

1 STATE OF ILLINOIS )  
 2 COUNTY OF D U P A G E ) SS.

**ORIGINAL**

3 IN THE CIRCUIT COURT OF THE  
 4 EIGHTEENTH JUDICIAL CIRCUIT  
 DUPAGE COUNTY, ILLINOIS

5 JOHN DOE 85, )  
 6 Plaintiff, )  
 7 vs. ) No. 03 L 1011  
 8 THE ROMAN CATHOLIC DIOCESE OF )  
 9 JOLIET INC., a Trust, and )  
 10 BISHOP JOSEPH L. IMESCH, as )  
 11 Trustee for the Roman Catholic )  
 12 Diocese of Joliet, Inc., and )  
 EDWARD STEFANICH, )  
 Defendants. )

13 The deposition of BISHOP JOSEPH IMESCH  
 14 taken before MICHELE A. RATKOVICH, Certified  
 15 Shorthand Reporter, Registered Professional  
 16 Reporter, and Notary Public, pursuant to the  
 17 provisions of the Rules of Civil Procedure of the  
 18 State of Illinois and the Rules of the Supreme  
 19 Court thereof pertaining to the taking of  
 20 depositions for the purpose of discovery at 15  
 21 West Jefferson Street, Joliet, Illinois,  
 22 commencing at the hour of 10:10 o'clock on the  
 23 11th of August, A.D. 2005.

A P P E A R A N C E S:

JEFF ANDERSON & ASSOCIATES  
BY: MR. JEFFREY R. ANDERSON  
332 Minnesota Street  
St. Paul, Minnesota 55101

and

KERNS, PITROF, FROST & PEARLMAN  
BY: MR. MARC PEARLMAN  
70 West Madison Street  
Suite 5350  
Chicago, Illinois 60602

On behalf of the Plaintiff;

JAMES C. BYRNE & ASSOCIATES  
BY: MR. JAMES C. BYRNE  
815 North Larkin Avenue, Suite 202  
Joliet, Illinois 60435

On behalf of the Defendants.

ALSO PRESENT:

MS. JEAN MARIE CASBARIAN  
LitiCorp

## I N D E X

## WITNESS

## EXAMINATION

BISHOP JOSEPH IMESCH

By Mr. Anderson 4

By Mr. Byrne 236

By Mr. Anderson (Further) 240

## E X H I B I T S

## NUMBER

## MARKED FOR ID

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1           THE VIDEOGRAPHER: Good morning. Today's  
2     date is August 11, 2005. We are going on the  
3     video record at 10:10 a.m. We're present at the  
4     offices of George E. Rydman & Associates, 15 West  
5     Jefferson Street in Joliet, Illinois, for the  
6     purpose of taking a videotape deposition of Bishop  
7     Joseph L. Imesch. The party on whose behalf the  
8     deposition is being taken is the plaintiff and the  
9     party at whose instance the deposition is being  
10    recorded on audiovisual device is the plaintiff.

11                 This case is instituted in the  
12    State of Illinois, County of DuPage, and the  
13    Circuit Court of the Eighteenth Judicial Circuit,  
14    DuPage County, Illinois, Case No. 2003-L-1011,  
15    entitled John Doe 85 versus the Roman Catholic  
16    Diocese of Joliet, Incorporated, a trust, and  
17    Bishop Joseph L. Imesch, as Trustee for the Roman  
18    Catholic Diocese of Joliet, Incorporated, and  
19    Edward Stefanich.

20                 My name is Jean Marie Casbarian.  
21    I'm the legal video specialist from Liti Corp,  
22    Three First National Plaza in Chicago, Illinois.  
23    The court reporter is Michele Ratkovich from  
24    George E. Rydman & Associates, 15 West Jefferson

1 Street in Joliet, Illinois.

2 I will now ask the attorneys to  
3 introduce themselves starting with the plaintiff's  
4 counsel first.

5 MR. ANDERSON: Jeff Anderson.

6 MR. PEARLMAN: Marc Pearlman.

7 MR. BYRNE: James Byrne on behalf of the  
8 Diocese and Bishop Imesch.

9 THE VIDEOGRAPHER: Will the reporter please  
10 swear the witness.

11 (Witness sworn.)

12 THE VIDEOGRAPHER: You may now proceed.

13 MR. BYRNE: Mr. Anderson, if I could for the  
14 record, I would just like to remind the parties as  
15 well as the court reporters here that there is an  
16 existing protective order in relation to all  
17 discovery and in particular this deposition. And  
18 later this morning I would ask each of these  
19 individuals to sign off that they are aware of the  
20 protective order.

21 And in addition to that, I would  
22 like for the record to state that I'm objecting to  
23 the videotaping of this deposition. And the basis  
24 of that objection is an inadequate notice which I

1 just received the other day although this  
2 deposition had been scheduled for approximately a  
3 couple of weeks anyway. I believe that there may  
4 need to be other orders in relation to the  
5 handling of the videotaping in order to ensure  
6 protection because this is another media and I  
7 don't think that the existing protective order  
8 would accomplish all the purposes necessary, but  
9 we can certainly apply to the Court at a later  
10 time.

11 Pursuant to the rules we can  
12 proceed with the videotape deposition subject to  
13 my objection and subject to a future modification  
14 or another protective order.

15 MR. ANDERSON: Mr. Byrne, I appreciate your  
16 reminder of what we already know. And we have  
17 told you that in order to make sure that the  
18 spirit of the protective order is fully respected  
19 we are going to keep a separate sealed exhibit  
20 that we will mark and prepare. For the record I  
21 marked it now as Exhibit A. And I will agree to  
22 seal Exhibit A and on it we will list the names of  
23 any individuals who may be victims or survivors  
24 and identify them on the video and transcribed

1 record as John Doe or Jane Does and number them.  
2 And that when we are discussing them we'll refer  
3 to them as Jane Does or John Does by number and  
4 then if there is any question about who we are  
5 discussing we'll go off the video and transcribed  
6 record and agree that we're all talking about the  
7 same individual or individuals.

8 MR. BYRNE: And just for the record as I told  
9 you before we began, I'm objecting to that  
10 particular procedure and I know you will proceed  
11 with it anyway. You think it's in the best  
12 interest. I'm objecting to that procedure for a  
13 couple of reasons. One is it's too easy to  
14 misidentify a Doe or not a Doe. And the other  
15 reason -- other reasons are that if a victim's  
16 name is used, first of all we have a protective  
17 order right now existing that they can't be  
18 disclosed and I think the average rational person  
19 wouldn't want to do that anyway.

20 In addition to that, we -- what can  
21 be done is at any time if it becomes necessary to  
22 file a portion or a few pages of the transcript  
23 deposition, that can be done in writing and the  
24 names deleted out. So I think this is -- for

1       those reasons I think it's unnecessary.

2               Also I think we have the additional  
3       problem that there may be names of clergy whose  
4       names should not be disclosed and perhaps those  
5       names should also be received in certain Doe names  
6       and also be sealed and never used. At any rate,  
7       let's proceed.

8               MR. ANDERSON: Well, what we'll do is mark  
9       Exhibit B. If any names should come up that you  
10      think, Mr. Byrne, are properly sealed in the same  
11      way the names of the possible victims and/or  
12      survivors are being handled, then we'll use  
13      Exhibit B on this note pad the same way we've used  
14      Exhibit A here.

15              MR. BYRNE: Okay.

16                      (WHEREUPON, said document was  
17                      marked Exhibit No. A-B  
18                      for identification.)

19              MR. ANDERSON: Now, there are some different  
20      concerns as to those two classes of individuals,  
21      but when we have an issue we can address it and go  
22      off the record --

23              MR. BYRNE: Okay.

24              MR. ANDERSON: -- should it arise.



1                   I also understand that the Bishop  
2           has some obligations this afternoon, which we are  
3           going to respect and take a break whenever is  
4           necessary to do that.

5           MR. BYRNE:    Sure.

6           MR. ANDERSON:  And I also understand that  
7           there is an agreement that we're going to have  
8           four hours to conduct the examination today.

9           MR. BYRNE:  Yes.  The agreement is that the  
10          mandatory three-hour limit we will allow you to  
11          exceed by one hour.

12          MR. ANDERSON:  Okay.  Well, I appreciate that  
13          accommodation.  We're going to work our hardest to  
14          get through all the appropriate and relevant  
15          questions within the time specified.  Obviously if  
16          we're not able to do that we'll discuss that with  
17          you, Mr. Byrne, and see if we can reach other  
18          accommodations.

19          MR. BYRNE:  I understand.

20          MR. ANDERSON:  But, in any case, we're going  
21          to work very hard to do that.

22                        Would you go ahead and swear the  
23          witness.  Okay.  Thank you.

24          WHEREUPON:

1 BISHOP JOSEPH L. IMESCH,  
2 having been first duly sworn was examined and  
3 testified as follows:

4 EXAMINATION

5 BY MR. ANDERSON

6 Q. Bishop, I understand you've been through  
7 this process before. How many times have you had  
8 your deposition taken?

9 A. Maybe twice. Maybe three times.

10 Q. In what connection was that in times  
11 past?

12 A. One was with a case against Gary  
13 Berthiaume. One was a case against a contractor  
14 who was building a church or a parish hall, I  
15 should say. I'm not sure what the other one was.

16 Q. And approximately when was the  
17 deposition in connection with Father Gary  
18 Berthiaume taken of you?

19 A. I guess I would want to say early 80s,  
20 but I can't pinpoint a date.

21 Q. I have a copy of that deposition and I  
22 will show you the face sheet. It reflects at  
23 least on the face sheet that it was taken in April  
24 of 1985. Would that refresh your recollection as

1 to the timing of it?

2 A. Seeing is believing.

3 Q. Okay.

4 MR. BYRNE: Excuse me, Counsel. I have a  
5 request for a production of documents of all prior  
6 statements of Bishop Imesch. I have not been  
7 furnished any. I have not been furnished this  
8 document. This is the first time I have seen it.  
9 In view of that and in view of our argument before  
10 the Court that I was to be furnished with all  
11 these statements within 24 hours of Monday and  
12 that they are just being furnished today I have a  
13 strenuous objection as to any questions that you  
14 would ask the Bishop in regard to this statement.

15 MR. ANDERSON: Okay. For the record,  
16 Counsel, I got this yesterday and I'm giving you a  
17 copy right now. And if questions arise in  
18 connection with it, make your objection then. I  
19 will be happy to address it with you.

20 BY MR. ANDERSON:

21 Q. Bishop, you were ordained a priest of  
22 the Archdiocese of Detroit in 1956, correct?

23 A. That's right.

24 Q. And have remained a priest in good

1 standing since that time?

2 A. That's right.

3 Q. And you served as assistant pastor for  
4 some time in the Detroit area, did you not?

5 A. That's right.

6 Q. And then in 1957 -- in approximately  
7 1957 through 1971 you served and worked as a  
8 secretary to then Archbishop Cardinal Dearden, did  
9 you not?

10 A. From 1959.

11 Q. '59 to '71?

12 A. Right.

13 Q. What was your responsibility as  
14 secretary to the then Archbishop Cardinal?

15 A. Be his master of ceremonies, make  
16 appointments for him, answer some correspondence.

17 Q. As Bishop for the Diocese of Joliet do  
18 you have a secretary similar to the one you held  
19 in connection with the Cardinal?

20 A. No, I don't.

21 Q. Who does the -- who does the  
22 responsibilities for you as Bishop for Diocese of  
23 Joliet that you did for then Archbishop Cardinal  
24 Dearden?

1           A.    Making appointments is my -- I don't  
2           know what to call her -- my secretary who does --  
3           arranges my appointments and types my letters.  
4           Nobody does the ceremony things. I do that  
5           myself. I drive myself. I live by myself.  
6           That's about it.

7           Q.    Okay. In 1973 you were named Auxiliary  
8           Bishop in the Archdiocese of Detroit, were you  
9           not?

10          A.    That's right.

11          Q.    Was that under then Cardinal Archbishop  
12          Dearden?

13          A.    Yes.

14          Q.    And you also served concurrently as a  
15          pastor of Our Lady of Sorrows in a parish there?

16          A.    That's right.

17          Q.    In 1977 and for approximately two years  
18          you worked and served as the Northwest Regional  
19          Bishop for the Archdiocese, did you not?

20          A.    That's right.

21          Q.    Now, the Archdiocese of Detroit is  
22          divided into four regions?

23          A.    It was. I think there are five now.

24          Q.    Is the Diocese of Joliet divided into

1 regions, vicariates, or deaneries?

2 A. Yes.

3 Q. What is it called?

4 A. Vicariates and deaneries.

5 Q. Vicariates and deaneries.

6 A. Right.

7 Q. Not regions.

8 A. No.

9 Q. Okay. And what was your responsibility  
10 as the Northwest Regional Bishop for the  
11 Archdiocese of Detroit?

12 A. To visit the various parishes, to  
13 celebrate sacraments there, to make  
14 recommendations for appointments, to sit on the  
15 personnel board. That's about it.

16 Q. And then in the summer of 1979 you were  
17 appointed and ultimately installed as the third  
18 Bishop for the Diocese of Joliet here, correct?

19 A. That's right.

20 Q. I would like to ask you some questions  
21 about your service and years before you became  
22 installed here in the Joliet as Bishop, okay?

23 A. Sure.

24 Q. Either as Auxiliary Bishop, as secretary

1 to the Archbishop, or as the Northwest Regional  
2 Bishop for the Archdiocese, did you ever have any  
3 occasion to deal with issues of sexual abuse by  
4 clergy in the Archdiocese?

5 A. No.

6 Q. At any time prior to your installation  
7 as Bishop for the Diocese of Joliet in 1979, did  
8 you ever receive or hear of any rumors, reports,  
9 or complaints pertaining to sexual misconduct by  
10 clergy in the Archdiocese of Detroit?

11 A. Yes.

12 Q. When is the first time you received such  
13 a rumor, report, or complaint?

14 A. I think the first time was with Gary  
15 Berthiaume.

16 Q. When was that approximately?

17 A. That was in fall of 1977.

18 Q. What information came to your attention  
19 by way of rumor, report, or complaint?

20 A. I heard it on the radio. I had left the  
21 parish, moved to a new residence, and probably  
22 within a couple weeks of my moving I heard a  
23 report that a priest at Our Lady of Sorrows was  
24 arrested. And that's the first I knew.

1 Q. Did you know Gary Berthiaume -- Father  
2 Gary Berthiaume prior to hearing that report?

3 A. Certainly.

4 Q. Was he a friend then?

5 A. He was an associate.

6 Q. An associate by that you mean a fellow  
7 clergyman in the Archdiocese or associate in the  
8 parish?

9 A. Associate at Our Lady of Sorrows.

10 Q. Okay. And how long had you then been  
11 working with him in that parish at Our Lady of  
12 Sorrows?

13 A. Probably four years.

14 Q. Before you heard that report on the  
15 radio and during the time you had worked with him  
16 at Our Lady of Sorrows, had you ever seen anything  
17 or heard anything that caused you to be suspicious  
18 that Father Berthiaume maybe engaged in some  
19 inappropriate sexual conduct of any kind?

20 A. Never. Never.

21 Q. Not a clue?

22 A. In fact when I heard the report I didn't  
23 believe it.

24 Q. Other than having heard the report --



1 and why didn't you believe it?

2 A. Because I knew what kind of priest Gary  
3 was and there was no indication of any abhorrent  
4 behavior. He was a wonderful minister. The  
5 people loved him. Very apostolic. Very  
6 energetic.

7 Q. He was accused on that radio report and  
8 publicly of having committed sexual abuse upon a  
9 minor, correct?

10 A. That's right.

11 Q. When you heard that report you didn't  
12 believe it. As you sit here today do you believe  
13 that he did --

14 A. Yes, I do.

15 Q. -- commit that?

16 A. Yes, I do.

17 Q. What led you to change your view or your  
18 sense of disbelief that he had committed that?

19 A. He was convicted and sent to jail.

20 Q. Did you then not believe that it had  
21 happened until he was convicted?

22 MR. BYRNE: Counsel, just for the record, I'm  
23 going to put an objection in here. This is a case  
24 against Father Stefanich who had an assignment for

1 approximately five years before your client has  
2 accused Stefanich. This is predating. I can't  
3 find that it's relevant especially a thought  
4 process of the Bishop going back over 20 years. I  
5 allowed you to explore this area. I have a  
6 continuing objection. We'll see where it goes,  
7 but I'm about ready to shut that off.

8 MR. ANDERSON: Counsel, I'm hearing you make  
9 a relevancy objection. I will give you a  
10 continuing relevancy objection so that you don't  
11 have to interpose that. I don't think we need to  
12 have a long colloquy about the fact that this is a  
13 discovery deposition and the rules permit some  
14 broad inquiry. If you want -- if you're going to  
15 instruct the witness to answer we'll deal with it  
16 at that particular time. In the meantime you have  
17 a continuing relevancy objection.

18 MR. BYRNE: And I may still nevertheless  
19 interpose. Go ahead.

20 MR. ANDERSON: And I think you also know that  
21 in this Complaint there is a conspiracy count.  
22 And you also know that in this Complaint and in  
23 this claim there is a claim of pattern and  
24 practice. And for those reasons to the extent

1       that you're interposing relevancy we believe that  
2       the inquiry that I'm making now and will be making  
3       is probative to this case.

4       BY MR. ANDERSON:

5             Q.     In any case, did --

6             MR. PEARLMAN:   You have a pending question.

7             MR. ANDERSON:   Yeah.   Why don't we read it  
8       back.

9                     (WHEREUPON, the record was read  
10                    as requested.)

11            THE WITNESS:   I'm sorry.   I did not hear  
12       that.

13       BY MR. ANDERSON:

14            Q.     I'll ask the question again.

15                    You had indicated that you just  
16       didn't believe that he had committed the offense  
17       as it had been reported on the radio.   And then  
18       you indicated that you did believe that it had  
19       happened after he was convicted.   My question is,  
20       was it the conviction for the crime that caused  
21       you to believe that he had committed the offense  
22       against the child while serving as a priest?

23            A.     As far as I can remember I think Gary  
24       admitted to me that he had done it before the

1 conviction.

2 Q. And that was him talking to you as an  
3 associate pastor?

4 A. I was no longer pastor so he was talking  
5 to me as a priest.

6 Q. And when he admitted having committed  
7 the offense to you, did you bring that information  
8 to any officials in the Archdiocese?

9 A. It was public knowledge. It was all  
10 over the newspaper. There was no need to bring it  
11 to anybody. They would question why I was  
12 bringing it when everybody knew it.

13 Q. Was it then public knowledge that he had  
14 admitted to the offense?

15 A. Probably not.

16 Q. And so my question to you then, Bishop,  
17 is, when he admitted having committed the offense  
18 to you prior to his conviction, did you bring that  
19 information that he had given you to any officials  
20 for the Archdiocese of Detroit?

21 A. I don't remember that.

22 Q. Did you tell anybody about that?

23 A. I don't remember that either.

24 Q. Did you take any action publicly or

1 privately in support of Father Berthiaume before  
2 he was convicted?

3 A. Nothing publicly. Privately I certainly  
4 offered him my support.

5 Q. Did you ever make any public statements  
6 expressing the view that he was innocent or that  
7 you did not believe he had committed the offense  
8 for which he had been charged?

9 A. No.

10 Q. Did you ever do anything in connection  
11 with the investigation done by the police?

12 A. I don't believe I was ever interrogated.

13 Q. After he told you that he had done it,  
14 did you go to the police with that information?

15 A. Did I bring that to the police?

16 Q. Yes.

17 A. No.

18 Q. Why not?

19 A. Well, I don't think that was my  
20 responsibility. He is charged with a crime. He  
21 has to be given a trial. My going to the police  
22 doesn't have anything to do with whether he's  
23 guilty or not. I could go and say he's not guilty  
24 and what good would that do.

1           Q.    If he had told you that he had committed  
2           the offense against the child, isn't that evidence  
3           of the crime?

4           A.    That's a job for the police.  I'm not  
5           going to get involved in that.  That's not my  
6           responsibility.

7           Q.    Did the police ever ask you to -- ever  
8           make any attempt to contact you?

9           A.    As I said, I had nothing to do with the  
10          police.  They never interrogated me.

11          Q.    You knew there had been a police  
12          investigation, did you not?

13          A.    I knew that he was arrested.

14          Q.    Okay.  By the police.

15          A.    Who else arrests?

16          Q.    Okay.  At any time, Bishop, have you  
17          while serving as a priest of the Archdiocese of  
18          Detroit ever reported any information pertaining  
19          to any clergy committing child sexual abuse to  
20          civil or law enforcement authorities?

21          A.    No.

22          Q.    Have you at any time while serving as  
23          Bishop for the Diocese of Joliet ever personally  
24          made any report to law enforcement authorities or

1 the civil authorities in connection with  
2 suspicions of any priest committing sexual  
3 offenses?

4 A. I don't think so.

5 Q. Has any of your subordinates or any  
6 officials at the Archdiocese -- excuse me -- of  
7 the Diocese of Joliet at your specific request  
8 ever made such report to law enforcement?

9 A. I'm not able to answer that.

10 Q. That you're aware?

11 A. That I'm aware of, no.

12 Q. Other than in connection with Father  
13 Berthiaume and what you have already described  
14 while serving in Archdiocese of Detroit, did any  
15 information ever come to you of any rumors,  
16 reports, or complaints of sexual abuse by clergy?

17 A. Yes.

18 Q. What and when?

19 MR. BYRNE: Excuse me. Would you read that  
20 question back?

21 MR. ANDERSON: I'll do it again. Sure.

22 BY MR. ANDERSON:

23 Q. Other than in connection with Father  
24 Berthiaume while serving as a priest in the

1 Archdiocese of Detroit, any other rumors, reports,  
2 or complaints of sexual abuse ever come to your  
3 attention?

4 A. Yes.

5 MR. BYRNE: Okay. Okay.

6 BY MR. ANDERSON:

7 Q. When?

8 A. I don't remember.

9 Q. Okay. Do you remember in connection  
10 with who?

11 A. I remember one instance.

12 Q. What do you remember about that, Bishop?

13 A. Just that a priest was accused of having  
14 touched a young boy.

15 Q. And how did you learn of that?

16 A. I really don't know. I really don't  
17 know.

18 Q. What did you do with the information  
19 that you received?

20 A. Oh, I was not responsible for anything  
21 at that time.

22 Q. Do you remember where you were assigned  
23 then or what your responsibilities were?

24 A. No.



1 Q. Do you remember who the priest who --  
2 the identity of the priest accused was?

3 A. I do.

4 Q. Who was that?

5 MR. BYRNE: Are we now going to be using the  
6 John Does or --

7 BY MR. ANDERSON:

8 Q. Is it a name that's been made public?

9 A. I really don't know. This is 30, 40  
10 years ago.

11 MR. ANDERSON: I'm going to go off the record  
12 for a moment, have you give me the name, and I'm  
13 going to put that on Exhibit B just to be safe.  
14 Off the record.

15 THE VIDEOGRAPHER: We're going off the record  
16 at 10:36 a.m.

17 (WHEREUPON, discussion was had  
18 off the record.)

19 THE VIDEOGRAPHER: We're back on the record  
20 at 10:38 a.m.

21 BY MR. ANDERSON:

22 Q. Okay. What we did is on Exhibit B you  
23 gave us the identity of the clergyperson and we  
24 have now marked that name on Exhibit B which is to

1 be sealed as a part of this record. And we will  
2 refer to that clergyperson only here on the  
3 transcribed record as Detroit clergy number 1. Is  
4 that agreeable to you?

5 A. That's fine.

6 MR. BYRNE: Subject to my objection.

7 MR. ANDERSON: Understood. And anything we  
8 do is subject to objections you already made so  
9 they're continuing.

10 MR. BYRNE: Okay.

11 BY MR. ANDERSON:

12 Q. Did you take any action or in any way  
13 get involved with the investigation internal or  
14 otherwise in connection with that Detroit  
15 clergyman number 1?

16 A. No.

17 Q. Was it a friend of yours?

18 A. No.

19 Q. What do you remember about it?

20 A. Just that he was accused. I really was  
21 not involved at that time.

22 Q. And do you remember what your position  
23 was in the Archdiocese of Detroit then? Was it  
24 Auxiliary Bishop?

1           A.    Oh, no.  I think before that.

2           Q.    So before '73 then --

3           A.    Right.

4           Q.    -- sometime?

5           A.    Right.

6           Q.    More precise than that you can't be at  
7 this moment?

8           A.    No.

9           Q.    Do you know what happened to Detroit  
10 clergy number 1 after that accusation was made?

11          A.    No, I don't.

12          Q.    Do you know if he was moved or removed  
13 from his assignment?

14          A.    He was removed I know.

15          Q.    Was he placed in another assignment  
16 someplace else?

17          A.    I don't believe he ever received another  
18 assignment.

19          Q.    What leads you to that belief, Bishop?

20          A.    I think I heard that he had gone to  
21 Canada.

22          Q.    And do you have any idea where he is  
23 now?

24          A.    I have no idea.

1           Q.   Any other clergy about whom you had  
2           heard rumors, reports, or complaints related to  
3           sexual misconduct while serving in the Archdiocese  
4           of Detroit?

5           A.   Not that I can think of.

6           Q.   Now, you have been a priest for how many  
7           years?

8           A.   Too many.  49.

9           Q.   When in time did you first perceive and  
10          believe that sexual abuse by clergy was a problem  
11          in the Catholic church?

12          A.   In the Catholic church?

13          Q.   Yes.

14          A.   (Indicating.)

15          Q.   In the Catholic church?

16          A.   Universal?

17          Q.   Yes.

18          A.   I have no idea.

19          Q.   Do you believe that sexual abuse by  
20          clergy is a problem that exists in the Diocese of  
21          Joliet?

22          A.   When you say exists, then I don't know  
23          how to answer.  Existed, I want to say yes.  
24          Exists, I hope not.

1           Q.    When in time did you first believe that  
2           a problem of sexual abuse by clergy existed in the  
3           Diocese of Joliet?

4           A.    Probably somewhere in the 90s.

5           Q.    Can you pinpoint a time more specific  
6           than somewhere in the 90s?

7           A.    Well, I want to say probably the very  
8           beginning because we established a diocesan review  
9           board so obviously there was reason to do that.

10          Q.    I think there is a Joliet policy  
11          relating to sexual abuse that was first written or  
12          drafted in 1990. Does that comport with your  
13          belief?

14          A.    Yeah.

15          Q.    And is that -- at that time was a review  
16          board established or later?

17          A.    Well, it was a different kind of review  
18          board, but there were people on the review board.

19          Q.    Was there anything in 1990 in particular  
20          that happened that caused you to come to the  
21          realization that a problem then existed in the  
22          Diocese of Joliet?

23          A.    Not that I can pinpoint.

24          Q.    Why then was a review board even

1 established or policies implemented?

2 A. Because there were allegations against  
3 Joliet priests, more than one. I felt it was  
4 something that we needed to involve other people  
5 in making decisions about these cases.

6 Q. If there had been allegations of sexual  
7 abuse by priests before you perceived a problem  
8 existed, is it correct to say then that you didn't  
9 believe the allegations made before that time to  
10 be credible?

11 A. That would be totally incorrect.

12 Q. Okay. If allegations then had been made  
13 in the Diocese of Joliet against priests before  
14 you perceived there was a problem in 1990 or 1990s  
15 why then didn't you perceive there was a problem  
16 before 1990 when those allegations were made?

17 A. I'm not sure I follow that. It was an  
18 accumulation of allegations. Obviously it didn't  
19 happen on one day, but when there was more than  
20 one that was probably the reason why we  
21 established a review board.

22 Q. What accumulation in allegations caused  
23 you to perceive there was a problem that then  
24 existed in the Diocese of Joliet and resulted in

1 the review board?

2 A. I could not name anything for you.

3 Q. Why not?

4 A. Well, you're talking 15 years ago, and I  
5 don't have that kind of recall. I couldn't even  
6 say which cases came before the board then.

7 Q. Can you identify as you testify here  
8 today any allegations that were a part of the  
9 accumulation that you just referred to made before  
10 1990 against clergy in Joliet?

11 A. Well, I can think of a couple of  
12 situations which probably triggered that.

13 Q. Okay. What situations?

14 A. Well, Stefanich for one. Fred Lenczycki  
15 for one. Larry Gibbs for one.

16 Q. Those are all three clergy whose names  
17 have been widely known and disseminated publicly,  
18 correct?

19 A. That's right.

20 Q. Were they -- any other clergymen against  
21 whom accusations had been made that would have  
22 constituted the accumulation of allegations that  
23 led you to believe there was a problem that then  
24 existed in the Diocese of Joliet?

1           A.    I would have to look at the records.  I  
2   can't tell whether it's pre '90 or post '90.

3           Q.    Okay.  Have you looked at any records or  
4   files in preparation for this deposition here  
5   today?

6           A.    Sure.

7           Q.    What have you reviewed, Bishop?

8           A.    I reviewed Stefanich's file.  I think  
9   that's it.

10                       (WHEREUPON, said document was  
11                       marked Exhibit No. 1  
12                       for identification.)

13   BY MR. ANDERSON:

14           Q.    In that connection I have marked what  
15   has been produced as Stefanich's priest file  
16   Exhibit 1.  Do you see the Exhibit 1 marker there?

17           A.    Yes.

18           Q.    Okay.  I marked it in the lower right  
19   hand corner.  And on the face sheet it's just the  
20   letters of production and in it is the file that  
21   has been produced by Byrne to us which has been  
22   represented to be I presume the priest file in  
23   connection with Stefanich.

24                       Is that correct, Mr. Byrne?



1 MR. BYRNE: Oh, yeah, sure.

2 (WHEREUPON, said document was  
3 marked Exhibit No. 2  
4 for identification.)

5 BY MR. ANDERSON:

6 Q. And then there has been a subsequent  
7 production just recently and I put that before you  
8 and I marked that as Exhibit 2 and I'll hand you a  
9 copy of that, Bishop. And Exhibit 2 was just  
10 produced and it's nine pages. And this has been  
11 represented to pertain to Stefanich, and you will  
12 see that the first page is Bates stamped in the  
13 upper right hand corner with a number 1. The  
14 first page? Do you see that?

15 A. I do. But there are not nine pages.

16 Q. Okay. Well, the last page is marked  
17 number 9. Do you see that?

18 A. Okay. Okay.

19 Q. And this has been represented to be a  
20 part of a confidential file. Can you tell me what  
21 these documents actually represent?

22 A. Well, it's a letter from a parishioner  
23 to Father Ryan.

24 Q. Well, let me -- my question wasn't

1 clear.

2 Is it correct to say that Exhibit 2  
3 are documents that are maintained as a part of the  
4 secret archive maintained by the Diocese of  
5 Joliet?

6 A. They could be. I'm not sure.

7 Q. The Diocese of Joliet maintains a secret  
8 archive, does it not?

9 A. We do.

10 Q. In that secret archive you as the Bishop  
11 for the Diocese are charged under canon law with  
12 maintaining that, correct?

13 A. Yes.

14 Q. And you and your delegate, the person  
15 you delegate to have access to it, are the only  
16 ones that have access to that secret file,  
17 correct?

18 A. Yes.

19 Q. And that's under canon law at least as  
20 you understand it.

21 A. Right.

22 Q. And it's correct to say also that the  
23 matters that you are required to place in this  
24 secret archival file are matters that are

1 scandalous or deemed by you to be the kinds of  
2 things that could subject the Diocese to scandal,  
3 correct?

4 A. I don't think I'm required to put  
5 anything in there. I think that's a matter of  
6 judgment. But certainly if it was something that  
7 would be scandalous it could go in there but  
8 doesn't have to.

9 Q. You say you're not required. Then what  
10 is your understanding as to what you are expected  
11 to put into that file?

12 A. I don't think I'm expected to put  
13 anything in there. If I want to make that  
14 decision I suppose I could.

15 Q. In other words, it's in your discretion  
16 to put something in the secret archive, correct?

17 A. As far as I know I have never been given  
18 any instruction as to certain types of documents  
19 go in the secret archives. I've never heard any  
20 discussion of that.

21 Q. What has been your practice then since  
22 1979 as Bishop for Joliet? Has it been your  
23 practice to put anything that you deem scandalous  
24 or -- into the secret archive?

1           A.    To the best of my recollection, I have  
2 never put anything in the secret archives.

3           Q.    Okay. Do you know where the documents  
4 produced in Exhibit 2 came from? Did they come  
5 from the secret archive?

6           A.    I'm not sure.

7           Q.    If you look at Page 1 on the upper left  
8 hand corner it says Stefanich.

9           A.    Stefanich.

10          Q.    Stefanich. Father Edward under it. It  
11 says secret archives, correct?

12          A.    Yes.

13          Q.    Do you have any doubts that these came  
14 from the secret archive?

15          A.    No.

16          Q.    Where is the secret archive maintained,  
17 Bishop?

18          A.    We have a vault with parish information  
19 and various records and plans in the chancery.

20          Q.    Did you review this secret archive file  
21 or this exhibit before you -- in preparation for  
22 this deposition today?

23          A.    Yes.

24          Q.    In addition to the personnel file

1 Exhibit 1 or the priest file Exhibit 1 and this  
2 secret archive file number 2, have you reviewed  
3 anything else in preparation for today?

4 A. I had a whole bunch of material and  
5 skimmed through it.

6 Q. In connection with the secret archive  
7 and the maintenance of records, is it correct to  
8 say that the Diocese of Joliet maintains a priest  
9 file in the chancery?

10 A. Yes.

11 Q. And it contains the ordinary personnel  
12 kinds of records, assignment history --

13 A. Everything.

14 Q. Everything.

15 A. Everything.

16 Q. What if something is very sensitive such  
17 as an allegation of sexual abuse or a priest  
18 impregnating a woman and having a child and it's  
19 very scandalous kind of thing, what would be your  
20 practice as the Bishop for the Diocese of Joliet  
21 as to the maintenance of such a document?

22 A. I would put it in the priest file  
23 probably in an informal marked confidential.

24 Q. And when you marked it confidential that

1 is for whose eyes besides yours to see?

2 A. Whoever succeeds me. If there was a  
3 need I suppose anybody could look at that.

4 Q. And that is whoever succeeds you as  
5 Bishop?

6 A. Right.

7 Q. So it's your purpose when you mark it  
8 confidential to keep it for your eyes and your  
9 successor's primarily or perhaps an administrator  
10 serving in your stead?

11 A. Primarily I think it's to keep it away  
12 from whoever has to go into that file to place  
13 documents so they do not necessarily see it.

14 Q. Okay. How many such documents have you  
15 placed in files of priests and marked them  
16 confidential in the manner you just described  
17 pertaining to allegations or information regarding  
18 sexual abuse?

19 A. I have no idea. I have no idea.

20 Q. Are you able to make an estimate? Is  
21 the number --

22 A. Three.

23 Q. There. Okay.

24 A. Yeah.

1           Q.    What priests have you done that in  
2 connection with?

3           A.    I have no idea.  It's been 26 years.  I  
4 have no idea.

5           Q.    As you sit here today then, you're not  
6 able to identify at least by name any of the  
7 priests for whom you took information pertaining  
8 to sexual abuse documentary and marked it and  
9 sealed into a confidential file?

10          A.    The implication is that everything that  
11 deals with sexual abuse was marked confidential.  
12 It was not.  It was just placed in the priest file  
13 open.  So I -- there were very few documents that  
14 I -- I'm not even sure there were three.

15          Q.    Okay.  What do you remember about there  
16 being three or at least estimating there to be  
17 three such occasions in which you followed that  
18 protocol?

19          A.    Well, there might be a psychological  
20 report.

21          Q.    And are you able to give us testimony  
22 today about whom that psychological report was  
23 prepared?

24          A.    No.  No.

1 Q. Because you don't remember.

2 A. I don't remember. I don't think I  
3 should anyway.

4 Q. Okay. But the first question is, do you  
5 remember?

6 A. No, I do not.

7 Q. Okay. Okay. So just so I'm clear here,  
8 Bishop, the -- you just don't remember who it was  
9 that you placed these documents pertaining to,  
10 this sensitive information in their files, but you  
11 remember having done it, correct?

12 A. Well, when you say sensitive information  
13 I don't know what you're referring to. It could  
14 be a psychological report. We send priests away  
15 for evaluations. That -- I don't want that to  
16 become public. So I put it in his file marked  
17 confidential.

18 Q. Since you have been the Bishop for the  
19 Diocese of Joliet, has there been a practice  
20 written or unwritten to keep allegations of sexual  
21 abuse by clergy secret?

22 A. No.

23 Q. Among the Bishop and his designees only?

24 A. Well, if it's not made public, sure, I



1 don't make it public.

2 Q. Have you ever while serving as Bishop  
3 for the Diocese of Joliet made an allegation of  
4 sexual misconduct by one of the priests who served  
5 in the Diocese of Joliet known to the public --

6 A. Sure.

7 Q. -- or the parishioners?

8 A. Yes.

9 Q. When did you take that action?

10 A. Well, whenever a situation was public we  
11 went to -- I or Bishop Kaffer or one of the other  
12 bishops went to the parish -- particular parish --  
13 and talked usually at all the masses and then  
14 letters were sent to be read at every other parish  
15 where the priest had been assigned.

16 Q. Bishop, I heard you say whenever a  
17 situation was public.

18 A. Right.

19 Q. That means you did that in response to a  
20 situation having been made public by somebody  
21 else, correct?

22 A. Right.

23 Q. My question to you is this: Have you as  
24 Bishop ever made public accusations brought or

1 information concerning claims of sexual abuse  
2 against any of the clergy to the public?

3 A. I -- tell me again.

4 Q. Have you ever made accusations of sexual  
5 abuse by clergy public before it became known to  
6 the public by somebody else?

7 A. Probably in some instances the parishes  
8 where they had been assigned they would not have  
9 been aware of an allegation. Let's say it  
10 happened in the southern part of the Diocese and  
11 the priest had been assigned in the north. So we  
12 would have made that public that way.

13 Q. But that's again a situation where it  
14 had already been known in one part of the  
15 Diocese --

16 A. Right.

17 Q. -- but you went to another part of the  
18 Diocese to tell them.

19 A. Okay.

20 Q. So here's my question: Is there any  
21 occasion in which you took the initiative in  
22 making an allegation of sexual abuse by one of the  
23 priests public?

24 A. I really can't say. I don't know. I

1 don't know.

2 Q. Okay. Is there any occasion to this  
3 date where you took the initiative in bringing any  
4 information concerning sexual abuse by a clergy in  
5 the Diocese of Joliet to the -- to law enforcement  
6 or civil authorities?

7 A. Sure.

8 Q. When is the first time you did that?

9 A. Well, I don't remember, but that's  
10 common practice.

11 Q. It's common practice. How many times  
12 has it happened then if it's common practice?

13 A. I have no idea.

14 Q. Give me an estimate.

15 A. Six.

16 Q. When is the first time?

17 A. I have no idea.

18 MR. BYRNE: Bishop, when Counsel is asking  
19 for an estimate if you have no idea state no idea.  
20 If you can actually estimate six, then state six.  
21 This is not to be a guess. So if you have an idea  
22 or if you can reasonably make an estimate, make an  
23 estimate and answer his question.

24 THE WITNESS: Well, I can't reasonably make

1 an estimate. I really can't say.

2 BY MR. ANDERSON:

3 Q. Tell me either the first time or one  
4 time you can remember where you as bishop made a  
5 report to the police of suspected sexual abuse by  
6 a clergyman or somebody at your request, one of  
7 your officials, made such a report.

8 A. I would have to go look. I know it's  
9 been done. I could not tell you when. I could  
10 not tell you who.

11 Q. Okay. So as you sit here today it is  
12 your belief that it's been done.

13 A. Not just my belief. It did happen.

14 Q. Why are you so certain it happened if  
15 you can't remember it?

16 A. Well, I don't remember everything I do.  
17 And, secondly, it is our policy written that any  
18 allegation will be brought to the officials, the  
19 police, or state's attorney.

20 Q. Okay. And can you think of any instance  
21 in the 20 -- how many years have you been Bishop?

22 A. 6.

23 Q. 26 years as Bishop right now where you  
24 initiated a report to the police or civil

1 authorities?

2 A. Yes.

3 Q. When?

4 A. Well, probably within the last three or  
5 four years.

6 Q. Tell me the first time you remember  
7 having done that.

8 A. I have no idea.

9 Q. Tell me who in connection you did that  
10 with.

11 A. I have no idea.

12 Q. What clergyman?

13 A. I have no idea.

14 Q. You have no memory of it?

15 A. Well, when you're saying first I cannot  
16 identify the person.

17 Q. Okay. Tell me any -- what you remember  
18 about having ever made a report to law enforcement  
19 or civil authorities.

20 A. Tell you what?

21 Q. About what you can testify about having  
22 ever made a report to law enforcement or civil  
23 authorities of suspected sexual abuse.

24 A. I can testify that since the charter in

1 Dallas 2002 every allegation that was brought to  
2 us was brought to the state's attorney or civil  
3 officials.

4 Q. Now, the charter was imposed in 2002.  
5 Did you -- were you in favor of the imposition of  
6 the charter?

7 A. Yes.

8 Q. Okay. And so it's your testimony that  
9 since 2002 you and your office have reported every  
10 allegation brought?

11 A. That's right.

12 Q. How many allegations have you or your  
13 office reported since 2002?

14 A. I have no idea.

15 Q. Do you have any memory of having made  
16 any reports?

17 A. Yes.

18 Q. What do you remember?

19 A. That I made reports.

20 Q. What else?

21 A. That's it.

22 Q. To whom?

23 A. Usually I would do that through our  
24 attorney. He contacts the state's attorney and

1       lets them know.

2           Q.    Do you have any memory of having done  
3       any yourself?

4           A.    No.

5           Q.    Do you have any memory of any of the  
6       officials such as the vicar general or the  
7       chancellor or the vicar for clergy having done it?

8           A.    We don't -- that is always handled  
9       through our attorney.

10          Q.    Okay.  So it's your practice then to  
11       turn it over to the attorney Mr. Byrne?

12          A.    It's our practice to have him inform the  
13       state's attorney or the police about any  
14       allegation.

15          Q.    What knowledge do you have of Mr. Byrne  
16       having taken that information given him by you and  
17       having brought it to civil or law enforcement  
18       authorities?

19          A.    Either verbal or written.

20          Q.    When was that done by Mr. Byrne?

21          A.    After he had reported it.

22          Q.    When in time?

23          A.    After 2002.

24          Q.    And in connection with whom?

1           A.    I don't remember.

2           Q.    Who would know that if you don't?

3           A.    Well, I would know it, but I don't have  
4 all that knowledge at my fingertips. I can  
5 certainly find that out for you.

6           Q.    Well, this is something that happened  
7 since the charter.

8           A.    Right.

9           Q.    And I'm struggling with why you can't  
10 remember who it would be in connection with. Why  
11 can't you remember who it would have been that you  
12 would have brought to Mr. Byrne expecting him to  
13 bring it to the police?

14          A.    Well, I certainly couldn't give you all  
15 the names and I'm not going to dwindle them out  
16 one by one. You expect me to remember every  
17 allegation that came. That's -- maybe you can do  
18 that. I can't.

19          Q.    Are there so many allegations, Bishop --

20          A.    No. I have a lot of other things going  
21 on.

22          Q.    What other things do you have going on  
23 that are more important than bringing this -- an  
24 allegation of sexual abuse to a priest -- by a



1 priest to the police? What is it that you do  
2 during your day that's more important than that?

3 A. The death of a priest.

4 Q. Okay. Besides that.

5 A. The death of a parent.

6 Q. Okay. Besides that.

7 A. And altercation in a parish.

8 Q. What kind of an altercation is more  
9 important than reporting sexual abuse to law  
10 enforcement?

11 A. I didn't say that. Don't put words in  
12 my mouth. We report allegations of sexual abuse  
13 to the state's attorney. You're trying to say  
14 that because I can't mention them, I don't know  
15 about them or don't do it. That's not true.

16 Q. I'm asking why you can't remember them  
17 if it's --

18 A. I'm telling you I'm an old man.

19 Q. Are you suffering from any mental --

20 A. Probably.

21 Q. -- infirmities?

22 A. Probably.

23 Q. And how long have you been suffering  
24 mental infirmities that are causing you to not

1     able to remember what reports have been made to  
2     Mr. Byrne with the expectation that it be reported  
3     to law enforcement?

4             A.    Most of my life.

5             Q.    Have you ever been diagnosed?

6             A.    Diagnosed with what?

7             Q.    With any mental infirmities.

8             A.    There have been implications.

9             Q.    Have you ever received any medical  
10     treatment for such infirmities that you're talking  
11     about here?

12            A.    No.

13            Q.    How many times have you transferred a  
14     clergyperson in the Diocese of Joliet after an  
15     accusation of sexual misconduct has been made?

16            A.    One that I can think of.

17            Q.    Who was that?

18            A.    Larry Gibbs.

19            Q.    Any others?

20            A.    Not that I can think of.

21            Q.    And is that because you can't remember  
22     because you're having memory problems or is it  
23     because it's your testimony that other than Father  
24     Gibbs there are no other priests that you have

1 transferred after allegations of sexual abuse were  
2 made against him?

3 MR. BYRNE: Are we talking credible or  
4 noncredible?

5 MR. ANDERSON: I'll break it down if the  
6 witness requires it.

7 THE WITNESS: Sure.

8 BY MR. ANDERSON:

9 Q. Okay. Did you hear the last question?

10 A. How many times have I transferred  
11 individuals after a credible allegation has been  
12 made against them?

13 Q. Okay. If that's the question you want  
14 to answer, go ahead.

15 A. Is that the question you want me to  
16 answer?

17 Q. I'll ask that question first. How many  
18 times have you transferred a priest after credible  
19 allegations of sexual misconduct have been made  
20 against him?

21 A. See then I'm not even sure that Gibbs  
22 would qualify for that.

23 Q. Why do you say that?

24 A. Because what he did what was reported

1 was investigated by the police and the state's  
2 attorney, and they said there was no criminal  
3 activity involved. So I don't know if that's  
4 credible or not.

5 Q. In that connection they reported that  
6 there wasn't sufficient evidence to initiate  
7 criminal prosecution, correct?

8 A. Well, I don't know the exact  
9 terminology.

10 Q. Well, to charge him with a crime. They  
11 told you there wasn't --

12 A. There was no criminal activity is what I  
13 remember.

14 Q. Okay. So did you understand that then  
15 to not have been a credible allegation?

16 A. Oh, no. I think the allegation was  
17 credible. I don't think it was a criminal  
18 activity.

19 Q. Okay.

20 A. What he did was certainly not  
21 appropriate.

22 Q. If the allegation was credible then and  
23 you understood it to be credible, why did you  
24 transfer Father Gibbs?

1           A.    Because there were no charges brought  
2           against him. I sent him to a psychiatrist. Put  
3           him on a leave of absence for three months while  
4           he was meeting with this man. Got a report from  
5           the psychiatrist. So I figured he was not charged  
6           with anything. The psychiatrist said it was okay  
7           so I put him in a parish.

8           Q.    And when you put him in that parish you  
9           didn't alert the parishioners where you assigned  
10          him that he had had a credible allegation of  
11          sexual abuse, did you?

12          A.    I don't think that's a credible  
13          allegation if nothing was charged.

14          Q.    Okay. It's your belief that in order  
15          for it to be a credible allegation it has to be  
16          charged by the prosecutor? Is that your belief,  
17          Bishop?

18          A.    I'm not able to comment on that. I'm  
19          not a legal person. I understand credible as  
20          saying something happened that is sexual abuse.  
21          That did not happen with Larry Gibb.

22          Q.    Is it your testimony then that before  
23          you transferred Gibbs to another parish that he  
24          had not committed sexual abuse?

1           A.    Right.  Right.

2           MR. ANDERSON:  Okay.  Let's take a break.

3           THE VIDEOGRAPHER:  We're going off the record  
4   for a tape change.  This is the end of tape number  
5   1.  It's 11:11 a.m.

6                       (WHEREUPON, a recess was had.)

7           THE VIDEOGRAPHER:  We're back on the record  
8   with the beginning of tape number 2.  It's 11:13  
9   a.m.

10          BY MR. ANDERSON:

11           Q.    When you transferred Father Gibbs to  
12   another parish after this allegation had been  
13   made, you transferred him because you did not deem  
14   the allegation against him credible.  Is that what  
15   you were telling me?

16           A.    That's not the reason I transferred him.

17           Q.    Well, my question to you is, did you  
18   deem the allegation made against him credible or  
19   not?

20           A.    Well, I think what happened happened.  
21   It was not considered a crime or a criminal  
22   activity so there was no reason for me not to  
23   transfer him.

24           Q.    What did you believe happened then

1 before you transferred him?

2 A. What the police report said they were  
3 skinny dipping.

4 Q. And did you make any investigation into  
5 what Father Gibbs had actually done with -- in  
6 connection with that child?

7 A. The police did that.

8 Q. Did you do any investigation?

9 A. No. I talked to him. I talked to him.

10 Q. Did you ask him?

11 A. Of course.

12 Q. And what did he tell you?

13 A. That he went skinny dipping with these  
14 kids and they played some games while they were  
15 nude.

16 Q. What did he tell you about the games  
17 that they played and what he did in connection?

18 A. He never told me.

19 Q. You didn't ask? He told you they played  
20 games after skinny dipping, right?

21 A. Right, right.

22 Q. And that they were nude.

23 A. Right.

24 Q. He was nude with the children.

1           A.    I think so, yes.

2           Q.    And you didn't bother to ask him, did  
3 you, about what games he played?

4           A.    Well, I don't think he went into  
5 particulars. He just said, we horsed around, boy  
6 stuff.

7           Q.    And he didn't go into particulars  
8 because you didn't press him for particulars, did  
9 you?

10          A.    I think I did, but he didn't go into  
11 particulars.

12          Q.    You didn't --

13          A.    He just said he was playing games --  
14 boys' games, cards, whatever.

15          Q.    You just told me you didn't ask him and  
16 that's why you didn't get the particulars, Bishop?

17          A.    No. I think you're trying to put words  
18 in my mouth which I'm not using. I asked him what  
19 happened. He said we played boys' games. And  
20 then somewhere along the line he said they were  
21 playing cards and dice or whatever.

22          Q.    Strip poker?

23          A.    I never heard he stripped.

24          Q.    So what games did you understand they



1 were playing then while they were nude?

2 A. Poker maybe.

3 Q. And these were 11-year old boys?

4 A. I don't know how old the boys were.

5 Q. They were underage?

6 A. I don't know that either.

7 Q. You transferred him to another parish  
8 after that?

9 A. After he had gone to a psychiatrist.

10 Q. What psychiatrist?

11 A. Dr. William Cusack.

12 Q. And what did you learn from Dr. Cusack?

13 A. Well, the only thing I can remember he  
14 said, Bishop, this was juvenile antics.

15 Q. Did he give you a written report of any  
16 kind?

17 A. I don't know that.

18 Q. And did you ever ask Father Gibbs before  
19 you transferred him to another parish how many  
20 kids he had actually played nude games with?

21 A. No.

22 Q. How many victims have come forward of  
23 Father Gibbs?

24 A. I think there's only one. At least

1       there is only one that I know of.

2           Q.    After you transferred Father Gibbs after  
3       he admitted to having played nude games with these  
4       children, did you warn any of the parishioners at  
5       that new parish that he had a history of having  
6       played nude games with the parishioners' children  
7       at his former parish?

8           A.    No, I didn't.

9           Q.    You kept that a secret, didn't you?

10          A.    No. I told the pastor.

11          Q.    What pastor did you tell?

12          A.    Ed Langdon.

13          Q.    Did he tell the parishioners?

14          A.    I don't know.

15          Q.    Did you tell him to tell the  
16       parishioners?

17          A.    No, I did not.

18          Q.    Did you tell him to keep it a secret?

19          A.    Of course not.

20          Q.    Why did you tell him then?

21          A.    So that he would be aware that there was  
22       some activity in Larry's past that was  
23       unacceptable. And would be on the lookout in case  
24       there was some other activities.

1           Q.    Do you know if he ever told anybody else  
2 about Larry's past?

3           A.    I don't know that.

4           Q.    And there was a lawsuit brought against  
5 the Diocese in connection with Father Gibbs, was  
6 there not?

7           A.    Right. Right.

8           Q.    And the abuse -- sexual abuse was  
9 alleged in that connection, was it not?

10          A.    Yes.

11          Q.    And it happened at the parish where you  
12 transferred him to.

13          A.    That's right.

14          Q.    And then after that lawsuit was --  
15 excuse me -- how many other priests have you  
16 transferred after an allegation of some sexual  
17 misconduct has been made such as in the case of  
18 Father Gibbs?

19          A.    I don't know that there are any others.

20          MR. BYRNE: You're talking credible or not  
21 credible?

22          MR. ANDERSON: I said such as allegations  
23 against those made against Father Gibbs. Sexual  
24 misconduct in connection with a minor.

1 THE WITNESS: Then say it again for me,  
2 please.

3 BY MR. ANDERSON:

4 Q. Okay. How many other times have you  
5 made -- transferred clergy after an allegation of  
6 sexual misconduct against a priest has been made?

7 A. Credible allegation?

8 Q. An allegation.

9 A. Well, there's a difference between  
10 credible and --

11 Q. I'll break it down. Answer the first  
12 question and I'll break it down for you.

13 A. And I don't know the answer to the first  
14 question.

15 Q. How many times have -- have there been  
16 times where allegations have been made that you  
17 did not deem credible and subsequently made a  
18 transfer of the priest to parishes?

19 A. I want to say no.

20 Q. So it's your testimony in the 26 years  
21 that there are no occasions where an accusation  
22 report of complaint has been made against a priest  
23 of the Diocese that you deemed not to be credible  
24 and then transferred the priest?

1           A.    You're talking transfer.  Not  
2 necessarily transfer.  There could be an  
3 allegation that was found not credible that I  
4 allowed the priest to stay in the parish.

5           Q.    Okay.  Tell me where there have been  
6 allegations you deemed not to be credible where  
7 you allowed the priest to stay.

8           A.    I did not deem the allegation not to be  
9 credible.  The review board felt the allegation  
10 was not credible.

11          Q.    Bishop, you're the one in charge.  
12 You're the one to whom the priest makes the  
13 promise or vow of obedience, correct?

14          A.    You're half right.  Can't be a promise  
15 and a vow.

16          Q.    Which is it -- a vow or a promise?

17          A.    It's a promise.

18          Q.    Okay.  You're the one to whom the priest  
19 makes the promise of obedience.

20          A.    Right.

21          Q.    As the Bishop as the ordinary it is a  
22 fact that you are the one that is responsible for  
23 the transfer, the movement, and the assignment of  
24 every single priest in the Diocese.

1 A. Right.

2 Q. Correct?

3 A. Right.

4 Q. And the personnel board is simply a  
5 consultive board. They can only make  
6 recommendations, correct?

7 A. Not for me. Not for me.

8 Q. Is it your testimony that you're not the  
9 one responsible for the transfer, movement, and  
10 assignment of the priest?

11 A. I didn't say that. You said  
12 consultative board and I said not for me they  
13 aren't.

14 Q. They only make recommendations.

15 A. No. You're not listening to me. I'm  
16 saying they are more than consultative. What they  
17 say I do.

18 Q. The priests of the Diocese of Joliet  
19 make a promise of obedience to the Bishop and his  
20 successors, correct?

21 A. That's right.

22 Q. That's you, not to the personnel board.

23 A. I never said they made it to the  
24 personnel board. I said I follow the

1 recommendations of the personnel board.

2 Q. But you're the one responsible, right?

3 A. Sure.

4 Q. Tell me where then you as the one  
5 responsible have transferred or kept priests in  
6 assignments after allegations of sexual abuse have  
7 been made that were deemed not to be credible?

8 MR. BYRNE: Counsel, we're not -- at this  
9 stage I'm objecting. Instructing the witness not  
10 to answer that question. I don't see any  
11 relevance and I'm not really going into that, but  
12 failure to disclose and how this could have  
13 impacted and prevented your client from being  
14 abused in '69 is an absolute mystery to me. And  
15 even if you have the fiduciary relationship counts  
16 it's still a legal mystery to me as to how this  
17 Bishop after making a determination that somebody  
18 didn't have a credible allegation and allowed them  
19 in ministry somehow could impact your client who  
20 was abused allegedly in '69 and had no recall of  
21 it. So that's my objection.

22 Now, he has answered your question  
23 what he has done. He is not going to give the  
24 names of who are perceived to be priests that

1        didn't have credible allegations that remained in  
2        ministry. It would be -- not only is that  
3        improper and no relationship, that's not going to  
4        be disclosed absent some court order or ruling by  
5        a judge. Now, if a judge so rules that this is  
6        relevant and that those names have to be  
7        disclosed, then we'll deal with that at that time.

8                MR. ANDERSON: Counsel, is your objection  
9        relevancy?

10               MR. BYRNE: I stated my objection.

11               MR. ANDERSON: What's your legal objection?

12               MR. BYRNE: I stated my objection. It's  
13        sufficient.

14               MR. ANDERSON: Okay. You want to take a  
15        break right now?

16               THE WITNESS: It's past when I should be  
17        leaving.

18               MR. ANDERSON: Okay. Let's do it.

19               THE VIDEOGRAPHER: We're going off the record  
20        at 11:24 a.m.

21               MR. ANDERSON: We are breaking at 11:25. We  
22        convened examination at 10:15.

23               MR. BYRNE: 10:10. Whatever the record  
24        shows.



1 MR. PEARLMAN: In fairness there was ten  
2 minutes of speaking about --

3 MR. BYRNE: We're not going to quarrel for  
4 five minutes.

5 (WHEREUPON, a lunch recess was  
6 had.)

7 THE VIDEOGRAPHER: We're back on the record  
8 at 1:08 p.m.

9 MR. ANDERSON: Before we broke for lunch  
10 there was a question pending for which there was a  
11 long objection. I'm going to ask the court  
12 reporter to read the question back.

13 (WHEREUPON, the record was read  
14 as requested.)

15 MR. BYRNE: Would you repeat that again? I'm  
16 a little confused. I didn't think that was an  
17 ending. I thought it was answered. I may be  
18 mistaken. Just repeat it again if you would.

19 (WHEREUPON, the record was read  
20 as requested.)

21 MR. BYRNE: Okay. I'm sorry.

22 BY MR. ANDERSON:

23 Q. What is your answer to that question?

24 MR. BYRNE: Oh, I had objected.

1           MR. ANDERSON: Are you instructing him not to  
2 answer?

3           MR. BYRNE: Yes. Yes, that's correct.

4 BY MR. ANDERSON:

5           Q. Bishop, then tell us as in your capacity  
6 as Bishop when you have kept priests in  
7 assignments either in the Diocese or in other  
8 assignments outside of the Diocese after  
9 allegations of sexual misconduct have been made  
10 and deemed to have been credible.

11          A. Just repeat the first part. Did you  
12 say --

13          Q. Tell us the occasions in which you have  
14 allowed priests to continue in ministry in or out  
15 of the Diocese after allegations of sexual  
16 misconduct have been made and deemed to have been  
17 credible.

18          A. I'm not certain that I can tell you all  
19 of them. I could probably tell you some of them.  
20 Fred Lenczycki, Michael Gibbney, Gary Berthiaume  
21 if you want. I'm not sure there were any others.

22          Q. What about Meis?

23          A. Who?

24          Q. Meis.

1           A.    Meis?

2           Q.    Yeah.

3           A.    When there was an allegation against him  
4 he was removed.

5           Q.    He was sent to St. Louis, wasn't he?

6           A.    He was -- he went to Missouri. That is  
7 St. Louis, yeah.

8           Q.    You recommended him, didn't you?

9           A.    I recommended him?

10          Q.    To the Archbishop there.

11          A.    I may have. I don't know.

12          Q.    That was after a credible allegation had  
13 been made against him.

14          A.    Yes.

15          Q.    Any others that -- who you continued or  
16 allowed to continue in ministry in or out of the  
17 Diocese of Joliet after credible allegations of  
18 sexual misconduct had been lodged?

19          A.    If you give me some names I could  
20 probably tell you, but I don't know of any.

21          Q.    Well, Bishop, you're the one making the  
22 decisions here. You tell me what you remember.

23          A.    I don't remember any others.

24          Q.    Now, in the four cases you just

1 identified, in the case of Father Berthiaume you  
2 allowed him to come to Joliet from the Archdiocese  
3 of Detroit and serve in a parish here, did you  
4 not?

5 A. No.

6 Q. Didn't he come to Joliet?

7 A. He came to Joliet.

8 Q. Was that before you became Bishop?

9 A. No.

10 Q. It was after you became Bishop.

11 A. Uh-huh.

12 Q. So you allowed him to come here.

13 A. Not from Detroit.

14 Q. Where did he come from?

15 A. Cleveland.

16 Q. So he went from Detroit to Cleveland to  
17 here?

18 A. Yeah.

19 Q. And you placed him in an assignment in  
20 the Diocese of Joliet, did you not?

21 A. Right. Right.

22 Q. What year did you do that?

23 A. Probably late 80s.

24 Q. And that was after you knew that he had

1       been convicted of child molestation and after he  
2       had admitted committing that crime to you,  
3       correct?

4             A.     Right.

5             Q.     And when you placed him in that parish  
6       after he got out of prison for child molestation  
7       what parish did you place him in?

8             A.     I never placed him in a parish.

9             Q.     What assignment did you place him in?

10            A.     He was at a retreat house.

11            Q.     What retreat house was that?

12            A.     The Cenacle of Warrenville.

13            Q.     And is mass said there?

14            A.     I'm sorry?

15            Q.     Is mass said there?

16            A.     Did he say mass there?

17            Q.     Yes.

18            A.     Yes.

19            Q.     And that mass is open to the public,  
20       wasn't it?

21            A.     That's right.

22            Q.     And what effort, if any, did you make to  
23       warn the parishioners in the vicinity that would  
24       attend mass and/or seek his counsel as a priest

1       that he was a known child molester?

2           A.     The people who were in charge of the  
3       retreat house knew about his past. Adults go to  
4       the retreat house. Not kids.

5           Q.     So is it your testimony that you told  
6       the people that ran the retreat house --

7           A.     Yes.

8           Q.     -- that he was a convicted child  
9       molester?

10          A.     Yes.

11          Q.     Who did you tell that to?

12          A.     At the time I want to say her name was  
13       Sister Duncan, but I'm not sure of that. There's  
14       been a couple changes. Whoever was in charge of  
15       the retreat house at that time.

16          Q.     Anybody else by name that you remember  
17       besides Sister Duncan?

18          A.     Well, the present head of the retreat  
19       house is Sister Sharon Riley. She knows about --  
20       well, all the sisters know about it. All the  
21       sisters knew about it.

22          Q.     Did you as the Bishop disseminate  
23       anything in writing to the community of faith in  
24       the area in which Berthiaume was assigned warning

1       them that he was a convicted child abuser?

2           A.    No.

3           Q.    Why not?

4           A.    Well, there was no regular community. A  
5   retreat house people come in for three days or for  
6   a weekend. There is no community. No stable  
7   community.

8           Q.    And how long did he serve there?

9           A.    12, 14 years.

10          Q.    And during that time he was allowed to  
11   wear a collar?

12          A.    Certainly.

13          Q.    He was granted all the faculties given a  
14   Roman Catholic priest serving in the Diocese of  
15   Joliet conferred by you as Bishop?

16          A.    Yes.

17          Q.    Without restriction, correct?

18          A.    Oh, no.

19          Q.    What restriction did you impose on his  
20   faculty to minister?

21          A.    He was not to deal with young people.

22          Q.    And if he was not to deal with young  
23   people, how did you enforce that restriction upon  
24   him?

1           A.    The sisters enforced it.

2           Q.    How do you know that?

3           A.    Because that's what they were asked to  
4 do. They knew about his past and knew that he was  
5 not to have any relationship with young people.

6           Q.    Fact is you continued him in ministry  
7 there for 14 odd years with only the sisters and  
8 perhaps the retreat house staff knowing that he  
9 was convicted, correct?

10          A.    Yes and no.

11          Q.    Well, what's the no part? Where am I  
12 wrong?

13          A.    He served as a hospital chaplain.

14          Q.    Did you put anything in writing that  
15 gave notice that he was restricted in his ministry  
16 to youth?

17          A.    No.

18          Q.    So it was just verbal. Your lips to the  
19 ears of those you chose to tell, right?

20          A.    Tell me that again.

21          Q.    It was just verbal.

22          A.    Yes.

23          Q.    And you said he also served as a  
24 hospital chaplain, did he not?



1           A.    Right.

2           Q.    And you're aware at the time he served  
3 as hospital chaplain that hospital chaplains  
4 minister to the sick, the ill, the infirm, and the  
5 dying, correct?

6           A.    Yes.

7           Q.    That's adults, elderly, and children.

8           A.    No.

9           Q.    How do you know that?

10          A.    He was restricted.

11          Q.    Did you tell the hospital staff of that?

12          A.    Yes.

13          Q.    Who?

14          A.    The administrator, the head chaplain.

15          Q.    Who was the administrator, Bishop?

16          A.    I have no idea.

17          Q.    Who was the head chaplain?

18          A.    I have no idea.

19          Q.    Did you put that in writing to either?

20          A.    No, I did not.

21          Q.    Did you put that in writing to anybody  
22 at the hospital in charge of it --

23          A.    No.

24          Q.    -- where he served?

1           A.    No.

2           Q.    You did remove him from his assignment,  
3           however, as a priest in the Diocese of Joliet  
4           because it was reported in the media, correct?

5           A.    I don't recall the exact circumstance  
6           whether it was because of the charter at which  
7           time I would have removed him or -- I don't think  
8           there was -- there was no complaint against him as  
9           far as I know.

10          Q.    Well, there wasn't.

11          A.    I don't know.

12          Q.    There wasn't any evidence of a  
13          complaint, Bishop. At least by your testimony you  
14          recall no evidence of a complaint against him,  
15          correct?

16          A.    What testimony is that?

17          Q.    I'm just trying to refrain what you just  
18          told me.

19          A.    Oh, I'm sorry. I thought you were  
20          reading something.

21          Q.    I am reading something, but I'm asking  
22          you a question so we're on the same page. It's  
23          correct to say there was no complaints that you  
24          were aware that he had engaged in misconduct,

1 correct?

2 A. That's right.

3 Q. But you did remove him, correct?

4 A. Right.

5 Q. In April of 2002 an article by Alison  
6 Hantschel, H-a-n-t-s-c-h-e-l, appeared in the  
7 Chicago Sun-Times, correct?

8 A. I don't know.

9 Q. Do you recall a media account that --

10 A. No.

11 Q. Is it correct to say that you pulled him  
12 from that assignment because of media attention to  
13 the fact that you had an offender in ministry?

14 MR. BYRNE: Excuse me, Counsel. I have  
15 previously asked for any reports of any Bishop  
16 statements at all to be produced and you appear to  
17 be referring to one it's not --

18 MR. ANDERSON: I'm reading from a newspaper  
19 article, Counsel.

20 MR. BYRNE: A statement made by the Bishop.  
21 It didn't have to be any particular source.

22 MR. ANDERSON: If you have an objection, make  
23 it. What's your objection?

24 MR. BYRNE: You're not -- that has to be

1 shown to me and to the Bishop. And I'm going to  
2 preclude you from asking any further questions  
3 because you have violated the court order. You  
4 have not produced it. The judge said that it was  
5 only fair that statements -- any statements by the  
6 Bishop would be produced within 24 hours and  
7 you're not doing that. And, therefore, I'm  
8 objecting. I'm objecting to any further questions  
9 about any statement that you have by the Bishop.

10 MR. ANDERSON: Mr. Byrne, you're going to  
11 have to pay attention to what's happening here,  
12 okay? I'm going to try to tell you what's  
13 happening. I'm not referring to any statement by  
14 the Bishop. I'm asking him about what he did and  
15 why he removed this man from ministry. And I'm  
16 not referring to any statement by this Bishop.  
17 Okay? So just listen to the question.

18 MR. BYRNE: I didn't object to those  
19 questions in which you just characterized. Once  
20 you go to a statement and a news report supposedly  
21 by him, that's my objection. I've given you all  
22 that leeway. That's a very pertinent, very sound  
23 objection.

24 Continue, Counsel. Any

1 reference -- by the way, if you have some  
2 statement by the Bishop I want to -- that you're  
3 referring to now I'm asking you to produce it to  
4 me right now.

5 MR. ANDERSON: I'm not referring to any  
6 statement by the Bishop.

7 MR. BYRNE: You did. Will you please produce  
8 that to me now? Yes or no?

9 MR. PEARLMAN: He doesn't have it.

10 MR. ANDERSON: I'm not referring to anything  
11 by the Bishop. Mr. Byrne, you're not paying  
12 attention.

13 MR. BYRNE: Yes or no? You did.

14 MR. ANDERSON: I do not have a statement by  
15 the Bishop. I'm not referring to a statement by  
16 the Bishop. My question didn't refer to a  
17 statement by the Bishop.

18 MR. BYRNE: You referred to an article and  
19 the source of the article and the quote from the  
20 article. I'm asking for it. Yes or no?

21 MR. PEARLMAN: If you don't have it, we can't  
22 produce it. We don't have it either.

23 MR. BYRNE: If you're quoting from it, I'm  
24 entitled to have it.

1 MR. ANDERSON: No. I'm not quoting from it.

2 MR. BYRNE: You did quote from it.

3 MR. ANDERSON: I'm going to continue. This  
4 is not going to use the time appropriately.

5 BY MR. ANDERSON:

6 Q. Is it correct to say, Bishop, that you  
7 removed him from ministry because of a media  
8 account?

9 A. Because of the media?

10 Q. The media account of the fact.

11 A. That's probably true.

12 Q. Okay. And the charter went into effect  
13 sometime after that in June of 2002.

14 A. Right.

15 Q. And you removed him before the charter.

16 A. Right.

17 Q. I appreciate that you now on  
18 instructions of counsel have refused to answer  
19 questions about priests who continue the ministry  
20 where you deemed the allegations of sexual abuse  
21 not to be credible. And you have answered  
22 questions where you have deemed the allegations to  
23 have been credible -- have been credible. My  
24 question to you is, how do you determine when an

1 allegation of sexual misconduct by a priest is  
2 made what is credible and what is not?

3 A. The review committee now makes that  
4 decision. There have been nine cases of false  
5 allegations against priests in the Diocese. One  
6 went to trial. And he was released. Some of the  
7 others the complainant never followed through.

8 Q. When you make the statement there have  
9 been nine cases of false allegations of sexual  
10 abuse against priests of the Diocese of Joliet, on  
11 what do you base your assertion that those  
12 allegations were false?

13 A. Well, a jury found one priest not  
14 guilty.

15 Q. That's one. Which one was that?

16 A. Michael Foley.

17 Q. That was a criminal case, was it not?

18 A. I don't know if it was criminal or not.

19 Q. Well, not guilty, that would be a  
20 criminal case.

21 A. Well, found him innocent. Let me put it  
22 that way.

23 Q. Okay. And let me ask you in connection  
24 with Father Foley, did you continue him in

1 ministry up to and through the trial?

2 A. No.

3 Q. You removed him pending?

4 A. Yes.

5 Q. What -- on what basis did you remove  
6 him?

7 A. Because it was an allegation. A  
8 substantial allegation.

9 Q. So you felt that it was -- the  
10 allegation was substantial enough to remove him  
11 temporarily?

12 A. That was the decision of the review  
13 board that this was a credible allegation.

14 Q. So this would have been sometime in the  
15 1990s, correct?

16 A. Yes. Yes.

17 Q. The review board was established in what  
18 year?

19 A. 1990.

20 Q. And there are eight other than false  
21 allegations --

22 A. Right.

23 Q. -- that you refer to. What -- on what  
24 did you base or do you base your determination



1       that those allegations were false? Maybe you can  
2       break them down.

3           A.    In a couple instances the person who  
4       made the complaint said that they were misinformed  
5       or had faulty knowledge or recollection or  
6       whatever. And another --

7           Q.    Let me stop you there. You said a  
8       couple. Does a couple mean two?

9           A.    I don't know.

10          Q.    In those cases where there were what you  
11       have described as faulty or misinformed  
12       allegations did you continue the accused in  
13       ministry?

14          A.    No.

15          Q.    Did you remove him?

16          A.    Yes.

17          Q.    Temporarily?

18          A.    Yes.

19          Q.    And then restore him?

20          A.    Right.

21          Q.    In those two cases that you're referring  
22       to, what was the name of the clergyman?

23          A.    Well, the one was Dave Stalzer, John  
24       Barrett, Tom White. I don't know that I could

1 list the others.

2 Q. Is that because you don't remember or  
3 you choose not to?

4 A. I don't remember.

5 Q. And in the other instances which there  
6 were false allegations I think you had identified  
7 now four clergymen by name. Are you able to  
8 identify any of the others against whom you  
9 believe false allegations of sexual misconduct  
10 were brought?

11 MR. BYRNE: Wait just a moment, Bishop. You  
12 can answer that yes or no and then I'm going to  
13 ask you to pause and I have an objection.

14 THE WITNESS: And the question was can I  
15 identify the others?

16 BY MR. ANDERSON:

17 Q. By name against whom you believe false  
18 allegations --

19 A. I'm not sure I could do it now, but I  
20 could certainly do it. I would have to look at a  
21 list.

22 Q. What kind of list would you have to look  
23 at?

24 A. A list that I made of false allegations.

1 Q. For what purpose did you make that list?

2 A. Because I wanted to know how many  
3 priests had been falsely accused.

4 Q. For what purpose did you want to know  
5 that?

6 A. Because we keep a list of those --  
7 there's a list of those who were accused and a  
8 list of those who were falsely accused.

9 Q. You said there's a list of those who  
10 were accused and do you mean --

11 A. Those who have been in the paper.

12 Q. So it's -- that list that you prepared  
13 of false allegations you said there were nine in  
14 number. When did you prepare that list?

15 A. I think I probably prepared it two or  
16 three years ago.

17 Q. Okay. And the purpose of having done  
18 that was what?

19 A. Just to know.

20 Q. Was it in response to media attention?

21 A. I'm sorry?

22 Q. Was it in response to media attention --

23 A. No.

24 Q. -- on this issue?

1           A.    The media gives no attention to false  
2           allegations.

3           Q.    And so it was for your use only?

4           A.    Yes.

5           Q.    Have you ever disseminated to the media  
6           that you have a list or have formed a belief that  
7           there have been nine false allegations made  
8           against priests in the Diocese of Joliet --

9           A.    No.

10          Q.    -- while you were Bishop?

11          A.    No.

12          Q.    Then there is the list you said also of  
13          accused where the allegations are not false,  
14          correct?

15          A.    Well, we had to prepare that for the --  
16          as a requirement of the charter, the names of all  
17          priests in the last 50 years so that list.

18          Q.    And the list of the false allegations  
19          wasn't prepared for purposes of the charter,  
20          though, was it?

21          A.    No.  No.

22          Q.    So at the time you prepared a list of  
23          false allegations not for purposes of the charter  
24          but for your purposes, did you also prepare a list

1 of true allegations?

2 A. That was prepared before that. That was  
3 for the charter. We had to submit that to -- for  
4 the John J study.

5 Q. I understand that after June of 2002 you  
6 were required to submit allegations that had been  
7 deemed to be credible for the charter, but my  
8 question to you is this: Before that you  
9 indicated you had prepared a list of false  
10 allegations for your own purposes, correct?

11 A. You said before that. I'm not -- I  
12 don't think I said before that.

13 Q. Well, that's what I heard you say. If I  
14 heard you --

15 A. You could be mistaken.

16 Q. I'm asking you for what purpose did you  
17 prepare the list of false allegations? The  
18 charter did not require that.

19 A. For the third time for my information.

20 MR. BYRNE: I'm objecting. That's three  
21 times asked and answered.

22 BY MR. ANDERSON:

23 Q. Okay. For your information. My  
24 question then is, for your information did you

1 prepare at the same time a list of true  
2 allegations?

3 MR. BYRNE: Credible.

4 THE WITNESS: That was prepared for the  
5 charter.

6 BY MR. ANDERSON:

7 Q. Okay. So is your answer no?

8 A. Answer to what?

9 Q. At the time you prepared the list of  
10 false allegations for your own purposes did you  
11 also prepare a list --

12 A. That had already been --

13 Q. -- of true -- just let me finish. Did  
14 you also prepare a list of true allegations?

15 A. That had already been prepared.

16 Q. And how many allegations had been  
17 prepared that were true?

18 A. How many allegations had been prepared?

19 Q. How many were on the list of true  
20 allegations?

21 A. 26 or 27.

22 Q. And have you ever made that list or that  
23 information known to the community of faith, the  
24 parishioners, or the public?

1           A.    The number was made public.

2           Q.    And why not the names?

3           A.    I didn't think that the names should be  
4   made public unless they -- most of them had  
5   already been made public.  Some of the priests  
6   were dead.

7           Q.    But not all of them, Bishop, correct?

8           A.    I don't know.  I would have to look at  
9   the list.

10          Q.    The fact is that you don't want those  
11   names to be public and you want to keep them  
12   secret, correct?

13          A.    That's your interpretation.

14          Q.    Well, what's your explanation for not  
15   making it public?

16          A.    If it's not public I'm not going to  
17   spread a priest's name all over the newspaper and  
18   some of the people who came forward did not want  
19   the name released.

20          Q.    They had been deemed credible enough for  
21   you to report them to the John J College, right?

22          A.    Right.

23          Q.    Okay.

24          A.    Right.

1           Q.   Why aren't they deemed credible enough  
2           to report those same names to the people who are  
3           looking to the priest for guidance and help?

4           A.   Well, for what purpose? Those priests  
5           are not in ministry. They're not going to be  
6           affecting anyone.

7           Q.   Some of those priests, Bishop, you just  
8           told me you weren't sure were still in ministry.

9           A.   I never said that. I never said that.

10          Q.   Is it your testimony that every priest  
11          26 or 27 in number against whom credible  
12          allegations have been made have not been in  
13          ministry?

14          A.   Yes.

15          Q.   And how many of those priests on that  
16          list of 26 or 27 against whom credible allegations  
17          have been made had been in ministry until you were  
18          required to remove them as a result of the  
19          imposition of the charter?

20          A.   I couldn't tell you. I would have to  
21          look at the list.

22          Q.   The fact is that you kept a number of  
23          priests against whom this Diocese and you as  
24          Bishop knew there were credible allegations of



1 sexual abuse made and you continued them in  
2 ministry until the charter required you to remove  
3 them, correct?

4 A. Not without the people to whom they  
5 reported or who were their superiors knew about  
6 it.

7 Q. That's not my question --

8 A. That's my answer.

9 Q. Well, let me get an answer to the  
10 question then. It is correct to say that you  
11 knowingly continued priests in ministry until the  
12 charter required their removal and you knew that  
13 credible allegations had been made against those  
14 clergymen, correct?

15 A. Yes. Yes.

16 Q. Okay. How many?

17 A. I have no idea. I mentioned three I  
18 think or four.

19 Q. How many do you remember that --

20 A. I can't give you that answer.

21 Q. --- continued in ministry -- let me  
22 finish the question. How many by name and number  
23 can you identify that you continued in ministry  
24 until you were required to move them by the

1 charter against whom credible allegations of  
2 misconduct had been made?

3 A. I thought I gave you the four names of  
4 people. Lenczycki, Berthiaume, I don't know the  
5 others that I gave you, but you have them.

6 Q. Well, I'm talking now about the ones  
7 that you removed -- you continued in ministry but  
8 removed because of the charter required you to.  
9 You already told me Berthiaume you removed before  
10 the charter required you to.

11 A. Lenczycki I removed with the charter.

12 Q. Okay. Lenczycki. And how long had he  
13 been continued in ministry by you after a credible  
14 allegation of sexual abuse had been made?

15 A. I make a distinction continued in  
16 ministry by me?

17 Q. You're the Bishop, yes.

18 A. I don't appoint him. I didn't appoint  
19 him. He was working somewhere else.

20 Q. He was a Bishop -- he was a priest to  
21 the Diocese of Joliet.

22 A. That's right. That's right.

23 Q. He cannot serve in any Diocese anywhere  
24 without your express permission, correct?

1           A.    Absolutely.

2           Q.    And he remains wherever he serves a  
3 priest of the Diocese of Joliet.

4           A.    But the Bishop of his Diocese has to  
5 give him permission also.

6           Q.    It's with the joint permission of that  
7 bishop --

8           A.    Right.

9           Q.    -- but ultimately you are the one that  
10 confers the power to assign him outside the  
11 Diocese or in the Diocese, correct?

12          A.    I wouldn't call it power. I say that he  
13 is able to serve in another Diocese.

14          Q.    But it is correct to say that he was a  
15 priest of the Diocese of Joliet and serving  
16 outside of the Diocese of Joliet.

17          A.    Right.

18          Q.    And how long did you with the permission  
19 of the other ordinary continue Father Lenczycki in  
20 ministry after you knew he had a credible  
21 allegation of sexual abuse?

22          A.    I'm not sure that the first allegation  
23 against him was an allegation of sexual abuse.  
24 The only allegation I know about him but -- but he

1 worked for ten years.

2 Q. You say you're not sure that was an  
3 allegation of sexual abuse. What makes you wonder  
4 or say that?

5 A. Well, because what happened at least to  
6 my knowledge there is no clarity that it was  
7 sexual abuse. It was inappropriate behavior, but  
8 I'm not sure that it was ever classified as sexual  
9 abuse.

10 Q. Classified by whom?

11 A. By the authorities.

12 Q. The police you mean?

13 A. State's attorney, DCFS.

14 Q. Is it your belief for an allegation of  
15 sexual abuse to be credible that law enforcement  
16 have to make a determination that it is?

17 A. That's the usual standard. I think  
18 that's what even the charter says. Whatever  
19 definition is given by public authorities that is  
20 the definition of sexual abuse. And there is  
21 considerable discussion about that.

22 Q. Has that been your standard since you  
23 were installed as Bishop in '79?

24 A. Yes.

1           Q.    In other words if the police report it  
2   to be sexual abuse and prosecute it, then it's  
3   sexual abuse?  If they don't it's not?

4           A.    That would be what I would follow, yeah.

5           Q.    So if a priest is not prosecuted as far  
6   as you're concerned that's -- it's not a credible  
7   allegation?

8           A.    That's what I would follow.

9           Q.    Have you yourself in connection with any  
10  of the allegations against any of these priests  
11  that you continued in ministry ever conducted your  
12  own investigation or required that an internal  
13  investigation be done?

14          A.    Investigation of what happened?

15          Q.    Yes.

16          A.    I have talked to some of the victims.

17          Q.    For purposes of investigating and  
18  determining whether the abuse had occurred?

19          A.    No.  It was -- it had occurred.  I  
20  wanted to find out what happened.

21          Q.    If you were satisfied that it occurred  
22  then why didn't you remove the priest from  
23  ministry?

24          A.    A number of priests received therapy and

1       were given a green light, if you want, to be  
2       returned to restricted ministry.

3           Q.    There were some that didn't receive  
4       therapy and were continued in ministry after  
5       credible reports had been made, correct?

6           A.    You would have to tell me some names.  
7       Nothing comes to mind for me.

8           Q.    What priests were continued in ministry  
9       after credible reports had been made and they had  
10      received therapy?

11          A.    Lenczycki, Berthiaume.  Who else?

12          Q.    Is there any way to have a priest in  
13      ministry in the Diocese of Joliet where that  
14      priest is prevented from using his collar to  
15      access youth if he chooses to?

16          A.    To act as?

17          Q.    To access youth --

18          MR. BYRNE:  Access.

19      BY MR. ANDERSON:

20          Q.    -- if he chooses to.

21          A.    I still didn't get that.  To act as?

22          Q.    Is there any way to prevent a priest who  
23      is wearing a collar and serving in the Diocese of  
24      Joliet in any capacity from accessing youth --

1 A. Oh.

2 Q. -- as a priest if he wants to?

3 A. I was so concentrating on the word  
4 "access", which I didn't understand, that I don't  
5 get the whole question. Is there any way of  
6 preventing a priest who is accused of sexual  
7 abuse --

8 Q. Yes.

9 A. -- of wearing a collar?

10 Q. Let me --

11 A. -- of access to youth?

12 Q. Let me rephrase the question.

13 A. Okay.

14 Q. There are a number of priests who you  
15 have continued in ministry for whom you concluded  
16 there were credible allegations of sexual abuse,  
17 correct?

18 A. Yes.

19 Q. And it's your testimony that you  
20 continued them in ministry because they got  
21 therapy?

22 A. Yes.

23 Q. And the number of priests that fall into  
24 that category are what?

1           A.    I told you I don't know.  I mentioned  
2           two.

3           Q.    And you just don't remember.  Is that a  
4           fair statement?

5           A.    Well, I don't.

6           Q.    And in connection with the ones you do  
7           remember my question is this:  If they're in  
8           active ministry wearing a Roman collar given the  
9           ability to minister the sacraments and serve as a  
10          priest publicly, is it anything that you can do as  
11          a Bishop and their ultimate superior to prevent  
12          them from using their collar to locate and access  
13          youth?

14          A.    No.

15          Q.    So that when you continued those priests  
16          in ministry you made a decision to take a risk.

17          A.    Sure.  It was a risk but with a solid  
18          basis for it.  I say look at the record.  Look at  
19          their record.  What have they done in 14 years and  
20          10 years?  Supposedly there have been no  
21          complaints.

22          Q.    When a complaint is made to an official  
23          of the Diocese and/or to you, do you record all  
24          complaints made?



1           A.    Yes, we do.

2           Q.    Do you take that record and place it in  
3 the priest's file even if you deemed it to be not  
4 credible and not prosecuted?

5           A.    Absolutely.

6           Q.    Is it your testimony then that every  
7 report that has been made to you while Bishop and  
8 your subordinates serving you since '79 have been  
9 recorded?

10          A.    I can't speak for the subordinates, but  
11 things that are made public to me they go in the  
12 priest's file.

13          Q.    Have you until -- between 1979 and 1990  
14 did you have any written policies or protocols  
15 pertaining to sexual abuse and what to do with it  
16 when an allegation is made?

17          A.    I think we did something before '90. I  
18 think we had something in the late 80s, but I'm  
19 not certain of that.

20          Q.    Is it correct to say, Bishop, that since  
21 1979 and until the charter was implemented and  
22 imposed in the year 2002 that the practice of this  
23 Diocese has been to try to keep allegations of  
24 sexual abuse made against clergy secret?

1           A.    Did you say the practice or policy?

2           Q.    Practice.

3           A.    If it was not made public, it was not  
4 made public.

5           Q.    That means if it was not made known by  
6 somebody outside of the Diocese and yourself, you  
7 know, you would not tell people, correct?

8           A.    If there was a lawsuit or it was public  
9 that was it.

10          Q.    Okay. In other words, a lawsuit it  
11 would go public or if there was a media account it  
12 would be public.

13          A.    Right.

14          Q.    But you never took any initiative in  
15 fact to make it known otherwise, correct?

16          A.    That's not true in every instance.

17          Q.    Tell me the instances where you made an  
18 effort to make a credible allegation against a  
19 clergyman in the Diocese of Joliet known when it  
20 hadn't already been made available through the  
21 media or through a criminal investigation?

22          A.    I encouraged or urged  
23                 s mother to take her to a counselor  
24 knowing full well that the counselor would have to

1 report this to the police.

2 MR. ANDERSON: Okay. I think we're going to  
3 go off the record for a moment.

4 THE VIDEOGRAPHER: We're going off the record  
5 at 1:49 p.m.

6 (WHEREUPON, discussion was had  
7 off the record.)

8 THE VIDEOGRAPHER: We are back on the record  
9 at 1:50 p.m.

10 BY MR. ANDERSON:

11 Q. You had used a name I wanted to make  
12 sure had already been in the public domain and  
13 that was And you assured me  
14 that it has been made public. Is it your  
15 testimony that you're the one that made that  
16 information in connection with the abuse of her or  
17 members of her family public?

18 A. We -- I encouraged or told the mother  
19 that we wanted to get counseling knowing  
20 that the counselor by law had to report that.

21 Q. So you did not make that public?

22 A. Well, if you want to cut hairs, okay,  
23 but I think I did make it public.

24 Q. And it's your testimony that you made it

1 public by referring the child who had been abused  
2 by a priest to a therapist?

3 A. Right.

4 Q. You call that making it public?

5 A. I do.

6 Q. Okay. What did you do to warn the  
7 parishioners --

8 A. We went to the -- I'm sorry.

9 Q. What did you do to warn the parishioners  
10 that the priest in question there had a credible  
11 allegation made against him?

12 A. We went to the parish and talked at  
13 every mass, told them what had happened.

14 Q. In that case the priest is whom?

15 A. Ed Stefanich.

16 Q. And what parish did you go to?

17 A. What parish did I go to?

18 St. Scholastica, Woodridge.

19 Q. And did you go to the former parishes  
20 where he had served?

21 A. We sent letters to all the former  
22 parishes.

23 Q. When you say we that's you and the  
24 officials of the Diocese?

1           A.    Yes.

2           Q.    On your letterhead or the vicar  
3 general's?

4           A.    My letterhead.

5           Q.    You did that after it had been made  
6 public, correct?

7           A.    Right.

8           Q.    Now, in your view and in your experience  
9 as Bishop prior to the charter, which I appreciate  
10 imposes some new standards in 2002, but in your  
11 experience as Bishop here in Joliet since 1979 is  
12 a suspicion that a priest has committed sexual  
13 abuse of a minor sufficient for you as the Bishop  
14 to remove a priest from his assignment?

15          A.    A suspicion would probably not be  
16 sufficient, but it would certainly call for  
17 investigation.

18          Q.    And what investigation have you done or  
19 has ever been done by you or your office  
20 responsive to a suspicion of sexual abuse?

21          MR. BYRNE: Counsel, what time during these  
22 20 years are you talking about?

23          MR. ANDERSON: Any time. I want to know when  
24 he's investigated. '79 to 2002.

1 MR. BYRNE: Okay. Go ahead.

2 THE WITNESS: The review board does that now.  
3 In the past it was the vicar for clergy.

4 BY MR. ANDERSON:

5 Q. And the review board was established in  
6 the early 1990s. Between 1979 and 1990 how many  
7 investigations were done of suspicions of sexual  
8 abuse by clergy and Diocese?

9 A. I have no idea.

10 Q. Do you know of any?

11 A. Well, I know Bishop Kaffer visited  
12 people and interrogated people, yeah. Henry Slade  
13 is one I can think of, but there probably were  
14 others but --

15 Q. Was that an investigation done by Bishop  
16 Kaffer of Henry Slade?

17 A. Yes.

18 Q. Any others again about whom  
19 investigation was conducted by Diocesan officials?

20 A. I can't recall any.

21 Q. What did you as Bishop do responsive to  
22 the investigation that you reported was done by  
23 Bishop Kaffer in connection with Father Slade?

24 A. Bishop Kaffer was responsible for that.

1 I was not.

2 Q. Well, Bishop Kaffer was auxiliary  
3 Bishop --

4 A. Right.

5 Q. -- answering to you.

6 A. And vicar for clergy.

7 Q. So he was responsible for the  
8 investigation and you delegated that to him,  
9 correct?

10 A. Right.

11 Q. The ultimate decision about whether  
12 Slade should be continued in ministry or not was  
13 yours, correct?

14 A. Sure.

15 Q. What decision did you make after that  
16 investigation was done by Bishop Kaffer?

17 A. To remove him from ministry.

18 Q. Permanently?

19 A. Yes.

20 Q. Did you remove him from the clerical  
21 state or petition to remove him?

22 A. Yes.

23 Q. How soon after the investigation was  
24 concluded did you remove him from ministry?

1           A.    As soon as it was verified by Bishop  
2 Kaffer.

3           Q.    And how soon after the report that  
4 started the investigation -- Let me rephrase.

5                   Did you continue Father Slade in  
6 ministry while the investigation was underway?

7           A.    I don't remember, but I think we were  
8 talking about a matter of days.

9           Q.    And did he ever return to ministry?

10          A.    No.

11          Q.    Did he remain a priest?

12          A.    No.

13          Q.    Did he seek laityization or did you  
14 petition for it?

15          A.    Neither.

16          Q.    What happened?

17          A.    He left the priesthood.

18          Q.    And have you ever petitioned for  
19 laityization of any clerics in the Diocese of  
20 Joliet by reason of sexual molestation?

21          A.    Ed Stefanich.

22          Q.    When did you petition?

23          A.    Sometime after he got out of jail. '87,  
24 '88.



1           Q.    Is it correct to say that he is the  
2           only -- he is the only one?

3           A.    I'm just trying to -- as far as I know.

4           THE VIDEOGRAPHER:  We're going off the record  
5           for a tape change.  This is the end of tape number  
6           2.  It's 1:57 p.m.

7                       (WHEREUPON, a recess was had.)

8           THE VIDEOGRAPHER:  We're back on the record  
9           with the beginning of tape number 3.  It's 2:02  
10          p.m.

11         BY MR. ANDERSON:

12          Q.    Bishop, we were talking about some  
13          investigations done by you and/or your office  
14          responsive to suspicions of sexual abuse.  And you  
15          talked about Father Slade and Bishop Kaffer having  
16          done that.  Any other investigations that you  
17          recall having been done responsive to sexual abuse  
18          by your office?

19          A.    No.

20          MR. BYRNE:  Do we have a particular period of  
21          time?

22          MR. ANDERSON:  '79 to 2002.

23          MR. BYRNE:  Okay.  I'm sorry.  Let me -- I  
24          think we have a confusion here.

1 MR. ANDERSON: Excuse me. '79 to '90.

2 MR. BYRNE: Okay.

3 BY MR. ANDERSON:

4 Q. So we have the same question the right  
5 answer, it's correct to say that the only  
6 investigation done by you or your office from 1979  
7 to 1990 internally regarding suspicions of sexual  
8 abuse is pertaining to Father Slade?

9 A. No. That's all I can think of. Bishop  
10 Kaffer did also.

11 Q. Is it fair to say that until the board  
12 and later until the charter from 1979 to 1990 that  
13 you pretty much left to law enforcement to decide  
14 and investigate?

15 A. No. We did it also.

16 Q. What records are there that you did  
17 it -- that you investigated?

18 A. I think ~~;~~ is there.

19 Q. Okay. Apart from that?

20 A. I don't know.

21 Q. We'll look at those in a moment.

22 When in time was there first  
23 suspicion by you or the Diocese that Stefanich was  
24 unfit to serve in ministry?

1 A. Stefanich.

2 Q. Stefanich.

3 A. That would be hard to categorize. What  
4 makes a person unfit?

5 Q. Well, you're the one that decides  
6 fitness because --

7 A. Well, he was unfit after he was  
8 convicted of molestation of [REDACTED]

9 Q. So is it your testimony that the  
10 determination for fitness to serve in ministry is  
11 determined -- the conviction is determinative of  
12 that?

13 A. Could be. Could be other reasons also.

14 Q. And it is correct to say, is it not,  
15 that as Bishop you are the one that has the power  
16 and authority to place a priest and to certify to  
17 the community of faith fitness of a clergyman,  
18 correct?

19 A. That's true.

20 Q. And you're the one that has the power to  
21 ordain and presides the ordination, that means  
22 make the decision as to who enters the clerical  
23 state.

24 A. Well, I get assistance with that.

1           Q.   Well, as Bishop you have to get  
2 assistance with a lot of things but the  
3 determination is made ultimately by you.

4           A.   Sure.

5           Q.   And then the placement of any clergyman  
6 is made by you?

7           A.   That's right.

8           Q.   Of course with assistance, correct?

9           A.   Right.

10          Q.   And then thus the fitness to serve of  
11 any clergyman within your Diocese is ultimately  
12 your decision to make, correct?

13          A.   That's right.

14          MR. BYRNE: Counsel, let's just -- one  
15 interruption here. I still invoke this continuing  
16 objection to everything post your client in 1969.  
17 Go ahead.

18          BY MR. ANDERSON:

19          Q.   And what then renders -- what kind of  
20 suspicion is enough to cause you as Bishop to  
21 either remove a priest from assignment or conduct  
22 an investigation?

23          A.   Well, it would be complaints about him  
24 in one way or the other.

1           Q.    And when in time was there first any  
2 suspicion in Diocesan records or otherwise that  
3 Stefanich was not fit to serve in ministry?

4           A.    I'm going to call him Stefanich again.

5           Q.    Stefanich.

6           A.    Must have been -- I couldn't tell you  
7 the year. '76, '77, '75. Somewhere in there.

8           Q.    And what information surfaced in '76,  
9 '75, or '77 that created suspicion of unfitness?

10          A.    The first reports I think were to Bishop  
11 Kaffer since he's vicar for clergy from Sister  
12 Martha and I think also from Deacon Jim Monahan.

13          Q.    And is it your understanding those  
14 reports predated your installation as Bishop?

15          A.    No.

16          Q.    They were after your installation as  
17 Bishop?

18          A.    I'm confused on time. I'm really  
19 confused. I'm going back. I'm sorry. That would  
20 be in the 80s. Not '79. It was in '85 or '86 or  
21 '87. I'm sorry.

22          Q.    When is the first time you reviewed the  
23 Stefanich file?

24          A.    I don't remember.

1 Q. What was the reason for your review of  
2 the files the first time?

3 A. Probably the report from Bishop Kaffer.

4 Q. The report to you?

5 A. Well, I get the copy of the memo.

6 (WHEREUPON, said document was  
7 marked Exhibit No. 4  
8 for identification.)

9 BY MR. ANDERSON:

10 Q. I'm going to show you what we've marked  
11 Exhibit 4. This is a letter to you of March 3rd,  
12 1987, is it not?

13 A. Uh-huh.

14 Q. And you received this?

15 A. I don't think so. It's not my address.  
16 Not my name.

17 (WHEREUPON, said document was  
18 marked Exhibit No. 5  
19 for identification.)

20 BY MR. ANDERSON:

21 Q. Okay. Well, let me show you Exhibit 5  
22 Bates stamped 196. For the record Exhibit 4 was  
23 Bates stamped 195.

24 MR. BYRNE: Do you have an extra one, Marc?

1 BY MR. ANDERSON:

2 Q. Bishop, look at Exhibit 6.

3 MR. PEARLMAN: 5.

4 BY MR. ANDERSON:

5 Q. 5. It's a letter that you sent back to  
6 the writer of the letter --

7 A. Okay.

8 Q. -- in Exhibit 4, right?

9 A. Yes.

10 Q. So Exhibit 4 is a letter sent to you,  
11 Bishop of the Diocese of Joliet, dated March 3rd,  
12 1987, correct?

13 A. I'm sorry. I was trying to read and  
14 listen and I missed what you said.

15 Q. I know. Just focus on the question now.  
16 We just have to get through this.

17 A. I know.

18 Q. Exhibit 4 Bates stamped number 195 is a  
19 letter to you from a man in Woodridge, correct?

20 A. Yes.

21 Q. And in that letter he is concerned about  
22 Stefanich, correct?

23 A. I would like to read the letter.

24 Q. Okay. Well, let me ask you --

1 MR. BYRNE: The witness wants to read the  
2 letter. Let him read it if he --

3 MR. ANDERSON: Well, if you're going to do  
4 that, then I'm going to need more time. If you're  
5 going to restrict me --

6 MR. BYRNE: The witness asked to read a  
7 letter. If you're going to ask him -- if you take  
8 certain excerpts out, the only fair thing is if  
9 you're going to give him an exhibit and then ask  
10 him questions on it he should have the whole  
11 concept of the letter. Fair is fair.

12 MR. ANDERSON: If you want to do that, that's  
13 fine. I'm just going to tell you that, you know,  
14 that's not the way I'm going to use the time, but  
15 if you want to do that, that's fine.

16 THE WITNESS: Well, how can I respond if I  
17 don't know what's in here?

18 MR. ANDERSON: Go ahead and read the letter  
19 if you want to read it.

20 THE WITNESS: Thank you.

21 MR. BYRNE: Counsel, I would also suggest  
22 that if you're going to ask questions about  
23 Exhibit 5 that he read that now, too, but however  
24 you want to do it.



1 THE WITNESS: Okay.

2 BY MR. ANDERSON:

3 Q. In Exhibit -- have you read both  
4 exhibits?

5 A. Yes, I have.

6 Q. In Exhibit 4 in the third paragraph the  
7 last sentence -- second to last sentence the man  
8 writes, the man, referring to Stefanich, was a  
9 murder suspect with no action by the Diocese. He  
10 had guns hidden throughout the rectory, a fact  
11 that was reported to you at least four years ago.  
12 Again, with no Diocesan action.

13 Did I read that correctly?

14 A. Yes.

15 Q. And you responded to this letter, did  
16 you not, and that's what you just read Exhibit 5?

17 A. Right.

18 Q. You wrote him back.

19 A. Right.

20 Q. And my first question to you is, did you  
21 know four years before this letter was received  
22 and the publicity that Stefanich was a suspect in  
23 a homicide?

24 A. I don't know whether it was four years

1 before that, but I do know about it.

2 Q. How did you come to know he was a  
3 suspect in a homicide?

4 A. I think one of the members of the police  
5 department came to me.

6 Q. And told you he was a suspect.

7 A. Yes.

8 Q. In the murder of whom?

9 A. A young man. I don't know the name.

10 Q. Initials ?

11 A. I don't know.

12 Q. And the police officer that told you  
13 that believed that Stefanich was the man that had  
14 committed the murder, didn't he?

15 A. I don't know that.

16 Q. He came to you and told you that, didn't  
17 he?

18 A. I don't know that.

19 Q. What law enforcement was he from?

20 A. I think the Woodridge Police Department.

21 Q. In any case he told you that Stefanich  
22 was a suspect?

23 A. That's right.

24 Q. After that law enforcement officer told

1       you that sometime in the early to mid 80s you  
2       continued Stefanich in ministry, did you not?

3             A.     Right.

4             Q.     If a suspicion of homicide isn't enough  
5       to remove and investigate the fitness of Stefanich  
6       to serve in ministry, what is enough?

7             A.     Suspicion is not enough to remove  
8       someone. That's a police job to investigate. If  
9       they had found him guilty or said they were sure  
10      this is the man, I would have said okay. But I'm  
11      not going to presume to preempt the investigation  
12      of the police and say we're taking you out of  
13      there, you're a suspect in a murder.

14            Q.     So because the police did not prosecute  
15      him for the homicide, you did not remove him?

16            A.     Right.

17            Q.     Nor did you warn the parishioners that  
18      he was a suspect at that time that you learned he  
19      was a suspect, correct?

20            A.     I think the parishioners were well aware  
21      of it.

22            Q.     What makes you think that the  
23      parishioners were well aware of it in 1984?

24            A.     The media.

1 Q. It wasn't reported until 1987.

2 A. I don't know that.

3 Q. Okay. You wrote back to this man in  
4 Exhibit 5 at the fourth paragraph responsive to  
5 his complaint that you had not removed him and you  
6 wrote at the third paragraph second to the last  
7 sentence, while I am not happy about a priest  
8 being considered as a suspect in a murder, I  
9 certainly do not feel that suspicion is cause to  
10 remove a priest from his assignment. That's what  
11 you wrote him, isn't it?

12 A. Yes.

13 Q. And that's what you believe?

14 A. Yes. Innocent until proven guilty.

15 Q. And that's a principle that's in our  
16 criminal law that's used by law enforcement and  
17 prosecutors to put people behind jail -- behind  
18 bars, right?

19 A. What is the principle?

20 Q. Innocent until proven guilty.

21 MR. BYRNE: I think we're getting into legal  
22 concepts here with a layperson.

23 BY MR. ANDERSON:

24 Q. Is that the standard which you use to

1 determine whether a priest should be removed?  
2 He's innocent until proven guilty?

3 A. Well, a suspicion is not going to make  
4 me remove a priest.

5 Q. Did the suspicion that was raised in the  
6 early 80s by the police officer to you cause you  
7 to investigate whether he was fit to continue in  
8 ministry?

9 A. No.

10 Q. And did the suspicion that was raised  
11 publicly and again by this letter in Exhibit 5  
12 cause you to remove him or even consider it in  
13 1987?

14 A. The suspicion? What's the difference  
15 between the two? '83 and '87? What are you --

16 Q. Let me ask it this way: Did you ever  
17 conduct any investigation into his fitness to  
18 serve by reason of the suspicion that he was a  
19 murderer?

20 MR. BYRNE: Counsel, that's been asked and  
21 answered. Several times.

22 Do it again, Bishop, but that's the  
23 last one.

24 THE WITNESS: What's the question?

1 MR. PEARLMAN: Have her read it back.

2 MR. ANDERSON: That's okay.

3 BY MR. ANDERSON:

4 Q. The bottom line, Bishop, is that if the  
5 police didn't charge him and convict him you  
6 weren't going to remove him, right?

7 A. Right.

8 Q. I'm going to go through -- give me  
9 exhibit number next. Make sure you keep the  
10 exhibits together.

11 (WHEREUPON, said document was  
12 marked Exhibit No. 6  
13 for identification.)

14 BY MR. ANDERSON:

15 Q. I'm showing you Exhibit 6, which I will  
16 represent to you to be the first page produced to  
17 us a photocopy in what was the archival file or  
18 the secret archive file. And all I see on this it  
19 says chancery office. Do you know what is on this  
20 file that isn't legible if there is anything on  
21 this cover sheet? Is there anything that's  
22 readable on here?

23 A. The same thing that's here, isn't it?

24 Q. Okay. Is that all you have in the

1 archival file?

2 Do you have a better copy, Jim?

3 MR. PEARLMAN: Let's go off the record for a  
4 minute.

5 THE VIDEOGRAPHER: We're going off the record  
6 at 2:23 p.m.

7 (WHEREUPON, discussion was had  
8 off the record.)

9 THE VIDEOGRAPHER: We are back on the record  
10 at 2:25 p.m.

11 MR. ANDERSON: We just had a discussion about  
12 Exhibit 2. And the original Exhibit 2 that was  
13 marked had a couple of pages missing. And the  
14 Bishop was correct. It wasn't nine pages. We  
15 have now taken and replaced the original, remarked  
16 a full copy with the nine pages included as  
17 Exhibit 2. And we've agreed to do that, correct?

18 MR. BYRNE: Yes.

19 BY MR. ANDERSON:

20 Q. So the first page I don't see much of  
21 that. In Exhibit 2 there is a letter that is  
22 Bates stamped number 2. Do you see the Bates  
23 stamp?

24 A. Yeah.

1 Q. Right to the right of June 24, 1979.

2 A. Right.

3 Q. This is a letter to Father Ryan, a  
4 handwritten letter, that I haven't had a chance to  
5 read because it's not very legible. Do you know  
6 what this letter is about?

7 A. It's about Father Stefanich, but it's  
8 kind of hard for me to read it, too. That page is  
9 okay. It's the next page I have problems.

10 Q. My question is -- I don't have the time  
11 to have you read it now because I can't even read  
12 it, but my question is, when is the first time you  
13 reviewed this letter?

14 A. Well, I tried to read it sometime this  
15 week but I gave up. I got frustrated in trying to  
16 put it together.

17 Q. Now, this letter was sent to Father Ryan  
18 and presumably would have appeared in the file of  
19 Father Stefanich in June of 1979, correct?

20 A. Not if it's marked secret archives.

21 Q. It went into the secret archives then,  
22 correct?

23 A. Evidently. I don't know.

24 Q. Now, my question to you is, were you



1 Bishop here in Joliet on June 24, '79?

2 A. No.

3 Q. You came in July, didn't you?

4 A. August.

5 Q. What is it about this letter that would  
6 cause it to be placed in the secret archive versus  
7 the ordinary priest file?

8 MR. BYRNE: Counsel, I think at this point he  
9 has to read the letter to answer the question.

10 MR. ANDERSON: If you could answer it without  
11 having to read it. It will take a long time to  
12 read it. I haven't had a chance to read it  
13 because it's not legible. Do you know --

14 THE WITNESS: Neither have I. So I don't  
15 know what it's about.

16 BY MR. ANDERSON:

17 Q. I'm going to put that off and read it  
18 and come back to it.

19 Read the copy he has later.

20 Okay. Let's put that off for a  
21 moment. At that time Father Ryan was a vicar  
22 general, was he not?

23 A. I don't think so. He was chancellor, I  
24 believe.

1           Q.    Well, the Catholic directory lists him  
2 as vicar general.

3           A.    Okay. That's fine. That's fine.

4                   (WHEREUPON, said document was  
5 marked Exhibit No. 7  
6 for identification.)

7 BY MR. ANDERSON:

8           Q.    Next is Exhibit 7 and this is on Diocese  
9 of Joliet stationery and a memo to the Stefanich  
10 file written by then the apostolic administrator  
11 Father Kucera, correct?

12          A.    Right.

13          Q.    And that means that he was acting as  
14 Bishop just prior to your installation.

15          A.    Right.

16          Q.    And I presume that at that time the  
17 predecessor Bishop Blanchette was either infirm or  
18 deceased.

19          A.    That's right.

20          Q.    Was he infirm?

21          A.    Yes.

22          Q.    And before you reviewed this letter --  
23 you reviewed this letter in preparation for this  
24 deposition?

1           A.    Yes.

2           Q.    Do you know why it was placed into the  
3 secret archive as opposed to the priest file?

4           A.    I don't know that it was.

5           Q.    It's been produced to us as part of the  
6 archival file.

7           A.    Oh, okay. All right. It doesn't  
8 indicate here that was in the secret archive.

9           MR. BYRNE: I don't think the Bishop is aware  
10 that this is kind of a part of a group exhibit  
11 and the first page showed that all of the pages  
12 came from the archives but the individual ones are  
13 not and you're handing him --

14          THE WITNESS: Okay.

15          MR. ANDERSON: Okay.

16 BY MR. ANDERSON:

17          Q.    We'll just represent to you that it's  
18 been produced to us and represented to be as a  
19 part of the archive. The secret archive.

20          A.    Okay. Right.

21          Q.    And have you ever read this letter?

22          A.    Yes.

23          Q.    What -- on reading it what does the  
24 letter convey to you by way of a message?

1           A.    Father Stefanich was -- had some  
2 involvement with this -- the daughter of this  
3 couple.

4           Q.    And there is a suspicion of sexual  
5 misconduct raised in this letter, is there not?

6           A.    I don't know that.

7           Q.    Well, at the fourth paragraph the last  
8 sentence says they were necking.

9           A.    Fourth paragraph?

10          Q.    Yes.

11          MR. BYRNE:   Which page?

12          MR. ANDERSON:   Third paragraph.   Excuse me.

13          THE WITNESS:   Oh, okay.   Oh, sure.   I see  
14 that, yeah.

15          BY MR. ANDERSON:

16          Q.    And do you know what -- what did you do  
17 responsive to this letter?

18          A.    I wasn't here.   I wasn't here.

19          Q.    When you arrived did you review the  
20 Stefanich file?

21          A.    No.

22          Q.    Did you review the files of any priest?

23          A.    No.

24          Q.    Did you ask the apostolic administrator

1 or any of the Diocesan officials about what  
2 priests then serving in the Diocese had suspicions  
3 or accusations against them regarding sexual  
4 misconduct, homicide, or anything like that?

5 A. That is not a normal question that an  
6 incoming Bishop asks. I would presume that Bishop  
7 Kucera talked to me about this.

8 Q. Okay. What do you remember about that?

9 A. What I'm looking at now is that he was  
10 evidently dating

11 MR. ANDERSON: Let's go off the record.

12 THE VIDEOGRAPHER: We're going off the record  
13 at 2:33 p.m.

14 (WHEREUPON, discussion was had  
15 off the record.)

16 THE VIDEOGRAPHER: We are back on the record  
17 at 2:34 p.m.

18 BY MR. ANDERSON:

19 Q. The person that is being discussed and  
20 questions raised about the relationship is then  
21 reported to be 20 years old at the time, correct?

22 A. Yes.

23 Q. In any case you have some recollection  
24 of Father Kucera discussing this with you or not?

1           A.    I don't have any recollection of it, but  
2   I do have a recollection of knowing something  
3   about this.  How I came to know about it, I don't  
4   know.

5           Q.    What investigation was done or follow-up  
6   to this letter?

7           A.    I wasn't here.

8           Q.    Okay.  So you don't know?

9           A.    I really don't know.

10          Q.    When you came and arrived in August of  
11   1979 or after your arrival did you make an effort  
12   to review the priest files and/or the secret  
13   archival files to determine who among active  
14   clergy were accused offenders?

15          A.    No.

16          Q.    Why not?

17          A.    Well, first of all, in '79 I had no  
18   knowledge that anything like this ever occurred.  
19   And, secondly, it was not the first thing a Bishop  
20   does when he comes into a Diocese is look at a  
21   priest's file.

22          Q.    Okay.  Let's look at the next exhibit.

23

24

1 (WHEREUPON, said document was  
2 marked Exhibit No. 8  
3 for identification.)

4 BY MR. ANDERSON:

5 Q. That would be Exhibit 8.

6 MR. PEARLMAN: I think it's the same. It's  
7 part of Exhibit 4.

8 MR. ANDERSON: I've got it separated.

9 BY MR. ANDERSON:

10 Q. Look at Exhibit 8, Bishop, and this is  
11 the second page to the exhibit we were just  
12 reviewing. And you'll see that at the second page  
13 there is a notation dated October 18th, 1979. Do  
14 you see that?

15 A. Yes, I do.

16 Q. You were here then?

17 A. Right, right.

18 Q. And this information then was placed  
19 into the -- and prepared while you were Bishop,  
20 correct?

21 A. Evidently.

22 Q. And as you sit here today you don't have  
23 a specific recollection of placing it in the  
24 archival file?

1           A.    I did not.

2           Q.    Who besides yourself had authority to  
3 place a document such as this in the file? Who  
4 was your designee for that purpose?

5           A.    At the time I don't know. It could have  
6 been Bishop Kucera. Could have been Dan Ryan.

7           Q.    You don't know?

8           A.    No.

9           Q.    This priest went on later to rape a  
10 14-year old girl, did he not?

11          A.    I don't know that.

12          Q.    You don't know that because you didn't  
13 investigate it, correct?

14          A.    The police investigated it. I'm not  
15 going to carry on an investigation while they are  
16 carrying on an investigation. This is some years  
17 later, isn't it --

18          Q.    Yes.

19          A.    -- that you're talking about?

20          Q.    That he raped a 14-year old girl, yes.

21          MR. BYRNE: The problem might be here the  
22 rape.

23          MR. ANDERSON: Rape is a priest who is an  
24 adult engaging in sexual intercourse with a child.



1 That's rape.

2 MR. BYRNE: Fine. All right.

3 MR. ANDERSON: Or sexual penetration.

4 BY MR. ANDERSON:

5 Q. As you sit here today can you give  
6 testimony about anything that you did responsive  
7 to this letter written and ultimately this memo  
8 placed in the secret archival file in the fall of  
9 1979?

10 A. About ? No.

11 Q. About any --

12 A. It was called off as far as I was told.  
13 This thing was -- this thing stopped.

14 Q. You -- who told you that it had stopped?  
15 That the affair as it was described in this memo  
16 had stopped.

17 A. Well, it's right there in the second  
18 paragraph. It's all off.

19 Q. Okay. And so as far as you were  
20 concerned it was over?

21 A. That was Bishop Kucera's responsibility,  
22 not mine.

23 Q. Did you deem this priest then fit to  
24 continue in ministry even though this information

1 had been brought to the attention of the Diocesan  
2 officials?

3 A. Sure. Right.

4 (WHEREUPON, said document was  
5 marked Exhibit No. 9  
6 for identification.)

7 BY MR. ANDERSON:

8 Q. The next one is Exhibit 9. And this is  
9 again I will represent to you placed in the  
10 archival file and at least produced as a part of  
11 it, I believe, or not?

12 MR. BYRNE: Excuse me, Counsel.

13 MR. ANDERSON: It's not? I'm mistaken.

14 MR. BYRNE: I take issue with that.

15 MR. ANDERSON: I'm misspoke.

16 BY MR. ANDERSON:

17 Q. It is not a part of the archival file.  
18 It's been produced as part of the priest's file.  
19 It's marked confidential regarding Stefanich and  
20 it's Bates stamped 154. This is from Auxiliary  
21 Bishop Kaffer, correct?

22 A. Right.

23 Q. And you reviewed this?

24 A. No, I have not seen this.

1 Q. Have you ever seen it?

2 A. Probably.

3 MR. BYRNE: I think he has to read it first  
4 before he can answer your question.

5 THE WITNESS: Okay.

6 BY MR. ANDERSON:

7 Q. What does this in summary memo appear to  
8 be that appears in the file of Stefanich?

9 A. Bishop Kaffer as vicar for clergy meets  
10 with all the priests annually and gives a summary  
11 of his meeting and that's what this is.

12 Q. And at the last paragraph it states, I  
13 did bring up the rumor that had been brought to my  
14 attention. That's what it states, correct?

15 A. Yes.

16 Q. What is the rumor being referred to  
17 here?

18 A. I don't know.

19 Q. Is that a rumor of sexual abuse, a rumor  
20 of homicide, do you know?

21 A. Well, I don't think it could be  
22 homicide. That's all over, isn't it? Isn't that  
23 come and gone? That was 1979, wasn't it? The  
24 homicide was when?

1           Q.   Well, Bishop I need to ask you what you  
2           know and remember.  Why don't you just tell me if  
3           you're able to discern what this rumor is  
4           referring to.

5           A.   I don't.

6           Q.   Okay.  It then states -- I'll read it  
7           again so we can get context.  It states, I did  
8           bring up the rumor that had been brought to my  
9           attention and apart from a denial that there was  
10          any substance to it we did not discuss it at any  
11          great length.

12                       Is it fair to say that whatever  
13          this rumor was whether it was sexual abuse or  
14          homicide that --

15               MR. BYRNE:  Or something else.

16          BY MR. ANDERSON:

17           Q.   Or something else that Stefanich denied  
18           it?

19           A.   It looks like that's what it says.

20           Q.   And is it also fair to say that the  
21           investigation that the Diocese has done while you  
22           have been Bishop is -- usually involves when a  
23           suspicion is made, a report or complaint is made,  
24           you ask the priest if they did it and if they deny

1 it, that's pretty much the end of the  
2 investigation unless the police prosecute it?

3 MR. BYRNE: What period of time?

4 THE WITNESS: One time that was it.

5 BY MR. ANDERSON:

6 Q. From 1979 to 1990?

7 A. No.

8 Q. When did that stop being the practice?

9 A. After Stefanich.

10 Q. What year would that have been then when  
11 you say after Stefanich?

12 A. You tell me. When did he go to jail?  
13 Whatever year that was.

14 Q. So after the year he went to jail?

15 A. Yeah.

16 Q. At the time he went to jail that changed  
17 the practice of the Diocese. How so?

18 A. Well, we found out he lied.

19 Q. How many other priests lied to you and  
20 your subordinates when confronted with allegations  
21 of sexual abuse?

22 A. I have no idea.

23 Q. Have you ever after learning that  
24 Stefanich lied to you about his history of sexual

1 abuse after learning that and changing your  
2 practices did you go back to reexamine all the  
3 complaints that had been made to see if those  
4 accused offenders had lied similarly to you as  
5 Stefanich had?

6 A. There were not that great a number that  
7 I felt, oh, boy, everybody lied to me. There were  
8 only three instances that I can think of. And  
9 we've talked about them.

10 (WHEREUPON, said document was  
11 marked Exhibit No. 10  
12 for identification.)

13 BY MR. ANDERSON:

14 Q. I'm showing you some handwritten notes  
15 out of the priest file. And have you ever seen  
16 them before?

17 MR. BYRNE: Excuse me. Exhibit 10?

18 MR. ANDERSON: Yes.

19 MR. BYRNE: Which is Page 155 of the priest  
20 file.

21 MR. ANDERSON: Correct. Thank you.

22 MR. BYRNE: Okay.

23 THE WITNESS: Yes.

24

1 BY MR. ANDERSON:

2 Q. And this is some notes prepared by  
3 Sister Martha, correct?

4 A. No.

5 Q. Okay. Who would be the writer of these  
6 notes?

7 A. Bishop Kaffer.

8 Q. Okay. Sister -- okay. Do you recognize  
9 the handwriting or do you just know it to be the  
10 case or what?

11 A. I'm pretty sure that's his handwriting.

12 Q. Okay. Do you know what the notes say?

13 A. Pretty much.

14 Q. What do they say?

15 A. Well, that Ed Stefanich was paying  
16 tuition for at Joliet St. Francis Academy.

17 MR. BYRNE: I'm confused. Where is the name  
18 on that exhibit?

19 THE WITNESS: Right on the top. Right on the  
20 very --

21 MR. BYRNE: Go ahead.

22 THE WITNESS: The family had problems paying  
23 so he took care of it.

24

1 BY MR. ANDERSON:

2 Q. It also states that he had given her  
3 expensive gifts.

4 A. I guess I don't see that.

5 Q. At the middle it says, I had heard in  
6 the past --

7 A. Oh, I see it. Okay.

8 Q. -- he had given the girl expensive  
9 gifts?

10 A. Gifts. Right.

11 Q. Now, does that information itself cause  
12 enough suspicion to investigate in your view?

13 A. Probably today.

14 Q. In 1986?

15 A. Probably not.

16 Q. And therefore you didn't, correct?

17 A. Well, that's Bishop Kaffer's purview. I  
18 don't do things with priests. He does.

19 Q. But you're responsible for what they  
20 do --

21 A. Right.

22 Q. -- because you're the one that puts them  
23 out there --

24 A. Okay.



1 Q. -- and certifies their fitness --

2 A. Okay. Okay.

3 Q. -- correct?

4 A. Okay.

5 Q. He also states Bishop Kaffer worries me  
6 a little, doesn't he? Do you see that?

7 A. Yeah, I see it now. Yeah.

8 Q. What do you know about what he did about  
9 being worried about this priest's relationship to  
10 this girl?

11 A. I think it's in his memo, isn't it, that  
12 he sent -- he interviewed Ed or met with him,  
13 talked with him.

14 Q. Was Ed a friend of yours?

15 A. Of me? No.

16 Q. Was he a friend of Bishop Kaffer's?

17 A. No.

18 Q. And so does it say in this memo that he  
19 interviewed him?

20 A. No.

21 Q. Where does it say that he interviewed  
22 him?

23 A. There is an interview with him or a  
24 report --

1 Q. Okay. We'll get to it then.

2 (WHEREUPON, said document was  
3 marked Exhibit No. 11  
4 for identification.)

5 BY MR. ANDERSON:

6 Q. I'm showing you now Exhibit 11 produced  
7 in the priest file as Bates stamped number 156.  
8 It's marked confidential. When it's marked  
9 confidential like this is this one of those  
10 documents that you would have put in there in a  
11 file and put confidential on it basically for your  
12 eyes only or what?

13 A. I would not have.

14 Q. What is the significance of this being  
15 marked and underlined confidential at the top?

16 A. That it was not to be distributed, that  
17 it was only for certain peoples' eyes.

18 Q. And that would be the Bishop, the vicar  
19 general, the chancellor, and the vicar for clergy?

20 A. Right.

21 Q. Okay. It states on January 27th, 1987,  
22 Mrs. -- I'm going to use the initials -- came  
23 to see me about Father Stefanich. She talked for  
24 over an hour about Ed's involvement with her

1 16-year old daughter is what it states, correct?

2 A. Yeah, but you complained about reading  
3 these and now you're reading what I have in front  
4 of me.

5 Q. Yes.

6 A. I don't understand. You're so pressed  
7 about time.

8 Q. I'm going to ask you a question.

9 A. Well, ask it.

10 Q. Well, I'm going to, Bishop, but you need  
11 to pay attention to what I'm reading.

12 A. I'm trying.

13 Q. The fourth paragraph goes on to state,  
14 he had bought the girl a diamond and ruby ring for  
15 her 15th birthday followed by earrings, has given  
16 her underwear and supposedly is upset with the  
17 girl's father because his daughter's clothes. Is  
18 this the memo that you're referring to that Bishop  
19 Kaffer prepared?

20 A. No.

21 Q. This was prepared in fact by William  
22 Donnelly, correct?

23 A. Right.

24 Q. And at that time in 1987 William

1 Donnelly would have been the chancellor?

2 A. That's right.

3 Q. And what did you do responsive to this  
4 confidential memo?

5 A. I told -- this is when I asked that  
6 go to get counseling knowing that she  
7 would -- that he would report this. I also  
8 brought in Ed Stefanich and talked to him after I  
9 got this about this situation. Again, he denied  
10 everything. Said the diamond and ruby ring was a  
11 friendship thing. I said, it's kind of odd for a  
12 priest to be giving a 14 or whatever how old girl  
13 she was rings. He said it was just a friendship  
14 thing.

15 Q. Do you recall that the memo also said as  
16 prepared by Chancellor Donnelly that Ed was trying  
17 to have sex with her?

18 A. No, I don't -- that's here somewhere, I  
19 suppose, but I don't know where.

20 Q. Directing your attention to paragraph 5,  
21 the middle of it, fifth sentence down says, Ed has  
22 met the girl at 7/11 stores and hides if her  
23 mother is in the car. is the girl, said  
24 that they tries to have sex at her aunt's house.

1           A.    Okay.

2           Q.    Do you recall receiving this  
3 information?

4           A.    I don't but obviously I did.

5           Q.    And is it correct to say that the  
6 investigation done by you and your office  
7 responsive to it was to ask Ed about it and he  
8 denied it?

9           A.    Well, I don't remember that part of it.  
10 I do remember the ring part.

11           MR. BYRNE: By the way, his answer was they  
12 also sent her to a therapist so it would be  
13 reported. It was a dual answer here.

14 BY MR. ANDERSON:

15           Q.    What do you remember doing responsive to  
16 this memo and the information contained in it?

17           A.    I called Ed in and talked to him and  
18 asked him about this. And I told you he denied  
19 that the ring was anything other than a friendship  
20 ring. Then I think because of this I asked --  
21 urged Mrs.                           - I didn't but I think  
22 Bishop Kaffer did to send           to a counselor.

23           Q.    Okay. And did you ask Ed if he was  
24 having sex with the girl or trying to?

1           A.    I told you I don't remember that.

2           Q.    Okay. That would be a pretty important  
3 question. If you had asked it you would remember  
4 it, wouldn't you?

5           A.    20 years ago maybe, but you're asking me  
6 to remember things that are in the midst of four  
7 million things that happened.

8           Q.    Well, were four million priests having  
9 sex with four million kids at that time?

10          A.    I don't think so.

11          Q.    Okay. So my question to you is that  
12 you've got a priest in which your chancellor is  
13 saying is either having sex with a girl or trying  
14 to have sex with a girl and you don't remember  
15 asking about it.

16          A.    My answer is I don't remember talking to  
17 him about that. That doesn't mean I didn't, but  
18 it says I don't remember.

19          Q.    And you continued him in ministry?

20          A.    No. He got removed.

21          Q.    What date did you remove him?

22          A.    I don't remember.

23          Q.    The date of this memo at least in the  
24 meeting was January 27th, 1987.

1 A. Right.

2 Q. How long after this memo was he removed?

3 A. When he was arrested.

4 Q. So when you met with him and asked him  
5 about the ring he denied it, you didn't remove him  
6 then, did you?

7 A. No, I did not.

8 Q. And he was arrested sometime later?

9 A. Correct.

10 Q. Correct?

11 A. For the fourth time, yes.

12 Q. And therefore you removed him because  
13 the arrest was public, right?

14 A. No. I removed him because he was  
15 involved with this young girl.

16 Q. Well, you already knew he was involved  
17 with the young girl because that was determined  
18 back here in January.

19 A. It says they tried to have sex.

20 Q. That's not enough?

21 A. It doesn't say -- they didn't say --  
22 well --

23 MR. BYRNE: Excuse me here, Counsel. You  
24 want a date that he was removed? The Bishop

1 states he was. It's not clear. I would suggest  
2 his memory be refreshed by looking at the exhibits  
3 right here in the sequenced pages which shows when  
4 he's removed.

5 MR. ANDERSON: Counsel, I don't need your  
6 testimony. I want the Bishop to tell me what he  
7 remembers about what he did about the information  
8 that surfaced --

9 MR. BYRNE: I understand, but you asked a  
10 date for the removal and he says he doesn't have a  
11 date.

12 BY MR. ANDERSON:

13 Q. And it's your testimony that you removed  
14 him after he was arrested; is that right?

15 MR. BYRNE: His testimony was that he did it  
16 before. Don't misquote the witness.

17 BY MR. ANDERSON:

18 Q. What do you remember?

19 A. He was not arrested. Pardon me.  
20 told Deacon Jim Monahan and he informed the -- and  
21 whatever. I don't know the dates when he was  
22 removed.

23 Q. My question to you then is what event or  
24 information caused you to remove Stefanich from



1 ministry?

2 A. When -- probably when it was -- the  
3 information was given to the police.

4 Q. By whom?

5 A. By Deacon Monahan at my suggestion that  
6 or my urging rather that go and get  
7 counseling.

8 (WHEREUPON, said document was  
9 marked Exhibit No. 12  
10 for identification.)

11 BY MR. ANDERSON:

12 Q. Exhibit 12 is Bates stamped 163. Would  
13 this be the memo of Bishop Kaffer that you had  
14 been referring to or some -- who prepared this?

15 A. It looks like Bishop Kaffer.

16 Q. Well, Bishop Kaffer is being referred to  
17 like somebody else is the writer. That's why I'm  
18 confused. Are you able to discern on reading  
19 this?

20 A. I have no idea. Perhaps it's Father  
21 Donnelly.

22 Q. If you look at --

23 A. You can tell by it says, on February 5th  
24 I spoke with Mrs.

1           Q.    Okay.  So then that would be Bishop  
2 Kaffer or Father Donnelly?

3           A.    Probably Bishop Kaffer.

4                       (WHEREUPON, said document was  
5 marked Exhibit No. 13  
6 for identification.)

7 BY MR. ANDERSON:

8           Q.    Why don't you look at the next Exhibit  
9 13.  Exhibit 13 is what?  It's Bates stamped 172  
10 by the way.

11          A.    It's a statement from Bishop Kaffer.

12          Q.    Okay.  In that -- the third paragraph  
13 down he states likewise before Christmas 1985 I  
14 confronted Father Stefanich with this report which  
15 he denied.

16          A.    Uh-huh.

17          Q.    When we read that is it fair to say and  
18 is it then your testimony that Kaffer is also the  
19 preparer of the memo marked Exhibit 12 and Bates  
20 stamped 163?

21          A.    You would have to check it with the  
22 dates where he says on February 5th I spoke with  
23 Mrs.                       That ought to be somewhere.

24          Q.    Do you have any memory of who --

1 A. I don't.

2 Q. -- who prepared this memo?

3 A. I have no idea. It looks like Bishop  
4 Kaffer.

5 Q. Was this memo brought to your attention?  
6 When was this memo brought to your attention?

7 A. I have no idea.

8 Q. When was the incident being referred to  
9 here and the information concerning this Exhibit  
10 13 and 12 brought to your attention?

11 A. I have no idea.

12 Q. Now, this is dated -- Exhibit 12 is  
13 dated 1985. Do you see that?

14 MR. BYRNE: I question that it's dated. It  
15 refers to 1985.

16 BY MR. ANDERSON:

17 Q. It's referring to events in 1985, would  
18 that be correct? Okay. At the second paragraph  
19 it says, still before Christmas '85 Bishop Kaffer  
20 confronted Father Stefanich about the allegations  
21 but the priest denied them, correct?

22 A. Yes.

23 Q. And then Exhibit 13 is a statement of  
24 clarification prepared and signed looks like

1 February 21, 1987, correct?

2 A. Right.

3 Q. So what was done between 1985 and 1987  
4 concerning Stefanich?

5 A. I have no idea.

6 Q. Do you know why Bishop Kaffer in 1987 is  
7 preparing a statement of clarification?

8 A. I think the newspapers were reporting  
9 about Stefanich's arrest and he was I think upset  
10 about the way things were reported.

11 Q. And you were upset that this whole thing  
12 was in the newspaper, weren't you?

13 A. Who told you that?

14 Q. You were upset about it, weren't you?

15 A. No, I wasn't. Did you find anything  
16 here that I was upset? Of course I would be upset  
17 about that, but not because it was in the  
18 newspaper but because a priest did this.

19 Q. Well, there is evidence in the file that  
20 the priest was doing this long before '87, isn't  
21 there?

22 MR. BYRNE: Objection, Counsel. There is no  
23 testimony and there is no evidence there of what  
24 was being done long before '87.

1 MR. ANDERSON: Well, in -

2 MR. BYRNE: So don't quote from the records  
3 that it's there. I'm objecting to it. It's not  
4 there.

5 BY MR. ANDERSON:

6 Q. Bishop, look at Exhibit 12. It says,  
7 still before Christmas 1985 Bishop Kaffer  
8 confronted him about allegations, correct?

9 A. The paragraph before that --

10 MR. ANDERSON: We have to go off the record.

11 THE VIDEOGRAPHER: We're going off the record  
12 for a tape change. Time is 3:05 p.m.

13 (WHEREUPON, a recess was had.)

14 THE VIDEOGRAPHER: We are back on the record  
15 with the beginning of tape number 4. It's 3:09  
16 p.m.

17 BY MR. ANDERSON:

18 Q. Okay. Let's go back to Exhibit 12. You  
19 have been reading that. It's number 163. Do you  
20 see that? Do you have that before you, Bishop?

21 A. Yes.

22 Q. You will see that in the middle of the  
23 first paragraph beginning with Bishop Kaffer said  
24 a deacon phoned him sometime before Christmas 1985

1 and told him a girl he was counseling said her  
2 girlfriend had been seeing Father Stefanich who  
3 sometimes gave her rides from school, paid her  
4 tuition, and said she and Father Stefanich had  
5 fun. It states Bishop Kaffer said that could mean  
6 anything from innocent recreation to sexual  
7 activities, correct?

8 A. Yes.

9 Q. And it goes on to state that that's when  
10 Bishop Kaffer confronted Father Stefanich about  
11 the allegations and the priest denied it, correct?

12 A. Right.

13 Q. Now, if in 1979 when memos were prepared  
14 and information surfaced that Stefanich may be  
15 engaged in sexual activity with a 20-year old  
16 woman in October of '79 when you were Bishop if  
17 that had been investigated and determined that he  
18 had engaged in sexual activity with that woman,  
19 would you have removed him from ministry?

20 A. Well, I don't think it said he was  
21 engaged in sexual activity, does it?

22 Q. Well --

23 A. But he was dating this girl but engaged  
24 in sexual activity I don't think it says that,

1 does it?

2 Q. There was suspicions of sexual activity.

3 My question to you is --

4 A. I didn't see that anywhere.

5 Q. You said you saw necking, didn't you?

6 A. I did.

7 Q. My question to you is if you had  
8 investigated it and found there to have been  
9 sexual activity --

10 A. Right.

11 Q. -- would you have removed him then?

12 A. I certainly would have sent him for some  
13 counseling.

14 Q. Would you have removed him from ministry  
15 and caused him to be evaluated for fitness to  
16 serve further in the Diocese?

17 A. I don't know.

18 Q. At that time you had no protocols or  
19 practice or experience in dealing with sexual  
20 misconduct?

21 A. No.

22 Q. Exhibit 13 I will direct your attention  
23 now to, did you know that Bishop -- Auxiliary  
24 Bishop Kaffer was preparing a statement of

1 clarification?

2 A. No.

3 Q. And the statement of clarification was  
4 being done because of the press attention being  
5 given this matter now in '87, correct?

6 A. That's my understanding.

7 Q. And it's also your understanding that  
8 Stefanich was arrested in 1987?

9 A. If that's the date, that's the date.

10 Q. And so as Bishop what, if anything, did  
11 you do regarding Stefanich between 1985 and '87?

12 A. Well, Bishop Kaffer dealt with him. I  
13 met with him. I sent to a counselor.

14 Q. Did you give any thought to reporting  
15 the information that was in your possession and  
16 the possession of the Bishop Kaffer and the  
17 Diocese to turning it over to law enforcement to  
18 investigate?

19 A. I would not do that. There is no  
20 verification. There is no hard evidence that this  
21 was happening. And I'm not going to go say, hey,  
22 police, go check on my priest.

23 MR. BYRNE: There might be a  
24 misunderstanding. Go ahead.



1 MR. ANDERSON: The answer stands.

2 BY MR. ANDERSON:

3 Q. Bishop, at that time in 1985 as Bishop  
4 you were the head of education -- Catholic  
5 education in the Diocese, were you not?

6 A. Well, in your opinion, but there is a  
7 head of education. I'm not the head of it.  
8 There's a superintendent of our schools. A  
9 superintendent for religious education. I'm not  
10 in charge of that.

11 Q. Who appoints the superintendent?

12 A. I do. Or the board elects them, I  
13 should say.

14 Q. You appoint the superintendent as Bishop  
15 of the Catholic schools correct?

16 A. Okay.

17 Q. And the superintendent answers to you?

18 A. Right.

19 Q. Correct?

20 A. Right.

21 Q. Did in 1985?

22 A. Did what?

23 Q. Did in 1985 at all times has answered to  
24 you as Bishop for the Catholic schools in the

1 Diocese of Joliet, correct?

2 A. Okay. Sure. Okay.

3 Q. And educators, those in education, are  
4 required to report to law enforcement, are they  
5 not?

6 A. I don't know.

7 Q. Are you aware that educators and those  
8 involved in education are required to report  
9 suspicions of sexual abuse in Illinois in 1975?

10 A. No, I didn't know that.

11 Q. And before I make -- made the assertion  
12 here or statement today, has anybody ever told you  
13 that as head of education you may be under an  
14 obligation to report any suspicions of sexual  
15 abuse that come to your attention?

16 A. I have never even thought about that.

17 MR. BYRNE: By the way, Counsel, I would  
18 challenge your interpretation of the law of a  
19 mandated reporter.

20 MR. ANDERSON: I'm willing to be corrected,  
21 you know. There is mandatory reporting laws in  
22 Illinois. And if I'm incorrect on that assertion,  
23 correct me, Counsel.

24 MR. BYRNE: I don't think the Bishop as his

1 legal -- the Bishop had no duty as a mandated  
2 reporter prior to July of 2003.

3 MR. ANDERSON: Well -- okay.

4 (WHEREUPON, said document was  
5 marked Exhibit No. 14  
6 for identification.)

7 BY MR. ANDERSON:

8 Q. The next exhibit is 14. Okay. This is  
9 marked confidential Bates stamped 207 addressed to  
10 you from Bishop Kaffer.

11 A. Right.

12 Q. You have reviewed this?

13 A. Yes.

14 Q. He was then vicar general?

15 A. Yes.

16 MR. BYRNE: Counsel, I either misunderstood  
17 you or I think you misquoted. I think you said it  
18 was a memo from Bishop Imesch to Bishop Kaffer?

19 THE WITNESS: Kaffer to me.

20 MR. BYRNE: Okay. Go ahead.

21 BY MR. ANDERSON:

22 Q. It's to you from Bishop Kaffer.

23 A. Right.

24 Q. And this is -- what is this? What do

1       you read this memo to effectively be?

2           A.     A memo from Bishop Kaffer to me.

3           Q.     When I read this, it's my interpretation  
4       that Bishop Kaffer is back-pedaling concerning  
5       information given him and you by Deacon Monahan.  
6       Do you read it that way?

7           A.     No.

8           Q.     How do you read it?

9           A.     I read it as Bishop Kaffer trying to  
10      verify with Jim Monahan that what happened -- what  
11      the gist of their conversation was. And Jim and  
12      Bishop Kaffer disagreed.

13          Q.     And did he prepare this -- Bishop  
14      Kaffer -- at your request and with your knowledge?

15          A.     Not that I know of.

16          Q.     What do you remember about the reasons  
17      for having prepared it?

18          A.     I have no idea.

19          Q.     It was because this was now in the media  
20      and the Diocese and you as Bishop and he as  
21      auxiliary were looking bad; is that correct?

22          A.     I don't know. That's your  
23      understanding.

24          Q.     Okay.

1 (WHEREUPON, said document was  
2 marked Exhibit No. 15  
3 for identification.)

4 BY MR. ANDERSON:

5 Q. Exhibit 15. Exhibit 15 is actually the  
6 criminal complaint that got filed charging  
7 Stefanich. And I show it to you because there was  
8 some confusion about the date of his arrest and  
9 charging and this appears to be the fall of 1986  
10 that it was sworn out and it appears that it was  
11 filed and/or witnessed in 1987.

12 Do you know anything about that,  
13 Jim, why we have '86 being the sworn and then you  
14 see February 13, '87, as being the date?

15 MR. BYRNE: You're asking me the question?

16 MR. ANDERSON: Yes.

17 MR. BYRNE: I don't have an answer for you.

18 MR. ANDERSON: Okay. Okay.

19 BY MR. ANDERSON:

20 Q. My reading of it appears that it was  
21 sworn out in August of 1986 and it was filed in  
22 February of 1987 and thus made public at that  
23 time. Do you have a recollection, Bishop, of when  
24 the Stefanich criminal case was made public?

1           MR. BYRNE: Counsel, I'm going to interrupt  
2 you here. I'm just not on board. Where is the  
3 notation of August? Could you call that to my  
4 attention and on which page?

5           MR. ANDERSON: In the first page it says it  
6 was sworn out on August 23 --

7           MR. BYRNE: Got it.

8           MR. ANDERSON: -- 1986.

9           MR. BYRNE: Got it.

10          MR. ANDERSON: And then it was filed on  
11 February 13th, 1987.

12          MR. BYRNE: To answer your question, those  
13 dates are incomprehensible to me.

14          MR. ANDERSON: No, they're not because you  
15 can swear out the complaint, do an investigation,  
16 and then file the charges later.

17          MR. BYRNE: I understand. I'm just saying  
18 from the sequence of events of Mrs.  
19 and the fact that others had known of this so it  
20 had to be -- I just see that as a typo. I just  
21 don't know how that's possible under the scenario  
22 of all the documents.

23          MR. ANDERSON: You can't swear it out in  
24 August of '87 and file in February of '87.

1 MR. BYRNE: I understand.

2 MR. ANDERSON: It makes sense.

3 MR. BYRNE: I understand.

4 BY MR. ANDERSON:

5 Q. My question to you is -- Bishop, is, do  
6 you have a recollection of when the Stefanich  
7 stuff appeared in the media?

8 A. No, I don't.

9 (WHEREUPON, said document was  
10 marked Exhibit No. 16  
11 for identification.)

12 BY MR. ANDERSON:

13 Q. Exhibit 16 -- wait a minute. Let me see  
14 that one. Is Bates stamped 159. And this is  
15 Diocese of Joliet Chancery stationery. And it's a  
16 memo to you dated February 13, 1987, correct?

17 A. Yes.

18 Q. And it states, tonight as per your  
19 instructions I phoned Father Ed Stefanich and told  
20 him he should not say Mass publicly this weekend  
21 nor administer the Sacraments until such time as  
22 the matters we recently discussed would be cleared  
23 up, signed Vicar for Clergy. Whose signature is  
24 that?

1           A.     RLK, Kaffer.

2           Q.     Okay.  In other words, you imposed this  
3     restriction on his ministry and removed him from  
4     public ministry the same day the complaint was  
5     filed?

6           A.     Evidently, yeah.

7           Q.     And that was the first date in time any  
8     restriction on Stefanich ministry had ever been  
9     imposed by you or any of your predecessors to your  
10    knowledge, correct?

11          A.     I can't speak for the predecessors.  For  
12    me, yeah.

13          MR. ANDERSON:  Let's take a break for about  
14    five minutes.  I need to find something.

15          MR. BYRNE:  Stay on the record for just a  
16    moment.  I just want to address the time issue.

17          MR. ANDERSON:  Sure.

18          MR. BYRNE:  There is approximately an hour  
19    left.  And I'm not quibbling about minutes here.  
20    And you've used a great deal of your time for all  
21    matters subsequent to when your client was abused.  
22    You choose how you want to use your time.  You may  
23    have to end up going back before the judge to seek  
24    additional time.  I would suggest that you might



1 want to refocus because if some matters are held  
2 back and not addressed now and then you say to the  
3 Court this is very crucial for me to go into I'm  
4 just going to let you know my response is that the  
5 crucial matters should have been entered into --  
6 discussed during the four hours, et cetera.

7 MR. ANDERSON: I appreciate your guidance and  
8 I'm aware of my limitations. Thank you.

9 THE VIDEOGRAPHER: We're going off the record  
10 at 3:27 p.m.

11 (WHEREUPON, a recess was had.)

12 THE VIDEOGRAPHER: We are back on the record  
13 at 3:36 p.m.

14 BY MR. ANDERSON:

15 Q. Okay, Bishop. I misspoke when we were  
16 referring to Exhibit 15. Do you have Exhibit 15  
17 before you?

18 A. Okay.

19 Q. That is the criminal complaint. And I  
20 referred to August of 1986 as being the date of  
21 the complaint and it's -- and we had a discussion  
22 with counsel about this and clearly the complaint  
23 is February 13th, 1987. And the other records  
24 reflect that that's when Stefanich got charged.

1       So I just wanted to correct that with you so  
2       nobody got misled here.

3           A.    Okay.

4           Q.    Okay?  Do you understand?

5           A.    No, I don't.

6           Q.    Okay.

7           A.    That's all right.  Don't waste time with  
8       me.

9           MR. ANDERSON:  Jim, did I correct that  
10       adequately?

11          MR. BYRNE:  We're okay.

12          MR. ANDERSON:  I stand corrected then.  Thank  
13       you.

14       BY MR. ANDERSON:

15           Q.    I would like to go back to Exhibit 13  
16       for a moment and you will see that Exhibit 13  
17       reflects the memo, the clarification memo from  
18       Bishop Kaffer.

19           A.    Correct.  Right.

20           Q.    Correct?

21           A.    Right.

22           Q.    And then Exhibit 12 is the memo prepared  
23       by Bishop Kaffer about confronting Father  
24       Stefanich about the allegations and denying them

1 in Christmas of '85, correct?

2 A. Right.

3 Q. So my question then is this: Between  
4 Christmas of 1985 when enough suspicions surfaced  
5 to confront Stefanich --

6 A. Stefanich.

7 Q. -- (Continuing) Stefanich and February  
8 of 1987 when he is charged with the crime of abuse  
9 or criminal sexual conduct, what did you as the  
10 Bishop or your Diocesan officials do responsive to  
11 the information surfaced -- that surfaced in 1985?

12 A. My understanding that Bishop Kaffer when  
13 he got the first report interviewed Stefanich.  
14 Jim Monahan would not give a name so we couldn't  
15 do anything. At least find out who the girl was  
16 or interview her, but he interviewed Stefanich at  
17 least once, looks like twice, and I know I  
18 interviewed Stefanich once. And then when  
19 Mrs. came forward that was I think the  
20 decisive factor. And that's when we did  
21 something. Prior to that we did not.

22 Q. And Mrs. came forward in  
23 early 1987?

24 A. Right.

1 MR. BYRNE: The date is January 27.

2 BY MR. ANDERSON:

3 Q. And you said, Bishop, that you couldn't  
4 do anything in 1985.

5 A. No. Bishop Kaffer interviewed Stefanich  
6 at least once, I think maybe you can find twice.  
7 I interviewed him. There were no other reports.  
8 Nothing else came in on him. So should we have  
9 done more? From now, yes. Then, I don't know.

10 Q. Well, let's look at it in 1985 when you  
11 had the information enough to confront Stefanich,  
12 okay?

13 A. Right, right.

14 Q. You had enough to have Bishop Kaffer  
15 confront Stefanich, right?

16 A. Right.

17 Q. And did he?

18 A. Right.

19 Q. You also had enough to turn it over to  
20 the police, didn't you?

21 A. On what? No, I don't think so. There  
22 was nothing -- no evidence of anything having  
23 taken place.

24 Q. If you look at the complaint in Exhibit

1 15, Bishop, you will see that -- you will see that  
2 in the middle of that document it says that in  
3 August of 1986 that girl was sexually abused or  
4 raped.

5 A. We didn't know that.

6 Q. Let me just do you see that? Can you  
7 see that?

8 A. Well, is that what that means?

9 Q. Yes.

10 A. Okay.

11 Q. Exhibit 15 states on or about --

12 A. Okay.

13 Q. -- August 23, 1986 --

14 A. Okay.

15 Q. -- Reverend Edward Stefanich, called the  
16 defendant, committed the offense --

17 A. Okay.

18 Q. -- of aggravated criminal sexual abuse.

19 A. Okay.

20 Q. Correct?

21 A. Okay.

22 Q. If you had reported this to the police  
23 in 1985 to investigate the suspicion that caused  
24 you to confront him this girl wouldn't have been

1 raped?

2 A. I'm not going to go to the police and  
3 say I've got a suspicion that one of my priests is  
4 dating a young girl. I'm not going to do that.

5 Q. She was a 14-year old girl.

6 A. We didn't know that at the time.

7 Q. You didn't ask.

8 A. We didn't know who to ask.

9 MR. BYRNE: Excuse me. Questions are fine.  
10 Don't debate.

11 BY MR. ANDERSON:

12 Q. You asked Stefanich --

13 A. We didn't have a name. We didn't have  
14 her name.

15 Q. -- if he was seeing a girl, didn't you?

16 A. I did not.

17 Q. You had Kaffer ask him that.

18 A. I didn't have Kaffer do it. He did it.

19 Q. He did it at your behest, correct?

20 A. No. As part of his responsibility as  
21 vicar for clergy. You want to put everything on  
22 me, but I'm not willing to accept that.

23 Q. Is it your testimony, Bishop, that you  
24 didn't turn it over to the police because you

1 didn't know it was a teenaged girl?

2 A. I didn't know anything was going on.

3 Q. Look at Exhibit 12 Bates stamped 163.

4 It states still before Christmas 1985 --

5 MR. BYRNE: Which part are you -- oh, second  
6 paragraph. Okay.

7 BY MR. ANDERSON:

8 Q. -- (Continuing) Bishop Kaffer confronted  
9 Father Stefanich about the allegations but the  
10 priest denied them. Bishop Kaffer said he then  
11 told Father Stefanich if he was doing anything to  
12 give rise to such allegations he must stop  
13 immediately and was not to be alone with any  
14 teenaged girl.

15 A. Right. That's pretty good, I think.

16 Q. Why do you say that's good, Bishop?

17 A. Well, you say you didn't do anything.  
18 Bishop Kaffer was pretty clear telling him what to  
19 do and what not to do.

20 Q. You knew it was a crime to have sex or  
21 attempt to have sex for an adult with a child in  
22 1985, did you not?

23 A. Sure.

24 Q. Isn't that the kind of thing that the

1 police should investigate?

2 A. I don't see that anywhere in here that  
3 he attempted to have sex with her. You keep  
4 saying that, but I don't see it. That information  
5 was certainly not given to us.

6 Q. Bishop Kaffer said that could mean  
7 anything from innocent recreation to sexual  
8 activity. Do you see that? Sexual activity.

9 A. And I see innocent recreation.

10 Q. And to determine whether it was sexual  
11 activity or innocent recreation who is charged  
12 best and trained in discerning that?

13 A. Well, I would not take something like  
14 that to the police.

15 Q. That's obvious because you didn't.

16 A. Okay. You got your point.

17 Q. And will you concede my point that if  
18 you had or Bishop Kaffer in 1985 this child would  
19 not have been penetrated by Stefanich in 1986?

20 A. I don't know that.

21 Q. Exhibit 16 I already asked about --  
22 excuse me. Exhibit 16 is Bates stamped 159 dated  
23 February 13th, 1987.

24 MR. PEARLMAN: Just for the record, do you



1 have one page or three pages?

2 THE WITNESS: Three.

3 MR. BYRNE: Three pages.

4 MR. ANDERSON: Okay.

5 BY MR. ANDERSON:

6 Q. Bates stamped 161, do you see that page?

7 A. Yes. I'm sorry. 116.

8 MR. BYRNE: While you're looking,  
9 clarification, Exhibit 16 is three pages or one  
10 page?

11 MR. ANDERSON: Three pages.

12 MR. BYRNE: All right. Do we want to do 16A,  
13 B, and C because you're doing 16 and then talking  
14 about another Bates number?

15 MR. ANDERSON: Why don't I mark them  
16 separately.

17 MR. PEARLMAN: Why don't we have 159 be 16  
18 and then 160 be 17. Make one of them 3 because  
19 we're missing a 3.

20 MR. ANDERSON: Bates stamped 159 is Exhibit  
21 16. Bates stamp 160 is 17. And Bates stamped 161  
22 is 18. Okay.

23

24

1 (WHEREUPON, said documents was  
2 marked Exhibit Nos. 17-18  
3 for identification.)

4 BY MR. ANDERSON:

5 Q. Do you see Bates stamped 161 Exhibit 18  
6 now before you, Bishop?

7 A. Right.

8 Q. What is that?

9 A. I think it's a letter that I'm sending  
10 to Ed Stefanich.

11 Q. It states, in view of the scandal that  
12 has been caused by the charges made against you.  
13 You use the word "scandal". What are you  
14 referring to?

15 A. Well, I think it is scandalous when a  
16 priest is involved with a youngster or anyone.

17 Q. Is it correct to say that under your  
18 protocol as you operate as a Bishop and a priest a  
19 matter is not scandalous -- excuse me. Let me put  
20 it this way: Is it correct to say that under the  
21 practices under which you have operated this  
22 Diocese as a Bishop that your protocols are to  
23 avoid scandal?

24 A. I don't think anybody invites scandal.

1           Q.   And is it also correct that you made  
2 this -- why did you write this letter to Ed?

3           A.   Because I wanted to remove him from  
4 ministry.

5           Q.   The last sentence in Exhibit 18 states,  
6 I offer you my personal assurance of prayers and  
7 whatever help you might need. Did you ever offer  
8 your personal assurance and prayers and whatever  
9 help might be needed to the victim of the criminal  
10 sexual conduct?

11          A.   I never had a chance to meet with her.

12          Q.   Did you at that time make any attempt to  
13 reach out to her or any other victims of Ed --

14          A.   Yes.

15          Q.   -- Father Ed --

16          A.   Yes.

17          Q.   -- Stefanich?

18          A.   Who were the other victims of Father Ed?  
19 I don't know any except .

20          Q.   Well, Bishop, if you don't go looking,  
21 you don't go finding.

22          MR. BYRNE: Is this a question?

23          MR. ANDERSON: Yes.

24

1 BY MR. ANDERSON:

2 Q. In other words, if you don't ask, you  
3 don't find out. Did you ever ask are there other  
4 victims of Ed Stefanich?

5 A. We sent that to every parish where he  
6 had been assigned.

7 Q. What did you send?

8 A. Sent a letter saying if anybody here has  
9 been harmed by -- let us know.

10 MR. ANDERSON: The file that's been produced,  
11 Counsel, doesn't show such a letter. Are you  
12 aware of a letter that is being withheld on the  
13 basis of privilege?

14 MR. BYRNE: There is no letter being withheld  
15 that was in this priest file. There is nothing in  
16 this priest file, nothing that's been withheld.  
17 Every page was Bates stamped.

18 MR. ANDERSON: You've got a privilege log.  
19 I'm asking if you withheld it on your privilege  
20 log.

21 MR. BYRNE: It is not on a privilege log.

22 MR. ANDERSON: Okay.

23 BY MR. ANDERSON:

24 Q. The file that's been produced here,

1 Bishop, doesn't have any record that you sent  
2 something like that out. Are you sure you did?

3 A. Yeah. Because that's our practice. We  
4 don't put those in parish files or priest files.

5 Q. Let me ask you this: Do you have a  
6 memory of having sent a letter to every parish  
7 where Stefanich served inviting victims of him to  
8 come forward?

9 A. I think I do, but I'm not sure that I  
10 do.

11 Q. Well, I would like you to look at your  
12 files and if one exists I trust that it's  
13 retrievable, correct?

14 A. That probably would not be in a file.  
15 It's kind of like a general thing that is sent to  
16 parishes.

17 Q. So where would it be?

18 A. There wouldn't be any copy of it.

19 Q. So as we sit here today your testimony  
20 is that you may have sent something to the parish  
21 where Stefanich served because you believe that to  
22 be your practice but you have no specific memory  
23 of having done it?

24 A. Right.

1           Q.   And so that wasn't put in the file if it  
2 was sent; is that right?

3           A.   Well --

4           Q.   Or created.

5           A.   I'm just trying to think of other  
6 situations, and I don't think -- it's just not a  
7 matter that we put in the file.

8           Q.   What else might there be that isn't in  
9 these files produced pertaining to Stefanich and  
10 your outreach to victims or investigation of him  
11 or anything relating to this matter?

12          A.   Nothing that I know of.

13                       (WHEREUPON, said document was  
14                       marked Exhibit No. 19  
15                       for identification.)

16 BY MR. ANDERSON:

17          Q.   Bishop, this is a three-page letter  
18 dated 19 -- March 2nd, 1995. At least received on  
19 that date, addressed to you, correct?

20          A.   Right.

21          Q.   And you received it, did you not?

22          A.   Yes.

23          Q.   And it is from a victim of Father  
24 Stefanich, correct?

1           A.    Yes.

2           Q.    You entered into a settlement agreement  
3 with this individual on behalf of the Diocese that  
4 required her to keep this matter confidential and  
5 make no disclosure of it, did you not?

6           A.    That was the agreement.  I don't know  
7 that I -- that it was my requirement.

8           Q.    But it was part of the agreement, was it  
9 not?

10          A.    Right.

11          MR. PEARLMAN:  Just for the record, I'm  
12 sorry.  Is this the same individual?  This is just  
13 a married name now?

14          THE WITNESS:  Yes.

15          MR. ANDERSON:  Same one.

16          MR. BYRNE:  This is the individual for which  
17 Stefanich was arrested who is now writing another  
18 letter subsequent.

19          MR. PEARLMAN:  She has a different last name.  
20 BY MR. ANDERSON:

21          Q.    At the last paragraph, last sentence in  
22 the first paragraph she states -- actually the  
23 last two -- I have met a lot of good people and  
24 now know that I have made a difference in some

1 peoples' lives by telling my story and in  
2 particular breaking the nondisclosure agreement.

3 That is referring to a  
4 confidentiality or nondisclosure agreement that  
5 the Diocese made and imposed upon her when she  
6 made a settlement, right?

7 A. I don't know that. The agreement was on  
8 both sides.

9 Q. The first sentence of the next paragraph  
10 states, finding out that you knew for years about  
11 what Edward Stefanich hurt me more than I can say.  
12 You could have prevented this from happening to me  
13 had you removed him a long time ago and maybe it  
14 wouldn't have happened to -- the name is used  
15 here -- as well.

16 Have you ever reached out to the  
17 writer of this letter?

18 A. No.

19 Q. She reached out to you here. Why didn't  
20 you respond?

21 A. I am puzzled because I'm a compulsive  
22 letter writer and I don't know why I didn't write  
23 to her.

24 MR. BYRNE: There is a letter to -- from the



1 Bishop to her. It's on the following page.

2 MR. ANDERSON: Okay.

3 THE WITNESS: Oh, okay. Thank you for  
4 bringing that out, too.

5 MR. BYRNE: It's Bates stamped 425 in which  
6 he replies to the letter.

7 MR. ANDERSON: Okay. Let's pull that out.

8 BY MR. ANDERSON:

9 Q. So you did respond to this evidently but  
10 had no memory of it?

11 A. Yeah. It's right there.

12 Q. We'll mark that Exhibit -- well, it's a  
13 part of the file so it's Bates stamped 425. Let's  
14 leave it there instead of making copies.

15 MR. BYRNE: But since it's with -- I think we  
16 ought to give it a number, a sequence, so that we  
17 don't lose it.

18 MR. ANDERSON: Okay. We'll mark it Exhibit  
19 20.

20 MR. BYRNE: Just to be consistent. We can  
21 make photocopies later.

22 (WHEREUPON, said document was  
23 marked Exhibit No. 20  
24 for identification.)

1 BY MR. ANDERSON:

2 Q. I'm going to mark it Exhibit 20. You  
3 responded on March 3rd thanking her for the letter  
4 and you copied Attorney James Byrne; is that  
5 right?

6 A. Yes.

7 Q. And apart from this letter did you ever  
8 have any other communications with this woman?

9 A. Not that I know of. She cancelled three  
10 appointments.

11 Q. In the letter she refers to I'm not  
12 going to use the name here.

13 A. Right.

14 Q. Did you ever make any attempt to reach  
15 out to

16 A. No.

17 Q. Why not?

18 A. Well, first of all, she was an adult.  
19 Secondly, whatever had been going on was off. I  
20 don't realize -- didn't realize that she may have  
21 been hurt. An adult makes their own decision.

22 Q. In the next sentence she goes on to  
23 state, and , would be  
24 alive today. is the individual who

1 Stefanich was suspected of having murdered,  
2 correct?

3 A. I don't know that.

4 Q. She goes on to state, I really don't  
5 know who hurt me more, Ed for what he did to me or  
6 you for knowing about Ed for years and letting it  
7 happen.

8 What do you say to that assertion?

9 A. Well, I tried to tell her in my letter  
10 that I did not know what was going on. I don't  
11 think I'm responsible for or  
12 Could I have done something more? Probably. I  
13 guess that's the story of everybody's life. I  
14 did -- we did what we thought was right at the  
15 time. And I'll live with that.

16 Q. The third paragraph in the letter  
17 states, I have never understood church politics  
18 when it comes to this. Nor do I think it belongs  
19 any place where the welfare of children are  
20 concerned. And despite what you think that was  
21 what I was, a child. I didn't realize how cold  
22 and misguided you could be until Elinor Burkett  
23 told me what you said of me to a reporter in 1992.  
24 She said that you described me as, quote, a little

1 Lolita who is now trying to milk as much money out  
2 of the church as possible, unquote.

3 My question to you, Bishop, is, did  
4 you describe this victim to Elinor Burkett, the  
5 author of "Gospel of Shame", as a little Lolita  
6 who is now trying to milk as much money out of you  
7 or the church as possible?

8 A. I would say that is so far from my  
9 feelings and my words that I will say Elinor  
10 Burkett is a liar, that I never said this in my  
11 life.

12 Q. Elinor Burkett in "Gospel of Shame"  
13 attributes those words to you at Page 175 in her  
14 book, does she not?

15 MR. BYRNE: That's a statement. You got a  
16 question here?

17 BY MR. ANDERSON:

18 Q. Okay. The question is, her letter to  
19 you here, Exhibit 19, says she said that you  
20 described me as a little Lolita who is now trying  
21 to milk as much money out of the church as is  
22 possible. Period. It's quoted in her book  
23 "Gospel of Shame" on Page 175. Are you aware that  
24 that's what is quoted in --

1           A.    No.

2           Q.    -- her -- in that book?

3           A.    No.  First I have ever read it.

4           Q.    You read it in this letter?

5           A.    First I ever read it was here.

6           Q.    Have you ever done anything as a result  
7 of having read that you are quoting -- that you  
8 are being quoted as having said that?

9           A.    I did not say this.

10          Q.    What did you say to Elinor Burkett?

11          A.    I never talked to her.  I don't know who  
12 she is.  I would never say what is written here.

13          Q.    Elinor Burkett is a reporter from the  
14 Miami -- a crime reporter formerly from the Miami  
15 area who wrote a book with Frank Bruni called  
16 "Gospel of Shame" that chronicles a sordid history  
17 of bishops concealing sexual abuse.  It's called  
18 "Gospel of Shame" and at Page 175 evidently she's  
19 saying you said that.  Have you ever said anything  
20 like that about this victim or any other?

21          A.    I would never say anything about -- like  
22 that about this person or any person.  And for the  
23 third time you keep asking me this and reading  
24 this letter and this is not what I said.

1 Q. Did --

2 A. I don't remember ever talking to her nor  
3 would I talk to her about that.

4 Q. Have you ever suggested to any of your  
5 Diocesan officials, to the media, or to Elinor  
6 Burkett that this victim seduced Ed Stefanich?

7 A. Never.

8 Q. This letter says, quote, and you have  
9 the nerve to accuse me of seducing a 46-year old  
10 priest when I was just 14 and then going after the  
11 money.

12 So do you deny ever having  
13 suggested or said anything like that?

14 A. I think is interpreting what I  
15 supposed to have said up above as her being  
16 responsible for seducing Ed. I have never said  
17 that. For the fourth time.

18 Q. The last sentence in this first page  
19 says, I was 12 when Ed started acting  
20 inappropriately with me.

21 Have you ever conducted any  
22 investigation or attempted to to find out how many  
23 victims of Stefanich are out there still?

24 A. No.

1           Q.    Now, the second page -- excuse me -- the  
2    third page of Exhibit 19, first paragraph that  
3    begins with, it's also difficult for me to get  
4    this off my mind when a couple of years ago the  
5    police call me up at 4:00 in the morning to make  
6    sure I'm all right because he, meaning Stefanich,  
7    had just been arrested not far from my house.  
8    Period. He was picked up on a DUI and he had two  
9    loaded guns in plastic baggies in his pocket.  
10   Period. They had been carefully wiped clean of  
11   any fingerprints. The police told me that he  
12   acted -- was bizarre -- very bizarre and he hung  
13   around an unsavory crowd.

14                   My question to you is, you read  
15   this, did you not?

16           A.    No.

17           Q.    You never read this part?

18           A.    Well, if I read it, I read it 18 years  
19   ago.

20           Q.    Well, were you aware that he was picked  
21   up by the police?

22           A.    I was aware -- I wasn't aware that it  
23   was near           house. I remember there was  
24   something in the paper about his -- he wasn't

1       picked up by the police. He was stopped by the  
2       police I think and had a gun in his car.

3           Q.     And you had known before this letter was  
4       written to you years before that Ed Stefanich --

5           A.     Stefanich.

6           Q.     -- Stefanich was a possessor of firearms  
7       and kind of a gun freak?

8           A.     I wouldn't call him a gun freak. I mean  
9       people collect guns are not necessarily gun  
10      freaks.

11          Q.     What did you know about his practice of  
12      keeping and collecting guns in his rectory?

13          A.     I never saw them. He never talked about  
14      them.

15          Q.     But you learned sometime long before  
16      1985 that he had a collection of guns?

17          A.     Long before 1985?

18          Q.     Long before 1995.

19          A.     How did we get to '95?

20          Q.     This letter was written in 1995.

21          A.     Oh, okay.

22          Q.     Okay. Section 19.

23          A.     I knew that he had guns, yes.

24          Q.     And you told the writer of the letter



1       that you didn't -- that Mr. Clout that wrote you  
2       a letter concerned about that that --

3               MR. BYRNE: At which date?

4               MR. ANDERSON: 1985.

5               MR. BYRNE: Okay.

6               THE WITNESS: I told Mr. Clout --

7       BY MR. ANDERSON:

8               Q. Let's see. I think it was '87.

9               A. Yeah. He mentioned guns and I said just  
10       because someone collects guns doesn't mean they're  
11       criminal. A lot of people collects guns.

12              Q. Did you ever make any effort in 1987 or  
13       at any time as the Bishop for the Diocese of  
14       Joliet to get to the bottom of what he really did  
15       with guns and what the nature and purpose of his  
16       collection was?

17              A. No.

18              Q. Did this letter in 1995 cause you to go  
19       back and perhaps do some investigation?

20              A. Not because of this letter.

21              Q. The fact that he -- you were told by the  
22       police that he was in fact a murder suspect,  
23       didn't that cause -- knowing that he had a gun  
24       collection cause you to be concerned?

1           A.    That's a leap.  That's a pretty long  
2   leap because someone has a gun collection and now  
3   he's a murder suspect.

4           Q.    Well, you learned from the police  
5   officer that he was a suspect in a homicide --

6           A.    Right.

7           Q.    -- by use of a firearm, that the victim  
8   had been shot, did you not?

9           MR. BYRNE:  Objection, objection.  That's  
10   totally incorrect.

11   BY MR. ANDERSON:

12          Q.    You knew that didn't you, Bishop?

13          A.    You'll have to repeat the question.

14          Q.    You learned from the police that  
15   Stefanich was a suspect in a homicide where the  
16   victim had been shot.

17          A.    Right.

18          MR. BYRNE:  And I'm objecting.  Do you  
19   have -- Bishop, do you have a recall --

20          MR. PEARLMAN:  Objection.  He just answered  
21   the question, Counsel.

22          MR. ANDERSON:  Don't interrupt and don't  
23   coach the witness.

24

1 BY MR. ANDERSON:

2 Q. Now, my question then is knowing that  
3 does -- well -- when did you first learn that he  
4 had guns -- that he collected guns and kept them  
5 in his rectory?

6 A. I have no idea.

7 Q. Exhibit 20 --

8 MR. BYRNE: Excuse me, Counsel. We're  
9 already on Exhibit 20. I think you want 21.

10 MR. ANDERSON: Oh, I'm sorry. 21.

11 (WHEREUPON, said document was  
12 marked Exhibit No. 21  
13 for identification.)

14 BY MR. ANDERSON:

15 Q. This is Bates stamped and in production  
16 and in the file of Stefanich number 392. We  
17 marked it Exhibit 21. This is a newspaper article  
18 reporting that Edward A. Stefanich was arrested  
19 August 23 and charged with improper lane usage,  
20 driving under the influence of alcohol, and  
21 failure to wear a seatbelt. Police said Stefanich  
22 was also charged with unlawful use of a weapon  
23 after an officer found three loaded handguns on  
24 his body after he was taken into custody. Three

1 loaded handguns. This is 1992. What did you know  
2 about that in 1992?

3 A. I didn't know anything about it.

4 Q. What did you do to follow up on this  
5 police -- on this newspaper report?

6 A. I don't remember seeing this, but I  
7 would not have -- he's a laicized priest. I have  
8 no responsibility for him.

9 Q. He is also a priest that had been  
10 serving in the Diocese for two decades, correct?

11 A. I don't know when he was ordained.

12 (WHEREUPON, said document was  
13 marked Exhibit No. 22  
14 for identification.)

15 BY MR. ANDERSON:

16 Q. I'm showing you what we marked as  
17 Exhibit 22. And this is an English translation  
18 of -- from the Supreme and Holy Congregation of  
19 the Holy Office to all Archbishops, Bishops and  
20 the like. And it is called an instruction on the  
21 manner of proceeding in cases of solicitations.  
22 This particular one is from the Vatican Press in  
23 1962. And I will represent to you that this is a  
24 translation in English from the Latin version.

1                   My question to you is, at any time  
2                   have you received an instruction from the Vatican  
3                   while Bishop or as an auxiliary or in any  
4                   connection as a priest in dealing with matters of  
5                   solicitation including sexual abuse?

6                   A.    No.

7                   Q.    Are you familiar with this document?

8                   A.    No.

9                   Q.    It is a protocol as I read it for  
10                  secrecy. My question to you is, is there any  
11                  written protocols that you're aware of that  
12                  require you as Bishop in the Diocese of Joliet or  
13                  elsewhere to keep matters of sexual abuse by  
14                  priests secret to avoid scandal?

15                  A.    No.

16                  Q.    Are you familiar with the Canon 489 that  
17                  requires a Bishop to take any scandalous material  
18                  or material that is likely to subject the church  
19                  to scandal and put it in a subsecretal archival  
20                  file?

21                  A.    No.

22                  Q.    You are aware that this Diocese has kept  
23                  a subsecretal archival file?

24                  A.    Yes.

1           Q.    Did you -- you always attend the  
2 conference of Bishops? Okay. You always attend  
3 the conference of Bishops, do you not?

4           A.    Most of the time.

5                   (WHEREUPON, said document was  
6 marked Exhibit No. 23  
7 for identification.)

8 BY MR. ANDERSON:

9           Q.    In 1985 did you attend the conference of  
10 Catholic then the NCCB National Catholic  
11 Conference of Bishops meeting at Collegeville in  
12 St. Johns, Minnesota?

13          A.    Yes.

14          Q.    And at that time did you receive a  
15 presentation or do you have memory of receiving a  
16 presentation on the problem of sexual abuse and  
17 pedophilia in the Catholic clergy by Tom Doyle,  
18 Ray Mouton, and Ray Peterson?

19          A.    I don't remember Tom Doyle. All I  
20 remember is the lawyer.

21          Q.    Do you remember -- what do you remember  
22 about that?

23          A.    Nothing.

24          Q.    Let me show you Exhibit 23. And I will

1 represent to you that this is an executive summary  
2 of a document sent to every Bishop in the U.S. in  
3 1985 by Ray Peterson who then ran St. Luke's, Ray  
4 Mouton who is a lawyer who had represented a  
5 priest offender, and Tom Doyle, a priest and canon  
6 lawyer former canonist for the delegate. And this  
7 document has been -- testimony has been given that  
8 was sent to every single Bishop in the U.S. and in  
9 '85 you were obviously the Bishop for the Diocese  
10 of Joliet. Do you have any memory of having  
11 received this?

12 A. Yes.

13 THE VIDEOGRAPHER: We're going off the record  
14 for a tape change. It's the end of tape number 4.  
15 It's 4:18 p.m.

16 (WHEREUPON, discussion was had  
17 off the record.)

18 THE VIDEOGRAPHER: We're back on the record  
19 with the beginning of tape number 5. It's 4:19  
20 p.m.

21 BY MR. ANDERSON:

22 Q. Okay. Bishop, you have indicated that  
23 you did --

24 MR. BYRNE: Excuse me, Counsel. For the

1 record, we're pretty close to four hours. Could  
2 you give us an estimate of time that you will need  
3 to complete the Bishop's deposition?

4 MR. ANDERSON: I'm hopeful that we can  
5 complete it in a half an hour.

6 MR. BYRNE: And that would be the end of his  
7 deposition. Then I would certainly want to  
8 continue on.

9 THE WITNESS: You mean we're going to finish  
10 in a half an hour?

11 MR. BYRNE: That's what he says.

12 THE WITNESS: Okay.

13 MR. ANDERSON: Well, I don't know. I'm just  
14 going to -- it's impossible to say but it depends  
15 largely upon answers, but I'm trying to work  
16 within the time you have given us and --

17 MR. BYRNE: I understand.

18 MR. ANDERSON: -- I'm going to do the best I  
19 can with the time you've given us.

20 MR. BYRNE: Well, that's not my question,  
21 Counsel. I'm saying to you how much time will it  
22 take you to complete the deposition of Bishop  
23 Imesch.

24 MR. ANDERSON: My answer is, I can't tell you



1 yet because I'm not done.

2 MR. BYRNE: Well, excuse me. Can you  
3 estimate that you can conclude the Bishop's  
4 deposition in approximately a half hour?

5 MR. ANDERSON: I can certainly try. I can't.

6 MR. BYRNE: Well, I need something from you.  
7 If it wouldn't be a half hour -- I mean, you're an  
8 attorney. You have done this all your life.  
9 What's your estimate? Half hour? I can rely on  
10 that.

11 MR. PEARLMAN: He's given you an estimate. A  
12 half hour. That's not what you asked.  
13 Concluded --

14 MR. BYRNE: That's the word. Concluded.  
15 Yes.

16 MR. ANDERSON: I'm going to work as -- I'm  
17 going to work as long as we're going to be able to  
18 do this. And I'm going to do my best to conclude  
19 it. And we're getting close.

20 MR. BYRNE: Within approximately a half hour.  
21 I'm not going to call you on five minutes one way  
22 or another.

23 MR. ANDERSON: I'm going to try my best.

24 MR. BYRNE: Okay. Then I think we ought to

1 continue as opposed to coming back on another day.

2 THE WITNESS: You know it's not going to be  
3 concluded in a half an hour and I want to bring  
4 him back here again because he likes Joliet.

5 MR. BYRNE: I know that's tongue in cheek,  
6 Bishop, but nevertheless --

7 THE WITNESS: We're not going to finish in a  
8 half an hour. That's ridiculous. We're going to  
9 sit here for another half hour and then we're  
10 going to come back again. Let's go home.

11 MR. BYRNE: Let's take a break here.

12 THE WITNESS: I don't want to do that either.

13 MR. BYRNE: Bishop, I want to talk to you in  
14 private.

15 THE VIDEOGRAPHER: We're going off the record  
16 at 4:22 p.m.

17 (WHEREUPON, a recess was had.)

18 THE VIDEOGRAPHER: We are back on the record  
19 at 4:23 p.m.

20 BY MR. ANDERSON:

21 Q. After receiving Exhibit 23 and after  
22 having attended that national conference of  
23 bishops where they addressed sexual abuse by  
24 clergy in 1985 did you as Bishop here take any

1 action responsive either to the document you  
2 received, the report, or the presentations done at  
3 the national conference that year?

4 A. That might have been when we started our  
5 informal review committee. If that was a  
6 recommendation from that section, then I'm sure we  
7 got people together, but otherwise there was also  
8 a protocol I think put out which we tried to  
9 follow. An initial protocol about cases of sexual  
10 abuse. I know we preceded the 1990 thing.

11 Q. Okay. Well, Bishop, there's been  
12 testimony from Doyle, the preparer of this, that  
13 basically the bishops repudiated these suggestions  
14 in 1985 and some bishops adopted some protocols  
15 sometimes later -- sometime later. My question to  
16 you is, what do you remember about when this  
17 Diocese and you as Bishop first developed any  
18 protocol, any policy in writing that pertained to  
19 sexual abuse by clergy?

20 A. I don't know. I know we were ahead of a  
21 number of the other dioceses.

22 Q. Who were you ahead of?

23 A. Boston.

24 MR. ANDERSON: Okay. In Exhibit 1 there is a

1 second production that's Bates stamped 1 here,  
2 Jim. Why don't you pull that out of there. And  
3 we are going to need to mark that as a separate  
4 exhibit because it pertains to Doe 85.

5 MR. BYRNE: Okay.

6 MR. ANDERSON: This one right here.

7 MR. BYRNE: We're on.

8 MR. ANDERSON: Why don't you hand that to the  
9 witness and I'm going to mark this one --

10 MR. BYRNE: My suggestion this would be  
11 identified as the victim assistant coordinator  
12 file and then everything after that is the Page 1.

13 MR. ANDERSON: Fair enough. I'm going to  
14 mark this 24.

15 (WHEREUPON, said document was  
16 marked Exhibit No. 24  
17 for identification.)

18 MR. ANDERSON: And we are going to refer to  
19 this -- we're going to refer to this. It's been  
20 produced and Bates stamped 1 through 18, I guess.  
21 And it's been represented to be the victim's  
22 assistance coordinator's file.

23 MR. BYRNE: Yeah.

24

1 BY MR. ANDERSON:

2 Q. In it there is obviously a reference to  
3 Doe 85 here. And it states, 7/8/03 was  
4 abused by Father Ed Stefanich at Christ the King  
5 Parish in Lombard about 1967 when he was in the  
6 second grade. Period. He has suppressed memory  
7 and was diagnosed with PTSD.

8 My question to you, Bishop, is,  
9 what investigation have you or your office done  
10 responsive to this report made by ?

11 A. Well, I met with and tried to  
12 reach out to him, but a few days later he called a  
13 press conference so I don't know where we're  
14 going.

15 Q. Did you consider this report to be a  
16 credible report?

17 A. He made it. I don't know why it  
18 wouldn't be, but it would have to be investigated.

19 Q. And have you investigated it?

20 A. That would go to the review board, but I  
21 don't think it goes if there's a lawsuit filed.

22 Q. And so to your knowledge no  
23 investigation was done because the lawsuit was  
24 filed?

1           A.    Right.

2           Q.    So have you received any information or  
3 do you have any information that leads you to  
4 believe the report made to the Diocese by  
5 in 2003 is not credible?

6           A.    I have received no other information  
7 other than this report.

8           Q.    Did you or any officials of the Diocese  
9 report the information that           brought forward  
10 in 2003 to law enforcement?

11          A.    I don't know. Once a lawsuit -- I'm  
12 confused. Once a lawsuit is filed I presume law  
13 enforcement is aware of it.

14          Q.    Well, the report here in the Exhibit 24  
15 says he came to the Diocese in July of '03,  
16 correct?

17          A.    Yes.

18          Q.    And made the report of sexual abuse by  
19 Stefanich. The lawsuit wasn't filed until later.

20          A.    Well --

21          Q.    My question to you is, do you have any  
22 knowledge or information that before the lawsuit  
23 was filed whether or not you or any official of  
24 this Diocese reported this information to law

1 enforcement?

2 A. My understanding is when someone meets  
3 with the victim's assistance coordinator, I want  
4 to meet with the victim and then that situation  
5 would be brought to the review board at its next  
6 meeting. Before that could happen appeared  
7 and made a -- filed a lawsuit publicly which makes  
8 me wonder why in the world he would have met with  
9 me.

10 Q. Page 11 of this exhibit Bates stamped  
11 11, is addressed to Dear Mary Frances. Mary  
12 Frances is a victim's assistance coordinator?

13 A. Right.

14 Q. And in it he says I spent a short time  
15 looking on the internet after our conversation and  
16 found the following priests and religious  
17 associated with the Joliet Diocese publicly  
18 accused as abusers. And on this list he lists 29  
19 different individuals and there's handwritten  
20 notes here. First, whose handwriting is it, do  
21 you know?

22 MR. BYRNE: Well, excuse me, Counsel.  
23 There's various handwriting. Please specify.

24

1 BY MR. ANDERSON:

2 Q. Well, I guess that's what I'm trying to  
3 find out. Whose handwriting if you know. Do you  
4 know or do you know, Jim?

5 MR. BYRNE: He'll answer the question.

6 THE WITNESS: Probably Mary Frances

7 BY MR. ANDERSON:

8 Q. Okay. And there is the word "confirmed"  
9 here. And that is underlined. Confirmed  
10 accusations, accused. What is the significance of  
11 this as you read it or understand it to be?

12 A. I don't understand it. I think she's  
13 asking a question confirmed accusation or accused.

14 Q. How many of these individuals are  
15 confirmed accusations?

16 A. I would have to go through here.

17 MR. BYRNE: Are we using confirmed as a  
18 synonym for credible?

19 MR. ANDERSON: Yeah. Let's use credible.

20 BY MR. ANDERSON:

21 Q. How many of these names -- just list the  
22 names on here that you deemed to be priests or  
23 clergy against whom credible allegations have been  
24 made.



1 MR. BYRNE: If you're able to.

2 THE WITNESS: I count about 16.

3 BY MR. ANDERSON:

4 Q. Identify the names then.

5 A. Gary Berthiaume, Phil Dederer, Lowell  
6 Fischer, John Furdek. No. John Furdek -- I don't  
7 know that that's -- well, it's Furdek. Michael  
8 Gibbney, Larry Gibbs, Carroll Howlin.

9 Q. Just a minute. You've got to go slower.

10 A. I'm sorry. Gibbs, Howlin, Lenczycki,  
11 Meis, O'Connor, Pock, Poff, Ross, Slade, Slown,  
12 Stefanich, White. Some of these I'm doubtful  
13 about so I left them out if I were doubtful.

14 Q. Ruffalo. What about Ruffalo?

15 A. I'm not sure of that.

16 Q. What about Bouillette or Bouillette?

17 A. I don't know who that is. He is not a  
18 member of the Diocese or not a priest of the  
19 Diocese.

20 Q. What about Dan Ryan?

21 A. Dan is not a priest of the Diocese.

22 Q. He was a Bishop, isn't he?

23 A. He was or he is.

24 Q. What was his association with Joliet?

1           A.    He was a priest here and then got named  
2 Bishop of Springfield.

3           Q.    So do you deem the allegation of sexual  
4 misconduct against him to have been credible?

5           A.    I have no knowledge about what was  
6 against him. So I'm not going to make a judgment.

7           Q.    And Arno Dennerlein.

8           A.    Dennerlein.

9           Q.    You did not mention him as you went  
10 through first. He is a priest against whom  
11 credible allegations have been made?

12          A.    He's crossed out here. I'm really  
13 ambivalent. I met with the victim. He is very  
14 credible. I met with Arno Dennerlein. He is very  
15 credible. So I don't know. Is it fact? I don't  
16 know.

17          Q.    Bishop, haven't you been around sexual  
18 abuse long enough pre-charter and post-charter to  
19 know that over 90 percent of child molesters when  
20 confronted or asked deny the molestation?

21          A.    I know that. Do you know what Arno  
22 Dennerlein is accused of?

23          Q.    Yes, I do.

24          A.    It's kind of hard for me to consider

1       that sexual abuse.

2           Q.    Well, any contact with a buttocks or the  
3       genitals an adult with a child --

4           A.    Okay.

5           Q.    -- is sexual abuse.

6           A.    Okay.

7           Q.    And you don't accept that as sexual  
8       abuse, do you?

9           A.    No, I didn't say that.  There's degrees  
10      of sexual abuse.  Arno denies that he ever touched  
11      the boy.

12          Q.    And the boy says that Arno touched him  
13      repeatedly, doesn't he?

14          A.    No.  No, he never did that.  It was  
15      seconds.  Seconds.

16          Q.    Are you familiar with the  
17      brothers?

18          A.    I know who they are.

19          Q.    All three of them or some of the three  
20      report that Dennerlein abused them.  Do you have  
21      any reason to doubt the report?

22          A.    I'm not aware of that.

23          Q.    In 1957 Stefanich was at Holy Cross  
24      Seminary in Lacrosse and he was going to be a

1 Carmelite father. I trust you know nothing about  
2 that?

3 A. Huh-uh.

4 Q. Correct?

5 A. No, I don't.

6 Q. And in 1960 there are records that  
7 reflect that he in preparation for ordination had  
8 some slight difficulty with his attitude. Do you  
9 know anything about that?

10 A. No, I don't.

11 Q. In 1963 he declared his oath relative to  
12 celibacy and the oath or vow of chastity is one --  
13 is what?

14 A. Is what?

15 Q. What is it?

16 A. It's a commitment that you will live a  
17 chaste life.

18 Q. And for a priest in the Diocese of  
19 Joliet or elsewhere that means that you are not to  
20 engage in any sexual conduct with others, correct?

21 A. That's right.

22 Q. And so if a priest engages in sexual  
23 conduct with a parishioner, a counselee, or a  
24 child or an adult, that is a violation of the

1 requirement of celibate chastity, right?

2 A. Right.

3 Q. As a bishop you would be obliged to  
4 investigate complaints, rumors, or reports of that  
5 violation.

6 A. I suppose I would.

7 Q. And if a priest had violated that vow of  
8 celibate chastity and engaged in sexual conduct  
9 with a child or an adult, that would under your  
10 own -- under church protocols not only require an  
11 investigation but would require you to take  
12 remedial action?

13 A. Sure.

14 Q. And suspension from faculties to  
15 minister?

16 A. No.

17 Q. Is it your view that then if a priest is  
18 violating the vow of celibacy and engaging in  
19 sexual conduct with an individual, that does not  
20 require you to suspend that priest and remediate  
21 that situation?

22 A. You know, it depends. If you're talking  
23 about an adult, I don't know that that calls for  
24 suspension. If you're talking about a child, it

1 certainly does.

2 Q. If your -- is then your practice to make  
3 that call on a case by case basis or what?

4 A. Well, I guess I'm not sure I understand.  
5 Normally that's what would happen, yeah. It would  
6 be case by case. There is no blanket thing if you  
7 do this you're out except for the charter now.

8 Q. In 1964 records reflect that Stefanich  
9 had a problem with his attitude and approach to  
10 parochial matters. Do you know anything about  
11 that?

12 A. No, I don't.

13 Q. In 1965 records reflect that he was  
14 assigned to St. Joseph's in Addison. And have you  
15 ever done any outreach to the parishioners at  
16 St. Joseph's in Addison?

17 A. No.

18 Q. In 1969 he was transferred to Christ the  
19 King where he met the plaintiff in this case.  
20 Have you ever done any outreach to the  
21 parishioners at Christ the King?

22 A. No.

23 Q. It is the claim here that was  
24 abused by Stefanich repeatedly beginning in 1969.

1 MR. BYRNE: That's Doe 85?

2 MR. ANDERSON: Yes.

3 BY MR. ANDERSON:

4 Q. Have you -- what do you know about that?

5 A. Just what, you know, was brought to me  
6 when came in to see me.

7 Q. In the documents that were produced  
8 there are no documents of any kind between May of  
9 1969 to May of 1972.

10 Maybe you could check that, Jim.

11 MR. BYRNE: You're talking in the priest  
12 file?

13 MR. ANDERSON: Yes.

14 MR. BYRNE: Sure.

15 MR. ANDERSON: It might be that there aren't.  
16 It might just be an inadvertent, but I would like  
17 you to check that and advise me.

18 MR. BYRNE: I will be happy check it, but  
19 what I will be doing is triple checking. I have  
20 already checked and my impression is that nothing  
21 occurred during that period of time from '69 to  
22 '72. And what an occurrence can be is merely a  
23 Bishop writing to his priest about some other  
24 mundane thing. It could be a particular issue

1 with an organist or an employment issue. And, in  
2 fact, I can state this in some of the priest files  
3 whether that would be a priest who was accused or  
4 never had an accusation in his life you could get  
5 a two or three year period of time in which there  
6 was no communication whatsoever, but at your  
7 request I will go back and double check.

8 MR. ANDERSON: Okay. It is important because  
9 the abuse is alleged to have occurred between May  
10 of -- excuse me -- between 1969 and 1974. And so  
11 documents from May of '69 to May of '72 are  
12 obviously during a period of --

13 MR. BYRNE: Sure.

14 MR. ANDERSON: -- abuse allegations.

15 BY MR. ANDERSON:

16 Q. And I trust that you had no contact with  
17 the bishops and/or the priests in the Diocese of  
18 Joliet while you were over there in Detroit,  
19 correct?

20 A. Detroit.

21 Q. Detroit.

22 A. Everybody says Detroit.

23 Q. Well, not everybody. I say Detroit.

24 A. Most non-Detroiters say Detroit.



1           Q.    In 1974 records reflect that on  
2           June 15th Stefanich was transferred to Visitation  
3           parish in Elmhurst, Illinois. My question to you  
4           is, have you made any effort to reach out to  
5           possible survivors at Visitation?

6           A.    No.

7           Q.    In 1975 it has been alleged and -- that  
8           Stefanich abused or engaged in sexual conduct with  
9           Jane Doe with the initials           When I use those  
10          initials do you know who I'm referring to?

11          A.    Yeah, I'm -- well, I'm not sure of the  
12          first initial. I'm sure of the second one.

13          MR. BYRNE: Can I just write the name?

14          MR. ANDERSON: Yes. He is going to write the  
15          name for you so we know who we're talking about.

16          THE WITNESS: That's what I thought, but I  
17          didn't know what her first name was.

18          MR. ANDERSON: Okay.

19          BY MR. ANDERSON:

20          Q.    What do you know about any sexual  
21          conduct between Stefanich and           ?

22          A.    I don't know anything about that.

23          Q.    When is the first time you heard  
24          anything about that by rumor, complaint, report,

1 or otherwise?

2 A. I don't remember whether it was the  
3 young woman who wrote or her mother. One or the  
4 other.

5 Q. What did you do responsive to that?

6 MR. BYRNE: Counsel, could we have a date of  
7 when that letter was to focus the Bishop so he can  
8 be able to answer your question?

9 MR. ANDERSON: I actually -- I'm not  
10 referring to the letter. He's the one that did so  
11 maybe you can tell us when did you get that  
12 letter?

13 THE WITNESS: All I said was I don't know if  
14 we heard from the mother or the daughter. If it  
15 was the daughter it was from -- had to be a letter  
16 because she lives far away.

17 MR. BYRNE: If you want to refresh the  
18 witness's recollection there is a letter here  
19 dated in the year November of 2003. There is  
20 correspondence. But I'll use that as an anchor.  
21 Whatever you want to do with it.

22 BY MR. ANDERSON:

23 Q. I think you're referring to an earlier  
24 letter, aren't you?

1           A.    It seems to me it was before 2003, yeah.

2           Q.    What are you referring to that you have  
3 a memory of having received from the mother of  
4 BA ?

5           A.    Only that we were in contact with the  
6 young woman and brought it to the review board and  
7 they readily agreed to counseling. And I don't  
8 think we've heard from her in a couple of years.  
9 I see the mother pretty often and never said  
10 anything.

11          Q.    In 1977, April 1st, Stefanich is  
12 transferred to St. Scholastica parish in  
13 Woodbridge. I appreciate that's before your  
14 tenure as Bishop here. Have you at any time  
15 received information that that transfer or any  
16 transfers made of him by your predecessors had  
17 anything to do with suspicions of sexual  
18 misconduct or wrongdoing by him?

19          A.    They all seemed normal. I don't know of  
20 anything.

21          Q.    In 1977 or '78 Stefanich is been accused  
22 of and report has been made that he abused a John  
23 Doe 1 I will refer to in this record and in the  
24 sealed record Exhibit -- is it A -- I will give

1       you his name and I presented it to Counsel. And  
2       what I'll ask you to do is present it to the  
3       witness and ask if he has any knowledge of that  
4       name or any information concerning that.

5               MR. BYRNE: Counsel, just for clarification  
6       when you began your question you said something  
7       about 1977.

8               MR. PEARLMAN: '87.

9               MR. BYRNE: Then I misheard.

10              MR. ANDERSON: 1977 or '78.

11              MR. PEARLMAN: Oh, I'm sorry.

12              MR. BYRNE: What I'm going to hand the  
13       witness is a beginning with the page of 464 in the  
14       priest file and it's dated 7/21/03. That's why I  
15       was talking about or questioning you on 1977  
16       because --

17              MR. PEARLMAN: I think you're splitting  
18       hairs. You're talking about the date -- I think  
19       he's referencing the date of abuse and you're  
20       referencing the date of report.

21              MR. BYRNE: Correct. Just so that we're  
22       clear.

23              MR. ANDERSON: Yeah. I'm not talking about a  
24       report made in '77. I'm talking about abuse in

1 '77.

2 MR. BYRNE: I needed clarification otherwise  
3 we're going to be hopelessly confused.

4 MR. ANDERSON: Okay.

5 MR. BYRNE: So what I can hand Bishop  
6 Imesch --

7 MR. ANDERSON: Why don't you just give him  
8 the name. It's a quick question. If he knows  
9 something I'll ask him.

10 MR. BYRNE: That's fine.

11 MR. ANDERSON: Give him the name and then  
12 I'll ask the question.

13 MR. BYRNE: This is Page 464. That's the  
14 name of the individual apparently that's the  
15 victim assistance coordinator write-up.

16 THE WITNESS: Okay.

17 MR. ANDERSON: I'm referring to that person  
18 as John Doe 1 here. And he has reported that he  
19 was abused as a youth by Stefanich in or about '77  
20 or '78.

21 MR. BYRNE: Okay.

22 BY MR. ANDERSON:

23 Q. Correct? Now, what do you know about  
24 that?

1           A.    I just know the name, but I don't know  
2           what -- I think correspondence with him as ceased  
3           or something. I think he made a report and never  
4           followed up.

5           Q.    Have you made any determination or do  
6           you have any belief whether that report as made by  
7           him is credible or not?

8           A.    That's -- the review board does that. I  
9           don't do that.

10          Q.    Have you or anybody in the offices of --  
11          your offices made a report to -- of that  
12          information to law enforcement?

13          A.    I don't know that.

14          Q.    In answers to interrogatories at  
15          question 8 your counsel and you effectively were  
16          asked the question about addresses and residence  
17          of Stefanich. And in 1989 it's reported in the  
18          answer that he was at St. Luke's Institute  
19          possible but not certain. Was -- do you have any  
20          information that Stefanich was sent to or treated  
21          at or resided at St. Luke's Institute?

22          A.    No, I don't.

23          Q.    How many priests have you sent to  
24          St. Luke's Institute for treatment evaluation?

1 MR. BYRNE: Objection. That's a mental  
2 health privilege. The witness is not going to  
3 answer.

4 MR. ANDERSON: The question is how many have  
5 been sent --

6 MR. BYRNE: I understand the question and I'm  
7 instructing the witness not to answer.

8 MR. ANDERSON: Okay.

9 BY MR. ANDERSON:

10 Q. What facilities have you as Bishop of  
11 the Diocese and the Diocese of Joliet utilized to  
12 treat offending priests or priests suspected of  
13 the offenses of sexual abuse?

14 A. St. Luke's, the House of Affirmation,  
15 St. Louis, and Wausau.

16 Q. Have you used Servants of Paraclete?

17 A. Yes, we did.

18 MR. ANDERSON: If I asked a question as to  
19 each of those facilities how many priests were  
20 sent there your instruction would be the same?

21 MR. BYRNE: Same objection, same instruction.

22 BY MR. ANDERSON:

23 Q. How many priests in the Diocese of  
24 Joliet have been sent by you or your staff for

1 treatment for sexual offenses?

2 MR. BYRNE: Same objection. And the same  
3 directions to the witness.

4 BY MR. ANDERSON:

5 Q. When Stefanich was serving at  
6 St. Joseph's parish in '65 to '69 it's reported  
7 that his supervisor was Sylvester Mulloy,  
8 M-u-l-l-o-y. Is he still alive?

9 A. No.

10 Q. When he served at Christ the King parish  
11 from '69 to '74 it's reported in answers that the  
12 pastor and immediate supervisor was Father Fred  
13 Golden.

14 A. Deceased.

15 Q. In answers regarding Visitation parish  
16 where Stefanich served from '74 to '77 the pastor  
17 and immediate supervisor is reported to be John  
18 Podeska.

19 A. Deceased.

20 Q. From '77 to '87 at St. Scholastica  
21 parish where he served as pastor it's reported  
22 that his supervisor during that period of time was  
23 Bishop Blanchette from '77 to '79. Where is  
24 Bishop Blanchette?



1 A. Deceased.

2 Q. And then Bishop Kucera?

3 A. Right.

4 Q. And he is still --

5 A. In Denver retired.

6 Q. From March of '79 to August of '79 you  
7 are the -- reported to be the supervisor?

8 A. I didn't come until August of '79.

9 Q. Excuse me. Excuse me. That was  
10 Blanchette. I mean Kucera.

11 A. Kucera.

12 Q. You're reported to be the supervisor  
13 from August of '79 to 1987, correct?

14 A. Right.

15 Q. Is everything that you know about  
16 conversations between the plaintiff in this case  
17 and Sister Mary Frances Seeley included in the  
18 documents that have been produced or have you had  
19 personal conversations with the plaintiff in this  
20 case that aren't recorded in any documents  
21 produced?

22 A. I have met with him, yes.

23 Q. And did you take notes of that?

24 A. I don't know. If they did they would be

1 in your packet.

2 Q. How many victims of abuse by clergy have  
3 you personally met with other than this plaintiff?

4 A. Ten or eleven.

5 Q. And has it been to receive reports of  
6 abuse?

7 A. I just offered to meet with them and  
8 some come, some don't.

9 Q. Do you make notes of those meetings?

10 A. I guess sometimes I do and sometimes I  
11 don't depending on what's going on.

12 Q. And your predecessor bishop was Bishop  
13 Blanchette. Was he a note taker?

14 A. Yeah. Better than me. But you couldn't  
15 read his writing.

16 Q. And his predecessor was Bishop McNamara,  
17 the first bishop of the Diocese. Was he a note  
18 taker?

19 A. I don't know that.

20 Q. Have you ever seen any notes of his in  
21 any of these priest files or anything?

22 A. I don't think so.

23 Q. Have you ever conducted -- or at your  
24 direction conducted a systematic review of your

1 files or the archival files, secret archival  
2 files, to discern what priests there have been  
3 allegations made against?

4 A. Yes.

5 Q. That was as responsive to the John J  
6 study?

7 A. Right.

8 Q. Before 2002 had you done anything like  
9 that or ever directed that anything like that be  
10 done?

11 A. All the files, no.

12 Q. Yes. Well, what files were reviewed for  
13 that purpose?

14 MR. BYRNE: I'm confused.

15 MR. ANDERSON: To determine whether sexual  
16 abuse had been committed and there are priests  
17 serving in the Diocese.

18 MR. BYRNE: Prior to the John J?

19 MR. ANDERSON: Yes.

20 THE WITNESS: There were none because we  
21 don't have any record of sexual abuse before that.

22 BY MR. ANDERSON:

23 Q. If reports are made to law enforcement  
24 of suspicion of sexual abuse, would it be in the

1 priest file?

2 A. Sure.

3 Q. You say sure. Are you sure of that?

4 A. I'm not sure of that.

5 Q. Okay.

6 A. Okay. I'll back up and say I really  
7 don't know.

8 Q. Since 2002 has Mr. Byrne been doing the  
9 reporting to law enforcement?

10 A. Yes.

11 Q. In 1974 you wrote a letter or authored a  
12 letter to the President of Dignity. The church,  
13 quote, has a serious obligation to root out  
14 structures and attitudes that discriminate against  
15 a homosexual as a person. Do you remember --

16 MR. BYRNE: What page is this of the clergy  
17 file or priest file? The Bates number.

18 MR. ANDERSON: I have this taken from a  
19 writing done by you.

20 MR. BYRNE: Don't answer the question.  
21 Counsel was supposed to produce all writings prior  
22 to this deposition by court order.

23 MR. ANDERSON: I don't have the writing,  
24 Counsel.

1 MR. BYRNE: You had some quote.

2 MR. ANDERSON: Okay.

3 BY MR. ANDERSON:

4 Q. My question to you is, have you authored  
5 any letters in which you have described a serious  
6 obligation to root out structures and attitudes  
7 that discriminate homosexuals as persons?

8 A. Yes.

9 Q. What was the circumstances of that and  
10 why?

11 A. The young man in Detroit who was on a  
12 fast and Bishop Tom Gumbledon and I wrote a letter  
13 to extend some hand of -- offer some help and  
14 assurance.

15 Q. In 1980 you transferred Father Lenczycki  
16 out of St. Charles, did you not?

17 A. Yes.

18 Q. Was that because of sexual abuse?

19 A. No.

20 Q. In 1980 you began to receive letters  
21 from concerned parishioners that Father Gibbs over  
22 the summer had been abusing kids or they were  
23 concerned about him having done so; is that  
24 correct?

1           A.    I don't know the year, but I did get  
2   some letters from people there, yeah.

3           Q.    What did you do about that?

4           A.    I responded to them.

5           Q.    How so?

6           A.    How so? By writing.

7           Q.    To whom?

8           A.    To the people who wrote me.

9           Q.    And did you do any investigation  
10 responsive to those concerns addressed?

11           MR. BYRNE: I think that's been asked and  
12 answered, but go ahead. We did the Gibbs. Go  
13 ahead.

14           THE WITNESS: I'm sure I did if that's the  
15 same situation.

16           BY MR. ANDERSON:

17           Q.    And Gibbs was transferred by you?

18           A.    Sure. I told you that.

19           Q.    In 1980 Lombard police investigated  
20 allegations of abuse by Father Gibbs. You knew  
21 that, did you not?

22           A.    Sure.

23           MR. BYRNE: He's testified to that.

24

1 BY MR. ANDERSON:

2 Q. And you through your lawyers argued  
3 vigorously to keep a protective order on all the  
4 files and documents pertaining to what had been  
5 done there, correct?

6 A. For Gibbs?

7 Q. In connection with what had been done,  
8 yes.

9 A. I don't know that.

10 Q. 1982 Auxiliary Bishop Dan Ryan was  
11 alleged to have made a sexual advance towards  
12 another priest while the two were on an overnight  
13 trip. The priest reported the incident to  
14 Auxiliary Bishop Vonesch who told the man to tell  
15 you directly. The man is reported to have brought  
16 this to you. Do you have any recollection of that  
17 having occurred?

18 A. I have no recollection of that.

19 Q. In 1982 who in the Diocese would have  
20 been responsible for investigating reports,  
21 rumors, or claims of sexual abuse if anybody?

22 A. Probably me.

23 Q. In 1982 Father Anthony Ross is sent to  
24 Montera, California, in the Bay area. It may have

1       been for treatment. But he continues to write to  
2       a teenaged victim professing his love for that  
3       boy. Do you have any knowledge of that?

4           A.    Except for the professing love part I  
5       know that he did write to someone.

6           Q.    Did you do any investigation responsive  
7       to that information that you received?

8           A.    Sure.

9           Q.    What?

10          A.    I met with the parents. Met with the  
11       young man.

12          Q.    Was there a report of sexual misconduct?

13          A.    There was, but I'm -- yes, I think prior  
14       to that.

15          Q.    And that was not reported to civil  
16       authorities or police, was it?

17          A.    No.

18          Q.    Why not?

19          A.    Well, in this particular instance I know  
20       that the couple did not want any publicity. Did  
21       not want anything said about it.

22          Q.    And a year later the family found  
23       letters from Ross that he had been sending the boy  
24       and brought those to you, correct?



1           A.    Yeah, well, the timing thing is confused  
2   for me but --

3           Q.    At that time Ross admitted to you that  
4   he had abused this boy?

5           A.    Yes.

6           Q.    And you didn't bring that to the police,  
7   did you?

8           A.    No.

9           Q.    In 1990 -- there is another John Doe  
10   that I'm going to give you here.  Let's see.  
11   Thank you.  I have marked on the records as John  
12   Doe 2 a name of an individual who may have made a  
13   report of sexual abuse to either you or Bishop  
14   Kaffer.  Do you have any recollection or knowledge  
15   of that report having been made to you or Bishop  
16   Kaffer?

17          A.    Yes.

18          Q.    What, if anything, did you do with that  
19   information?

20          A.    Gave it to the review board.

21          Q.    Was it a credible report?

22          A.    I don't know.  I don't know.  Just  
23   because a report is made doesn't mean it's  
24   credible.  I don't know.

1 Q. What did the review board do with it?

2 A. I think they provided counseling for  
3 him.

4 Q. Was it reported to law enforcement?

5 A. No.

6 Q. Why not?

7 A. Well, first of all, I'm not sure that he  
8 wanted that to be revealed and, secondly, it was  
9 so long ago that law enforcement is not going to  
10 do anything about that.

11 Q. What leads you to that opinion?

12 A. From other situations that have  
13 occurred. They just don't pay any attention if  
14 it's long ago.

15 Q. Well, then the decision of law  
16 enforcement to prosecute an offender or possible  
17 offender doesn't necessarily go just to  
18 credibility, does it? It can often go to the  
19 passage of time.

20 A. Right. After that it goes to the review  
21 board and they look into it. An investigator has  
22 talked to him on the review board.

23 Q. You're aware that law enforcement and  
24 police and prosecutors oftentimes don't prosecute

1 cases of criminal sexual conduct because of the  
2 passage of time?

3 A. I know. That's what I just said.

4 Q. Then how is it, Bishop, that you gave so  
5 much credence in making the determinations of  
6 credibility to what law enforcement does?

7 A. Now, those cases -- after there is an  
8 allegation those cases go to the review board  
9 after the state's attorney has said yes or no or  
10 whatever and they make a determination.

11 Q. I'll need another one. I'm going to do  
12 another John Doe. I'm getting close.

13 MR. BYRNE: We're close. I'm looking at his  
14 pile. The pile is going down.

15 THE WITNESS: Yeah, but he keeps getting new  
16 stuff.

17 MR. ANDERSON: He can tell by the speed that  
18 I'm working at that I am wearing down.

19 THE WITNESS: Good.

20 THE WITNESS: Ten minutes we got? Is that  
21 what you said?

22 THE VIDEOGRAPHER: Right.

23 THE WITNESS: On the tape. That's good.  
24 It's the last tape.

1 BY MR. ANDERSON:

2 Q. I'm marking on there a John Doe 3 who in  
3 1992 may have contacted you to report a sexual  
4 abuse of him while he was a minor and then at the  
5 time of the report in treatment. My question to  
6 you is, do you remember that individual and  
7 receiving any report?

8 A. No.

9 MR. BYRNE: Counsel, are you identifying Doe  
10 No. 3 as a minor at the time of making the report?

11 MR. ANDERSON: No. He was an adult at the  
12 time.

13 MR. BYRNE: Okay.

14 MR. ANDERSON: And a minor at the time of the  
15 abuse.

16 MR. BYRNE: Okay. I was confused.

17 BY MR. ANDERSON:

18 Q. So that name doesn't resonate for you?

19 A. No.

20 Q. What affiliation does Father Miles White  
21 have with the Diocese of Joliet?

22 A. Right now he has none.

23 Q. What did he have?

24 A. He was a priest of the Diocese.

1           Q.    He was charged in Indiana after police  
2           received a videotape of him engaging in sexual  
3           activity with a 14-year old boy.  You're aware of  
4           that?

5           A.    Right.

6           Q.    What did the Diocese do about that?

7           A.    Went to the parish and talked at all the  
8           masses, sent letters to every parish where he was,  
9           provided counseling for the young man.  And I  
10          think --

11          Q.    When Father Lenczycki was appointed as a  
12          chaplain in St. Louis, Missouri, to a hospital --

13          A.    Right.

14          Q.    -- then Bishop May assigned him there.  
15          And there has been some controversy whether you  
16          told him that Lenczycki had a history or not.  Is  
17          it correct to say that Archbishop May has reported  
18          that you did not tell him and that you have  
19          disputed that, that you did?

20          A.    Archbishop May is dead.  It's Cardinal  
21          Rigali who is the one who is disputing that and I  
22          will swear on oath on 50 Bibles that I would not  
23          send a priest to another bishop without letting  
24          him know his background.  And I talked to John

1 May. I talked to him on the phone. And he  
2 agreed.

3 Q. So it's your contention that you told  
4 then Archbishop May that Lenczycki had a history  
5 of sexual abuse?

6 A. It's no contention. It's fact.

7 Q. Archbishop Rigali, Archbishop May's  
8 successor, has made a contention otherwise that  
9 there is no record of that.

10 A. Okay.

11 Q. You didn't make any --

12 MR. BYRNE: There has to be a question with  
13 that.

14 BY MR. ANDERSON:

15 Q. Okay. You didn't make any record of  
16 that, did you?

17 A. No.

18 Q. And it's a fact that many times you  
19 don't make records of this kind of information  
20 because it's very private and confidential?

21 A. Well, that's the way we handled things  
22 then. We did not send records. We --

23 Q. How many confidential agreements that  
24 have you or to your knowledge the Diocese of

1 Joliet engaged in making? Let me rephrase that.  
2 How many settlement agreements have contained  
3 requirements of confidentiality and nondisclosure  
4 of the abuse have you or the Diocese of Joliet  
5 participated in?

6 A. We released everybody from  
7 confidentiality.

8 Q. That was recently as a result of the  
9 imposition of the charter, correct?

10 A. Right.

11 Q. The charter required you to release them  
12 from confidentiality.

13 A. Yeah.

14 Q. My question is before these survivors  
15 were released from that contractually as a result  
16 of the charter how many such agreements were  
17 entered into between survivors of abuse by clergy  
18 in the Diocese of Joliet?

19 A. I have no idea.

20 Q. How many were released?

21 A. How many were released?

22 Q. Yes.

23 A. I have no idea.

24 Q. In excess of 25?

1 A. Oh, no.

2 Q. What's your best estimate?

3 A. I would be pulling something out of the  
4 air.

5 MR. BYRNE: Don't pull anything out of the  
6 air, Bishop. We're not here to guess.

7 THE WITNESS: Okay.

8 BY MR. ANDERSON:

9 Q. Do you have an estimate?

10 A. No.

11 Q. In February of 2004 the Diocese released  
12 a statement that more than 100 credible  
13 allegations of sexual abuse had been made since  
14 Joliet's founding in 1949; is that correct?

15 MR. BYRNE: Have you got the statement that  
16 the Diocese of Joliet released that statement do  
17 you have that?

18 MR. ANDERSON: No. I'm asking if you made  
19 it.

20 THE WITNESS: I would have to see it.

21 MR. BYRNE: Repeat the -- I got lost on that  
22 one. I'm sorry. Could you repeat it again?

23 BY MR. ANDERSON:

24 Q. Did the Diocese release a statement in



1 February 2004 that more than 100 credible  
2 allegations of sexual abuse had been made since  
3 Joliet's founding in 1949?

4 A. I know we released a statement. Whether  
5 it's that number or not, I would have to check.

6 Q. Did you -- do you know that spokesperson  
7 John Cullen called the numbers pertaining to this  
8 Diocese horrible?

9 A. I don't know that.

10 Q. Are they in your view?

11 A. Any number is horrible. Any number is  
12 horrible.

13 Q. Are the numbers of incidents of credible  
14 allegations of sexual abuse in the Diocese of  
15 Joliet horrible as compared to other Diocese?

16 A. They are horrible in themselves. You  
17 don't have to compare them to any other Diocese.  
18 I don't know -- I have never seen statistics as to  
19 how many this Diocese or that Diocese. We have  
20 more than some and less than others.

21 THE VIDEOGRAPHER: You have two minutes of  
22 tape left, Counsel.

23 BY MR. ANDERSON:

24 Q. In February of 2004 an 8th grader and a

1 parishioner in Joliet reported that his parish  
2 priest abused him when he was in -- in 2002 and no  
3 criminal charges were filed. It's reported that  
4 you made the statement that the priest made an  
5 imprudent decision and he is receiving therapy and  
6 has been told not to be alone with any young  
7 people.

8 MR. BYRNE: Excuse me, Counsel. You're  
9 saying it's reported. Who is reporting what in  
10 February of 2004?

11 MR. ANDERSON: This is information that I  
12 have that I'm asking the Bishop about. Is that  
13 correct information?

14 MR. BYRNE: I think we need to know the  
15 source. You say it is reported. Somebody. Give  
16 us a name. Write it on the sheet.

17 BY MR. ANDERSON:

18 Q. Did you receive a report that an 8th  
19 grader had been perhaps abused in 2002 and make a  
20 response that -- to the effect that the priest  
21 made an imprudent decision?

22 A. He was never abused.

23 Q. Tell me what's your understanding.

24 A. The priest made an imprudent decision.

1 Q. What was that?

2 A. He took two kids to a water park.

3 Q. That was it?

4 A. And some wonderful TV reporter in  
5 Chicago two years later thinks she has a big scoop  
6 and splashes this thing all over the paper. It's  
7 ridiculous.

8 MR. ANDERSON: We are done.

9 MR. BYRNE: I have a few questions of the  
10 Bishop and it would take me to help you about four  
11 and a half, five minutes. Have you got that much  
12 left on the tape?

13 THE VIDEOGRAPHER: No.

14 MR. BYRNE: Switch the tape.

15 THE VIDEOGRAPHER: We're going off the record  
16 at 5:21 p.m. for a tape change. That's the end of  
17 tape number 5.

18 (WHEREUPON, a recess was had.)

19 THE VIDEOGRAPHER: We are back on the record  
20 with the beginning of tape number 6. It's 5:24  
21 p.m.

22 MR. BYRNE: Counsel, I believe you have one  
23 more question you wanted to ask the Bishop.

24 MR. ANDERSON: Yeah. The name of your

1 secretary.

2 THE WITNESS: Natalie Bayci, B-a-y-c-i.

3 MR. ANDERSON: This is currently?

4 THE WITNESS: Yes.

5 MR. ANDERSON: And how long has she been?

6 THE WITNESS: The whole time.

7 MR. ANDERSON: Okay.

8 EXAMINATION

9 BY MR. BYRNE

10 Q. Bishop, I just want to ask you a couple  
11 of questions. The first one is to clarify a  
12 matter for me because I think it was -- the  
13 question put to you was a double negative. And  
14 here's what I'm going to do. I'm going to tell  
15 you what I understood the question to be and why  
16 I'm confused and then I'm going to follow that up  
17 with my question to you. But at one point  
18 Mr. Anderson I believe the question was similar to  
19 this -- and it was a hypothetical. If Stefanich  
20 had not been charged and convicted you were not  
21 going to remove him and your answer was yes. I'm  
22 just setting the stage. Here's my question. In  
23 fact, Bishop, is it not your policy that if a  
24 priest is arrested for child sexual abuse that

1 priest is always immediately put on administrative  
2 leave?

3 A. Yes.

4 Q. Okay. Bishop, Counsel had asked you  
5 some questions about a letter that -- and this is  
6 Exhibit 19. And this was the young lady who  
7 had -- who Stefanich had been charged with  
8 sexually abusing her and convicted. And then  
9 later in '95 as an adult she wrote you a letter.  
10 On Exhibit 20 you responded to her letter. By the  
11 way, her letter was March 2nd, '95. Your response  
12 was March 3, '95. I would like to read that last  
13 paragraph of that letter out loud.

14 A. I welcome the opportunity to meet with  
15 you. I appreciate you writing to me to request a  
16 meeting. I hope that together we might dispel any  
17 misunderstandings that might exist. I would  
18 appreciate if you would call my secretary,  
19 Mrs. Natalie Bayci, phone number, and arrange a  
20 mutually convenient time. If you would prefer not  
21 to meet at the chancery I can arrange a meeting at  
22 a parish rectory. I shall wait to hear from you.

23 Q. And is there handwritten notations on  
24 the bottom of that letter?

1 A. Right.

2 Q. What are they?

3 A. Cancelled and rescheduled at her  
4 request.

5 Q. What's --

6 A. March 29, April 19, April 26.

7 Q. What's that indicate to you?

8 A. That I didn't want to come.

9 Q. Does that indicate appointments were  
10 made and then cancelled?

11 A. Oh, yes. Yes.

12 Q. Bishop, after reviewing the Stefanich  
13 priest file, the Stefanich archives file, in fact  
14 all the documents produced to the attorneys for  
15 Doe 85, from the time Stefanich was ordained in  
16 1965 until he met John Doe 85 and the allegations  
17 according to counsel '69, '70, '72, was there --  
18 and I realize you were not the Bishop here at that  
19 time. Okay? So from the time Stefanich is  
20 ordained until Mr. Anderson's client Doe 85 says  
21 he was abused and the abuse stopped, is there a  
22 hint in any of the records that there was any  
23 impropriety by Father Stefanich from his  
24 ordination up until the time of John Doe 85?

1           A.    Not that I am aware of.

2           Q.    Okay.  Do you know -- Counsel was asking  
3   you questions in relation to Father Stefanich  
4   being suspected in a murder.  Then talked about  
5   Father Stefanich having guns.  Do you know whether  
6   or not the person who was allegedly murdered was  
7   shot or stabbed?  Do you know?

8           A.    No, I don't.

9           MR. PEARLMAN:  Just for the record, are you  
10   saying the person was allegedly murdered, that the  
11   person may not have been murdered?

12          MR. BYRNE:  I did use the word "allegedly".  
13   The person is deceased.  He met his death.  There  
14   was a murder investigation.  I didn't mean to  
15   imply otherwise.  I try to have a habit of using  
16   the word "alleged".

17          MR. PEARLMAN:  It's hard to be allegedly  
18   murdered.

19          MR. BYRNE:  It could be a contradiction in  
20   terms.

21          THE WITNESS:  Five minutes.

22          MR. BYRNE:  By the way, I have no other  
23   questions, one other comment.  I would ask the  
24   young lady doing the video and the court reporter

1 by way of protocol to sign off on the protective  
2 order that we are required to do and we can do  
3 that after we're done here.

4 I have one other question and I'm  
5 not clear and I direct it to you, Mr. Anderson.  
6 Are you licensed to practice law in the State of  
7 Illinois?

8 MR. ANDERSON: Yes. Is your license in good  
9 standing in the State of Illinois?

10 MR. BYRNE: No, no. I don't want to ask you.  
11 Are you licensed to practice law in the State of  
12 Illinois?

13 MR. ANDERSON: Yes.

14 MR. BYRNE: That's all I need to know. I  
15 would not ask you if it was in good standing.

16 MR. ANDERSON: Well, you asked me if I'm  
17 licensed.

18 FURTHER EXAMINATION

19 BY MR. ANDERSON

20 Q. Bishop, you just told us that there's no  
21 hint of impropriety by Stefanich concerning -- in  
22 the records or otherwise concerning the abuse of  
23 our client. My question -- follow-up question to  
24 you is, what investigation have you done to



1 determine in fact what priests, what officials,  
2 and others had a hint at the time that it was  
3 happening?

4 A. Well, I think at the time it was  
5 happening no one knew about it, but his question  
6 was, is there anything in Father Stefanich's file  
7 during that time. And all I said was, there's  
8 nothing there. I don't know if there is anything  
9 else.

10 Q. And the files do not include a complete  
11 record of everything that is occurring. They only  
12 include a record of what gets reported and written  
13 and included, correct?

14 A. I wasn't here. I can't talk about that,  
15 but it seems to me that if someone wrote a letter  
16 it would have been in his file.

17 Q. What about verbal reports?

18 A. That would have been in his file.  
19 Bishop Blanchette was a great note taker.

20 Q. When you told Archbishop May about  
21 Lenczycki you didn't put that in writing, did you?

22 MR. BYRNE: Wait. That's a question. Answer  
23 it yes or no. He's not going to debate here.

24 THE WITNESS: No, I did not.

1 BY MR. ANDERSON:

2 Q. Okay. That was in what year?

3 A. I don't know when it was. '90. '89.

4 Q. In 1989. So verbal reports made --  
5 never mind. I don't have anything further.

6 MR. BYRNE: That's fine. We've concluded.

7 MR. PEARLMAN: One more thing for the record.  
8 There is no Exhibit 3.

9 MR. ANDERSON: No Exhibit 3.

10 THE VIDEOGRAPHER: This concludes the  
11 deposition at 5:38 p.m.

12 THE REPORTER: Signature?

13 MR. BYRNE: We will not waive.

14 FURTHER DEPONENT SAITH NOT.

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1       STATE OF ILLINOIS       )  
  ) SS.  
2       COUNTY OF W I L L       )

3                               I, MICHELE A. RATKOVICH, Certified  
4       Shorthand Reporter, Registered Professional  
5       Reporter, and Notary Public in and for the County  
6       of Will, State of Illinois, do hereby certify that  
7       on the 11th of August, A.D., 2005, the deposition  
8       of the witness, BISHOP JOSEPH IMESCH, called by  
9       the Plaintiff, was taken before me, reported  
10      stenographically and was thereafter reduced to  
11      typewriting through computer-aided transcription.

12                            The said deposition was taken at 15  
13      West Jefferson Street, Joliet, Illinois, and there  
14      were present Counsel as previously set forth.

15                            The said witness, BISHOP JOSEPH  
16      IMESCH, was first duly sworn to tell the truth,  
17      the whole truth, and nothing but the truth, and  
18      was then examined upon oral interrogatories.

19                            I further certify that the  
20      foregoing is a true, accurate and complete record  
21      of the questions asked of and answers made by the  
22      said witness, at the time and place hereinabove  
23      referred to.

24                            The signature of the witness was

1 reserved by agreement.

2 The undersigned is not interested  
3 in the within case, nor of kin or counsel to any  
4 of the parties.

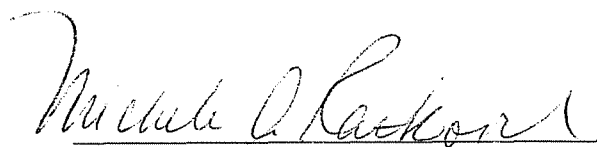
5 Witness my official signature as  
6 Notary Public, in and for Will County, Illinois on  
7 this 22nd day of August, A.D., 2005.

8

9

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11

A handwritten signature in cursive script, reading "Michele A. Ratkovich", is written over a horizontal line.

12

Michele A. Ratkovich, C.S.R., R.P.R.

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C.S.R. No. 084-004218

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