose any delay in the hearing date. So we ask that  
24 y'all contact the judge and see if he's willing to do  
10:23:43 25 that.

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10:23:44 1 MR. ANDERSON: I think we should ask more  
2 questions to formulate the foundation for that, and I  
3 have no objection to attempting to make contact with the  
4 court.  
10:24:13 5 BY MR. ANDERSON:  
6 Q How did Monsignor Curry learn that Nicolas  
7 Aguilar Rivera was suspected of criminal sexual conduct?  
8 MR. WOODS: Same objection.  
9 MR. SELSBERG: Objection; calls for speculation.  
10:24:28 10 MR. WOODS: And same instruction.  
11 BY MR. ANDERSON:  
12 Q How long was your conversation with Monsignor  
13 Curry?  
14 MR. WOODS: Same objection, same instruction.  
10:24:56 15 BY MR. ANDERSON:  
16 Q At the time that Monsignor Curry communicated  
17 this information to you, had he spoken to Nicolas  
18 Aguilar Rivera?  
19 MR. WOODS: Same objection, same instruction.  
10:25:12 20 MR. SELSBERG: Objection; calls for speculation.  
21 BY MR. ANDERSON:  
22 Q What did you do, Cardinal, responsive to  
23 Monsignor Curry immediately bringing this information to  
24 you that Nicolas Aguilar Rivera was suspected of  
10:25:29 25 criminal sexual conduct?

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10:25:31 1 MR. WOODS: All right. That's a very broad  
2 question. I'd ask you to rephrase it to limit it to  
3 what did he do in terms of contacting any of the  
4 defendant -- Mexican defendants in this case.  
10:25:48 5 Inquiry along those lines, I would permit.  
6 But any other responses to it are beyond the scope of  
7 this jurisdictional deposition, and I would instruct the  
8 witness not to answer. And since the question is so  
9 broad, it's difficult for a lay witness to deal with  
10:26:02 10 those two distinctions.  
11 I'm going to instruct him not to answer the  
12 question as phrased.  
13 BY MR. ANDERSON:  
14 Q Did you understand the question, Cardinal?  
15 A Yes.  
16 Q Okay. What did you do in response to what  
17 Monsignor Curry told you about Nicolas Aguilar Rivera?  
18 MR. WOODS: Okay. The same objection. That's  
19 the same question. It's the same objection I made to  
10:26:24 20 the last question, and I'll instruct him not to answer  
21 it.  
22 MR. ANDERSON: Is the instruction "relevancy"?  
23 MR. WOODS: It's -- yes. As I explained, the  
24 question is so broad.  
10:26:36 25 MR. ANDERSON: Just give me the legal objection

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10:26:37 1 so we can deal with the judge.  
2 MR. WOODS: Just legal. It's relevance --  
3 MR. ANDERSON: Okay.  
4 MR. WOODS: -- as explained when you asked the  
10:26:42 5 same question before.  
6 BY MR. ANDERSON:  
7 Q What next -- did you take any action  
8 responsive to what Monsignor Curry told you?  
9 MR. WOODS: Same objection. The question is so  
10:27:06 10 broad that it includes matter relevant to this inquiry  
11 and matter that isn't relevant to this inquiry. So I'm  
12 going to instruct him not to answer but invite you to  
13 rephrase the question to include relevant matter.  
14 BY MR. ANDERSON:  
10:27:29 15 Q Did Monsignor Curry tell you that Nicolas  
16 Aguilar Rivera was an extern priest serving in the  
17 Archdiocese from Mexico?  
18 MR. WOODS: At any time?  
19 MR. ANDERSON: In this conversation.  
10:27:44 20 THE WITNESS: In the what?  
21 MR. ANDERSON: In the conversation where  
22 Monsignor Curry told you that Aguilar had been suspected  
23 of misconduct.  
24 MR. WOODS: In the very first conversation is  
10:27:54 25 what he's referring back to.

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10:27:56 1 MR. ANDERSON: Yes.  
2 MR. WOODS: Okay. Did he tell you he was an  
3 extern from Mexico?  
4 THE WITNESS: I believe so.  
10:28:00 5 BY MR. ANDERSON:  
6 Q What did he tell you?  
7 A I don't recall exactly.  
8 Q Did he tell you when he had come here?  
9 A I don't recall. It was 20 years ago.  
10:28:13 10 Q Did he tell you the diocese from which he  
11 came?  
12 MR. WOODS: Again, limited to the first  
13 conversation.  
14 MR. ANDERSON: Yes.  
10:28:19 15 MR. WOODS: Okay.  
16 THE WITNESS: Again, I don't recall if he  
17 mentioned the name. He probably mentioned Mexico, but  
18 the diocese I'm not sure.  
19 BY MR. ANDERSON:  
10:28:26 20 Q Did he tell you that he was -- his superior  
21 was Norberto Rivera, the bishop -- then the bishop of  
22 Tehuacan?  
23 A At that time?  
24 Q Yes.  
10:28:38 25 A I don't recall.

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10:28:41 1 Q Did you know Norberto Rivera as the bishop of  
2 Tehuacan at that time?  
3 A I did not.  
4 Q Did he tell you about the circumstances in  
10:28:52 5 which -- in that conversation in which Nicolas Aguilar  
6 Rivera had come to L.A. from Tehuacan?  
7 A I don't recall if he did or not.  
8 Q Did you ever receive information from  
9 Monsignor Curry about the circumstances of Aguilar  
10:29:15 10 Rivera's departure from Mexico and the reasons for it?  
11 A At some point as this was unfolding, I  
12 suspect that that's when he gave me the information.  
13 Q Okay. And is that -- are you referring to  
14 Monsignor Curry?  
10:29:36 15 A I'm referring to Monsignor Curry.  
16 Q How long after that first conversation did  
17 Monsignor Curry give you additional information  
18 concerning the circumstances of Rivera's departure from  
19 Mexico?  
10:29:48 20 A I don't recall exactly.  
21 Q Would it have been days or weeks or months?  
22 A It would have been in the context of the  
23 unfolding of these events in early 1988, but I don't  
24 recall precisely.  
10:30:24 25 Q After you learned that this was -- when

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10:30:43 1 Monsignor Curry brought this information to you as vicar  
2 for clergy, did you direct him to take action responsive  
3 to the situation involving Nicolas Aguilar Rivera?  
4 MR. WOODS: I'm going to object to the form of  
10:31:00 5 the question as beyond the scope of this deposition and  
6 instruct the witness not to answer.  
7 MR. ANDERSON: Relevancy?  
8 MR. WOODS: Yes.  
9 BY MR. ANDERSON:  
10:31:13 10 Q Do you know if Monsignor Curry did take  
11 action responsive to the information he received  
12 concerning the risk posed by Aguilar Rivera?  
13 MR. WOODS: Same objection, same instruction.  
14 BY MR. ANDERSON:  
10:31:27 15 Q Monsignor Curry gave you enough information  
16 to know that Nicolas Aguilar Rivera posed a danger to  
17 children in the Archdiocese, didn't he?  
18 MR. WOODS: Same objection, same instruction.  
19 BY MR. ANDERSON:  
10:31:46 20 Q After the conversation with Monsignor Curry,  
21 when is the next time you received information from any  
22 source that Nicolas Aguilar Rivera posed a risk of harm  
23 to children?  
24 MR. WOODS: Same objection, same instruction.  
10:32:06 25 BY MR. ANDERSON:

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10:32:07 1 Q What did the Archdiocesan officials, acting  
2 at your direction, or you, as the Cardinal Archbishop,  
3 do to protect the children of the Archdiocese of L.A.  
4 and -- and Mexico from the risk of harm posed by Nicolas

10:32:29 5 Aguilar-Rivera?

6 MR. WOODS: Okay. I'm going to object that the  
7 question assumes numerous facts not in evidence, is  
8 argumentative, and is beyond the scope of the limited  
9 nature of this deposition and instruct the witness not  
10 to answer.

10:32:43 10 BY MR. ANDERSON:

11 Q In terms of your normal custom and  
12 procedures, Cardinal, when a priest comes to the  
13 Archdiocese of L.A. or when you served in Stockton or  
14 Fresno as -- in position of Ordinary or otherwise, was  
10:33:04 15 it customary for bishops or the Ordinaries to exchange  
16 information concerning the transfer of priests by -- by  
17 telephone before they get transferred?

18 A Normally not. Usually done in writing.

10:33:26 20 Q If a priest is coming into the L.A.  
21 Archdiocese, in this case Nicolas Aguilar Rivera, in  
22 1987, wouldn't it have been customary for the L.A.  
23 Archdiocese to, before he serves as a priest, to get  
24 information about his fitness to serve?

10:33:50 25 A That is usually done by a letter of

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10:33:52 1 recommendation from the bishop or the superior.

2 Q And in the case of Nicolas Aguilar Rivera,  
3 was a letter of recommendation made by his superior --

4 A Yes.

10:34:02 5 Q -- to the L.A. Archdiocese and you?

6 A Yes.

7 Q Okay. And who made -- who -- who made the  
8 recommendation?

9 A The recommendation was made by Bishop  
10 Norberto Rivera, bishop of Tehuacan.

11 Q Okay. Are you referring to a document when  
12 you answer that? Are you looking at a document?

13 A Yes, I am.

14 Q Is that page 1 of the production that you  
10:34:26 15 gave us? Let me see. Okay.

16 A Yes. It's that page you're looking at.

17 Q Okay. And that -- that -- for purpose of the  
18 record, this is marked "Exhibit B," and that's page 1 of  
19 B. That's Bates stamped 1. Do you see that Bates-stamp  
20 number?

21 A Yes.

22 Q Okay. In this document we'll use -- we'll  
23 use the Bates-stamp numbers, referring to it as B1, B2,  
24 and so forth. That's in Spanish, and I'll cover that  
10:34:56 25 with you.

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10:34:58 1 And beyond this Exhibit B1, which is written  
2 in Spanish, and a translation is available here, I'll  
3 grab it in a moment, did you or the Archdiocese get any  
4 other references, recommendations, or information from  
10:35:18 5 the Diocese of Tehuacan before receiving him and placing  
6 him in a parish here?

7 A Well, we are guided by Canon Law. Canon 271,  
8 paragraphs 1, 2, and 3, instruct us that before we  
9 recommend somebody for service, that they be fit for  
10:35:41 10 ministry. So the presumption is when I would get a  
11 letter like this one, that this priest is fit for  
12 ministry without problems.

13 Q And so when you received this letter and the  
14 Archdiocese received this letter from Diocese of  
10:35:59 15 Tehuacan, in effect, this represents to you, as the  
16 Ordinary, that this priest is fit for ministry, correct?

17 A Yes.

18 Q And you relied upon this letter when he was  
19 allowed to work in this Archdiocese, correct?

10:36:14 20 A That is correct.

21 Q And you believed you could trust the sender  
22 of this letter on the letterhead of -- of -- and from  
23 the Diocese of Tehuacan?

24 A Yes.

10:36:29 25 Q And is it fair to say, then, that Cardinal --

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10:36:33 1 now Cardinal Rivera, then Bishop Rivera, is the one that  
2 certified and -- to you the fitness of Nicolas Aguilar  
3 Rivera to serve in this Archdiocese by reason of this  
4 letter?

10:36:54 5 MR. SELSBERG: Objection; mischaracterizes  
6 testimony, assumes facts not in evidence.

7 BY MR. ANDERSON:

8 Q You can answer that.

9 A Yes. I interpreted this letter to be a  
10:37:07 10 letter stating this priest is in good standing and that  
11 he has no reason to not give him -- to give me  
12 permission to accept him.

13 Q Okay. I'm going to show you -- let's --  
14 let's -- I've got a translation of this.

10:37:28 15 And, Counsel, for all of the documents that  
16 we're going to use, we've got a certification attached.  
17 And just so -- what we did to make it easy is use the  
18 Bates-stamp production numbers as the exhibit numbers.  
19 And you'll see that the English -- the Bates-stamped  
10:37:44 20 production of this letter is 23, so I'm going to mark  
21 this Exhibit 23.

22 MR. WOODS: Okay.

23 MR. ANDERSON: And use this as Exhibit 23.

24 (Whereupon, Exhibit 23 was introduced and  
10:37:52 25 marked for identification by the Certified Shorthand

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10:37:52 1 Reporter, a copy of which is attached hereto.)  
2 MR. WOODS: Can you make it C-23? Oh, no.  
3 MR. ANDERSON: No.  
4 MR. WOODS: That will --  
10:37:59 5 MR. ANDERSON: No. The English -- the English.--  
6 MR. WOODS: There's going to be -- there may be a  
7 Bates page in here 23.  
8 MR. ANDERSON: Well, we'll deal with that because  
9 that will be B-23.  
10:38:10 10 MR. WOODS: That will -- okay.  
11 MR. ANDERSON: Okay.  
12 MR. WOODS: Yours is plain 23.  
13 MR. ANDERSON: Yes. Yes.  
14 MR. WOODS: Okay.  
10:38:14 15 MR. ANDERSON: And just so you know, and  
16 Mr. Waters is showing you, the first page will be the  
17 Spanish version. The second page will be the  
18 translation.  
19 MR. WATERS: And that's labeled 23A.  
10:38:27 20 MR. ANDERSON: And that will be marked 23A. So  
21 when we're referring to the translation of any one of  
22 these documents, it will have an A following it. So in  
23 this instance, it's 23A. And then attached to it or  
24 appended to it is the official translation. Okay?  
10:38:42 25 MR. WOODS: Okay.

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10:38:42 1 MR. ANDERSON: And Mr. Waters is --  
2 MR. WOODS: Do you have one for the court  
3 reporter? Do you want to give one to the court  
4 reporter?  
10:38:49 5 MR. ANDERSON: Yeah.  
6 MR. WOODS: And this isn't marked.  
7 MR. SELSBERG: You're using documents that were  
8 produced for the deposition or they were produced  
9 earlier and you decided to use them so you got a  
10:38:57 10 translation --  
11 MR. ANDERSON: Yes.  
12 MR. SELSBERG: -- that's certified?  
13 MR. ANDERSON: Yes. These are documents produced  
14 by -- by you.  
10:39:04 15 MR. SELSBERG: Oh, I understand.  
16 MR. WOODS: Okay. So I would ask the court  
17 reporter to now mark that proffered exhibit as --  
18 MR. ANDERSON: It's already been marked.  
19 MR. WOODS: What?  
10:39:15 20 MR. ANDERSON: 23, 23A.  
21 MR. WOODS: Well --  
22 MR. SELSBERG: And let me just say for the record  
23 that I have not reviewed -- we have not reviewed or had  
24 a chance to review the translations that the plaintiff  
10:39:28 25 is offering here today, and so we don't have any idea

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10:39:32 1 whether we agree that those are, in fact, correct  
2 translations or not.  
3 MR. ANDERSON: That's understood.  
4 BY MR. ANDERSON:  
10:39:48 5 Q Okay. Cardinal, I've placed before you what  
6 is the translation that we received that is what we call  
7 an official translation. And as counsel says,  
8 translations may not be perfect, and there may be  
9 disagreements about them. But this is what we have for  
10:40:09 10 now.  
11 And this exhibit, the letter of basically  
12 fitness for ministry pertaining to Nicolas Aguilar  
13 Rivera, this is the letter, isn't it, the English  
14 version of it?  
10:40:29 15 MR. SELSBERG: Do you have a copy for us?  
16 Mr. Anderson, do you have a copy for us?  
17 MR. ANDERSON: Yes.  
18 MR. SELSBERG: Thank you.  
19 MR. WOODS: Well, do you have another one?  
10:40:48 20 MR. WATERS: I have one more copy that's going to  
21 be used in the deposition this afternoon. So I only  
22 have -- I brought three copies.  
23 MR. WOODS: Okay. I'll look over here.  
24 BY MR. ANDERSON:  
10:40:56 25 Q Is this the letter in English?

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10:40:58 1 A Yes. But I already have a problem with the  
2 translation and the emphasis.  
3 Q Okay.  
4 A May I tell you what the problem is?  
10:41:09 5 Q Sure. Why don't you -- sure. Why don't you  
6 start by doing that. We'll make the correction as we  
7 need to.  
8 A Because one of the most important sentences  
9 in the original letter is "No tengo ningun  
10:41:17 10 inconveniente," etc., down to "Iglesia Local."  
11 MR. WOODS: Okay. Hold on. We've got a problem  
12 now.  
13 MR. ANDERSON: She's not going to get that. Why  
14 don't you just say there's a problem at line -- let's  
10:41:28 15 number the letter by line. And the first line begins  
16 with "Warmest greetings." The second line is "Due to  
17 health." The third line in the letter --  
18 MR. WOODS: You're talking about the English  
19 version.  
10:41:43 20 THE WITNESS: Yeah.  
21 MR. ANDERSON: Yes.  
22 THE WITNESS: This is the document I'm relying  
23 on.  
24 BY MR. ANDERSON:  
10:41:49 25 Q Okay. Let's -- let's instead of -- instead

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10:41:51 1 of identifying it that way, why don't you read the  
2 document that you're referring to in English.  
3 A Okay.  
4 Q That will be the way the court reporter can  
10:42:02 5 do that. And Cardinal, when you're reading the  
6 document, it's important you read it slowly so she can  
7 get that down.  
8 MR. WOODS: Okay.  
9 BY MR. ANDERSON:  
10:42:10 10 Q And you'll be reading the Spanish version,  
11 and you become the interpreter because you'll be reading  
12 this into the record the way you read it when you  
13 received it, correct?  
14 MR. SELSBERG: Objection as to --  
10:42:23 15 THE WITNESS: I'm not an official translator, and  
16 I don't think this is necessarily a good translation,  
17 so --  
18 MR. ANDERSON: No. I'm not asking --  
19 (Interruption by the reporter.)  
10:42:35 20 MR. SELSBERG: My objection is that if I  
21 understood what Mr. Anderson said, that he wants the  
22 witness to read it as he -- he -- and understand it as  
23 he first read and understand it when he received it. I  
24 thought the witness testified that he never heard of  
10:42:52 25 this guy Nicolas Aguilar Rivera.

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10:42:57 1 MR. ANDERSON: Give us the legal objection.  
2 Don't -- don't give us a characterization of his  
3 testimony, Counsel. What's your legal objection? Just  
4 give it to us.  
10:43:04 5 MR. SELSBERG: Assumes facts not in evidence.  
6 BY MR. ANDERSON:  
7 Q Okay. Now, Cardinal, here's what we're going  
8 to do. Let's keep it simple, and let's keep it clear.  
9 What we'll do is you have the Spanish version in front  
10:43:15 10 of you. You had a -- you had a problem with the  
11 translation that we had done. I respect and understand  
12 that.  
13 And what we -- what's most important is we  
14 get from you how you read this letter. And whether it's  
10:43:29 15 a correct translation or not isn't as important as how  
16 you would read it or did read it at the time you  
17 received it first.  
18 The Spanish version of this letter, dated --  
19 the date at the right-hand corner is January 27th, 1987,  
10:43:46 20 is it not?  
21 A Yes.  
22 Q And it would have been received by you as  
23 Cardinal Archbishop because it's addressed by you  
24 presumably some -- some date after it was sent. Do you  
10:44:00 25 know when it was received by the -- by you and the

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10:44:03 1 Archdiocese?  
2 A No, I don't.  
3 Q Okay. In your files, is there a "Received"  
4 stamp that shows when it was received?  
10:44:13 5 A No.  
6 Q Okay. So it's fair to assume, is it,  
7 Cardinal, that a received some days -- was it -- was it  
8 sent by U.S. mail?  
9 A I don't know.  
10:44:25 10 Q Okay. Okay. Why don't you read this  
11 document, then, beginning with "Dearest Archbishop,"  
12 and -- and read what it says.  
13 MR. WOODS: In English?  
14 MR. ANDERSON: Yes.  
10:44:42 15 MR. WOODS: Okay. I -- okay. I think we all  
16 understand that the Cardinal is not a certified court  
17 interpreter or translator. He obviously has a working  
18 knowledge of Spanish.  
19 I don't mind him giving a free-form  
10:45:13 20 translation. It wouldn't be anything like an official  
21 translation, and I don't know that you can really rely  
22 on it in any way. But if it -- if it's preliminary to  
23 asking him a question, I don't mind it.  
24 MR. ANDERSON: Well, look --  
10:45:28 25 MR. WOODS: But there are so many documents here

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10:45:30 1 in Spanish, we'll be here for the next week if we do it  
2 that way.  
3 MR. ANDERSON: Now, we just want to do it the  
4 simplest way.  
10:45:36 5 BY MR. ANDERSON:  
6 Q Cardinal, you said there was a problem with  
7 the translation --  
8 MR. WOODS: Can I help you out?  
9 MR. ANDERSON: So -- no. No. I can do this. I  
10:45:42 10 can do this. I don't need your help. Thank you. I  
11 appreciate the offer, but I don't need it.  
12 MR. WOODS: Okay.  
13 BY MR. ANDERSON:  
14 Q Cardinal, I think, you know, the best way for  
10:45:49 15 us, and I'm asking you, you're the one that relied upon  
16 this letter, right?  
17 A Yes.  
18 Q And you're the one that relied upon the  
19 information in the letter, correct?  
10:46:02 20 A Yes.  
21 Q To allow Nicolas Aguilar Rivera to serve and  
22 work in this Archdiocese, right?  
23 MR. WOODS: Well, he or his vicar relied on it.  
24 BY MR. ANDERSON:  
10:46:11 25 Q Well, Cardinal, in the final analysis as the

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10:46:14 1 Ordinary, the Archbishop Cardinal, you're the guy  
2 responsible for the assignments, the transfer, and the  
3 work done of all the priests of the Archdiocese,  
4 correct?  
10:46:24 5 A Yes.  
6 Q Okay. And you can delegate certain things to  
7 your vicars and to your auxiliaries and the like, but  
8 ultimately, you're the guy, right?  
9 A Yes, except it should be noted that in the  
10:46:37 10 assignment of assistant pastors, the associate pastors,  
11 that's done entirely by the vicar for clergy, who sends  
12 the letters, makes appointment, and everything.  
13 Q And you basically delegate that authority,  
14 however, to that vicar, do you not?  
10:46:53 15 A That's correct.  
16 Q So that's a delegated authority from you to  
17 the vicar, correct?  
18 A (Nonverbal response.)  
19 Q Okay. So now we have that clear, let's go  
10:46:59 20 back to the letter. And the letter's the one you relied  
21 upon. Did you rely upon any other information received  
22 from the Diocese of Tehuacan or anybody else other than  
23 this letter before or in reliance of Nicolas Aguilar  
24 Rivera serving here?  
10:47:15 25 A No.

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10:47:16 1 Q Okay. This is it right here?  
2 A Correct.  
3 Q Okay. So let's have you read for me what you  
4 believe the letter says.  
10:47:26 5 A It would be a lot faster if I just told you  
6 where I thought the errors were.  
7 Q If you like to do that, we can -- we can do  
8 that.  
9 A Yeah. There -- just in that middle  
10:47:36 10 paragraph, "Due to health and family reasons" --  
11 Q Yes.  
12 A -- the second line says "which belongs."  
13 That should be "who belongs."  
14 Q Oh.  
10:47:47 15 A But the -- my main concern is the sentence in  
16 that paragraph. "If His Excellency were to accept him,  
17 don't have any," I think means "I don't have any," "Yo  
18 no tengo."  
19 Q Yes. "Yo" is "I," yeah.  
10:48:05 20 A But the translation switches the emphasis.  
21 The -- the original says -- begins "I do not have any  
22 problem or reason in granting you my permission if Your  
23 Excellency were to accept him to work in your local  
24 church." So that's an important emphasis.  
10:48:28 25 Q Yes.

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10:48:30 1 A They've got it reversed.  
2 Q Yes.  
3 MR. SELSBERG: And actually, I have a translation  
4 that's --  
10:48:37 5 MR. ANDERSON: Better?  
6 MR. SELSBERG: -- comports -- that is -- it's  
7 more like the witness's than yours.  
8 MR. ANDERSON: Okay. Let's use that one.  
9 MR. SELSBERG: I have my notes all over it. I  
10:48:45 10 have my attorney notes all over it.  
11 MR. ANDERSON: Okay. Well, let's -- let's get --  
12 let's get -- does that comport with the one that the  
13 Cardinal just did?  
14 MR. SELSBERG: Some of it. But it's really --  
10:48:57 15 it's different than yours. Go ahead and do what you're  
16 doing. I'm just telling you that it is different.  
17 MR. ANDERSON: Okay.  
18 MR. SELSBERG: We should try to work that out at  
19 some point.  
10:49:05 20 MR. ANDERSON: Yeah. I think we will. And we're  
21 not going to have any difficulty.  
22 BY MR. ANDERSON:  
23 Q What's -- what's important is what you read  
24 and what you believe it says. And so we -- this is an  
10:49:12 25 important letter, is it not, Cardinal? Because, look,

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10:49:14 1 this is the basis on which this guy was allowed to serve  
2 here, right?  
3 A Correct.  
4 Q You know, and so we got to get this -- we got  
10:49:21 5 to get what you were told by Cardinal -- now Cardinal  
6 Rivera, then Bishop Rivera, about this guy's fitness.  
7 Because basically, it's correct to say that -- that  
8 then-Bishop Rivera certified to you that this was a  
9 priest that was both safe and celibate to serve in your  
10:49:38 10 Archdiocese, right?  
11 MR. SELSBERG: Objection. That assumes facts not  
12 evidence and mischaracterizes the witness's testimony.  
13 Is that a question?  
14 THE WITNESS: My understanding was it was meeting  
10:49:50 15 the provisions of Canon 271.  
16 MR. ANDERSON: Yes.  
17 THE WITNESS: He was fit for ministry.  
18 BY MR. ANDERSON:  
19 Q And this letter sent by him to you, in  
10:49:58 20 effect, certified to you, represented to you, that  
21 Nicolas Aguilar Rivera was both safe and celibate and  
22 fit to serve as a priest in your Archdiocese, correct?  
23 MR. SELSBERG: Objection.  
24 MR. WOODS: I'm going to object that it's  
10:50:18 25 compound.

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10:50:18 1 MR. SELSBERG: Assumes facts not in evidence.  
2 MR. WOODS: Oops. I'm sorry. Go ahead, Steve.  
3 MR. SELSBERG: Go ahead.  
4 MR. WOODS: I'm going to object that it's  
10:50:25 5 compound. There's a string of things there. Maybe you  
6 want to take them one at a time.  
7 MR. ANDERSON: Okay. I'd be happy to.  
8 BY MR. ANDERSON:  
9 Q Cardinal, does this letter sent to you by the  
10:50:33 10 Diocese of Tehuacan and Norberto Rivera in effect make a  
11 representation to you through the U.S. mail -- did it  
12 make a representation to you through the U.S. mail?  
13 MR. WOODS: Okay.  
14 MR. SELSBERG: Objection; assumes facts not in  
10:50:51 15 evidence. Vague, mischaracterizes testimony.  
16 MR. WOODS: Right. He's already testified he  
17 doesn't know if it came through the mail.  
18 BY MR. ANDERSON:  
19 Q Well, how do you think this letter got to  
10:51:03 20 you?  
21 MR. SELSBERG: Objection; calls for speculation.  
22 MR. WOODS: Okay. Do you know how the letter got  
23 to you?  
24 MR. ANDERSON: Don, I don't need the --  
10:51:11 25 MR. WOODS: You don't want him to speculate.

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10:51:13 1 MR. ANDERSON: I asked him the question. You  
2 repeated the question. Just -- let's just keep it  
3 simple.  
4 MR. WOODS: Okay.  
10:51:17 5 MR. ANDERSON: I don't need you to repeat my  
6 question.  
7 MR. WOODS: Okay. Ask it again. I'll object.  
8 BY MR. ANDERSON:  
9 Q How did the letter get to you?  
10:51:23 10 MR. SELSBERG: Objection; calls for speculation.  
11 THE WITNESS: I don't know.  
12 BY MR. ANDERSON:  
13 Q Is there any way it could have gotten to you  
14 but other than by mail?  
10:51:32 15 MR. SELSBERG: Objection; calls for speculation.  
16 MR. WOODS: Same objection, but you can answer.  
17 THE WITNESS: Yes.  
18 BY MR. ANDERSON:  
19 Q How?  
10:51:39 20 A The priest brought it with him.  
21 MR. SELSBERG: Objection; calls for speculation.  
22 BY MR. ANDERSON:  
23 Q Do you have some reason to believe that the  
24 priest brought this letter with him?  
10:51:46 25 A No.

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10:51:47 1 Q Okay. Do you have -- have you received any  
2 information in connection with this case that leads you  
3 to believe that the priest presented this letter in  
4 person to you and the Archdiocese?  
10:52:09 5 A No.  
6 Q Do you believe that this letter was sent  
7 before permission was granted him to serve and work  
8 here?  
9 A I just don't know.  
10:52:21 10 Q Okay. In any case, other than by hand  
11 delivery, is there any other way for this to have been  
12 received by you other than the U.S. mail or  
13 hand-delivery?  
14 MR. SELSBERG: I'm sorry. Could you repeat  
10:52:34 15 that -- read that back, please?  
16 BY MR. ANDERSON:  
17 Q Is there any way for you to have received  
18 this other than by U.S. mail or hand-delivery by the --  
19 by the priest?  
10:52:45 20 A Not that I'm aware of.  
21 Q Okay. You weren't using faxes back then,  
22 were you?  
23 A I believe fax machines were being used in  
24 those years, yeah.  
10:53:12 25 Q Could have been faxed then, too?

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10:53:16 1 A Possibly.  
2 Q If it had been, would your -- would your file  
3 copy reflect that it would have been received by a fax  
4 machine?  
10:53:23 5 A I don't remember the capability of our fax  
6 machine in 1987, but they normally print something along  
7 the top.  
8 Q Right. Okay. So how do you think you  
9 got this -- how do you think this letter was sent?  
10:53:37 10 By -- by hand delivery or by U.S. mail?  
11 MR. SELSBERG: Objection; calls for speculation.  
12 BY MR. ANDERSON:  
13 Q That's why I'm asking what you think.  
14 A I just don't know.  
10:53:45 15 Q Okay. Besides you, who -- who might know  
16 that?  
17 MR. SELSBERG: Objection; calls for speculation.  
18 BY MR. ANDERSON:  
19 Q Who is in the best position to know that?  
10:53:56 20 A Probably then Monsignor Curry.  
21 Q Okay. He's coming up. We'll ask him.  
22 Let's go, then, to the letter. But before I  
23 do, I need to finish the question that I began. This  
24 letter certified Nicolas Aguilar Rivera -- Rivera's  
10:54:15 25 fitness to you, and you relied upon then-Bishop Norberto

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10:54:23 1 Rivera, correct?  
2 MR. SELSBERG: Objection; assumes facts not in  
3 evidence.  
4 MR. WOODS: Yeah. You keep inserting "you" in  
10:54:30 5 when he's made it, I thought, fairly clear that the  
6 vicar for clergy was the one who handled this by  
7 delegation.  
8 MR. ANDERSON: Counsel -- no.  
9 MR. WOODS: So you --  
10:54:43 10 MR. ANDERSON: Let him answer the question.  
11 MR. WOODS: All right.  
12 MR. ANDERSON: He can tell me if he doesn't  
13 understand it.  
14 BY MR. ANDERSON:  
10:54:46 15 Q You're the one this letter is addressed to,  
16 right?  
17 A Yes.  
18 Q And you're the one responsible ultimately for  
19 the placement of and the permission of Nicolas Aguilar  
10:55:00 20 Rivera to work in L.A. Archdiocese, correct?  
21 A Yes.  
22 Q Okay. And it is you, then, as the Ordinary  
23 that relied upon Bishop Rivera when he certified the  
24 fitness of Nicolas Aguilar -- Nicolas Aguilar Rivera to  
10:55:25 25 serve.

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10:55:27 1 MR. SELSBERG: Objection; assumes facts not in  
2 evidence and mischaracterizes his testimony.  
3 MR. WOODS: It's -- it's a very difficult  
4 question because --  
10:55:34 5 MR. ANDERSON: What's the objection?  
6 MR. WOODS: The word "you" is confusing.  
7 BY MR. ANDERSON:  
8 Q You in your capacity as Archbishop, Cardinal.  
9 Do you understand that, Cardinal?  
10:55:43 10 MR. WOODS: No. That's confusing. I mean --  
11 MR. ANDERSON: It's not confusing to him. This  
12 witness has given testimony before. He understands the  
13 question. He understands the question as well as I  
14 understand the protocol. He is the Ordinary. He is the  
10:56:00 15 one responsible. If he doesn't understand it, he can  
16 tell me. I don't need you to tell me that.  
17 MR. WOODS: Well, it's also the jury that will  
18 hear this testimony if taken out of context. The "you"  
19 that you're proposing to him is a delegated  
10:56:20 20 responsibility that he, "you," accepts. He's accepted  
21 that several times. He told you he accepts  
22 responsibility. But he may not have even seen this  
23 letter, and I think he said that too.  
24 So I mean I think you have to be clear in  
10:56:39 25 your question to prevent -- prevent some kind of misuse

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10:56:43 1 of it down the line.  
2 BY MR. ANDERSON:  
3 Q Okay. Cardinal, every question that I'm  
4 asking you is in your capacity as the Archbishop  
10:56:53 5 Cardinal. And in your capacity as the Archbishop  
6 Cardinal, it's correct to say that you relied upon the  
7 certification given in this letter in permitting Nicolas  
8 Aguilar Rivera to work in the L.A. Archdiocese?  
9 MR. WOODS: Okay.  
10:57:17 10 MR. SELSBERG: Objection; assumes facts not in  
11 evidence and mischaracterizes his testimony.  
12 MR. WOODS: Yeah. I think if you said "Did you  
13 personally" versus "you accepting the" -- the -- the --  
14 MR. ANDERSON: Don't tell me how -- let him  
10:57:32 15 answer the question.  
16 MR. WOODS: Okay. But the question --  
17 MR. ANDERSON: Don't tell me how to ask it. I  
18 don't need your help.  
19 MR. WOODS: It's confusing. It's confusing for  
10:57:38 20 the reasons I've stated, so I'm going to instruct him  
21 not to answer it because I think you can rephrase it.  
22 MR. ANDERSON: Unless the Cardinal says it's  
23 confusing, Don, let's not waste time on this.  
24 BY MR. ANDERSON:  
10:57:47 25 Q This is -- you know, Cardinal, do you

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10:57:49 1 understand the question?  
2 A I think the best thing is to repeat what I  
3 said a while ago. That is, I delegated Monsignor Curry,  
4 as vicar for the clergy, to handle all cases involving  
10:58:02 5 externs and their assignments.  
6 So I personally was not given this letter.  
7 Bishop Curry would not have said "We're going to assign  
8 him because we have this letter."  
9 Q Okay. Would it be correct, then, to say it's  
10:58:16 10 the Archdiocese of L.A.? Would that be a more correct  
11 way to ask the question? Is it correct to say, then,  
12 that the Archdiocese of Los Angeles relied upon this  
13 letter in determining whether or not Nicolas Aguilar  
14 Rivera was fit to be assigned here?  
15 A Yes.  
16 Q Okay. I'll use the Archdiocese. That will  
17 be easier. Because it could be you. It could be  
18 authority delegated to Monsignor Curry. Does that work?  
19 Does that work with you, Counsel?  
10:58:50 20 MR. WOODS: That would be much better.  
21 MR. ANDERSON: That's much better. Okay.  
22 BY MR. ANDERSON:  
23 Q Let me -- let me just rephrase those  
24 questions, then. It's correct, then, to say that the  
10:58:59 25 Archdiocese of L.A. relied upon Norberto Rivera in his

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10:59:07 1 representation that Nicolas Aguilar Rivera was safe to  
2 serve and work in the Archdiocese of L.A.?  
3 MR. SELSBERG: Objection; assumes facts not in  
4 evidence.  
10:59:23 5 THE WITNESS: I'll respond as I did before, that  
6 he met the requirements of Canon 271.  
7 BY MR. ANDERSON:  
8 Q And that means fit for ministry?  
9 A Fit for ministry.  
10:59:30 10 Q And fit for ministry means safe?  
11 A Well, it doesn't delineate a whole list of  
12 words. I just say "fit for ministry."  
13 Q Well, if you're a child molester, you're not  
14 fit for ministry, are you?  
10:59:43 15 A No.  
16 Q And -- and so this represents to the  
17 Archdiocese of L.A., does it not, that Norberto Rivera  
18 is -- is making an affirmative representation that  
19 Nicolas Aguilar Rivera is not a child molester?  
11:00:13 20 MR. SELSBERG: Objection; assumes facts not in  
21 evidence.  
22 BY MR. ANDERSON:  
23 Q Correct?  
24 A The letter is stating that he's a priest in  
11:00:22 25 good standing, being recommended for ministry here.

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11:00:26 1 Q And what does that mean to the Archdiocese in  
2 Canon Law and common parlance?  
3 A There are a whole list of qualities from the  
4 seminary, to be ordained, and they're all listed in the  
11:00:41 5 Code of Canon Law. So it's just a global endorsement.  
6 Q And that means that he's fit to be trusted by  
7 the community of faith?  
8 A Yes.  
9 Q It means he's fit to serve as a shepherd of  
11:00:54 10 community of faith?  
11 A Yes.  
12 Q It means that he's fit to minister the  
13 sacraments?  
14 A Yes.  
15 Q It means that he's fit to care for the  
16 welfare and the safety of the children of the  
17 Archdiocese?  
18 A Yes.  
19 Q It means that he's fit to be a priest?  
11:01:09 20 A Yes.  
21 Q To wear a collar?  
22 A Yes.  
23 Q To hold himself out as being safe and  
24 celibate?  
11:01:16 25 A Yes.

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11:01:42 1 Q Let's -- let's go to the letter, then, and  
2 have you read the letter as you have translated or --  
3 into the record as you read the letter. It's a brief  
4 letter.  
11:02:00 5 A Well, I find that a bit awkward. You're  
6 really asking me to take somebody else's translation and  
7 try to comport it to -- I prefer to stay with the  
8 Spanish.  
9 Q Okay. Well --  
11:02:17 10 MR. WOODS: I think he --  
11 BY MR. ANDERSON:  
12 Q So then -- so then I need to know what it is  
13 that you think it says. If you take the -- the English  
14 translation, you would make -- the only corrections you  
11:02:29 15 would make would be at the fourth line down,  
16 providing -- excuse me -- third line down, you would  
17 supplant or substitute "who" with the word -- instead of  
18 the word "which"; is that correct?  
19 A Yes.  
11:02:47 20 MR. SELSBERG: I object to the witness's  
21 competency to translate the letter.  
22 BY MR. ANDERSON:  
23 Q And then the next correction that you would  
24 be making would be at the fourth line, beginning with --  
11:02:58 25 with "If His Excellency"?

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11:03:00 1 MR. SELSBERG: Same objection.  
2 THE WITNESS: Well --  
3 BY MR. ANDERSON:  
4 Q Why don't you read that line for me as you  
11:03:05 5 read it from the Spanish version. . .  
6 A I'm going to give you my translation from the  
7 Spanish. I'm not going to --  
8 Q That's what I'm asking you to do.  
9 A I'm not going to rely on this.  
10 Q Yes. Read the Spanish version.  
11:03:16 11 A "I do not have any reason or basis to not  
12 grant permission if Your Excellency were to accept him  
13 for work in your local church."  
14 Off the record, if we could.  
11:03:53 15 MR. ANDERSON: Sure.  
16 THE VIDEOGRAPHER: Off the record, the time is  
17 11:03.  
18 (Discussion held off the record from  
19 11:03 a.m. until 11:04 a.m.)  
11:04:13 20 THE VIDEOGRAPHER: On the record, the time is  
21 11:04.  
22 BY MR. ANDERSON:  
23 Q I was trying to write that down, Cardinal.  
24 And the last part of it is "you are to accept him for  
11:04:24 25 work in the church." Is that the way --

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11:04:23 1 A "If Your Excellency were to accept him  
2 for" -- "that he might work in your local church."  
3 Q Did this letter give you -- excuse me. Did  
4 this letter give the Archdiocese any warning that this  
11:04:46 5 guy shouldn't be put -- put in ministry?  
6 MR. SELSBERG: Objection; assumes facts not in  
7 evidence and calls for speculation.  
8 THE WITNESS: Well, the letter and the language  
9 that's before me is a letter of recommendation.  
11:05:20 10 MR. WATERS: This is one that's been marked.  
11 MR. ANDERSON: Cardinal, we're going to put  
12 before you now the declaration that has been filed in  
13 this case by now Cardinal Norberto Rivera. We will mark  
14 this for identification as Exhibit 100A.  
11:05:42 15 MR. WATERS: No. The Spanish translation is  
16 Exhibit 100, the English translation which immediately  
17 follows it is 100A, and the certificate of translation  
18 is attached to the English translation.  
19 THE WITNESS: Yes.  
11:05:54 20 BY MR. ANDERSON:  
21 Q Now, this is a translation that was done, I  
22 think, by you folks.  
23 MR. SELSBERG: We did do one. I don't know what  
24 you're using, but --  
11:06:01 25 MR. ANDERSON: Okay. And we're using the one

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11:06:03 1 that was supplied to us and submitted to the court.  
2 MR. SELSBERG: Okay.  
3 MR. ANDERSON: So there's no objection to this  
4 translation, I assume.  
11:06:09 5 MR. SELSBERG: I'm sorry. I don't have the  
6 document. But if what you're saying is --  
7 MR. ANDERSON: It's the one that's on file.  
8 MR. SELSBERG: Okay.  
9 BY MR. ANDERSON:  
11:06:18 10 Q So, Cardinal, what we have here is a Spanish  
11 and an English version. I'm going to use the English  
12 version. Okay?  
13 Have you seen this?  
14 A This document?  
11:06:28 15 Q Yeah.  
16 A No.  
17 Q Okay. You'll see that this is at page 7 --  
18 excuse me -- at page 6 is signed by Cardinal Norberto  
19 Rivera Carrera. Do you see that?  
11:07:00 20 A Yes.  
21 Q And I'll represent to you this is a  
22 declaration that he has made in this case and that he,  
23 through his lawyers, has been placed into the record on  
24 this -- on this case. Okay?  
11:07:12 25 A Yes.

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11:07:14 1 Q And the declaration is -- is a statement made  
2 by him under oath to be used by us here. Okay?  
3 A Yes.  
4 MR. SELSBERG: To be used by us here? It's to be  
11:07:25 5 used in the case.  
6 MR. ANDERSON: In the case. We're here on this  
7 case, Counsel.  
8 MR. SELSBERG: Gotcha.  
9 BY MR. ANDERSON:  
11:07:36 10 Q You'll see at number 9?  
11 MR. WOODS: Paragraph 9?  
12 MR. ANDERSON: Yes.  
13 THE WITNESS: Excuse me. You're using numbers  
14 along this side? Okay.  
11:07:49 15 MR. ANDERSON: Yes. Yes.  
16 BY MR. ANDERSON:  
17 Q And that's page 2.  
18 A Yes.  
19 Q It states, "In 1986, in my capacity as Bishop  
11:07:56 20 of Diocese of Tehuacan, I learned that defendant, Father  
21 Nicolas Aguilar, then parish priest at the Parish of  
22 San Sebastian, had been assaulted at his parish  
23 residence on August 7th, 1986."  
24 My question to you, Cardinal, is do you know  
11:08:33 25 anything about the circumstances of that assault?

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11:08:39 1 A I do not.  
2 Q The next sentence states, "Because there were  
3 rumors that grown men stayed overnight at the church  
4 where Father Aguilar lived, I suspected that a  
11:09:02 5 homosexual incident had precipitated the assault on  
6 Father Aguilar."  
7 My question to you first, Cardinal, is do you  
8 know anything about what -- about these rumors that he  
9 is referring to here?  
11:09:21 10 A I do not.  
11 Q Before you read this declaration, have you  
12 read or heard anything about what he is referring to  
13 here --  
14 MR. WOODS: Okay. I just want to object.  
11:09:32 15 BY MR. ANDERSON:  
16 Q -- other than with counsel?  
17 MR. WOODS: I just want to object to the form of  
18 the question in that the question assumes he's read the  
19 declaration, and, in fact, he's testified that he's  
11:09:42 20 never seen it before.  
21 MR. ANDERSON: You didn't listen to the question.  
22 I said --  
23 MR. WOODS: Just take the preamble off, and he'll  
24 answer the question.  
11:09:50 25 BY MR. ANDERSON:

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11:09:50 1 Q Okay. Do you know anything about this?  
2 A No.  
3 Q It states there were grown men stayed  
4 overnight and homosexual incident that precipitated the  
11:10:16 5 assault on Father Aguilar.  
6 Would the Archdiocese of L.A. accepted this  
7 priest if it and you had known that in August of '86,  
8 grown men had stayed overnight and there had been a  
9 homosexual incident that precipitated the assault?  
11:10:40 10 MR. SELSBERG: Objection; assumes facts not in  
11 evidence.  
12 MR. WOODS: Okay. Also, it read from the  
13 document incorrectly as -- by way of a preamble. So  
14 could you just ask him the question? I object that it's  
11:10:56 15 confusing. Instruct him not to answer. Just ask him if  
16 they would accept under these circumstances.  
17 BY MR. ANDERSON:  
18 Q Did you hear the question, Cardinal?  
19 A I'm confused now. Could you repeat the  
11:11:11 20 question?  
21 Q Okay. Would you have accepted or would the  
22 Archdiocese have accepted this priest for work in the  
23 L.A. Archdiocese if it and you had known that grown men  
24 had stayed overnight at the church where Father Aguilar  
11:11:30 25 lived and that there had been a homosexual incident that

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11:11:38 1 precipitated an assault upon him?  
2 MR. SELSBERG: Objection. That assumes facts not  
3 in evidence, and it calls for speculation.  
4 THE WITNESS: I would prefer to answer it in --  
11:11:57 5 you've asked two pieces of it. The first part you said  
6 rumors that grown men stayed overnight at the church.  
7 It could very well happen that a brother of  
8 his would come and stay there or some other person that  
9 he -- a family member stayed at the rectory. That, in  
11:12:18 10 itself, I would not see as prohibitive. But certainly,  
11 any suspicion of homosexual activity, absolutely.  
12 BY MR. ANDERSON:  
13 Q If there had been -- so -- so that I  
14 understand your answer, if there had been suspicion by  
11:12:36 15 Cardinal, then Bishop, Rivera of homosexual activity,  
16 would you have accepted or permitted Nicolas Aguilar  
17 Rivera to have worked in the Archdiocese of L.A.?  
18 MR. SELSBERG: Objection; calls for speculation.  
19 MR. WOODS: Okay. The -- the question is also  
11:12:59 20 compound in that it talks about if there were suspicions  
21 or knowledge.  
22 So I'll let you answer it. You can deal with  
23 it.  
24 THE WITNESS: If we had been given that factual  
11:13:08 25 information, we would not have accepted him.

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11:13:11 1 BY MR. ANDERSON:  
2 Q The next sentence states, "At the same time,  
3 Father Aguilar's performance at the parish had caused  
4 controversy and some resentment in some members of the  
11:13:35 5 community because he had removed some persons that were  
6 selling goods in the church entrance and courtyard." Do  
7 you know anything about that?  
8 A I do not.  
9 Q It then states, "Thus, I was not sure if the  
11:13:49 10 rumors were true or were instead motivated by  
11 resentment."  
12 It then states, "There was no evidence to  
13 suggest that the incident involved any minor children  
14 nor was the involvement of minor children ever alleged."  
11:14:11 15 Did I read that correctly?  
16 MR. SELSBERG: I'm sorry. I didn't hear the  
17 question because of the noise with the tape. What was  
18 the question?  
19 BY MR. ANDERSON:  
11:14:22 20 Q Did I read that correctly?  
21 MR. SELSBERG: Oh.  
22 THE WITNESS: So stipulated.  
23 BY MR. ANDERSON:  
24 Q Cardinal, what does the Spanish term  
11:14:35 25 "chamaco" mean to you?

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11:14:38 1 MR. WOODS: I'm going to object to the question  
2 as beyond the scope of this deposition, which is limited  
3 to jurisdictional issues, and instruct the witness not  
4 to answer.  
11:14:48 5 MR. SELSBERG: I object to the competency of the  
6 witness to answer that question.  
7 BY MR. ANDERSON:  
8 Q Cardinal, if you -- in Exhibit 23, the letter  
9 of fitness from Cardinal Rivera to you upon which you  
11:15:09 10 relied, it said that Nicolas Aguilar was suspected of  
11 homosexual incidents with chamacos, what would that have  
12 meant to you?  
13 MR. SELSBERG: Objection. That calls for  
14 speculation.  
11:15:32 15 MR. WOODS: I'm going to object that it's not --  
16 sorry.  
17 MR. SELSBERG: And it assumes facts not in  
18 evidence.  
19 MR. WOODS: I'm going to object that it's  
11:15:39 20 hypothetical, facts not in evidence. It's not the facts  
21 that were presented, and it's beyond the scope of this  
22 deposition. And I'll instruct the witness not to  
23 answer.  
24 BY MR. ANDERSON:  
11:16:01 25 Q If Cardinal Rivera had represented to you

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11:16:05 1 that youngsters or kids had been involved in the  
2 incidents referred to in this declaration as opposed to  
3 grown men, would you have accepted him for work in the  
4 Archdiocese?  
11:16:20 5 MR. SELSBERG: Objection. That calls for  
6 speculation and assumes facts not in evidence.  
7 MR. WOODS: I'll let him answer it as further  
8 explanatory of an earlier answer.  
9 THE WITNESS: No. We would not have accepted  
11:16:33 10 him.  
11 BY MR. ANDERSON:  
12 Q When Monsignor Curry brought the information  
13 regarding Rivera -- Nicolas Aguilar Rivera first to you,  
14 you knew that his -- he was suspected of sexual abuse of  
11:16:46 15 youngsters or kids?  
16 MR. SELSBERG: Objection; assumes facts not in  
17 evidence.  
18 THE WITNESS: When you said first brought the  
19 information about Father Aguilar, you mean when he first  
11:16:58 20 came?  
21 BY MR. ANDERSON:  
22 Q Yes. When Monsignor Curry first came to you  
23 and said Nicolas Aguilar Rivera has been suspected of --  
24 of misconduct.  
11:17:09 25 A Oh, this is the following year.

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11:17:11 1 Q Yeah. The following year. You knew that  
2 involved kids or youngsters?  
3 MR. WOODS: I'm confused now. Could you give us  
4 a clear question?  
11:17:19 5 BY MR. ANDERSON:  
6 Q When Monsignor Curry first brought the  
7 information to you about Nicolas Aguilar Rivera and  
8 involved in misconduct, it was sexual misconduct  
9 involving kids, was it not?  
11:17:35 10 A That's right.  
11 Q Okay. In the exhibit, there's reference to  
12 family and health reasons.  
13 MR. SELSBERG: Are you talking about the  
14 declaration or the letter or --  
11:18:05 15 MR. ANDERSON: The letter.  
16 BY MR. ANDERSON:  
17 Q What does the letter say about the reasons  
18 Nicolas Aguilar was sent here?  
19 A The -- the letter says that because of family  
11:18:17 20 reasons and reasons of health, he wishes to come to  
21 serve in the Archdiocese for one year.  
22 Q When the phrase "family and health reasons"  
23 was used in this letter and is used, is that code, or  
24 does that provide a warning to the Archdiocese that this  
11:18:55 25 priest suffers from some sort of problem?

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11:19:00 1 MR. SELSBERG: Objection; compound.  
2 THE WITNESS: Absolutely not.  
3 BY MR. ANDERSON:  
4 Q I'm going to refer you to the declaration of  
11:19:10 5 Cardinal Rivera at paragraph 11, numbered 11. You'll  
6 see it begins with "After I obtained a replacement on  
7 January 27th --  
8 A Yes.  
9 Q -- Father Aguilar tendered me his irrevocable  
11:19:37 10 resignation from San Sebastian Martir Parish." He's  
11 corrected that, but that's not important now. And it  
12 states, "and indicated his intention to move to  
13 Los Angeles, California.  
14 "That same day, at Father Aguilar's request  
11:20:01 15 and as was customary in the church, I wrote a letter  
16 introducing him to Cardinal Roger Mahony, then  
17 Archbishop of Los Angeles." This would refer to the  
18 exhibit that we've already identified, correct?  
19 A Yes.  
11:20:17 20 Q And that is correct to say that that was a  
21 customary way to introduce him to you?  
22 A Yes.  
23 Q He says "introduction." And in his  
24 deposition, he claims that the letter that he sent was a  
11:20:32 25 simple introduction and not a recommendation. What do

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11:20:34 1 you say to that, Cardinal?  
2 A Well, I interpret this as a very clear letter  
3 of recommendation.  
4 Q And when he says it's an introduction and you  
11:20:47 5 say it's a recommendation, in -- in -- in the parlance  
6 of the church, how can there be a difference between the  
7 two, you and he?  
8 MR. SELSBERG: Objection; calls for speculation.  
9 MR. WOODS: I agree it calls for speculation and  
11:21:07 10 instruct him not to answer.  
11 BY MR. ANDERSON:  
12 Q Okay. Go to line 24 in paragraph 11. You'll  
13 see at line 24, it states, "nor did I recommend him for  
14 such duties." Do you see that?  
11:21:31 15 A Yes.  
16 Q Cardinal Rivera has asserted in this  
17 declaration and under oath at no time did he recommend  
18 Nicolas Aguilar Rivera to this Archdiocese for duties.  
19 What do you say to that?  
11:21:54 20 MR. WOODS: I'm going to object to the form of  
21 the question. It's not a question. And I'll instruct  
22 him not to answer. Are you asking him does he agree or  
23 disagree? Is that the question?  
24 BY MR. ANDERSON:  
11:22:07 25 Q You can answer the question as asked.

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11:22:09 1 MR. WOODS: Okay. I instruct him not to answer.  
2 BY MR. ANDERSON:  
3 Q Do you agree that -- with Cardinal Rivera in  
4 his declaration under oath that he did not recommend  
11:22:23 5 Nicolas Aguilar for duty to you -- to the Archdiocese?  
6 A I would just say I consider this a very  
7 positive letter of recommendation, and that is my  
8 interpretation of it.  
9 Q Let's go to the phrase "family and health  
11:22:52 10 reasons."  
11 Before I do that, let's go to the next line.  
12 And let me read from this first, and then I'll ask you a  
13 question.  
14 A Excuse me. Which line?  
11:23:13 15 Q I'm going -- I'm going to back it up a little  
16 bit so that we can get some context here.  
17 MR. WOODS: Okay. We're back in Exhibit 100.  
18 BY MR. ANDERSON:  
19 Q And we're at Exhibit 100, page 3, paragraph  
11:23:29 20 11. And line 18, I will read -- excuse me -- line 17, I  
21 will read. "That same day, at Father Aguilar's request  
22 and as was customary in the church, I wrote a letter  
23 introducing him to defendant Cardinal Roger Mahony, then  
24 Archbishop of Los Angeles Archdiocese. In that letter,  
11:23:54 25 I explained that Father Aguilar planned to travel to

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11:24:00 1 Los Angeles."  
2 Does that letter explain that, that he was  
3 planning to travel to Los Angeles?  
4 MR. SELSBERG: Objection; calls for speculation.  
11:24:15 5 THE WITNESS: Well, again, I like to go back to  
6 the Spanish, Cardinal Rivera's Spanish version. Because  
7 he says "I wrote a letter," "presentandolo." That  
8 doesn't mean introducing as if "Here's Mr. Smith. Meet  
9 Mr. Brown." "Presentandolo," in that sense, means  
11:24:41 10 presenting, offering him in a more positive sense. So  
11 that's why I keep looking back and forth here. So --  
12 BY MR. ANDERSON:  
13 Q No. That's fair, Cardinal. I think that's  
14 important. "Presentandolo" to you means --  
11:24:55 15 A More than introducing.  
16 Q -- more than a presentation. It's a  
17 recommendation.  
18 A Yeah.  
19 Q Is that right?  
11:24:59 20 A For me, I interpreted more than the word  
21 "introduce."  
22 Q Okay. And then let's go back, then, to what  
23 Cardinal Rivera says in his declaration about that.  
24 Line 19, "In that letter, I explained that Father  
11:25:16 25 Aguilar planned to travel to Los Angeles because I did

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11:25:22 1 not know whether the rumors of Father Aguilar's  
2 homosexuality were true or instead motivated by  
3 resentment within the community, I was uncertain as to  
4 whether Father Aguilar was fit to continue in service as  
11:25:38 5 a priest."  
6 At any time, did Cardinal Rivera, then Bishop  
7 Rivera, by that letter or otherwise signal to you that  
8 he was uncertain as to whether Aguilar was fit to  
9 continue in service as a priest?  
11:26:03 10 A No.  
11 Q And you wouldn't have ever put him in service  
12 in the Archdiocese as a priest had he so signaled to  
13 you, correct?  
14 MR. SELSBERG: Objection; calls for speculation.  
11:26:15 15 THE WITNESS: That's correct. I would not have.  
16 BY MR. ANDERSON:  
17 Q He goes on to state under oath, "As such, I  
18 did not grant a license to Father Aguilar to take up  
19 priestly duties in Los Angeles, granting such licensure  
11:26:33 20 was beyond my authority as bishop of the diocese in any  
21 event, nor did I recommend him for such duties."  
22 Is this the first time you've read this?  
23 A Yes.  
24 Q Okay. He's saying that -- what is your  
11:27:04 25 response to your reading of that?

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11:27:06 1 MR. WOODS: Okay. I'm going to object. That's  
2 not even a question, really.  
3 MR. HABEL: It's argumentative.  
4 MR. WOODS: Instruct not to answer.  
11:27:15 5 Argumentative.  
6 BY MR. ANDERSON:  
7 Q Well, when you read what the Cardinal has  
8 written under oath about this letter and his  
9 representations to you and how he characterizes it, what  
11:27:32 10 is your reaction to that?  
11 MR. SELSBERG: Objection. That  
12 mischaracterizes -- I mean that mischaracterizes the  
13 document that you're reading from.  
14 MR. WOODS: It's also compound because you  
11:27:45 15 read -- read fairly complex sentences, and it's  
16 confusing to a lay witness to just say "What do you" --  
17 "What's your reaction to it?" I mean it's not a proper  
18 question.  
19 BY MR. ANDERSON:  
11:27:58 20 Q Okay. Well, when he says "I was uncertain as  
21 whether he was fit to serve as a priest and I did not  
22 recommend him for duty as a priest to the Archdiocese,"  
23 what is your reaction to that?  
24 A Again, my reading of the January 27th, 1987,  
11:28:15 25 letter is the opposite.

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11:28:30 1 Q When did you first learn from any source that  
2 Cardinal, formerly Bishop, Norberto Rivera was asserting  
3 in this case or otherwise that he had not recommended  
4 this priest for fitness to serve in the Archdiocese?  
11:28:54 5 MR. WOODS: I'm going to let you answer that, but  
6 please exclude any conversations of a privileged nature  
7 with your attorneys. So if you heard about it in the  
8 newspaper or any other place, you can answer it.  
9 THE WITNESS: Now, would you repeat the question  
11:29:09 10 and make sure I got --  
11 BY MR. ANDERSON:  
12 Q When did you first learn that Cardinal Rivera  
13 was asserting that he had not recommended Aguilar Rivera  
14 to the Archdiocese of L.A.?  
11:29:19 15 A I don't recall the exact date, but it was  
16 sometime after this matter became public when we learned  
17 about it in the newspaper articles, sometime in that  
18 area.  
19 Q Okay. What year would that have been,  
11:29:34 20 Cardinal?  
21 A That would have been 1988.  
22 Q Going back to the declaration at line 26, he  
23 states, "However, because I suspected that Father  
24 Aguilar might be homosexual, I cautioned that the  
11:29:53 25 motivation for Father Aguilar's trip to Los Angeles was,

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11:29:59 1 quote, family and health reasons, unquote. The phrase,  
2 quote, family and health reasons, unquote, was used  
3 within the church to warn when the priest suffers from  
4 some sort of problem."  
11:30:22 5 My question to you is does the phrase "family  
6 and health reasons" used in the context here signal a  
7 warning that a priest suffers from some sort of problem?  
8 A That's the first time I've ever heard that.  
9 Q He goes on to state, "I anticipated" -- at  
11:30:57 10 page 4 -- I am now line 1. He states, "I anticipated  
11 that Cardinal Mahony would request a more detailed  
12 account of Father Aguilar's history and problems if he  
13 decided to consider Father Aguilar as an employee of the  
14 Los Angeles Archdiocese."  
11:31:27 15 My question to you is did he ever tell you  
16 that he anticipated or expected you to get more  
17 information before considering him for employment?  
18 MR. SELSBERG: Objection; calls for speculation,  
19 assumes facts not in evidence, and is vague.  
11:31:46 20 MR. WOODS: The "he" is then-Bishop Rivera?  
21 MR. ANDERSON: Yes.  
22 MR. WOODS: Did he ever tell you?  
23 THE WITNESS: No.  
24 BY MR. ANDERSON:  
11:31:56 25 Q And so when is the first time that you

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11:32:01 1 learned from any source, apart from reading this today,  
2 that Cardinal Rivera is asserting or has asserted that  
3 he expected or anticipated that you would make further  
4 inquiry before employing or placing this priest?  
11:32:23 5 A It would be in that same time zone back in  
6 1988. I don't recall exactly when, but shortly after  
7 all of this blew up.  
8 Q Okay. It's correct that at all times,  
9 Nicolas Aguilar Rivera was a priest at the Diocese of  
11:32:38 10 Tehuacan?  
11 A Yes.  
12 Q In order for him to serve in the Archdiocese  
13 of L.A., Cardinal Rivera has to -- has to recommend him  
14 and assert about his fitness under Canon Law, correct?  
11:32:51 15 A Yes, that's correct.  
16 Q And it's also correct to say that when and if  
17 he's -- he's allowed to serve in the Archdiocese of L.A.  
18 as he was, you, as the Ordinary, give him permission to  
19 serve and grant him faculty to serve in the Archdiocese?  
11:33:11 20 A That's correct.  
21 Q And the only thing you do is give him  
22 permission to serve here, correct?  
23 A Yes.  
24 Q And to minister all of the faculties of a  
11:33:20 25 priest, the full faculties of a priest, correct?

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11:33:23 1 A Yes.  
2 Q He at all times while serving here remains a  
3 priest of the Diocese of Tehuacan?  
4 A Correct.  
11:33:29 5 Q And under his promise of obedience to his  
6 superior, then Bishop Rivera, correct?  
7 A Correct.  
8 Q He has an obligation to you, however, because  
9 you've given him permission to serve here, to -- to make  
11:33:43 10 sure that he conducts himself in accord with his  
11 obligations as a priest, correct?  
12 A Yes.  
13 Q While he's serving in the Archdiocese of L.A.  
14 as a priest -- and you know he's served here for --  
11:33:58 15 worked here for nine months. Did you know that?  
16 A Yes.  
17 Q While he worked here for nine months,  
18 Cardinal Rivera remained his superior, did he not?  
19 A Correct.  
11:34:10 20 Q And Cardinal Rivera remained his ultimate  
21 supervisor, did he not?  
22 A Yes.  
23 Q And he could not come to the U.S. and be --  
24 and even work as a priest here without the express  
11:34:22 25 permission and recommendation of Cardinal Rivera,

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11:34:24 1 correct?  
2 A Yes.  
3 Q It was Cardinal Rivera -- did you in any way  
4 facilitate his transfer here through immigration or  
11:34:33 5 transportation or anything like that?  
6 A Of Father Aguilar Rivera?  
7 Q Yes.  
8 A Yes.  
9 Q How -- how -- how did that happen?  
11:34:41 10 A It's customary when a priest comes, who has  
11 the proper visa, to -- and we are going to receive him  
12 for a limited period of time, to get his status  
13 regularized while he's here.  
14 Q Did -- as far as you know, was Rivera --  
11:34:59 15 Nicolas Aguilar Rivera in compliance with immigration  
16 when he -- when he came here?  
17 A As far as I know, yes.  
18 Q Did he have a visa or permission to work?  
19 A I don't know. Bishop Curry would have been  
11:35:14 20 the one to look into those matters with him.  
21 Q Okay. Have you ever discussed that with  
22 Curry or received any information from any source  
23 whether or not he was or was not in compliance with the  
24 immigration laws?  
11:35:27 25 A I don't recall ever discussing with him, no.

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11:35:43 1 Q Cardinal Rivera in this declaration reasserts  
2 that he never recommended him to you or the Archdiocese.  
3 At line 19, page 4 -- I'd like to direct your attention  
4 to that.  
11:36:04 5 Line 19, he states, "Nonetheless, I never  
6 recommended Father Aguilar for pastoral work in the  
7 Los Angeles Archdiocese in that letter, as Father  
8 Aguilar had requested, as I was uncertain whether he was  
9 fit for such work."  
11:36:27 10 MR. SELSBERG: Is that a question?  
11 MR. ANDERSON: Whether he was --  
12 MR. SELSBERG: It's a different -- it's a  
13 different letter, isn't it? I think it's referring to a  
14 different -- can you clarify? It's vague and ambiguous.  
11:36:38 15 MR. ANDERSON: Yeah. Yeah.  
16 MR. SELSBERG: If you can just clarify --  
17 MR. ANDERSON: Yeah. I think I will.  
18 BY MR. ANDERSON:  
19 Q Let me ask you this, Cardinal. Was it  
11:36:50 20 customary for you to receive a priest from outside the  
21 diocese on a letter such as that sent by bishop -- then  
22 Bishop Rivera to you?  
23 MR. SELSBERG: Objection; ambiguous, vague.  
24 THE WITNESS: Yes. Particularly when it stated  
11:37:15 25 this is for a one-year term.

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11:37:18 1 BY MR. ANDERSON:  
2 Q And then whose decision would it have been  
3 for him to continue here after the expiration of that  
4 year? It would have been up to his Ordinary, his  
11:37:29 5 superior, -- would it not?  
6 A That's right.  
7 Q And if he had been allowed to continue beyond  
8 that year, the Ordinary would have requested permission  
9 of you to see if he could continue, correct?  
11:37:39 10 A Yes.  
11 Q That's the custom and practice?  
12 A Yes.  
13 Q Why don't we take a short break here, just a  
14 few minutes, ten minutes or something.  
11:37:56 15 MR. WOODS: Okay.  
16 THE WITNESS: Sure.  
17 THE VIDEOGRAPHER: Off the record, the time is  
18 11:38.  
19 (Recess taken from 11:38 a.m. until  
11:38:00 20 11:48 a.m.)  
21 THE VIDEOGRAPHER: On the record, the time is  
22 11:48.  
23 BY MR. ANDERSON:  
24 Q All right. Cardinal, let's go back to this  
11:48:38 25 phrase "family and health reasons." Referring to the

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11:48:41 1 declaration 100A and in the English version, which is  
2 100A, page 3, line 27, Cardinal Rivera states, "I  
3 cautioned that the motivation for Father Aguilar's trip  
4 to Los Angeles was family and health reasons."  
11:49:14 5 My question to you is was there anything in  
6 what Cardinal Rivera communicated to you or how he  
7 communicated it in custom or in practice within the  
8 church that would send you a caution or a warning or a  
9 clue that this priest was not fit for ministry?  
11:49:47 10 MR. SELSBERG: Objection; compound.  
11 THE WITNESS: No.  
12 BY MR. ANDERSON:  
13 Q Nothing at all?  
14 A Nothing.  
11:49:52 15 Q This guy -- in other words, he gave this guy,  
16 as far as -- as far as the Archdiocese was concerned, a  
17 clean bill of health. "You can" -- "You can let him  
18 work here, you can let him serve here, and you can put  
19 him in charge of the community of faith here?"  
11:50:06 20 MR. SELSBERG: Objection; assumes facts not in  
21 evidence.  
22 THE WITNESS: Well, again, the language of the  
23 letter to me is a very positive recommendation.  
24 BY MR. ANDERSON:  
11:50:14 25 Q Okay. And is there anything in that same

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11:50:19 1 letter or from any other source coming from Norberto  
2 Rivera, then Bishop, that would cause you to pause or  
3 require you to investigate further his fitness, that is,  
4 Aguilar -- Aguilar -- Nicolas Aguilar's fitness to  
11:50:40 5 serve?  
6 A No.  
7 Q Let's go to -- to the declaration again. And  
8 in the declaration, 100C at page 3, line 3, and you'll  
9 see in the English version, it says "Because there were  
11:51:13 10 rumors that grown men stayed overnight." That's what it  
11 says.  
12 A Yes.  
13 Q Look at 100, the Spanish version, at line 5,  
14 page 3. In the Spanish version in that sentence, the  
11:51:42 15 term "hombres adultos" is used, is it not?  
16 A Yes.  
17 Q If the term "chamacos" had been used there,  
18 would that have a different meaning for you as a reader?  
19 MR. SELSBERG: Objection; calls for speculation,  
11:51:58 20 and I object to the competency of this witness to do  
21 translations.  
22 BY MR. ANDERSON:  
23 Q You can answer.  
24 MR. WOODS: I also object that it's a  
11:52:08 25 hypothetical, not conforming with the facts presented

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11:52:14 1 here, and instruct the witness not to answer.  
2 MR. ANDERSON: On the basis of? What's the legal  
3 objection --  
4 MR. WOODS: You're asking --  
11:52:25 5 MR. ANDERSON: -- for the instruction?  
6 MR. WOODS: You're asking him for an expert in  
7 translation of the Spanish language. You're asking him  
8 as expert in church law.  
9 MR. ANDERSON: No, I'm not. Is it relevancy, or  
11:52:37 10 is it --  
11 MR. WOODS: All of those things I've mentioned.  
12 MR. ANDERSON: Just give me the legal objections  
13 so we can deal with it in court. Relevancy or what?  
14 MR. WOODS: Okay. It calls for an expert  
11:52:46 15 opinion. He's not been designated or being asked to  
16 testify here as an expert. It calls for translation.  
17 He's not here as an expert in translation. It assumes  
18 facts not in evidence and is argumentative and is  
19 confusing, and it's not relevant to the jurisdictional  
11:53:08 20 issue.  
21 MR. HABEL: Hypothetical.  
22 MR. WOODS: It's a hypothetical.  
23 BY MR. ANDERSON:  
24 Q I'm going to --  
11:53:30 25 MR. WOODS: Let me just --

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11:53:31 1 MR. ANDERSON: Just a minute.  
2 MR. WOODS: Okay.  
3 MR. ANDERSON: We're going to go to court over  
4 this.  
11:53:34 5 MR. WOODS: Fine.  
6 MR. ANDERSON: If you want to let him answer now,  
7 that's fine. If you don't, we're fighting this thing.  
8 MR. WOODS: Okay.  
9 MR. ANDERSON: I just want you to know so, you  
11:53:42 10 know, if you want to reconsider, that's fine.  
11 MR. SELSBERG: I ask that you all do that today.  
12 MR. ANDERSON: Well, look, we've got questions to  
13 ask. If we can do it, we will. But we've got other  
14 questions to ask, and you've already made it difficult  
11:53:57 15 enough and used enough time making what I consider  
16 frivolous objections that -- you know, we're going to  
17 try to use the time to get to the substance of this.  
18 BY MR. ANDERSON:  
19 Q I'm going to show you now what we've marked  
11:54:09 20 Exhibit 19, Cardinal. The translation would be 19A and  
21 then the certification of the translation.  
22 (Whereupon, Exhibit 19 was introduced and  
23 marked for identification by the Certified Shorthand  
24 Reporter, a copy of which is attached hereto.)  
11:54:24 25 MR. WOODS: I'm going to need a copy.

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11:54:31 1 BY MR. ANDERSON:  
2 Q And I will represent to you that this has  
3 been produced in this -- in this litigation by Cardinal  
4 Rivera's lawyers and the Diocese of Tehuacan. It is a  
11:54:51 5 police report of the Puebla State Police in 1986. Okay.  
6 It pertains to Nicolas Aguilar Rivera and the incident  
7 in August that preceded his departure from Tehuacan.  
8 Okay.  
9 And so that we can be somewhat brief here, 15  
11:55:34 10 lines down in the English version, I'm going to read --  
11 because you speak Spanish, you might be able to help me.  
12 But in the English version at 15 lines down, it says "I  
13 work here at the service of the parish in the afternoon.  
14 A youngster wearing a green suit and tennis shoes" -- do  
11:56:10 15 you see that line on the English version I just read?  
16 A Yes.  
17 Q Now look at the Spanish version and track  
18 that line.  
19 A Boy, this is very difficult to read. This --  
11:56:34 20 Okay. "Yo trabajo aqui," "I work here at the service of  
21 the parish," all right, "in the afternoon."  
22 Q Okay.  
23 A All right.  
24 Q And -- yes. And then go ahead and read what  
11:56:43 25 it says.

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11:56:46 1 A I have to do it in Spanish, you mean?  
2 MR. WOODS: Just read it to yourself, he means.  
3 BY MR. ANDERSON:  
4 Q No. As you read it, beginning with "I work  
11:56:52 5 here at the service of the parish in the afternoon."  
6 Why don't you read what the Spanish version says to you  
7 as you read it.  
8 MR. WOODS: Okay. I'm going to object to the  
9 question. It's calling for a translation, which has  
11:57:04 10 nothing to do with jurisdiction. This is a document  
11 that never was communicated from Mexico to United  
12 States. It has nothing to do with any purposeful  
13 activity by the Mexican defendants in doing business in  
14 California. It never was presented.  
11:57:26 15 You're now going -- what you're trying to do  
16 is get a translation of a specific word or a sentence.  
17 That's not his job to do translations. You can hire a  
18 person to do a translation. He's not here to do  
19 translations.  
11:57:42 20 MR. ANDERSON: Counsel, it -- it is central to  
21 the inquiry.  
22 MR. WOODS: It's central to your case --  
23 MR. ANDERSON: No.  
24 MR. WOODS: -- not central to jurisdiction.  
11:57:49 25 MR. ANDERSON: This is -- this is what -- this is

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