

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

JANE C.R. DOE, an)	
individual,)	
)	Case No. 05CC00148
Plaintiff,)	
)	Volume I
vs.)	
)	
THE ROMAN CATHOLIC BISHOP)	
OF ORANGE, a corporation)	
sole; et al.,)	
)	
Defendant(s),)	
_____)	

DEPOSITION OF JOHN URELL

Santa Ana, California

Friday, July 27, 2007

REPORTED BY: Michelle Milan Fulmer
CSR No. 6942
Registered Professional Reporter
Certified Realtime Reporter

<p>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA</p> <p>2 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER</p> <p>3</p> <p>4 JANE C R. DOE an)</p> <p>individual.)</p> <p>5) Case No 05CC00148</p> <p>Plaintiff,)</p> <p>6) Volume I</p> <p>vs)</p> <p>7)</p> <p>THE ROMAN CATHOLIC BISHOP)</p> <p>8 OF ORANGE a corporation)</p> <p>sole, et al.)</p> <p>9)</p> <p>Defendant(s).)</p> <p>10 _____)</p> <p>11</p> <p>12</p> <p>13 Deposition of JOHN URELL taken before</p> <p>14 Michelle Milan Fulmer, a Certified Shorthand Reporter for</p> <p>15 the State of California, with principal office in the</p> <p>16 County of Orange, commencing at 9:39 a.m., Friday,</p> <p>17 July 27, 2007, in the offices of Judicate West,</p> <p>18 1851 East First Street, Suite 1450, Santa Ana,</p> <p>19 California</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>2</p>	<p>1 I N D E X</p> <p>2 WITNESS EXAMINATION</p> <p>3 JOHN URELL</p> <p>4 PAGE</p> <p>5 BY MR MANLY 6</p> <p>6</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10</p> <p>11 (None Offered)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>4</p>
<p>1 APPEARANCES OF COUNSEL:</p> <p>2</p> <p>3 THE REFEREE: HONORABLE C ROBERT JAMESON, RETIRED</p> <p>4</p> <p>5 FOR PLAINTIFF:</p> <p>6 MANLY, MCGUIRE & STEWART</p> <p>BY: John C. Manly, Esq</p> <p>7 Vince William Finaldi, Esq</p> <p>4220 Von Karman Avenue, Suite 200</p> <p>8 Newport Beach, California 92660</p> <p>TEL: (949) 252-9990</p> <p>9 E-MAIL: vfinaldi@manlymcguire.com</p> <p>10</p> <p>11 FOR DEFENDANTS</p> <p>CALLAHAN, MCCUNE & WILLIS</p> <p>12 BY: Thomas M Rutherford, Jr Esq</p> <p>Peter Callahan, Esq</p> <p>13 111 Fashion Lane</p> <p>Tustin, California 92780</p> <p>14 TEL: (714) 730-5700</p> <p>E-MAIL: thomas_rutherford@cmvlaw.net</p> <p>15</p> <p>16 THE VIDEOGRAPHER:</p> <p>17 Julio Pena</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 Jessica Broszek</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>3</p>	<p>1 Santa Ana, California, Friday, July 27, 2007</p> <p>2 9:39 a.m. - 3:49 p.m</p> <p>3 ***</p> <p>4 THE VIDEOGRAPHER: The date is July 27th, 2007</p> <p>09:39 5 The time is 9:39 We're taking Volume I of the</p> <p>6 deposition of John Urell in the matter of Jane C R. Doe</p> <p>7 versus the Roman Catholic Bishop of Orange for the</p> <p>8 Superior Court of the State of California, County of</p> <p>9 Orange, Case Number 05CC00148</p> <p>09:39 10 My name is Julio Pena. I represent</p> <p>11 Hahn & Bowersock, which is located in Costa Mesa,</p> <p>12 California. This deposition is being taken at</p> <p>13 Judicate West located in Santa Ana, California.</p> <p>14 At this time could all parties please introduce</p> <p>09:40 15 themselves, starting with the witness?</p> <p>16 THE WITNESS: John Urell</p> <p>17 MR. RUTHERFORD: Tom Rutherford, Callahan,</p> <p>18 McCune & Willis, for Mater Dei High School, the Diocese</p> <p>19 of Orange Educational Welfare Corporation, and the Roman</p> <p>09:40 20 Catholic Bishop of Orange, a corporation sole</p> <p>21 MR. CALLAHAN: Peter Callahan with</p> <p>22 Mr Rutherford's office.</p> <p>23 JUDGE JAMESON I am Judge C. Robert Jameson,</p> <p>24 retired, sitting as a referee under appointment to the</p> <p>09:40 25 Superior Court.</p> <p>5</p>

<p>1 MS BROSTEK: Jessica Brostek, intern at Manly, 2 McGuire & Stewart. 3 MR. FINALDI: Vince Finaldi, Manly, McGuire & 4 Stewart, for plaintiff. 09:40 5 MR. MANLY: John Manly for plaintiff. 6 THE VIDEOGRAPHER: Would the court reporter 7 please swear in the witness? 8 9 JOHN URELL, 10 called as a witness by and on behalf of the Plaintiff, 11 having been first duly sworn by the Certified Shorthand 12 Reporter, was examined and testified as follows: 13 14 EXAMINATION 09:40 15 BY MR. MANLY: 16 Q Good morning, Monsignor 17 A Good morning 18 Q Normally I ask witnesses if they've ever had 19 their depositions taken before, but I know you have 09:41 20 because I took it 21 A Yes. 22 Q So, we'll dispense with that. 23 The first thing I want to tell you is that at 24 any point if you need a break, you take it. Okay? The 09:41 25 only caveat to that is if I have a question pending, I'd</p>	<p>1 Q Have you been deposed in any other case other 2 than the DiMaria case? 3 A No, I have not. 4 Q So, the only depositions you've given are the 09:42 5 ones I took of you in the DiMaria case, however long ago 6 that was? 7 A Yes 8 Q Okay Were you truthful in your testimony in 9 those cases? 09:42 10 A Yes, I believe I was 11 Q And I take it you did not try and mislead me or 12 the court in any way during that testimony; is that 13 correct? 14 A I did not try to mislead you. 09:42 15 Q All right. Monsignor, Mater Dei is -- as far as 16 you know, is owned and controlled by the Diocese of 17 Orange? 18 A Mater Dei is owned by the Diocese of Orange 19 Q Okay And the Diocese Educational Welfare 09:43 20 Corporation, that's also owned by the Diocese of Orange? 21 A I believe so. 22 Q Okay I think I know your background, but for 23 purposes of this case I'm going to lay it out. So, I'm 24 not trying to cause you difficulty I just want to go 09:43 25 through and get your background.</p>
<p>1 ask you to answer it before we break. Okay? 2 A Thank you 3 Q All right. So, if at any point you need to get 4 up, get a drink of water, use the restroom, you want to 09:41 5 talk to your lawyer, whatever, Judge Jameson will be very 6 happy to stop the proceedings, I think. I'm not going to 7 speak for Judge Jameson. I tried to do that yesterday 8 and got myself in trouble. 9 So, but just let us know. Okay? 09:41 10 A Thank you. 11 Q Are you feeling well today, well enough today to 12 give a deposition? 13 A Yes, I am. 14 Q Okay And you've never been diagnosed with 09:41 15 memory problems or other things that would cause you to 16 have difficulty recalling events; correct? 17 A I've never been diagnosed with a memory problem. 18 Q Okay And I didn't think you had. I ask 19 everybody that, so don't feel bad. Okay 09:42 20 And you understand, Monsignor, you're under 21 oath? 22 A Yes, I do. 23 Q And you understand, by virtue of that oath, 24 you're bound to tell the truth? 09:42 25 A Yes, I do</p>	<p>1 When were you ordained? 2 A June 3rd, 1978. 3 Q All right. And how -- I believe you went to 4 Tustin High School, not the minor seminary; correct? 09:43 5 A Correct. Tustin High School. 6 Q And where did you go to college? 7 A Cal State, Long Beach. 8 Q Did you get a degree from there? 9 A No, I did not. 09:43 10 Q How many years did you go to Cal State, 11 Long Beach before you moved? 12 A Three years. 13 Q And what was your course of study there? 14 A A mixed bag. I hadn't really gone to anything 09:44 15 particular. 16 Q Okay. So, it was basically general ed courses? 17 A General education courses. 18 Q And you hadn't declared a major? 19 A No. 09:44 20 Q Okay. And let's see. At some point you decided 21 you had a vocation, the priesthood? 22 A I thought I did. 23 Q Okay. 24 A Yes. 09:44 25 Q And was that while you were in college?</p>

<p>1 A Yes, it was</p> <p>2 Q Okay And what was your parish growing up?</p> <p>3 Where did you grow up?</p> <p>4 A St. Cecilia Parish in Tustin</p> <p>09:44 5 Q I see. And so what year did you enter the</p> <p>6 seminary?</p> <p>7 A I entered the seminary in 1972</p> <p>8 Q Okay And were you living in Tustin up until</p> <p>9 that point?</p> <p>09:44 10 A Yes</p> <p>11 Q Okay And how old were you when you entered the</p> <p>12 seminary?</p> <p>13 A 21</p> <p>14 Q Was Father John Kenney an associate while you</p> <p>09:45 15 were a member of the parish in St. Cecilia's?</p> <p>16 A Yes.</p> <p>17 Q Okay Did you know Father Kenney?</p> <p>18 A Yes, I did.</p> <p>19 Q Did he have a Jeep while you were there? Did he</p> <p>09:45 20 drive a Jeep?</p> <p>21 A I think he did, yes.</p> <p>22 Q Okay Did you ever go and ride in that Jeep or</p> <p>23 anything like that?</p> <p>24 A Yes, I think I did.</p> <p>09:45 25 Q When did you first learn that John Kenney had</p> <p style="text-align: right;">10</p>	<p>1 Your Honor?</p> <p>2 JUDGE JAMESON: Yes.</p> <p>3 MR. MANLY: The order addresses Mater Dei. The</p> <p>4 order never addressed priests and/or other members of the</p> <p>09:46 5 Diocese. Had it done so, we would have -- or they</p> <p>6 attempted to do so, we would have taken issue with it</p> <p>7 and, frankly, taken it to the Court of Appeal. That</p> <p>8 order does not include that.</p> <p>9 Father Kenney is one of many priests who has</p> <p>09:47 10 been publicly identified by the Diocese. He is deceased.</p> <p>11 He has been deceased since 1974. I questioned the</p> <p>12 witness yesterday extensively about Father Kenney without</p> <p>13 objection.</p> <p>14 JUDGE JAMESON: He's been deceased since '74?</p> <p>09:47 15 MR. MANLY: Yes. So, there is no right of</p> <p>16 privacy and --</p> <p>17 JUDGE JAMESON: What are we talking about? A</p> <p>18 priest that did something inappropriate before 1974?</p> <p>19 MR. MANLY: Because the allegations arose</p> <p>09:47 20 against him, as I understand it, while Monsignor Urell,</p> <p>21 and I handled the case against Father Kenney, was the</p> <p>22 Chancellor of the Diocese and occurred during the time</p> <p>23 period between 1988 and 1992.</p> <p>24 So, the Diocese's policy and practice regarding</p> <p>09:48 25 handling allegations and disclosure of allegations is at</p> <p style="text-align: right;">12</p>
<p>1 been accused of sexual abuse?</p> <p>2 MR. RUTHERFORD: Objection. Violation of the</p> <p>3 court order. Specifically, Page 2, line 26, "Plaintiff</p> <p>4 is entitled" -- may I quote from it, Your Honor?</p> <p>09:45 5 JUDGE JAMESON: Sure.</p> <p>6 MR. RUTHERFORD: "Plaintiff is entitled to</p> <p>7 inquire during discovery into allegations and/or rumors</p> <p>8 of sexual conduct, sexual activity or sexual interaction</p> <p>9 between Mater Dei students and Mater Dei employees. Said</p> <p>09:46 10 inquiries shall be limited to the time frame during which</p> <p>11 Defendant Andrade was working as an employee at</p> <p>12 Mater Dei. The parties, after meeting and conferring,</p> <p>13 agreed that Defendant Andrade started at Mater Dei in</p> <p>14 1988 and was placed on leave of absence in March of 1997.</p> <p>09:46 15 Plaintiff shall not re" -- "shall not inquire as to the</p> <p>16 actual identity of any alleged victim or perpetrator or</p> <p>17 inquire into alleged past sexual misconduct in such a way</p> <p>18 as to make the alleged victim or perpetrator readily</p> <p>19 identifiable."</p> <p>09:46 20 And I will add, Your Honor, that the order was</p> <p>21 subsequently expanded to include up through December</p> <p>22 31st, 1997.</p> <p>23 So, I believe the question is -- it also lacks</p> <p>24 foundation.</p> <p>09:46 25 MR. MANLY: Would you like me to respond.</p> <p style="text-align: right;">11</p>	<p>1 issue.</p> <p>2 Also, Monsignor Urell has testified previously</p> <p>3 that he knew of X number of people who had been accused</p> <p>4 in the Diocese and, to be quite frank, the -- and that</p> <p>09:48 5 was before the 2002 disclosures, and the numbers that the</p> <p>6 Diocese disclosed are at odds with Monsignor Urell's</p> <p>7 testimony. Now, maybe there's a logical explanation for</p> <p>8 that, but I am certainly entitled to go into it not only</p> <p>9 for credibility purposes, but for substantive reasons and</p> <p>09:48 10 for punitive damages.</p> <p>11 MR. RUTHERFORD: May I respond, Your Honor?</p> <p>12 JUDGE JAMESON: No. I want to have the question</p> <p>13 read back, please, if you can go back that far</p> <p>14 (Whereupon, the record was read back</p> <p>09:48 15 by the reporter as follows:)</p> <p>16 "Q When did you first learn that</p> <p>17 John Kenney had been accused of sexual</p> <p>18 abuse?"</p> <p>19 JUDGE JAMESON: Objection's overruled. You may</p> <p>09:49 20 answer.</p> <p>21 MR. RUTHERFORD: Your Honor, may I be heard</p> <p>22 further on this issue?</p> <p>23 JUDGE JAMESON: You may have a further</p> <p>24 objection, but to this question I want the answer. You</p> <p>09:49 25 can be heard further if you want.</p> <p style="text-align: right;">13</p>

<p>1 MR. RUTHERFORD: Well, Your Honor, I think that</p> <p>2 the question itself is directly in violation of the last</p> <p>3 sentence that I just read and it states, "Plaintiff shall</p> <p>4 not inquire as to the actual identity of any alleged</p> <p>09:49 5 victim or perpetrator or inquire into alleged past sexual</p> <p>6 misconduct in such a way as to make the alleged victim or</p> <p>7 perpetrator readily identifiable." And so the question</p> <p>8 that's on the table right now is a question that relates</p> <p>9 specifically to allegations of sexual misconduct</p> <p>09:49 10 regarding a particular individual</p> <p>11 I also note, Your Honor, that this -- this</p> <p>12 order, which was entered by the court and signed off by</p> <p>13 all of the parties in this case, the whole reason this</p> <p>14 order was entered is because plaintiff early on in the</p> <p>09:50 15 case was attempting to inquire into matters of sexual</p> <p>16 misconduct beyond just Mr. Andrade</p> <p>17 And so the question that was framed before, the</p> <p>18 issue that was framed before the court was is the</p> <p>19 plaintiff allowed to inquire into allegations of abuse</p> <p>09:50 20 beyond just Mr. Andrade, and the -- at the end of the</p> <p>21 day, after all of that was litigated and extensively</p> <p>22 briefed and argued in front of the court, the court</p> <p>23 entered the order stating that plaintiff is entitled to</p> <p>24 inquire during discovery into allegations or rumors of</p> <p>09:50 25 sexual conduct between Mater Dei students and Mater Dei</p> <p style="text-align: right;">14</p>	<p>1 MR. RUTHERFORD: Well, Your Honor, my concern,</p> <p>2 of course, is that we're right off at the start of this</p> <p>3 deposition and we're already in territory that's beyond</p> <p>4 the scope of the court order. In my opinion; and,</p> <p>09:52 5 therefore, we can only imagine what the rest of this day</p> <p>6 holds for us because I'm sure Father Kenney won't be the</p> <p>7 first priest or person that we hear of or this witness</p> <p>8 gets questioned about that has no connection whatsoever</p> <p>9 to Mater Dei</p> <p>09:52 10 Your Honor, I think this is an issue that does</p> <p>11 need to be raised with Judge Andler because I do believe</p> <p>12 strongly that it is a violation of the court order that</p> <p>13 we spent so much time, energy, money, and effort to</p> <p>14 craft.</p> <p>09:52 15 MR. FINALDI: Your Honor, the court order --</p> <p>16 MR. MANLY: Wait. Wait. Wait. Wait.</p> <p>17 Is he instructed to answer the question, Judge?</p> <p>18 JUDGE JAMESON: I've overruled the objection.</p> <p>19 MR. MANLY: Okay.</p> <p>09:52 20 MR. RUTHERFORD: I am going to instruct him not</p> <p>21 to answer the question, Your Honor. I believe it is a</p> <p>22 meritorious issue that deserves the attention of</p> <p>23 Judge Andler in a brief, in a hearing.</p> <p>24 MR. FINALDI: Then I'd like to put on the record</p> <p>09:53 25 the fact that I did also participate in the crafting of</p> <p style="text-align: right;">16</p>
<p>1 employees and it did not go further than that</p> <p>2 And so there's -- when I said that earlier that</p> <p>3 the question lacks foundation, there has been no</p> <p>4 establishment thus far that the -- that this</p> <p>09:51 5 Father Kenney was in any way connected to Mater Dei and,</p> <p>6 based upon Mr. Manly's representation that the priest</p> <p>7 died in the 1970s, it would also be impossible that he</p> <p>8 could have abused somebody in the time period that's</p> <p>9 permitted by the court, which is 1988 through 2001</p> <p>09:51 10 MR. FINALDI: Can I see the order, please, Tom?</p> <p>11 MR. RUTHERFORD: Well, it's got some notes of</p> <p>12 mine on it.</p> <p>13 MR. CALLAHAN: I have a copy.</p> <p>14 MR. FINALDI: You have a copy? Thank you. I'd</p> <p>09:51 15 like to just respond very quickly, Your Honor.</p> <p>16 JUDGE JAMESON: Not at this point.</p> <p>17 Answer the question, please.</p> <p>18 MR. FINALDI: Okay.</p> <p>19 MR. RUTHERFORD: Your Honor, may --</p> <p>09:51 20 MR. CALLAHAN: This may be a matter to take up</p> <p>21 to Judge Andler.</p> <p>22 JUDGE JAMESON: If you feel that strongly about</p> <p>23 it, you can instruct the witness not to answer, but I</p> <p>24 don't think we've reached that point yet.</p> <p>09:51 25 MR. MANLY: Judge --</p> <p style="text-align: right;">15</p>	<p>1 this protective order over the course of over nine</p> <p>2 months. It was the understanding --</p> <p>3 JUDGE JAMESON: Excuse me, Vince. I don't --</p> <p>4 MR. FINALDI: I understand, Your Honor.</p> <p>09:53 5 JUDGE JAMESON: The record here means nothing.</p> <p>6 It's taken up with Judge Andler. You can do all your</p> <p>7 arguing and noting for the record there. Noting it for</p> <p>8 the record when I have no power to deal with it beyond</p> <p>9 that, you know, I'll let you do that if you really,</p> <p>09:53 10 really feel strongly about it, but just to tell you to me</p> <p>11 I think it's an idle act if you do it here.</p> <p>12 MR. MANLY: Okay. Okay. Your Honor.</p> <p>13 MR. FINALDI: I don't think we can --</p> <p>14 MR. MANLY: Wait. Wait. Wait. Wait. Let me</p> <p>09:53 15 talk.</p> <p>16 Judge, Judge Andler's made it very clear at</p> <p>17 hearings that she wants you to rule on these matters, and</p> <p>18 I'm wondering -- and I know that doesn't give you the</p> <p>19 authority to do it, but I'm wondering if you would</p> <p>09:54 20 consider making a phone call to the court and inquiring</p> <p>21 of her if she wants you to rule on this just to speed</p> <p>22 this up.</p> <p>23 JUDGE JAMESON: No. I --</p> <p>24 MR. MANLY: Okay.</p> <p>09:54 25 JUDGE JAMESON: I can't do that, Mr. Manly.</p> <p style="text-align: right;">17</p>

<p>1 MR. MANLY: All right</p> <p>2 JUDGE JAMESON: That -- I think that this is</p> <p>3 significant and deserves attention. that Mr. Rutherford</p> <p>4 will want to have some heavy input on that. and I don't</p> <p>09:54 5 think that would be appropriate</p> <p>6 MR. MANLY: Judge, the judge has also made clear</p> <p>7 that we can telephone her at any time and see if we can't</p> <p>8 get a ruling. So, I'm half inclined to see if I can ask</p> <p>9 Mr. Finaldi to go out in the hallway and call her clerk</p> <p>09:54 10 and see if we can just get a ruling right now on this</p> <p>11 issue with you present. unless the court thinks that that</p> <p>12 would be ill advised and I'll leave that up to the</p> <p>13 court's judgment.</p> <p>14 MR. CALLAHAN: I think this is something that</p> <p>09:54 15 calls for briefing.</p> <p>16 MR. FINALDI: Well, she's told us in open court.</p> <p>17 "If you have a dispute, my line's always open. Give me a</p> <p>18 phone call." She might not rule on it at the time, but</p> <p>19 she can give us instruction.</p> <p>09:55 20 MR. MANLY: She's made it very clear, Pete, and</p> <p>21 you know this -- and I'm not trying to lecture you</p> <p>22 Maybe you don't know because you weren't there -- she</p> <p>23 does not want motions to compel. She hates them. She</p> <p>24 doesn't want them and she wants us to resolve these</p> <p>09:55 25 disputes. And we have a discovery referee here and I'd</p> <p style="text-align: right;">18</p>	<p>1 JUDGE JAMESON: Well, my only comment is I've</p> <p>2 been the discovery referee in a number of cases and in</p> <p>3 those cases where I was involved with depositions, I</p> <p>4 didn't have half authority. I was given carte blanche in</p> <p>09:56 5 terms of discovery.</p> <p>6 Here I'm monitoring depositions and I think I've</p> <p>7 offended both of you equally so that my --</p> <p>8 MR. MANLY: Stipulated.</p> <p>9 JUDGE JAMESON: Whether you agree with me or</p> <p>09:57 10 not, I hope you think -- you respect my attempt at</p> <p>11 fairness, but it's difficult to push forward with these</p> <p>12 things when I come up to what I perceive to be a wall.</p> <p>13 and I think the first day I met with you I indicated I</p> <p>14 thought this was an unusual circumstance.</p> <p>09:57 15 MR. MANLY: And we've asked the defendants to</p> <p>16 stipulate to that power, Judge, and they won't do it,</p> <p>17 so -- and I'm not trying to put them in a difficult spot.</p> <p>18 Maybe they have very good reason, which I'm sure has</p> <p>19 nothing to do with you, but I mean we're between a rock</p> <p>09:57 20 and a hard place.</p> <p>21 I mean, we come here, we pay you a lot of money,</p> <p>22 and I'm sure that the Diocese is paying them a lot of</p> <p>23 money, our client is going to pay us a lot of money and,</p> <p>24 you know, it just wastes everybody's time and, you know,</p> <p>09:57 25 I -- I --</p> <p style="text-align: right;">20</p>
<p>1 just as soon get her on the phone with Judge Jameson.</p> <p>2 present the issue to her and get a ruling. If she rules</p> <p>3 against us, so be it. If she rules in favor of us, fine.</p> <p>4 MR. CALLAHAN: I have to say that my memory on</p> <p>09:55 5 this is less than perfect, but the only time I recall her</p> <p>6 saying in court when I was there, "Feel free to call me."</p> <p>7 was before the appointment of the referee when we were</p> <p>8 battling over discovery issues. I did not get the</p> <p>9 impression that she wanted to be interrupted while she</p> <p>09:55 10 was on the bench.</p> <p>11 MR. FINALDI: Mr. Rutherford knows. He's been</p> <p>12 in subsequent hearings with us where she said that.</p> <p>13 MR. RUTHERFORD: The comments from Judge Andler</p> <p>14 have been that she's open to receiving phone calls. I've</p> <p>09:55 15 always construed that in terms of hitches that the</p> <p>16 parties may encounter along the way.</p> <p>17 I see this as being a very significant issue</p> <p>18 because it's basically asking Judge Andler to change the</p> <p>19 order that she entered and I think that would require</p> <p>09:56 20 extensive briefing, hearing, and oral argument and I</p> <p>21 don't believe it's something that would be prudent to any</p> <p>22 of the parties to do over a short telephone conversation.</p> <p>23 MR. MANLY: And obviously our silence does not</p> <p>24 assent with Mr. Rutherford's position. We view it</p> <p>09:56 25 completely differently.</p> <p style="text-align: right;">19</p>	<p>1 JUDGE JAMESON: Well, you know, to sort of put</p> <p>2 things in perspective -- and I don't say this in terms of</p> <p>3 criticism, Mr. Manly -- you push the envelope. You know</p> <p>4 you do. That's your job and you do it better than most</p> <p>09:58 5 attorneys. So, when you get out on the fringe like the</p> <p>6 area that we're embarking on now, I'm not surprised you</p> <p>7 get objections.</p> <p>8 MR. MANLY: Well, Judge, if you heard the</p> <p>9 testimony, I don't think you'd think it was the fringe.</p> <p>09:58 10 In the Harris case, Monsignor Urell gave very</p> <p>11 specific testimony, identified specific priests, and it's</p> <p>12 out there, and then that -- and maybe there's very good</p> <p>13 reason, I'm not trying to impugn Monsignor Urell, that he</p> <p>14 did that. But I am entitled to go into that area, I</p> <p>09:58 15 believe, because he is the person who was the point</p> <p>16 person for the Diocese when these acts occurred; and if</p> <p>17 they occurred, you know, 20 years ago or 30 years ago and</p> <p>18 he had knowledge of it, but didn't disclose it, that</p> <p>19 would obviously go to his credibility and it goes to a</p> <p>09:59 20 custom and practice of the Diocese concealing abuse.</p> <p>21 That's our allegation. You know, Father</p> <p>22 Kenney's dead. I mean, to be honest, you know, he died</p> <p>23 with two little boys in the back seat of his Jeep and was</p> <p>24 hit by a truck on a logging road when the Diocese moved</p> <p>09:59 25 him to Baker, Oregon because he abused at St. Norbert's.</p> <p style="text-align: right;">21</p>

<p>1 And Monsignor Urell has personally met with the client in 2 that case, ██████████, who's my client and who was paid 3 \$2,000,000 combined between Orange and recently settled 4 before, and he met with him squarely within the ambit of 09 : 59 5 the time that this case is at issue 6 So, I don't think I'm on the fringe. I think 7 I'm right where I should be, but I respect the court's 8 judgment 9 MR. CALLAHAN: And my -- 09 : 59 10 JUDGE JAMESON: Well, the court's judgment was 11 to rule in your favor a few minutes ago. You keep 12 forgetting that. Yesterday you and I got into it and I 13 was ruling in your favor 14 MR. MANLY: Well, nobody ever said I was smart. 09 : 59 15 Judge 16 MR. CALLAHAN: My thought, Your Honor, is that 17 this case is proceeding under an order that was signed 18 May 15th, 2007. The fact that this witness may have 19 testified years ago in some other matter doesn't mean. 10 : 00 20 well, that we throw this order away now. And so he 21 testified about it before, it's a matter of public record 22 since it's in a deposition, so I can ask you about it. I 23 don't necessarily think that follows 24 This case has specific orders that apply to 10 : 00 25 this case and we're bound by the rules the judge.</p> <p style="text-align: right;">22</p>	<p>1 not convenient for the defendants, whenever, let's agree 2 on a time so nobody misses the hearing and we can do that 3 as well and get this sorted out. Okay? 4 MR. RUTHERFORD: Actually, I don't even have my 10 : 02 5 calendar with me, John 6 MR. MANLY: Okay. We don't have to do it now, 7 but before the end of the day. You know, I just want 8 to -- we want to give notice and I don't want to 9 inconvenience you. 10 : 02 10 JUDGE JAMESON: Well, you usually have to give 11 notice before noon, or even some judges earlier than 12 that, to get in the next day 13 MR. MANLY: Judge, I just don't want to 14 inconvenience him. 10 : 02 15 JUDGE JAMESON: And you may not want to -- I 16 mean, it's not -- I don't know that's going to be -- if 17 you can go in ex parte on Tuesday, I don't think it's 18 going to make any difference. 19 MR. MANLY: That's fine. That's what I'm 10 : 02 20 saying. Let's pick a day next week and we can all go in 21 and maybe -- we have a hearing next week, don't we, on 22 something? 23 MR. RUTHERFORD: I -- 24 MR. MANLY: Let's go off the record for a minute 10 : 02 25 so you don't have to keep typing</p> <p style="text-align: right;">24</p>
<p>1 Judge Andler, has set up, originally by Judge Cannon, not 2 Judge Andler, for this particular case 3 MR. MANLY: The problem with that -- 4 JUDGE JAMESON: No, No. Let's get back on 10 : 00 5 track here 6 We've got a situation where the question's been 7 asked, there's a -- and I'll say this -- a good faith 8 belief on the part of the defendants that it goes beyond 9 or violates the parameters of a prior ruling of the 10 : 01 10 court. My suggestion is that we enter into some sort of 11 stipulation that if a series of questions are asked in 12 this area, the same instruction will be given and you can 13 take that to Judge Andler. And then I assume there are 14 some areas getting back to Mater Dei itself and the 10 : 01 15 events of this case and we can still have a productive 16 deposition. 17 MR. MANLY: Yeah. I agree, Judge. 18 JUDGE JAMESON: So, let's put enough into this 19 record to set the issue to be resolved down the road, but 10 : 01 20 let's get on with those areas that we can deal 21 meaningfully with today 22 MR. MANLY: And what I'd like to do, Your Honor, 23 if appropriate at some point, is just give 24 ex parte notice that we're going to go in on Monday and 10 : 02 25 seek appointment of you with full powers. Or if that's</p> <p style="text-align: right;">23</p>	<p>1 THE VIDEOGRAPHER: The time is 10:02 and we're 2 going off the record 3 (Off the record at 10:02 a.m. Back on the 4 record at 10:07 a.m.) 10 : 07 5 THE VIDEOGRAPHER: The time is 10:07 and we're 6 back on the record 7 MR. RUTHERFORD: We've just had a discussion off 8 the record and plaintiff's counsel and I have been 9 discussing this issue from different angles, and what I'm 10 : 07 10 going to try to do now is frame the issue as best I can 11 and so that the record is clear as to what our position 12 is so that it can aid us in framing this issue with the 13 court later and that is as follows. 14 It is the defendants' belief that the court 10 : 08 15 order limits plaintiff to inquiring about matters 16 involving Mater Dei workers and Mater Dei students who 17 were accused of sexual abuse with Mater Dei students from 18 the time period of January 1st, 1988 up through and 19 including December 31st, 2001, and it's my understanding 10 : 08 20 that Mr. Manly wants to ask questions about priests and 21 other personnel, employees who served anywhere within the 22 Diocese of Orange and not necessarily Mater Dei, and that 23 Mr. Manly would like to inquire as to Monsignor Urell's 24 knowledge of those matters that fall outside the scope of 10 : 09 25 Mater Dei and the stated time period</p> <p style="text-align: right;">25</p>

<p>1 And so in order to assist us in moving this</p> <p>2 deposition, forward and to hopefully avoid repetitive</p> <p>3 objections, we're essentially stipulating that that is,</p> <p>4 indeed, the issue and that if those types of questions</p> <p>10 : 09 5 were to be asked, that I would object on a variety of</p> <p>6 grounds and instruct the witness not to answer</p> <p>7 MR. MANLY: Yeah And obviously Mater Dei,</p> <p>8 according to the witness and repeated representations</p> <p>9 over the years by Mr Callahan's office, apparently is</p> <p>10 : 09 10 one and the same with the Diocese or at least owned by</p> <p>11 the Diocese</p> <p>12 Secondly, I don't believe the order says that</p> <p>13 and I don't believe that was the order, the order's</p> <p>14 intent Our position was what occurred here is that</p> <p>10 : 09 15 there was concern about people who had current or recent</p> <p>16 allegations not being -- names not being disclosed and</p> <p>17 the identities of perpetrators not being disclosed on</p> <p>18 privacy grounds</p> <p>19 At no time during the hearing did anybody ever</p> <p>10 : 10 20 argue that we could not ask about other perpetrators</p> <p>21 outside of Mater Dei In fact, the record in this case</p> <p>22 will reflect that I asked Father Harris questions</p> <p>23 extensively about that I asked the witness yesterday,</p> <p>24 Father Sallot, questions about that all without</p> <p>10 : 10 25 objection.</p> <p style="text-align: right;">26</p>	<p>1 that came to the Diocese, that would be it.</p> <p>2 The Diocese of Orange has a long history of</p> <p>3 allowing people who have sexually abused to teach, and I</p> <p>4 don't want to -- Monsignor, I don't mean this personally</p> <p>10 : 12 5 and I don't mean to offend you, but my view is that the</p> <p>6 Diocese of Orange has a long history of allowing known</p> <p>7 molesters to serve in ministry and to teach and that</p> <p>8 this -- our position is that is precisely what this case</p> <p>9 is about</p> <p>10 : 12 10 So, and my view is anybody who was accused</p> <p>11 during Monsignor Urell's tenure who has files there that</p> <p>12 he would have had access to or otherwise are fair game,</p> <p>13 and my view is that the defense here simply does not want</p> <p>14 that to occur because it would be absolutely damning to</p> <p>10 : 12 15 their case And, you know, I don't dispute the court's</p> <p>16 opinion that they're making the argument in good faith</p> <p>17 I suppose if I were in their position, I'd make the same</p> <p>18 argument I just don't think it has any merit.</p> <p>19 In terms of the stip, what I'd like to ask is</p> <p>10 : 12 20 that I don't want to face an argument later that because</p> <p>21 I didn't ask a question in this deposition, I'm now</p> <p>22 precluded from doing so about any perpetrator or any</p> <p>23 victim, I don't -- and the reason I don't want to</p> <p>24 have -- I want that stipulation is I don't want to go</p> <p>10 : 13 25 through all this, get a ruling, then have you come back</p> <p style="text-align: right;">28</p>
<p>1 And the thing that does concern me here is that</p> <p>2 we need Monsignor Urell's deposition in order to finally</p> <p>3 evaluate our final demand for settlement and I can't do</p> <p>4 it</p> <p>10 : 10 5 So, I would first hope that you would reevaluate</p> <p>6 your position; but, secondly, if the court's order,</p> <p>7 indeed, attempted to say we couldn't ask about any</p> <p>8 perpetrator outside of Mater Dei, first of all, I think</p> <p>9 that would violate the code and I don't think that's what</p> <p>10 : 10 10 Judge Cannon was trying to do and Judge Andler certainly</p> <p>11 hasn't said that</p> <p>12 The code indicates that we're entitled to go</p> <p>13 into all areas reasonably calculated to lead to discovery</p> <p>14 of admissible evidence If there are privacy issues at</p> <p>10 : 11 15 hand, then the court certainly is entitled to balance</p> <p>16 that and we, as always, would be willing to enter into</p> <p>17 any reasonable protective order to protect people's</p> <p>18 privacy rights</p> <p>19 But the issue here is, is that Monsignor Urell</p> <p>10 : 11 20 was directly involved in handling cases and settlements</p> <p>21 at Mater Dei, was directly involved from the time he went</p> <p>22 to the Chancellory office until very recently, as late as</p> <p>23 2002, in handling all allegations of sexual abuse that</p> <p>24 came to the Diocese He testified previously under oath</p> <p>10 : 11 25 that he was the point person if there was an allegation</p> <p style="text-align: right;">27</p>	<p>1 and say, well, you didn't mention victims or you didn't</p> <p>2 mention this or you didn't mention that Any</p> <p>3 perpetrator, any victim is fair game to ask about in the</p> <p>4 future</p> <p>10 : 13 5 MR. CALLAHAN: Depending on how the court rules</p> <p>6 MR. MANLY: Well, right</p> <p>7 JUDGE JAMESON: Yeah</p> <p>8 MR. CALLAHAN: Yeah, I will say that I'm</p> <p>9 confident that you had planned to ask about any number of</p> <p>10 : 13 10 victims and any number of alleged perpetrators</p> <p>11 MR. MANLY: Well, I plan to ask a lot of victims</p> <p>12 who I represent and who have given me specific permission</p> <p>13 to ask about it. I think that the court's order on</p> <p>14 Mater Dei is what it is and I can ask about it to</p> <p>10 : 13 15 preserve my record, but I understand that I have to make</p> <p>16 a motion on that and I intend to do so.</p> <p>17 But in terms of protecting the privacy rights of</p> <p>18 victims I represent, like [REDACTED] or [REDACTED] or</p> <p>19 others, I mean, I have gotten their specific permission</p> <p>10 : 13 20 to ask about this question. And, you know, the privacy</p> <p>21 thing is a balancing test and my preference would be that</p> <p>22 Judge Jameson be allowed to balance that right here</p> <p>23 And when you look at what the issues are which</p> <p>24 is child protection versus the privacy rights of somebody</p> <p>10 : 14 25 credibly accused of sexual abuse, I think Judge</p> <p style="text-align: right;">29</p>

<p>1 Lichtman's recent opinion is excellent and I would direct 2 people to the article I wrote about it in the Daily 3 Journal where he found that, you know, the privacy rights 4 of child molesters are outweighed by children. And, you 10 : 14 5 know, there is a 17200 action in this case and that's 6 what that's about 7 So, I think that pretty much sums up what I 8 think 9 JUDGE JAMESON: Well, even though it is 10 : 14 10 expressed differently, I interpreted what both of you 11 have said to be the same. In other words, the parameters 12 of the questioning that's being objected to and that's 13 intended to be asked is understood. In other words, you 14 wanted a clarification, Mr. Manly, and expanded somewhat 10 : 15 15 on what Mr. Rutherford said, but I sense that we're 16 talking about the same thing. And if I'm wrong, 17 Mr. Rutherford, let me know. But if not, let's hear you 18 both say so stipulated and let's move on. 19 MR. RUTHERFORD: I don't have a problem with -- 10 : 15 20 I can't quite say so stipulated yet because, Mr. Manly, I 21 agree. I'm not -- at some point later if the court 22 disagrees with our position, I'm not going to say that. 23 oh, you can't ask about father so and so or father so and 24 so, so long as that person was not a worker at 10 : 15 25 Mater Dei during the stated time period and was alleged</p> <p style="text-align: right;">30</p>	<p>1 twofold. One is the privacy issue beyond the order, and 2 then the order itself. So, I don't know that the order 3 has anything to do with the stipulation you'd enter into. 4 The stipulation is I want to ask this, and your response 10 : 17 5 is don't answer that because it violates the order and 6 it's a privacy issue and let's go to the courthouse 7 MR. MANLY: I mean, I think I need to have a 8 broad enough stipulation that I'm not -- I don't come 9 back and you say, "Well, he was at Mater Dei and you 10 : 18 10 didn't know it. You can't ask him." I mean, that's not 11 fair 12 JUDGE JAMESON: Well, I think we need to resolve 13 the issue once and for all -- 14 MR. MANLY: I agree 10 : 18 15 JUDGE JAMESON: -- rather than do it piecemeal 16 MR. CALLAHAN: And I think the pending question 17 is, Mr. Manly is going to say, "Okay. I understand your 18 ruling or your instruction about Father Kenney. I want 19 to ask about other people, too." And we're saying, "Yes 10 : 18 20 We understand that. And if you ask about other people, 21 too, the instruction would be the same." 22 MR. MANLY: That's what I understand, but I 23 think what he's saying is -- but he's qualifying it 24 saying, "Well, but if you don't ask about Mater Dei 10 : 18 25 today, you're out of luck." And I can't -- I can't</p> <p style="text-align: right;">32</p>
<p>1 to have been involved in sexual misconduct with a 2 Mater Dei student during that time 3 MR. MANLY: I don't understand what you just 4 said 10 : 15 5 MR. CALLAHAN: Let me try it 6 JUDGE JAMESON: No. Wait a minute. What I -- 7 at this point you're going in to the judge and you've 8 asked the question you want to hear an answer to and you 9 are declining to answer 10 : 16 10 What's in your current order doesn't mean a darn 11 thing anymore. The judge is going to have to take this, 12 in essence, de novo because we're in an area that -- you 13 can certainly argue that the order covers this. I'm not 14 saying that. But the point is reading what's in the 10 : 16 15 order, I don't know is -- how that would affect the 16 stipulation because you've already indicated that these 17 questions go beyond the order 18 MR. RUTHERFORD: Yes 19 JUDGE JAMESON: So, I think we need to, and I 10 : 16 20 thought we had, pretty much describe the area which you 21 think is outside the order and almost impliedly Mr. Manly 22 agrees because he says the order doesn't cover this 23 situation 24 So, it seems to me you've described the area of 10 : 17 25 questioning. You've indicated, I think, your response is</p> <p style="text-align: right;">31</p>	<p>1 conduct a deposition about that when I can't ask about a 2 specific person. I mean, if I can't ask about a specific 3 person, how do I know they worked at Mater Dei or not. 4 you know? I mean, that's the problem 10 : 18 5 So, I mean, I want a broad stipulation so, you 6 know, I don't get, you know, jammed coming back 7 MR. CALLAHAN: I think what we're saying is if 8 you were to ask questions about other people other than 9 Father Kenney and, in so doing, identifying them by name, 10 : 19 10 the instruction would be the same. 11 MR. MANLY: Well, no. But he's saying -- I 12 don't think you understood what he said. Pete. He said 13 but if you don't ask about Mater Dei today -- I mean, 14 this is not what he said verbatim -- that you're out of 10 : 19 15 luck 16 So, let me give you an example. Bishop Brown 17 has an allegation against him. Bishop Brown's been at 18 Mater Dei a lot, gone to Mater Dei. I want to ask about 19 Bishop Brown's allegation. Are you going to instruct him 10 : 19 20 not to answer that? 21 MR. RUTHERFORD: Yes. 22 MR. MANLY: Okay. Well, I mean, so did 23 Bishop Brown serve at Mater Dei or not? 24 MR. RUTHERFORD: No. 10 : 19 25 JUDGE JAMESON: Well, let's not --</p> <p style="text-align: right;">33</p>

<p>1 MR. MANLY: I mean, this is the problem.</p> <p>2 JUDGE JAMESON: No. But I think the die is cast</p> <p>3 in terms of what the issue is.</p> <p>4 MR. MANLY: But -- sorry</p> <p>10 : 19 5 JUDGE JAMESON: Let me -- let me add my</p> <p>6 imprimatur here, if that's the right term.</p> <p>7 MR. MANLY: Did you say imprimatur?</p> <p>8 JUDGE JAMESON: If you ask those questions and</p> <p>9 there's an objection -- well, I won't say that I would</p> <p>10 : 20 10 instruct the witness to answer because -- strike that</p> <p>11 MR. CALLAHAN: Okay. That would depend on the</p> <p>12 question</p> <p>13 MR. MANLY: I'll tell you what. We just</p> <p>14 disagree. So, we'll stipulate to the extent we can. And</p> <p>10 : 20 15 my position is that I cannot conduct a meaningful</p> <p>16 deposition about Mater Dei without knowing the names of</p> <p>17 the alleged perpetrator priests because they might very</p> <p>18 well have served there. I mean, so you've put me betwixt</p> <p>19 and between, but let's just forge on and see how we do.</p> <p>10 : 20 20 So, can I ask my next question. Your Honor?</p> <p>21 JUDGE JAMESON: Are we without a stipulation and</p> <p>22 just deal with -- I mean, obviously if you take it to the</p> <p>23 court, she's going to be interested in not doing this</p> <p>24 piecemeal; and when you do argue it and you do deal with</p> <p>10 : 20 25 it and get a ruling from her, it would hopefully</p> <p style="text-align: right;">34</p>	<p>1 judge rule</p> <p>2 JUDGE JAMESON: Well, I guess my concern is I</p> <p>3 understand and have ruled in the past to confine certain</p> <p>4 inquiries to the '88 to 2001 period, but there are also</p> <p>10 : 22 5 questions that have been asked that I have overruled that</p> <p>6 objection because I think it goes to a different aspect</p> <p>7 of the case. And we're in the early stages here.</p> <p>8 Obviously it would be presumptive of me to think that a</p> <p>9 response back of '88 or beyond 2001 would be violative</p> <p>10 : 23 10 here</p> <p>11 To me, I think what practices and policies of</p> <p>12 Mater Dei were before 1988 and what their responses post</p> <p>13 2001 are are relevant in terms of practices and</p> <p>14 procedures, policy, a culture if you want.</p> <p>10 : 23 15 And so I would overrule the objection and</p> <p>16 instruct the witness to answer this question. If you</p> <p>17 want to -- if you think that the court order protects you</p> <p>18 in that regard, you can decline to answer, and then the</p> <p>19 next question will be we'll at least deal with '88 to</p> <p>10 : 24 20 2001</p> <p>21 MR. MANLY: You were clairvoyant, indeed.</p> <p>22 Your Honor</p> <p>23 MR. RUTHERFORD: I'll instruct him not to answer</p> <p>24 on that particular question.</p> <p>10 : 24 25 MR. FINALDI: The protective order --</p> <p style="text-align: right;">36</p>
<p>1 encompass all of the issues in this area that we would</p> <p>2 deal with in the future</p> <p>3 So, even if we don't have a stipulation, I</p> <p>4 suppose -- I suppose that's still going to take you to</p> <p>10 : 21 5 her and the issue will be briefed and discussed</p> <p>6 thoroughly at that time</p> <p>7 So, let's move on, Mr. Manly</p> <p>8 MR. MANLY: Okay, Your Honor</p> <p>9 Q. Monsignor, how many cases of sexual abuse are</p> <p>10 : 21 10 you -- alleged sexual abuse are you aware of that have</p> <p>11 been alleged to have occurred at Mater Dei High School at</p> <p>12 any time?</p> <p>13 MR. RUTHERFORD: Objection. Violation of the</p> <p>14 court order to the extent that it's asking for at any</p> <p>10 : 21 15 time. The order states inquiries are to be made as to</p> <p>16 that time period of January 1988 up through and including</p> <p>17 December 31st, 2001.</p> <p>18 MR. MANLY: Are you going to instruct him not to</p> <p>19 answer it?</p> <p>10 : 22 20 MR. CALLAHAN: I would -- I would say we'd</p> <p>21 instruct him not to answer it as phrased, but have no</p> <p>22 objection if you limit him to the time period set forth</p> <p>23 in the order</p> <p>24 MR. MANLY: Well, I just need an instruction as</p> <p>10 : 22 25 to that question or maybe the court -- let's let the</p> <p style="text-align: right;">35</p>	<p>1 MR. MANLY: Wait. Wait.</p> <p>2 MR. FINALDI: -- it says the actual identity</p> <p>3 it's not --</p> <p>4 MR. MANLY: Let's not -- sorry</p> <p>10 : 24 5 MR. FINALDI: Okay</p> <p>6 MR. MANLY: You actually know more about it than</p> <p>7 I do.</p> <p>8 MR. FINALDI: The protective order says shall</p> <p>9 not inquire to the actual identity of any perpetrator or</p> <p>10 : 24 10 victim. This is not inquiring to the identity. He's</p> <p>11 saying how many allegations are you aware of? It's a</p> <p>12 number. It has nothing to do with the protective order.</p> <p>13 It's not in violation, I think, but let's move on.</p> <p>14 MR. CALLAHAN: It doesn't violate the order</p> <p>10 : 24 15 insofar as it talks about identity --</p> <p>16 MR. FINALDI: I know it doesn't.</p> <p>17 MR. CALLAHAN: -- in the second sentence, but it</p> <p>18 does violate it in the first paragraph where it says</p> <p>19 plaintiff is entitled to inquire in discovery about</p> <p>10 : 24 20 allegations between Mater Dei students and employees,</p> <p>21 "Such inquiry shall be limited to the time frame during</p> <p>22 which Andrade was at Mater Dei."</p> <p>23 Now the question is asked, "Well, tell us about</p> <p>24 the entire time period. We don't care whether Andrade</p> <p>10 : 25 25 was at Mater Dei. Tell us about the entire time period."</p> <p style="text-align: right;">37</p>

<p>1 MR. MANLY: So, your position is if you had 50 2 people raped in 1997, I can't ask about it; is that 3 right? 4 MR. RUTHERFORD: In what year? 10:25 5 MR. MANLY: In 1987 if there were 50 students 6 raped, I can't ask about it; is that right? 7 MR. RUTHERFORD: I'm saying that that question 8 would violate the court's order 9 MR. CALLAHAN: You said '87; right? 10:25 10 MR. MANLY: '87 11 MR. CALLAHAN: Yeah I think '87 falls outside 12 the period. 13 MR. MANLY: So, no matter what the conduct, no 14 matter how many allegations that occurred in 1987, your 10:25 15 position is, under the court order, I am precluded from 16 asking; is that correct? 17 MR. CALLAHAN: Yes 18 MR. MANLY: Okay 19 MR. CALLAHAN: Because -- 10:25 20 MR. MANLY: All right. I appreciate your 21 honesty 22 MR. CALLAHAN: -- it says such inquiry shall be 23 limited to the time frame. And unless we draw a line 24 through that sentence, I think we're stuck to that 10:25 25 sentence</p> <p style="text-align: right;">38</p>	<p>1 BY MR. MANLY: 2 Q -- until the end of 2001; in other words, 3 December 31st, 2001 at 12:00 p.m.? 4 A I believe I'm aware of two 10:26 5 Q Okay. And when did they occur, approximately? 6 A I believe they occurred in -- in the mid to late 7 '90s 8 Q Is one of them Jeff Andrade's case? 9 A Yes 10:27 10 Q When did that case first come to your attention? 11 A When I received a call from Mr. Rutherford that 12 I was to be deposed in the matter perhaps two months ago 13 Q I'm sorry I probably misspoke 14 When did the Andrade matter, the allegations 10:27 15 against Mr. Andrade first come to your attention? 16 A When Mr. Rutherford called me 17 Q Okay. So, your sworn testimony is at no time 18 did you interact with anybody at Mater Dei or -- about 19 Jeff Andrade in 1996 or 1997 or 1998? 10:28 20 A Well, I may have, but I don't recall if I did. 21 Q Did you ever speak with Brother William Carriere 22 regarding the allegations against Mr. Andrade at any time 23 during the -- well, at any time? Did you ever speak with 24 Brother William Carriere regarding the allegations 10:28 25 against Mr. Andrade at any time?</p> <p style="text-align: right;">40</p>
<p>1 MR. FINALDI: It says the actual identity 2 MR. CALLAHAN: No. It says inquiries. 3 MR. MANLY: I don't want to argue anymore 4 Let's just move on. I think we're all getting along 10:25 5 strangely, so let's keep the good feelings going. It's a 6 refreshing moment of clarity as far as I'm concerned 7 Okay 8 Q How are you doing? All right? 9 MR. CALLAHAN: Do you have the question in mind? 10:26 10 MR. MANLY: No. Let me ask another question. 11 Q Monsignor, how many cases of alleged sexual 12 abuse are you aware of as you sit here today that 13 occurred at Mater Dei from 1988 to 2002? 14 MR. RUTHERFORD: 2001. Your Honor -- or 10:26 15 Mr. Manly? 16 MR. MANLY: Mr. Rutherford, you're overruled. 17 MR. FINALDI: Through the end of 2001 18 MR. MANLY: Okay. You're right. I wasn't 19 trying to -- 10:26 20 MR. RUTHERFORD: I know. Would you just restate 21 it? 22 BY MR. MANLY: 23 Q How many cases are you aware of, Monsignor. 24 between 1988 and -- 10:26 25 MR. FINALDI: Until 2002, that's correct.</p> <p style="text-align: right;">39</p>	<p>1 A I may have, but I don't recall if I did or not 2 Q Okay. Well, how many -- how many different -- 3 on how many -- you were from 1988 to 2002 effectively the 4 point person on sexual abuse in the Chancery office; 10:28 5 correct? 6 MR. RUTHERFORD: Vague. Objection. Vague 7 JUDGE JAMESON: Well, let's add Mater Dei to 8 that because he might have been in some other -- some 9 other arena he might have been the point person, but I 10:29 10 don't know that he was the point person for Mater Dei 11 So, let's add Mater Dei to that. 12 BY MR. MANLY: 13 Q You can answer 14 A May I have the question again? 10:29 15 Q Sure 16 You were the point person at the Diocese of 17 Orange for receiving sexual abuse allegations at the 18 Chancery office; correct? 19 MR. RUTHERFORD: Well, objection. It ignores 10:29 20 what Judge Jameson just -- 21 JUDGE JAMESON: No. Well, that answer -- that's 22 a little more specific. You may answer that. 23 THE WITNESS: No. I was not. Not for all 24 allegations of sexual misconduct 10:29 25 ///</p> <p style="text-align: right;">41</p>

<p>1 BY MR. MANLY:</p> <p>2 Q You weren't. Okay</p> <p>3 Well, what allegations of sexual misconduct were</p> <p>4 you in charge of, if any?</p> <p>10:29 5 A The ones that I dealt with were the ones having</p> <p>6 to do with priests.</p> <p>7 Q Okay. Who dealt with the ones having to do with</p> <p>8 laypersons?</p> <p>9 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>10 foundation</p> <p>10:30 11 JUDGE JAMESON: If he knows, sir, please answer</p> <p>12 THE WITNESS: I'm not sure, but I think it would</p> <p>13 be our director of HR or dealing with school</p> <p>14 BY MR. MANLY:</p> <p>10:30 15 Q So, your director of HR from '88 to 2002 was</p> <p>16 Maria Schinderle; is that correct?</p> <p>17 A I don't know if those are the dates or not, but</p> <p>18 she was a director of HR for a good number of years</p> <p>19 Q So, I would need to have to depose her if I</p> <p>10:30 20 wanted to find out about allegations of laypeople; is</p> <p>21 that accurate?</p> <p>22 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>23 foundation</p> <p>24 JUDGE JAMESON: Yeah. Sustained.</p> <p>10:30 25 ///</p> <p style="text-align: right;">42</p>	<p>1 the Diocesan hierarchy or you were one of the senior</p> <p>2 members of the Diocesan hierarchy from the late '80s to</p> <p>3 2002; is that accurate?</p> <p>4 A Yes.</p> <p>10:32 5 Q Okay. And you handled numerous, numerous</p> <p>6 allegations of sexual abuse while you were in that</p> <p>7 position, did you not?</p> <p>8 MR. RUTHERFORD: Objection. Vague</p> <p>9 MR. MANLY: Well, I can't ask how many because</p> <p>10:32 10 you'll object, so --</p> <p>11 JUDGE JAMESON: Well, no. That's not the --</p> <p>12 that's not what -- I guess maybe "handled" is a loose</p> <p>13 term.</p> <p>14 MR. MANLY: Did you -- sorry, Judge.</p> <p>10:32 15 JUDGE JAMESON: In your official capacity, did</p> <p>16 those reports pass through you or land on your desk?</p> <p>17 I guess is -- maybe that's too cryptic, also.</p> <p>18 You can answer the question, sir, if you</p> <p>19 understand it.</p> <p>10:33 20 THE WITNESS: Through my desk came the</p> <p>21 allegations of clergy sexual misconduct.</p> <p>22 BY MR. MANLY:</p> <p>23 Q So, is it your testimony, will you be telling</p> <p>24 the jury in this case that at no time were you involved</p> <p>10:33 25 in handling allegations of sexual abuse by laypersons?</p> <p style="text-align: right;">44</p>
<p>1 BY MR. MANLY:</p> <p>2 Q Well, you were the number two official in the</p> <p>3 Diocese of Orange from 1988 until 2002; is that accurate?</p> <p>4 A No.</p> <p>10:30 5 Q You functioned as the Chancellor and the Vicar</p> <p>6 General alternatively in those years; yes?</p> <p>7 A I was Chancellor until 1999, became Vicar</p> <p>8 General in 1999.</p> <p>9 Q Okay. And who was more senior in the</p> <p>10:31 10 Chancellery office than you other than the Bishop?</p> <p>11 A Until 1999, it would have been Bishop Driscoll.</p> <p>12 Q Okay. And who was more senior than you besides</p> <p>13 Bishop Driscoll?</p> <p>14 A Can you clarify what you mean by "senior"?</p> <p>10:31 15 Q Yeah. The Catholic directory lists --</p> <p>16 A Okay.</p> <p>17 Q -- various Diocesan officials: The Bishop, the</p> <p>18 Vicar General, the Chancellor. Generally in my</p> <p>19 experience, maybe you can tell me if I'm wrong, but those</p> <p>10:31 20 are the three top officials in most Dioceses. Do you</p> <p>21 agree?</p> <p>22 A Oh, I understand.</p> <p>23 Q Do you agree?</p> <p>24 A I agree that that would be an order, yeah.</p> <p>10:32 25 Q Yeah. So, you are one of the senior members of</p> <p style="text-align: right;">43</p>	<p>1 MR. RUTHERFORD: Objection. Argumentative as</p> <p>2 phrased.</p> <p>3 JUDGE JAMESON: Sustained.</p> <p>4 MR. MANLY: Okay.</p> <p>10:33 5 Q Well, did you ever handle or become involved in</p> <p>6 allegations of laypersons while you were the</p> <p>7 Chancellor -- strike that.</p> <p>8 Did you ever become involved in any way, shape</p> <p>9 or form in responding to, handling, settling, directing</p> <p>10:33 10 or in any other manner cases of sexual abuse of minors</p> <p>11 involving laypeople who worked at the Diocese in any</p> <p>12 capacity?</p> <p>13 A Yes.</p> <p>14 Q Okay. How many times?</p> <p>10:34 15 MR. RUTHERFORD: Objection. I believe, again,</p> <p>16 this violates the court order in the sense that it's now</p> <p>17 inquiring into matters that -- allegations of abuse not</p> <p>18 limited to just those matters involving Mater Dei workers</p> <p>19 and Mater Dei students.</p> <p>10:34 20 MR. MANLY: Well, how do you know that? I mean,</p> <p>21 how many cases are there? I mean --</p> <p>22 MR. CALLAHAN: I think we would know that if the</p> <p>23 question were asked did any -- did you investigate any</p> <p>24 cases involving child sexual abuse involving laypeople</p> <p>10:34 25 that were in any way affiliated with Mater Dei</p> <p style="text-align: right;">45</p>

<p>1 MR. MANLY: No I can't I'm not going to ask 2 it that way I don't think I have to. I mean, at this 3 point I think you're, honestly and respectfully, being 4 ridiculous. I mean, the fact that I can't ask how many 10:34 5 cases he's handled. Come on. This is a circus 6 JUDGE JAMESON: Well, let's not make it a bigger 7 circus -- 8 MR. MANLY: Sorry 9 JUDGE JAMESON: -- Mr. Manly 10:35 10 MR. RUTHERFORD: Your Honor, we do have a court 11 order. I believe there are ways to craft questions that 12 don't violate that court order and that get the 13 information that Mr. Manly is seeking, and I believe that 14 this particular question is overbroad in that respect 10:35 15 MR. MANLY: You know, this is not what the 16 discovery act is about. The discovery act is about 17 allowing parties liberal discovery to find the facts and 18 find the truth, whatever the truth may be. 19 And what's happening here is this is being 10:35 20 grossly, grossly mischaracterized by you in an effort to 21 shield whatever facts you want to shield, and I am going 22 to make -- at this point I'm going to make a motion for 23 sanctions on this deposition because, you know, I can't 24 ask a single question. You know what the answers are. 10:35 25 you know it's bad, and I believe it's been hidden by the</p> <p style="text-align: right;">46</p>	<p>1 Q How many cases from 1988 to 2002 involving 2 laypeople were you involved in in any way shape or form 3 that touched upon the issue of sexual abuse? 4 A I can't recall, but I believe just one. 10:37 5 Q Okay How many cases did you become -- how many 6 allegations of sexual abuse involving laypersons or 7 volunteers at the Diocese of Orange in your capacity as a 8 Chancery official from 1988 to 2002? 9 MR. RUTHERFORD: Objection. Asked and answered. 10:37 10 Your Honor. It's the same question 11 JUDGE JAMESON: Well -- 12 MR. MANLY: No, it's not 13 JUDGE JAMESON: Then we can answer it again. 14 please 10:38 15 THE WITNESS: I'm sorry. Could you? 16 JUDGE JAMESON: Let's have it read back 17 BY MR. MANLY: 18 Q How many cases -- 19 JUDGE JAMESON: No. We'll have it read back. 10:38 20 please 21 MR. MANLY: Oh, I'm sorry, Judge 22 (Whereupon, the record was read back 23 by the reporter as follows.) 24 "Q How many cases did you 25 become -- how many allegations of</p> <p style="text-align: right;">48</p>
<p>1 Diocese, now by counsel, and I have a right to ask him 2 how many times -- I can't ask the witness how many cases 3 of sexual abuse he's handled? 4 I guess I'd like a ruling before my head 10:36 5 explodes 6 JUDGE JAMESON: Well, the objection's overruled. 7 BY MR. MANLY: 8 Q You can answer 9 JUDGE JAMESON: Please answer, sir 10:36 10 THE WITNESS: May I have the question again. 11 please? 12 BY MR. MANLY: 13 Q How many cases of sexual abuse involving 14 laypeople have you handled, Monsignor? 10:36 15 A I believe, at that time period, one that I can 16 recall 17 Q So, you had no involvement in any way, shape or 18 form with any other -- or knowledge of any other 19 allegations involving laypeople from 1988 to 2002, except 10:36 20 that one case. Is that your sworn testimony? 21 MR. RUTHERFORD: Objection. It's argumentative 22 and it misstates testimony. That's not what the witness 23 had just finished saying. 24 JUDGE JAMESON: Sustained. 10:37 25 MR. MANLY: Okay</p> <p style="text-align: right;">47</p>	<p>1 sexual abuse involving laypersons or 2 volunteers at the Diocese of Orange in 3 your capacity as a Chancery 4 official from 1988 to 2002?" 10:38 5 THE WITNESS: I am -- I am confused. May I say 6 why? 7 JUDGE JAMESON: Well, the beauty of this setting 8 is you can -- you can answer and explain your answer. If 9 you don't understand the question, you can ask for 10:38 10 clarification. But in this case I think we need to know 11 what the confusion is to be able to do that. So, give us 12 your best shot, Monsignor, and then we'll see where that 13 takes us. 14 THE WITNESS: I believe from that time period, 10:39 15 1988 to 2002, the number of cases that I can recall being 16 involved with with a layperson, an allegation, something 17 at Mater Dei was one 18 BY MR. MANLY: 19 Q My question's broader than that. 10:39 20 A Okay 21 Q I want to know the total number. Not just 22 Mater Dei. Diocesan-wide, how many cases involving 23 laypersons who alleged they had been sexually abused -- 24 strike that. 10:39 25 How many victims are you aware of that came</p> <p style="text-align: right;">49</p>

<p>1 forward to the Diocese from 1988 to 2002 who alleged</p> <p>2 they've been abused by a lay employee or a volunteer of</p> <p>3 the Diocese of Orange?</p> <p>4 MR. RUTHERFORD: I'm going to object. I'm going</p> <p>10:40 5 to object to this question. Again, it's violative of the</p> <p>6 court order. The witness has already stated that during</p> <p>7 the time period set forth in the order and -- he only</p> <p>8 handled or was involved in or was aware of one case of a</p> <p>9 layperson at Mater Dei. And now the question seeks to go</p> <p>10:40 10 beyond that and asked about any other part of the</p> <p>11 Diocese, and I believe that that specifically violates</p> <p>12 the court order and I'm instructing him not to answer</p> <p>13 MR. MANLY: Could you let the judge rule before</p> <p>14 you instruct him?</p> <p>10:40 15 JUDGE JAMESON: There's an objection there and</p> <p>16 that is overruled. My only comment would be I think the</p> <p>17 objection is premature. It asks for a number. Once we</p> <p>18 receive a number, if it's more than one, we'll break it</p> <p>19 down as to the nature of perhaps the type of position</p> <p>10:41 20 that the person held or whatever</p> <p>21 It may become objectionable, but at this point I</p> <p>22 think we should get an answer. You can maintain your</p> <p>23 position if you want, Mr. Rutherford, but that's my</p> <p>24 comment.</p> <p>10:41 25 MR. MANLY: Are you going to let him answer?</p> <p style="text-align: right;">50</p>	<p>1 BY MR. MANLY:</p> <p>2 Q Have you ever talked to [REDACTED]?</p> <p>3 A Yes.</p> <p>4 Q Have you ever talked to [REDACTED] about abuse</p> <p>10:43 5 that occurred at Mater Dei High School?</p> <p>6 A I don't recall if I did. I don't know if I did.</p> <p>7 Q Do you have any reason to believe that</p> <p>8 [REDACTED] would lie about something you said?</p> <p>9 A No, I don't.</p> <p>10:43 10 Q Did [REDACTED] serve in some capacity at the</p> <p>11 Diocese from 1988 to 2002 in connection with responding</p> <p>12 to sexual abuse claims?</p> <p>13 A Yes.</p> <p>14 Q And in what capacity did he serve?</p> <p>10:43 15 A I believe he served on the Bishop's committee</p> <p>16 for -- the newly-formed committee for oversight or</p> <p>17 investigation of sexual misconduct allegations.</p> <p>18 Q Okay. And did you attend those meetings?</p> <p>19 A Some of them, yes.</p> <p>10:44 20 Q And do you recall [REDACTED] being there?</p> <p>21 A Yes.</p> <p>22 Q Do you recall discussing allegations against lay</p> <p>23 employees at the Diocese in those meetings?</p> <p>24 A No, I do not recall.</p> <p>10:44 25 Q Did you take notes at those meetings?</p> <p style="text-align: right;">52</p>
<p>1 MR. RUTHERFORD: No, Your Honor, I'm sorry. I</p> <p>2 stand firm on that.</p> <p>3 JUDGE JAMESON: Don't apologize.</p> <p>4 BY MR. MANLY:</p> <p>10:41 5 Q Have you ever met [REDACTED]?</p> <p>6 sister?</p> <p>7 A I might have. I can't recall if I did, but I</p> <p>8 might have.</p> <p>9 Q In what context did you meet her?</p> <p>10:42 10 A I can't recall. I don't know if I did or not.</p> <p>11 Q Does she have any connection to the Diocese</p> <p>12 abuse scandal as far as you know?</p> <p>13 MR. RUTHERFORD: Objection. Violate --</p> <p>14 objection. Vague.</p> <p>10:42 15 JUDGE JAMESON: Sustained.</p> <p>16 MR. RUTHERFORD: Thank you.</p> <p>17 BY MR. MANLY:</p> <p>18 Q Have you ever talked to her about allegations of</p> <p>19 sexual misconduct by a layperson?</p> <p>10:42 20 A I cannot recall, but I don't think so.</p> <p>21 Q Do you know whether or not she was abused?</p> <p>22 MR. RUTHERFORD: Objection. Violation.</p> <p>23 Well, that's a yes or no answer, Monsignor. Do</p> <p>24 you know whether or not that person was abused?</p> <p>10:42 25 THE WITNESS: No, I do not.</p> <p style="text-align: right;">51</p>	<p>1 A I don't believe I took notes.</p> <p>2 Q So, is it your testimony that laypersons and</p> <p>3 cases against laypersons were not discussed there or is</p> <p>4 it your position you just don't remember?</p> <p>10:44 5 A I do not remember.</p> <p>6 Q Now, is [REDACTED] still on that committee?</p> <p>7 A I do not know.</p> <p>8 Q Did you ever learn that [REDACTED] resigned</p> <p>9 from the committee?</p> <p>10:45 10 A I believe he did.</p> <p>11 Q Do you know why he resigned?</p> <p>12 A I cannot recall exactly why he resigned.</p> <p>13 Q Did you ever hear he resigned because he felt</p> <p>14 the Diocese was continuing to cover up molestation at</p> <p>10:45 15 Mater Dei and other places?</p> <p>16 A I don't recall if I heard that or not.</p> <p>17 Q Did you hear he resigned because he complained</p> <p>18 to the Bishop that Father McKiernan or Monsignor</p> <p>19 McKiernan would show up to the meetings drunk?</p> <p>10:46 20 A I don't recall that, no.</p> <p>21 Q Who is Monsignor McKiernan?</p> <p>22 A Father Michael McKiernan.</p> <p>23 Q I'm sorry. It's Father. I apologize. I gave</p> <p>24 him a promotion.</p> <p>10:46 25 Who is Father Michael McKiernan?</p> <p style="text-align: right;">53</p>

<p>1 A Father Michael McKiernan is the Pastor of</p> <p>2 Christ Our Savior Parish</p> <p>3 Q Has Monsignor -- I'm sorry</p> <p>4 Has Father McKiernan ever held a position within</p> <p>10 : 46 5 the Diocese of Orange where it placed him in the</p> <p>6 Chancellory office?</p> <p>7 A Yes.</p> <p>8 Q Okay Has Father McKiernan ever had access to</p> <p>9 the confidential files of the Diocese involving sexual</p> <p>10 : 46 10 abuse?</p> <p>11 A Yes. I believe he did.</p> <p>12 Q Okay Did [REDACTED] ever complain to you that</p> <p>13 Monsignor -- I'm sorry -- that Father McKiernan would</p> <p>14 come to the sexual abuse meetings drunk and/or make</p> <p>10 : 46 15 derogatory comments about victims?</p> <p>16 A He may have I don't recall</p> <p>17 Q Was that something that you think you might</p> <p>18 forget?</p> <p>19 MR. RUTHERFORD: Calls for speculation</p> <p>10 : 47 20 JUDGE JAMESON: Sustained.</p> <p>21 BY MR. MANLY:</p> <p>22 Q Do you have a recollection as you sit here today</p> <p>23 that [REDACTED] came to you and complained that the</p> <p>24 Bishop's secretary who had access to the confidential</p> <p>10 : 47 25 files on priests would show up to the victim's -- would</p> <p>54</p>	<p>1 the victim here Okay?</p> <p>2 MR. RUTHERFORD: Okay Counsel -- Judge</p> <p>3 Jameson. I would just appreciate that those types of</p> <p>4 comments be stopped I don't think they have any place</p> <p>10 : 48 5 in this deposition. and my intent is to follow the court</p> <p>6 orders</p> <p>7 Now, based on Mr. Manly's representations and so</p> <p>8 forth that he has this sort of permission, you know.</p> <p>9 that -- I guess we can make an exception in this case.</p> <p>10 : 49 10 but the type of comments that he's making are just</p> <p>11 completely unfounded.</p> <p>12 MR. MANLY: Yeah Well, Judge, my response to</p> <p>13 that is nobody's asked them the court didn't ask us to</p> <p>14 check common-sense at the door</p> <p>10 : 49 15 JUDGE JAMESON: Well --</p> <p>16 MR. CALLAHAN: There's no need to check courtesy</p> <p>17 at the door</p> <p>18 JUDGE JAMESON: No. Well, that's --</p> <p>19 MR. MANLY: Come on, you know</p> <p>10 : 49 20 JUDGE JAMESON: Mr. Manly, both of you.</p> <p>21 everybody, I take it -- did I take that, following the</p> <p>22 comments, that your objection is withdrawn?</p> <p>23 MR. RUTHERFORD: May I have the question read</p> <p>24 back, please?</p> <p>10 : 49 25 (Whereupon, the record was read back</p> <p>56</p>
<p>1 show up to the sexual -- the committee in charge of</p> <p>2 responding to sexual abuse drunk?</p> <p>3 A I do not recall that.</p> <p>4 Q Are you saying that didn't happen or you just</p> <p>10 : 47 5 don't remember?</p> <p>6 A I don't remember if it happened or not</p> <p>7 Q Okay. Do you know [REDACTED]</p> <p>8 A We have met, yes</p> <p>9 Q And was [REDACTED] ever on a Diocesan</p> <p>10 : 47 10 committee?</p> <p>11 A Yes, she was.</p> <p>12 Q And what committee was she on?</p> <p>13 A On that same oversight committee</p> <p>14 Q Okay And is she a victim of sexual abuse?</p> <p>10 : 48 15 MR. RUTHERFORD: Objection Violation of the</p> <p>16 court order calling for the specific identity of an</p> <p>17 alleged victim.</p> <p>18 MR. MANLY: Well, somehow I suspect that --</p> <p>19 first of all, [REDACTED] has given me permission to ask</p> <p>10 : 48 20 it. Secondly, they paid her a million six to settle her</p> <p>21 case. She was abused at Mater Dei by her choir director</p> <p>22 and she's the western regional director of the Survivors</p> <p>23 Network of those Abused by Priests and has routinely done</p> <p>24 all sorts of press conferences and complaints about</p> <p>10 : 48 25 Mater Dei So, let's not pretend we're trying to protect</p> <p>55</p>	<p>1 by the reporter as follows:)</p> <p>2 "Q And is she a victim of sexual</p> <p>3 abuse?"</p> <p>4 MR. RUTHERFORD: If you know if she's a victim</p> <p>10 : 49 5 based on Mr. Manly's representations</p> <p>6 MR. CALLAHAN Do you mean of his personal</p> <p>7 knowledge?</p> <p>8 JUDGE JAMESON: Yeah He doesn't need to answer</p> <p>9 that based on Mr. Manly's comments He needs to base</p> <p>10 : 50 10 that upon his recollection.</p> <p>11 You may answer, sir If there is an objection.</p> <p>12 I would overrule it. So, let's move on</p> <p>13 BY MR. MANLY:</p> <p>14 Q Do you understand the question?</p> <p>10 : 50 15 A May I have it one more time, please?</p> <p>16 Q Sure.</p> <p>17 Is [REDACTED] to your knowledge, a victim of</p> <p>18 sexual abuse from a teacher at Mater Dei High School?</p> <p>19 A My personal knowledge. I don't know From what</p> <p>10 : 50 20 has been said publicly, yes. I would say that she is</p> <p>21 Q You believe that she is a victim, correct?</p> <p>22 A I suppose I don't know what to say</p> <p>23 Q How many non-victims did the Bishop appoint?</p> <p>24 Was she appointed as a victim's representative to the</p> <p>10 : 51 25 Diocese board?</p> <p>57</p>

<p>1 A No. I would say not as a victim's 2 representative. 3 Q Oh. okay So, your understanding is she was not 4 appointed as a victim's representative; correct? 10:51 5 MR. RUTHERFORD: Asked and answered. 6 MR. MANLY: I just want to make sure the 7 testimony is clear 8 MR. RUTHERFORD: Your Honor. I'm sorry The 9 witness was just waiting, but if - 10:51 10 JUDGE JAMESON: Yeah Please answer 11 THE WITNESS: My understanding was that 12 [REDACTED] was asked to serve on the board because she 13 was a victim, yes 14 BY MR. MANLY: 10:51 15 Q Okay 16 A Yes. 17 Q Thank you 18 And did she resign from the board? 19 A Yes, she did. 10:52 20 Q Do you know why? 21 A This I only would say, I believe she resigned 22 because she felt that the board was not functioning 23 properly as it ought to. 24 Q What do you mean by that? 10:52 25 MR. RUTHERFORD: Objection It's asking the</p> <p style="text-align: right;">58</p>	<p>1 Q So, what have you heard? 2 A That that is the reason why she resigned 3 Q I see 4 So, the -- as I understand it, the reason, and 10:54 5 maybe I'm wrong, but the reason that Messrs [REDACTED] and 6 [REDACTED] were appointed is because -- to the board is 7 because the 2002 norms adopted by the bishops mandated 8 that victims be appointed to those boards; is that 9 accurate? 10:54 10 A I don't know if they were appointed before or 11 after the norms I don't recall when they were asked to 12 serve. 13 Q Do you know why they were put on the board? I 14 guess that's a better question. 10:54 15 A I know why I asked [REDACTED] to serve on it. 16 Q Why? 17 A Because I felt that he, as one who was a victim 18 of sexual molestation, would be a good person to have on 19 the board to help the newly-formed board know the 10:55 20 situation of victims and the plight of victims and to 21 have him -- to ask him to serve in this way 22 Q Has [REDACTED] ever made any comments to you 23 personally, Monsignor, about his feelings about your 24 handling of cases while you were in the Chancellory 10:55 25 office involving sexual abuse?</p> <p style="text-align: right;">60</p>
<p>1 witness to interpret somebody else. 2 JUDGE JAMESON: Well, was there a declaration or 3 a comment or a letter written or anything stating her 4 reason for resignation that you would base an 10:52 5 understanding on why she resigned? 6 THE WITNESS: I don't have personal knowledge of 7 anything sent to me, I don't believe, why she resigned, 8 but that I think that publicly or in some form she has 9 said because it was not -- the board was not working and 10:53 10 she felt that it was not the right place to be or was 11 not -- it was not doing what it was set up to do. 12 BY MR. MANLY: 13 Q Do you have any information from any source that 14 the reason she resigned is that she felt the board was in 10:53 15 the business of covering up abuse? 16 A I'm sorry One more time, please 17 Q Sure 18 Do you have any information from any source that 19 the reason she resigned is because she felt the board was 10:53 20 in the business of concealing abuse? 21 A I don't have any information about that. 22 Q You never heard that? 23 A I have heard that, yes, sir 24 Q Oh, okay 10:53 25 A Yes</p> <p style="text-align: right;">59</p>	<p>1 A Yes 2 Q And tell me about that. What did he say to you? 3 A He told me he was -- as I recall, that he was -- 4 he, [REDACTED] came to St. Norbert's where I am now and 10:56 5 told me that he was upset with me the way that -- well, 6 it basically had to do with that -- upset with me that I 7 would attend a dinner party for Michael Harris after 8 Michael Harris was no longer serving as a priest 9 Q He was upset with you because you attended a 10:56 10 dinner party for Michael Harris after the Bishop had 11 removed him for credible allegations of sexual abuse; is 12 that accurate? 13 A He was upset with me because I attended a dinner 14 for Michael Harris in whatever month that was of that 10:56 15 year 16 Q My recollection is it was May Is that 17 accurate, May '97? 18 A I don't recall what 19 Q Well, did you attend a dinner party, a 10:56 20 going-away party for Michael Harris -- 21 A I attended -- 22 Q Sorry I sounded like I was done. I apologize 23 -- after he was removed by Bishop McFarland 24 because he refused to go to treatment for being a sex 10:57 25 abuser?</p> <p style="text-align: right;">61</p>

<p>1 MR. RUTHERFORD: Objection. It's violative of</p> <p>2 the court order. It readily identifies a particular</p> <p>3 individual and I believe there's portions of that</p> <p>4 question that don't need to be in there in order to get</p> <p>10:57 5 the information that Mr. Manly seeks.</p> <p>6 JUDGE JAMESON: Well --</p> <p>7 MR. RUTHERFORD: If the question is -- I'm sorry</p> <p>8 to interrupt, Your Honor, but if the question is did you</p> <p>9 attend, that's a very simple question. It's yes or no.</p> <p>10:57 10 but without all the rhetoric attached to it that is in</p> <p>11 violation of the court order</p> <p>12 JUDGE JAMESON: Well, I don't know that it's</p> <p>13 rhetoric, but it's conditions which make the question</p> <p>14 compound because we could receive an answer of no and it</p> <p>10:57 15 could be any one of those elements.</p> <p>16 MR. MANLY: I'll break it down.</p> <p>17 JUDGE JAMESON: But the other -- the other -- I</p> <p>18 would just comment we've taken the deposition of</p> <p>19 Mr. Harris and these allegations were discussed with him.</p> <p>10:58 20 So, I don't know that there's a privacy issue here</p> <p>21 So, if you want to break it down, Mr. Manly,</p> <p>22 we'll do that, please</p> <p>23 MR. MANLY: Yes, sir</p> <p>24 Q Have you ever attended a dinner for any priest</p> <p>10:58 25 or any former employee of the Diocese after you</p> <p style="text-align: right;">62</p>	<p>1 MR. CALLAHAN: Ask Mr. Manly what do you mean by</p> <p>2 this</p> <p>3 MR. MANLY: If that's okay with the court.</p> <p>4 JUDGE JAMESON: Yeah. I mean, you're always</p> <p>11:00 5 welcome if you don't understand a question or have a</p> <p>6 problem with it, rephrase it, but let us -- if you can,</p> <p>7 let us know what the area of the question is that you're</p> <p>8 concerned about</p> <p>9 MR. RUTHERFORD: You can also have it read back.</p> <p>11:00 10 but go ahead</p> <p>11 THE WITNESS: May I have the question read back?</p> <p>12 MR. MANLY: Okay</p> <p>13 (Whereupon, the record was read back</p> <p>14 by the reporter as follows.)</p> <p>15 "Q Have you ever attended a dinner</p> <p>16 for any priest or any former employee</p> <p>17 of the Diocese after you received --</p> <p>18 as a Chancery office official</p> <p>19 received a document from a Roman</p> <p>20 Catholic psychiatric facility naming</p> <p>21 them as a molester?"</p> <p>22 THE WITNESS: My confusion is this. Because we</p> <p>23 were talking about Michael Harris, are you saying that</p> <p>24 that document -- the document from the Catholic thing</p> <p>11:01 25 named him a molester? That's my confusion</p> <p style="text-align: right;">64</p>
<p>1 received -- as a Chancery office official received a</p> <p>2 document from a Roman Catholic psychiatric facility</p> <p>3 naming them as a molester?</p> <p>4 A May I ask my attorney a question?</p> <p>10:59 5 MR. RUTHERFORD: Sure. You always have that</p> <p>6 right.</p> <p>7 MR. MANLY: Wait. Not with a question pending</p> <p>8 in a deposition</p> <p>9 MR. CALLAHAN: Is it for clarification about the</p> <p>10:59 10 question?</p> <p>11 THE WITNESS: Yes</p> <p>12 MR. CALLAHAN: Then ask the person who asked it.</p> <p>13 JUDGE JAMESON: Well, let's do it the other way</p> <p>14 around. I thought we were dealing with then</p> <p>10:59 15 Father Harris.</p> <p>16 MR. MANLY: Well, I didn't ask -- I didn't</p> <p>17 mention Father Harris's name in the question. Judge</p> <p>18 JUDGE JAMESON: I know you didn't and that kind</p> <p>19 of -- and you also had a -- I suppose there could be</p> <p>11:00 20 multiple reports from psychiatric facilities, but I</p> <p>21 thought it was pretty narrow</p> <p>22 MR. CALLAHAN: If the witness wants a</p> <p>23 clarification, why not just ask the person who asked the</p> <p>24 question?</p> <p>11:00 25 MR. MANLY: That's fine</p> <p style="text-align: right;">63</p>	<p>1 BY MR. MANLY:</p> <p>2 Q Okay. Well, let's ask that question</p> <p>3 Did you ever receive a document from a Catholic</p> <p>4 psychiatric hospital identifying or giving a diagnosis</p> <p>11:01 5 that Father Harris suffered from an ailment, a</p> <p>6 psychological ailment where he would -- would -- I'll</p> <p>7 tell you what. Let me ask a very specific question</p> <p>8 What's an ephebophile, if you know?</p> <p>9 A An ephebophile, I believe, is someone who has</p> <p>11:01 10 sexual attraction to people who are -- to young people</p> <p>11 who are post-pubescent</p> <p>12 Q Okay. In other words, they have sex with</p> <p>13 teenagers, right? They want to have sex with teenagers?</p> <p>14 A That age group, post-pubescent. I guess, you</p> <p>11:02 15 know</p> <p>16 Q We're talking about teenagers, right? 12 to 18,</p> <p>17 is that your understanding?</p> <p>18 A Yes.</p> <p>19 Q Okay. So, have you ever received a report from</p> <p>11:02 20 a psych -- from the Saint Luke Institute indicating that</p> <p>21 Father Harris -- they believed Father Harris was an</p> <p>22 ephebophile and they believed that he had molested kids?</p> <p>23 MR. RUTHERFORD: Objection. Violation of the</p> <p>24 court order</p> <p>11:02 25 JUDGE JAMESON: Overruled</p> <p style="text-align: right;">65</p>

<p>1 MR. RUTHERFORD: I'm going to -- I must instruct</p> <p>2 the witness not to answer, Your Honor I believe this is</p> <p>3 in direct violation of Page 3. Lines 4 through 7 as well</p> <p>4 as -- of the order as well as Page 2. Lines 26 through 28</p> <p>11:02 5 continuing onto the next page</p> <p>6 BY MR. MANLY:</p> <p>7 Q Monsignor, do you recall giving a deposition on</p> <p>8 June 12th, 2001 in a case entitled Marcus Ryan DiMaria</p> <p>9 versus Roman Catholic Bishop of Orange, et al?</p> <p>11:03 10 A Yes, I do.</p> <p>11 Q Okay And let me read to you from Page 99</p> <p>12 And, Mr. Rutherford, if you want to come look</p> <p>13 over my shoulder, you're welcome to as long as you don't</p> <p>14 touch me That's a joke</p> <p>11:03 15 But let me read you the testimony and this is</p> <p>16 from Page 99</p> <p>17 "Q Can you tell me, so the jury will</p> <p>18 understand, why Harris was suspended from the</p> <p>19 active priesthood?</p> <p>11:03 20 "A Michael Harris was suspended from the</p> <p>21 active priesthood because he refused to comply</p> <p>22 with the Bishop's directive to go for inpatient</p> <p>23 treatment. And when he refused to comply with</p> <p>24 that, the Bishop warned him that he would be</p> <p>11:03 25 suspended without faculties And then when</p> <p style="text-align: right;">66</p>	<p>1 any phrases, but because of other concerns raised</p> <p>2 in that that the Saint Luke's report indicated</p> <p>3 this and they recommended treatment, as Chancellor</p> <p>4 of the Diocese I would say we go with that</p> <p>11:05 5 treatment "</p> <p>6 Did you give that testimony?</p> <p>7 A Yes</p> <p>8 Q Let me give you -- let me read some more</p> <p>9 Again, Page 100, Line 12 through 25.</p> <p>11:05 10 "Let me ask you this. Did you think he was</p> <p>11 being treated for ephebophilia? Is that what you</p> <p>12 thought he was being treated for?"</p> <p>13 Again, objection by Mr. Harris's lawyer and</p> <p>14 objection by Mr. Callahan</p> <p>11:05 15 JUDGE JAMESON: Mr. Manly, let me interrupt.</p> <p>16 When you read, you tend to speed up.</p> <p>17 MR. MANLY: Sorry She knows me well enough to</p> <p>18 tell me to slow down, I hope</p> <p>19 JUDGE JAMESON: All right. Well --</p> <p>11:05 20 MR. MANLY: Thank you, Judge I appreciate it</p> <p>21 JUDGE JAMESON: -- some reporters are bashful</p> <p>22 about that.</p> <p>23 MR. MANLY: I'll slow down</p> <p>24 "Q Did you assume that he needed treatment</p> <p>11:05 25 for being an ephebophile?</p> <p style="text-align: right;">68</p>
<p>1 Michael Harris continued his refusal, he was</p> <p>2 suspended with no priestly faculties.</p> <p>3 "Q Treatment for what?"</p> <p>4 And then Father Harris's lawyer objected.</p> <p>11:03 5 "THE WITNESS: I believe the Bishop made that</p> <p>6 determination that Michael Harris needed treatment</p> <p>7 because of the report from the Saint Luke</p> <p>8 Institute, and that if Michael Harris did not</p> <p>9 molest anyone, he needed inpatient treatment</p> <p>11:04 10 because Saint Luke's recommended it so that he</p> <p>11 could come back to priestly ministry because he</p> <p>12 was out of ministry and the word was out already</p> <p>13 that allegations had been made "</p> <p>14 Again, a statement by Mr. Harris's lawyer</p> <p>11:04 15 "MR. MANLY:</p> <p>16 "Q What did you understand as the Chancellor</p> <p>17 of the Diocese of Orange that he needed treatment</p> <p>18 for based on the Saint Luke report?"</p> <p>19 Continuing at Page 100, again an objection by</p> <p>11:04 20 Father Harris's lawyer</p> <p>21 "THE WITNESS: Based on the Saint Luke's</p> <p>22 report would have been their -- what do they call</p> <p>23 it? I guess the word diagnosis of -- that's the</p> <p>24 word I'm thinking of -- ephebophilia and I haven't</p> <p>11:04 25 read the report in a long time I can't remember</p> <p style="text-align: right;">67</p>	<p>1 "THE WITNESS: That's what the Saint Luke</p> <p>2 report indicated. So, I would go along with</p> <p>3 that."</p> <p>4 Continuing at Page 101</p> <p>11:05 5 "Q You sent him to Saint Luke's because you</p> <p>6 thought that was the most preeminent institution</p> <p>7 in the country for evaluating, diagnosing and</p> <p>8 treating priest pedophiles and ephebophiles;</p> <p>9 correct?</p> <p>11:06 10 "MR. CALLAHAN: When you say that, are you</p> <p>11 talking about him?</p> <p>12 "MR. MANLY: The Diocese</p> <p>13 "MR. MANLY: You can answer</p> <p>14 "A A Saint Luke" -- "Saint Luke Institute</p> <p>11:06 15 was well-known for being, to use a phrase, a</p> <p>16 specialist in this area which is why -- and that's</p> <p>17 why it was chosen</p> <p>18 "Q What area?</p> <p>19 "A In the area of dealing with pedophilia</p> <p>11:06 20 and ephebophilia and other sexual dysfunction."</p> <p>21 Did you give that testimony?</p> <p>22 A Yes.</p> <p>23 Q All right, Father --</p> <p>24 MR. RUTHERFORD: I'm sorry, Mr. Manly Before</p> <p>11:06 25 you get to your next question, may I have the time?</p> <p style="text-align: right;">69</p>

<p>1 MR. CALLAHAN: It is now about almost 10 minutes 2 after 11:00. 3 MR. MANLY: Want to take a break? 4 MR. RUTHERFORD: I'd appreciate it. 11:06 5 JUDGE JAMESON: We're due for a break. overdue 6 for a break 7 MR. MANLY: Sure 8 THE VIDEOGRAPHER: The time is 11:06 and we're 9 going off the record 11:07 10 (Recess taken) 11 (Off the record at 11:06 a.m. Back on the 12 record at 11:29 a.m) 13 THE VIDEOGRAPHER: The time is 11:29 and we're 14 back on the record. 11:29 15 MR. CALLAHAN: Let me just repeat. Your Honor. 16 what I said off the record. 17 I'm concerned that our interpretation of this 18 order by Judge Andler for the facts in this case is the 19 judge says you can talk about Category 1. Mater Dei. '88 11:29 20 to '01, but you can't talk about Category 2. identity of 21 particular victims or perpetrators and that's our 22 position and I understand people differ with that. 23 Now, we've had a question, well, in an earlier 24 deposition did you talk about Category 2, and he's asked 11:29 25 a number of questions, do you remember this. did you say</p> <p style="text-align: right;">70</p>	<p>1 JUDGE JAMESON. So. it's a little inconsistent 2 to talk about privilege now 3 MR. RUTHERFORD: Your Honor. though, that 4 document was shown to a witness and simply asked have you 11:31 5 seen it before 6 MR. CALLAHAN And now this witness is being 7 read earlier testimony taken at a time when that 8 examinee. Harris had a lawyer there and we know -- I 9 don't have an exact memory of the deposition. although 11:31 10 this happened. what. five years ago 11 JUDGE JAMESON Well, there was -- Father Harris 12 was deposed a few weeks ago in this case That's where 13 my comment comes from as to prior testimony 14 MR. CALLAHAN: And Harris freely talked about 11:31 15 the psychiatric report and didn't assert any privilege? 16 If that's the case. I'm not going to assert the 17 privilege 18 JUDGE JAMESON. I don't recall the report being 19 discussed in his deposition. but certainly his -- 11:32 20 allegations against him were raised 21 MR. MANLY The issue of this report was 22 litigated to the California Supreme Court judge in 23 another case. They ordered it produced It was 24 produced. It's been attached to numerous filings with 11:32 25 the Superior Court in numerous cases without objection</p> <p style="text-align: right;">72</p>
<p>1 this. identifying a particular victim or perpetrator, and 2 the answer to those questions are yes, I said it in 3 deposition earlier But I think, and perhaps I'm a 4 little bit late on this. but that around, that then 11:30 5 incorporates the earlier deposition into the current 6 deposition and thereby violates the court order 7 JUDGE JAMESON: Well, and I sat here wondering 8 why there wasn't an objection. and without an answer to 9 those readings, they wouldn't mean anything 11:30 10 So, you get your -- to a certain extent, the 11 horse is out of the barn If you want to object to 12 future questions of that nature, that's your prerogative 13 MR. CALLAHAN: All right. I'm not sure if I can 14 spell this, but I'd like to insert a nunc pro tunc 11:30 15 objection to the earlier questions. I got fooled by that 16 in the realm of the earlier deposition 17 The other concern I have about this deposition 18 is, he's now being asked about earlier testimony about 19 psychiatric reports. which are entitled to a privilege. 11:30 20 at a time when the person identified in the psychiatric 21 report had an attorney there 22 JUDGE JAMESON: Let me interrupt you for a 23 minute. Pete. Yesterday that report was Exhibit 4 to a 24 deposition 11:31 25 MR. CALLAHAN: Okay</p> <p style="text-align: right;">71</p>	<p>1 It is in the public domain. It has been featured in 2 articles. It is on BishopAccountability Com's website 3 right now if you'd like to get it And the horse is not 4 only out of the barn, the horse has left the state And 11:32 5 you know. I understand why they don't want it there 6 because they fought all the way to the Supreme Court to 7 get it protected, but come on, this is -- you know, this 8 is about -- at this point the Diocese's counsel is 9 basically going to attempt to refuse to let me ask any 11:32 10 question that in any way, shape or form indicates they 11 had another perpetrator If there were other 12 perpetrators in the Diocese, and we know there were 13 dozens, I am entitled to ask about that 14 The order doesn't say what Mr Callahan's 11:33 15 construing it to say Judge Cannon issued this order and 16 what he was concerned about was protecting the privacy of 17 victims, and today I haven't asked about a victim other 18 than people I've represented, and he was -- he wanted to 19 protect the privacy of perpetrators who had not yet been 11:33 20 disclosed, and this falls under neither of those 21 If the Diocese wanted to protect Monsignor 22 Urell's testimony or they wanted it sealed, they should 23 have made a motion to do it They didn't This is fair 24 game And, you know, I'm sure they're going to object. 11:33 25 I'm sure they're going to instruct him not to answer, but</p> <p style="text-align: right;">73</p>

<p>1 it's obstructionist and it's wrong and, you know, it's</p> <p>2 certainly not transparent. but that's just my opinion.</p> <p>3 So, let's just proceed. I guess</p> <p>4 JUDGE JAMESON: Yes, please</p> <p>11:33 5 BY MR. MANLY:</p> <p>6 Q Okay Monsignor, do you have any idea of what</p> <p>7 experts in the field of child sexual abuse believe about</p> <p>8 the recidivism rate --</p> <p>9 (Telephonic interruption)</p> <p>11:34 10 JUDGE JAMESON: Sorry about that</p> <p>11 MR. MANLY: That's okay</p> <p>12 Q -- of sex abusers? Do you have any information</p> <p>13 on that?</p> <p>14 A Anecdotally</p> <p>11:34 15 Q Have you ever read anything about that?</p> <p>16 A I can't recall having read anything for a while.</p> <p>17 Yes, I have, but I can't recall when</p> <p>18 Q Do you remember giving a deposition on</p> <p>19 June 12th, 2001 in the DiMaria case?</p> <p>11:34 20 A Yes</p> <p>21 Q Okay Let me read you Page 39, Line 6.</p> <p>22 "Q Have you ever read anything on the</p> <p>23 recidivism rate of child molesters?</p> <p>24 "A Yes</p> <p>11:34 25 "Q What is your understanding of the</p> <p>74</p>	<p>1 June 12th --</p> <p>2 A Yes</p> <p>3 Q -- okay. 2001 in the DiMaria case?</p> <p>4 A Yes</p> <p>11:35 5 Q Let me read to you from Page 63, Line 19</p> <p>6 "Q How long have you been the point person</p> <p>7 in handling sex abuse cases in the Diocese of</p> <p>8 Orange?</p> <p>9 "A I would say 1992, '91, '92, in that time</p> <p>11:36 10 frame</p> <p>11 "Q If a report was made to an agency, it</p> <p>12 would have to come across your desk since you have</p> <p>13 been involved with these cases since '91?</p> <p>14 "A If a report were made to an agency?"</p> <p>11:36 15 This is now Page 64</p> <p>16 "Q Right. It would have to come across your</p> <p>17 desk as the point person that investigates these</p> <p>18 cases; correct?</p> <p>19 "A I am confused. I'm sorry I'm confused.</p> <p>11:36 20 "Q Let me -- the chain of command is such</p> <p>21 that if there is a report made to an agency about</p> <p>22 a priest, that it should come across your desk and</p> <p>23 you report it; correct?</p> <p>24 "A No</p> <p>11:36 25 "Q Tell me what is wrong about that.</p> <p>76</p>
<p>1 recidivism rate of somebody who was a child</p> <p>2 molester?</p> <p>3 "A I believe the recidivism rate is very --</p> <p>4 it doesn't speak well for a person. I guess it's</p> <p>11:35 5 a bad way --</p> <p>6 "Q You mean it's high?</p> <p>7 "A It's high."</p> <p>8 Did you give that testimony?</p> <p>9 A Yes, I did</p> <p>11:35 10 Q Does that remain your opinion?</p> <p>11 A Yes.</p> <p>12 Q Okay. Now, earlier I asked if you were the</p> <p>13 point person for the Diocese on sexual abuse. Do you</p> <p>14 remember that?</p> <p>11:35 15 A Yes, I do</p> <p>16 Q And you said -- what was your answer to that?</p> <p>17 You said only on priests, is that right, or you said no</p> <p>18 or --</p> <p>19 MR. RUTHERFORD: Asked and answered</p> <p>11:35 20 MR. MANLY: I just don't remember what his</p> <p>21 answer was. I'm not trying to --</p> <p>22 JUDGE JAMESON: Answer the question. If you can</p> <p>23 THE WITNESS: For clergy sexual abuse, yes.</p> <p>24 BY MR. MANLY:</p> <p>11:35 25 Q Do you remember giving a deposition on</p> <p>75</p>	<p>1 "A If a report were to be made about any</p> <p>2 other priest or any other teacher, administrator</p> <p>3 knew about it, they're the ones to make the</p> <p>4 report. Now, they would let me know. I believe "</p> <p>11:37 5 Did you give that testimony?</p> <p>6 A Yes.</p> <p>7 Q Okay. So, is it a fact that if somebody made a</p> <p>8 report about a teacher or administrator serving the</p> <p>9 Diocese of Orange, you should have been notified -- while</p> <p>11:37 10 you were the Chancellor, you should have been notified</p> <p>11 while you were serving in the Chancellory office?</p> <p>12 MR. RUTHERFORD: Calls for speculation</p> <p>13 JUDGE JAMESON: It's overruled</p> <p>14 THE WITNESS: May I have the question one more</p> <p>11:37 15 time, please?</p> <p>16 MR. MANLY: Why don't you read it back.</p> <p>17 (Whereupon, the record was read back</p> <p>18 by the reporter as follows:)</p> <p>19 "Q Okay. So, is it a fact that if</p> <p>20 somebody made a report about a teacher</p> <p>21 or administrator serving the Diocese</p> <p>22 of Orange, you should have been</p> <p>23 notified -- while you were the</p> <p>24 Chancellor, you should have been</p> <p>25 notified while you were serving in the</p> <p>77</p>

<p>1 Chancery office?"</p> <p>2 THE WITNESS: I think so.</p> <p>3 BY MR. MANLY:</p> <p>4 Q How many times while you were serving in the</p> <p>11:38 5 Chancery office were you notified of reports made to</p> <p>6 law enforcement or Child Protective Services about an</p> <p>7 employee, including priests, religious or laypeople, who</p> <p>8 had allegedly sexually abused a minor?</p> <p>9 MR. RUTHERFORD: Just for clarification,</p> <p>11:38 10 Mr. Manly, is that at any time, anywhere, any location?</p> <p>11 MR. MANLY: Yeah</p> <p>12 MR. RUTHERFORD: I'm going to object as being</p> <p>13 violative of the court order and seeking information</p> <p>14 regarding matters that go beyond Mater Dei High School</p> <p>11:38 15 JUDGE JAMESON: The objection is overruled</p> <p>16 MR. RUTHERFORD: I'm going to instruct him not</p> <p>17 to answer</p> <p>18 MR. MANLY: How do I know -- how am I supposed</p> <p>19 to limit it to Mater Dei or question him about it when I</p> <p>11:38 20 don't even know how many reports were made?</p> <p>21 MR. CALLAHAN: Just use the words "Mater Dei"</p> <p>22 I'm sorry, Your Honor</p> <p>23 MR. MANLY: No</p> <p>24 MR. CALLAHAN: I didn't mean to address you.</p> <p>11:38 25 John</p> <p style="text-align: right;">78</p>	<p>1 BY MR. MANLY:</p> <p>2 Q How many people are you aware of -- have you</p> <p>3 ever given testimony on that topic previously on how many</p> <p>4 alleged perpetrators were operating in the Diocese of</p> <p>11:40 5 Orange while you were in the Chancery office? Have</p> <p>6 you ever given testimony like that before?</p> <p>7 A I can't recall.</p> <p>8 Q Does that mean you don't remember or you didn't?</p> <p>9 A I don't remember</p> <p>11:40 10 Q Okay. How many priest molesters, not laypeople,</p> <p>11 are you aware of that were working in the Diocese as of</p> <p>12 December 31st, 2001?</p> <p>13 MR. RUTHERFORD: I'm sorry. Objection</p> <p>14 Violation of the court order</p> <p>11:40 15 JUDGE JAMESON: Overruled</p> <p>16 MR. RUTHERFORD: Instruct the witness not to</p> <p>17 answer</p> <p>18 BY MR. MANLY:</p> <p>19 Q How many victims of priest -- how many victims</p> <p>11:41 20 of employees of the Diocese of Orange from 1976 to the</p> <p>21 present are you aware of that have come forward and</p> <p>22 alleged that they were abused by a priest, layperson or</p> <p>23 volunteer of the Diocese?</p> <p>24 MR. RUTHERFORD: Objection. Violation of the</p> <p>11:41 25 court order</p> <p style="text-align: right;">80</p>
<p>1 MR. MANLY: That's all right.</p> <p>2 I mean, this is really unfair, Your Honor</p> <p>3 Really unfair</p> <p>4 JUDGE JAMESON: Well --</p> <p>11:39 5 MR. MANLY: And I know you've ruled in my favor,</p> <p>6 but I just feel better saying it. And it's unfair to my</p> <p>7 client, which is probably most important</p> <p>8 JUDGE JAMESON: Well, let's move on and save</p> <p>9 your comments for Judge Andler</p> <p>11:39 10 MR. MANLY: Okay, Your Honor</p> <p>11 Q Are you going to follow your attorney's</p> <p>12 instruction not to answer that question?</p> <p>13 A Yes</p> <p>14 Q How many -- how many people as of 2001,</p> <p>11:39 15 Monsignor, how many people are you aware of, including</p> <p>16 priests, laypersons and religious, were working in the</p> <p>17 Diocese where the Diocese had information in its files or</p> <p>18 from other sources these people had been accused of</p> <p>19 sexually molesting a child?</p> <p>11:40 20 MR. RUTHERFORD: Objection. Violation of the</p> <p>21 court order</p> <p>22 JUDGE JAMESON: Overruled</p> <p>23 MR. RUTHERFORD: I'm instructing him not to</p> <p>24 answer</p> <p>11:40 25 ///</p> <p style="text-align: right;">79</p>	<p>1 JUDGE JAMESON: Well, I guess that's the problem</p> <p>2 I have. The question certainly, in time, might need to</p> <p>3 be narrowed; but since the question is how many and I</p> <p>4 don't see how that discloses any -- the identity of</p> <p>11:41 5 anybody, I'll overrule the objection. You can instruct</p> <p>6 him not to answer if you want.</p> <p>7 MR. RUTHERFORD: Your Honor, I'm --</p> <p>8 MR. MANLY: Tom, you don't need to say it. I'll</p> <p>9 stipulate that the question, as phrased, it's outside the</p> <p>11:42 10 scope of the order. I'm just making my record.</p> <p>11 MR. RUTHERFORD: Time limits</p> <p>12 MR. MANLY: The time limits. I think at this</p> <p>13 point there has been a clear record established that</p> <p>14 pattern and practice is highly relevant, and all I'm</p> <p>11:42 15 trying to do is make my record, so --</p> <p>16 MR. RUTHERFORD: All I want to say is that it</p> <p>17 violates the court order in multiple respects. Not only</p> <p>18 the ones that have already been mentioned, but also that</p> <p>19 there is a limitation that plaintiff is only entitled to</p> <p>11:42 20 inquire into allegations of sexual misconduct between</p> <p>21 Mater Dei students and Mater Dei employees during a</p> <p>22 particular time period</p> <p>23 So, yes, I am instructing him not to answer</p> <p>24 BY MR. MANLY:</p> <p>11:42 25 Q Monsignor, when's the first time -- well,</p> <p style="text-align: right;">81</p>

<p>1 actually who taught you how to handle or intake a sex 2 abuse case. if anybody? 3 A No one that I recall 4 Q Well. who did it before you at the Diocese. if 11:43 5 anybody? 6 A Bishop Driscoll Monsignor Driscoll. Bishop 7 Driscoll 8 Q So. did you ever speak with him on how it should 9 be done? 11:43 10 A I'm sure I did. yes 11 Q Okay So. effectively he trained you. Is that 12 fair? 13 A Well. he would have been one source of learning 14 what to do. yes. 11:43 15 Q Okay And I want you to listen to this question 16 very carefully 17 Was there an agreement by you and Bishop 18 McFarland and/or others at the Chancellory office that 19 you would conceal the names of priest abusers from law 11:43 20 enforcement? 21 A May I have the question again? 22 JUDGE JAMESON: Have it reread, please 23 (Whereupon. the record was read back 24 by the reporter as follows:) 25 "Q Was there an agreement by you</p>	<p>1 you were in the Chancellory office on any employee of the 2 Diocese of Orange who was alleged to have molested a 3 child at any time? 4 MR. RUTHERFORD: Objection. Violation of the 11:46 5 court order It's overbroad and it's not limited in any 6 fashion to just Mater Dei High School 7 JUDGE JAMESON: Well. the response is how many 8 times, and the answer could be one to any other number 9 and I don't see how that discloses anything. And then 11:46 10 that -- if there aren't any. then that ends the issue 11 If there are any. then I think you need to focus on the 12 next question. But if you think that's disclosing 13 something. then -- 14 MR. RUTHERFORD: Your Honor. there's more at 11:46 15 issue here than just disclosure of private information 16 MR. MANLY: Yes. there is. I agree 17 MR. RUTHERFORD: Relevancy was a major component 18 of the fashioning of this court order and there needs to 19 be some limitation to the scope of what the plaintiff is 11:47 20 entitled to inquire into So. I think I just don't 21 want -- I don't want there to be some misunderstanding 22 that this court order is all about privacy interests. 23 although that is a major component of it. There's also a 24 relevancy component of it that the court understood and 11:47 25 that's why the court fashioned the order as it did</p>
<p>1 and Bishop McFarland and/or others at 2 the Chancellory office that you would 3 conceal the names of priest abusers 4 from law enforcement?" 11:44 5 THE WITNESS: No. there was no agreement between 6 me and Bishop McFarland or others to do that. 7 BY MR. MANLY: 8 Q Was there ever an unwritten understanding or a 9 silent understanding that you were not to call the police 11:44 10 when you received a report of sexual abuse by an employee 11 of the Diocese of Orange or a volunteer or a priest or 12 layperson involving a child? 13 A Not that I'm aware of. 14 Q How many times did you call the police on an 11:45 15 employee. priest or religious working in the Diocese of 16 Orange who was alleged to have molested a child? 17 MR. RUTHERFORD: Objection. Violation of the 18 court order It's seeking to discover information 19 regarding matters that may go beyond anything to do with 11:45 20 Mater Dei and it also lacks foundation in that regard. 21 JUDGE JAMESON: Objection's overruled 22 MR. RUTHERFORD: I'm instructing the witness not 23 to answer 24 BY MR. MANLY 11:45 25 Q Did you ever call the police in the entire time</p>	<p>1 And so I don't believe the litmus test on these 2 questions is whether or not it tends to identify 3 somebody. although that is a part of the analysis The 4 test also is whether or not it's within the scope of 11:47 5 relevancy that the court has determined. 6 MR. MANLY: I mean. I just -- 7 JUDGE JAMESON: I don't think we need to debate 8 it. 9 MR. MANLY: I agree 11:47 10 JUDGE JAMESON: Let's move on. 11 MR. MANLY: Can I have an answer? 12 MR. RUTHERFORD: I'm instructing him not to 13 answer that question 14 BY MR. MANLY: 11:48 15 Q Monsignor. when you were at the Diocese. was 16 there a different protocol on how to handle abuse cases 17 that arose or allegedly arose from Mater Dei than other 18 places? 19 A I don't know how the cases were handled at 11:48 20 Mater Dei 21 Q Is that right? Didn't you handle cases 22 involving Father Harris from Mater Dei? 23 MR. RUTHERFORD: Objection Violation of the 24 court order 11:48 25 JUDGE JAMESON: Overruled</p>

<p>1 MR. RUTHERFORD: Instruct him not to answer</p> <p>2 BY MR. MANLY:</p> <p>3 Q In 1994 did you receive allegations that</p> <p>4 Michael Harris raped kids at Mater Dei while he was</p> <p>11:48 5 principal there?</p> <p>6 MR. RUTHERFORD: Objection Violation of the</p> <p>7 court order These are -- it's not only identifying a</p> <p>8 specific person, but, more importantly, it's inquiring</p> <p>9 into matters that may or may not have taken place within</p> <p>11:49 10 the stated time period.</p> <p>11 JUDGE JAMESON: Objection's overruled.</p> <p>12 MR. RUTHERFORD: I'm instructing the witness not</p> <p>13 to answer</p> <p>14 MR. MANLY: On what grounds?</p> <p>11:49 15 MR. RUTHERFORD: I just provided it.</p> <p>16 JUDGE JAMESON: Let's move on. Mr. Manly.</p> <p>17 MR. MANLY: Okay</p> <p>18 Q Did you receive any training or are you aware of</p> <p>19 any document that indicates the Diocese should treat</p> <p>11:49 20 Mater Dei cases any differently than they would any other</p> <p>21 cases where sexual abuse is alleged?</p> <p>22 A No.</p> <p>23 Q There was no policy that existed that Mater Dei</p> <p>24 cases would be treated any differently than other cases;</p> <p>11:49 25 correct?</p> <p style="text-align: right;">86</p>	<p>1 know what I asked?</p> <p>2 (Whereupon, the record was read back</p> <p>3 by the reporter as follows:)</p> <p>4 "Q And you have no information</p> <p>5 from any source that there was ever a</p> <p>6 policy or an instruction from anybody</p> <p>7 in the Diocese at any time that Mater</p> <p>8 Dei cases were to be handled</p> <p>9 differently from any other case in the</p> <p>11:51 10 Diocese; is that correct?"</p> <p>11 JUDGE JAMESON: Well, let's see if Monsignor</p> <p>12 understands the question now that it was reread or do we</p> <p>13 need to have it rephrased?</p> <p>14 THE WITNESS It's a lot in one question I --</p> <p>11:51 15 may it be rephrased?</p> <p>16 JUDGE JAMESON All right</p> <p>17 BY MR. MANLY:</p> <p>18 Q Sure</p> <p>19 Do you have any information from any source that</p> <p>11:51 20 at any time Mater Dei cases in the Diocese were supposed</p> <p>21 to be handled differently from any other case in the</p> <p>22 Diocese of sexual abuse?</p> <p>23 A I do not remember</p> <p>24 Q Does that mean no or you have no information?</p> <p>11:51 25 MR. RUTHERFORD: Objection. Asked and answered</p> <p style="text-align: right;">88</p>
<p>1 MR. RUTHERFORD: Objection. Vague.</p> <p>2 JUDGE JAMESON: May I have the question back?</p> <p>3 BY MR. MANLY:</p> <p>4 Q Was there any policy that existed or any writing</p> <p>11:49 5 of any type or sort that stated that Mater Dei cases will</p> <p>6 be handled differently than other cases in the Diocese of</p> <p>7 sexual abuse?</p> <p>8 JUDGE JAMESON: Overruled.</p> <p>9 THE WITNESS: Not that I'm aware of.</p> <p>11:50 10 BY MR. MANLY:</p> <p>11 Q Did the Bishop ever tell you or anybody, any</p> <p>12 superior ever tell you that Mater Dei cases were to be</p> <p>13 handled differently than cases, other cases in the</p> <p>14 Diocese?</p> <p>11:50 15 A Not that I recall</p> <p>16 Q Okay And you have no information from any</p> <p>17 source that there was ever a policy or an instruction</p> <p>18 from anybody in the Diocese at any time that Mater Dei</p> <p>19 cases were to be handled differently from any other case</p> <p>11:50 20 in the Diocese; is that correct?</p> <p>21 MR. RUTHERFORD: Objection. Vague</p> <p>22 JUDGE JAMESON: Do you understand the question?</p> <p>23 THE WITNESS: No. I do not</p> <p>24 JUDGE JAMESON: Let's try rephrasing it</p> <p>11:50 25 MR. MANLY: Can I have it read back so I can</p> <p style="text-align: right;">87</p>	<p>1 The answer is very clear</p> <p>2 JUDGE JAMESON: "I don't remember" is</p> <p>3 acceptable So, I don't know how that can be interpreted</p> <p>4 as no</p> <p>11:52 5 MR. MANLY: Okay</p> <p>6 Q So, you don't remember if that happened or not.</p> <p>7 is that right?</p> <p>8 MR. RUTHERFORD: Objection. Asked and answered</p> <p>9 JUDGE JAMESON: Overruled.</p> <p>11:52 10 THE WITNESS: I don't remember if there are any.</p> <p>11 there were any I don't remember</p> <p>12 BY MR. MANLY:</p> <p>13 Q As you sit here today, can you think of anyone</p> <p>14 who ever told you that Mater Dei cases were supposed to</p> <p>11:52 15 be handled differently from cases in other schools.</p> <p>16 parishes or Diocesan institutions at any time?</p> <p>17 MR. RUTHERFORD: Objection. Vague. Vague as to</p> <p>18 "handled differently"</p> <p>19 JUDGE JAMESON: Overruled.</p> <p>11:52 20 THE WITNESS: May I have the question again,</p> <p>21 please?</p> <p>22 (Whereupon, the record was read back</p> <p>23 by the reporter as follows:)</p> <p>24 "Q As you sit here today, can you</p> <p>25 think of anyone who ever told you that</p> <p style="text-align: right;">89</p>

<p>1 Mater Dei cases were supposed to be</p> <p>2 handled differently from cases in</p> <p>3 other schools, parishes or Diocesan</p> <p>4 institutions at any time?"</p> <p>11:53 5 THE WITNESS: I don't recall being told anything</p> <p>6 about that</p> <p>7 BY MR. MANLY:</p> <p>8 Q Okay So, the answer is no; correct?</p> <p>9 MR. RUTHERFORD: Objection. Misstates</p> <p>11:53 10 testimony</p> <p>11 JUDGE JAMESON: Yeah He doesn't recall if it</p> <p>12 happened, so let's --</p> <p>13 MR. MANLY: All right.</p> <p>14 JUDGE JAMESON: -- let's take that answer and</p> <p>11:53 15 go.</p> <p>16 BY MR. MANLY:</p> <p>17 Q From 1988 to 1992, do you ever recall reporting</p> <p>18 any employee of the Diocese of Orange, including priests,</p> <p>19 teachers or laypersons, to the police for any reason?</p> <p>11:53 20 MR. RUTHERFORD: Drugs or anything like that?</p> <p>21 MR. MANLY: Any reason.</p> <p>22 THE WITNESS: I don't think so, but I do not</p> <p>23 recall I don't think so</p> <p>24 BY MR. MANLY:</p> <p>11:53 25 Q If you had made such a report, would that be in</p> <p style="text-align: right;">90</p>	<p>1 the witness's --</p> <p>2 JUDGE JAMESON: Just ask did that priest work at</p> <p>3 Mater Dei</p> <p>4 BY MR. MANLY:</p> <p>11:55 5 Q Did the priest ever work, serve or have any</p> <p>6 connection with Mater Dei?</p> <p>7 A I don't know if he did or not.</p> <p>8 Q Can I have the priest's name, please?</p> <p>9 MR. RUTHERFORD: Objection. Violation of the</p> <p>11:55 10 court order</p> <p>11 JUDGE JAMESON: Sustained.</p> <p>12 MR. MANLY: If I can't -- if I have the priest's</p> <p>13 name, Judge, I can check the Catholic directory and</p> <p>14 determine for myself if he did. I can also consult the</p> <p>11:55 15 Diocesan directory</p> <p>16 JUDGE JAMESON: Well, you need to exhaust -- you</p> <p>17 may well get to it by asking other questions. You need</p> <p>18 to exhaust that effort before we answer this question</p> <p>19 BY MR. MANLY:</p> <p>11:55 20 Q What parishes did the priest serve in?</p> <p>21 MR. RUTHERFORD: Objection. My concern on this</p> <p>22 one, Your Honor, and I'm going to object on the grounds</p> <p>23 that it could tend to identify who that person is because</p> <p>24 it's not only -- the court order not only prohibits</p> <p>11:56 25 disclosure of a name, but it also prohibits disclosure of</p> <p style="text-align: right;">92</p>
<p>1 that person's file?</p> <p>2 MR. RUTHERFORD: Calls for speculation</p> <p>3 MR. MANLY: I'll withdraw it</p> <p>4 Q Have you ever made a report to the police about</p> <p>11:54 5 an employee?</p> <p>6 A Yes</p> <p>7 Q When?</p> <p>8 A I can't remember the year</p> <p>9 Q What did the allegations involve or why did you</p> <p>11:54 10 report them to the police? What did they do?</p> <p>11 A Allegations were made of sexual misconduct by a</p> <p>12 priest</p> <p>13 Q What year or what decade?</p> <p>14 A I believe the 1990s</p> <p>11:54 15 Q And what was the name of the priest?</p> <p>16 MR. RUTHERFORD: Objection. Clear violation of</p> <p>17 the court order</p> <p>18 JUDGE JAMESON: It may well be, Mr. Manly</p> <p>19 MR. MANLY: Well, how -- I don't understand.</p> <p>11:54 20 Judge We're in the mid 1990s and, you know, we don't --</p> <p>21 if I don't know who the priest is, I can't tell if he</p> <p>22 worked at Mater Dei or not. So, what am I supposed -- do</p> <p>23 I have to rely --</p> <p>24 JUDGE JAMESON: You didn't ask that</p> <p>11:55 25 MR. MANLY: Well, but I don't have to rely on</p> <p style="text-align: right;">91</p>	<p>1 information that would tend to identify who that person</p> <p>2 is</p> <p>3 JUDGE JAMESON: I understand that and I have</p> <p>4 prevented the 20 questions approach on that issue, but I</p> <p>11:56 5 don't think that this particular question would identify</p> <p>6 or necessarily lead to the identification. So, the</p> <p>7 objection will be overruled.</p> <p>8 BY MR. MANLY:</p> <p>9 Q You can answer</p> <p>11:56 10 A May I have the question one more time?</p> <p>11 Q What parishes did this priest serve in?</p> <p>12 A I don't recall. He wasn't working in a parish</p> <p>13 at that time</p> <p>14 Q Where was he working?</p> <p>11:57 15 A He was working for the All American Boys Chorus</p> <p>16 Q And did you call the police or did the parents?</p> <p>17 A I did</p> <p>18 Q And why did you do that?</p> <p>19 MR. RUTHERFORD: Objection. Violation of the</p> <p>11:57 20 court order. We're clearly inquiring now into matters</p> <p>21 that don't have a connection to Mater Dei</p> <p>22 MR. MANLY: Actually, Father Coughlin routinely</p> <p>23 performed at Mater Dei, had boys at Mater Dei</p> <p>24 [REDACTED] was in the All American Boys Chorus, so --</p> <p>11:57 25 and Father Coughlin's name has been publicly disclosed</p> <p style="text-align: right;">93</p>

<p>1 repeatedly. He was the subject of repeated lawsuits in 2 the early '90s and I believe the Diocese has paid as much 3 as \$20,000,000 to settle cases against him. 4 MR. CALLAHAN: Your Honor, the court order says 11:57 5 you can inquire into sexual interaction between Mater Dei 6 students and Mater Dei employees. There is no showing 7 that this particular priest was a Mater Dei student or a 8 Mater Dei employee. 9 MR. MANLY: But the -- 11:58 10 MR. FINALDI: But the question is why did you 11 call the police? I don't think it identifies anyone. 12 MR. MANLY: And Judge Cannon specifically 13 indicated we were free to do our own investigation; and 14 if we found out on that basis, we were free to pursue it. 11:58 15 so -- 16 MR. RUTHERFORD: Your Honor -- 17 JUDGE JAMESON: We've made an assumption here 18 but in this case and even in a case outside of this case 19 that I am familiar with, Father Coughlin's name has come 11:58 20 up repeatedly. So, the identity issue is -- seems to me 21 is moot, but your objection goes beyond that I take it. 22 MR. RUTHERFORD: Yes, Your Honor, because it's a 23 violation of the court order and the court order was 24 fashioned not only for purposes of privacy interests, but 11:58 25 also because of relevancy. And we've spent a whole year</p> <p style="text-align: right;">94</p>	<p>1 in every case that came across your desk in that time 2 period; is that correct? 3 MR. RUTHERFORD: I'm going to object to this 4 question as well. Your Honor. Earlier testimony has 12:00 5 indicated that -- from the witness has indicated that he 6 has some recollection of a particular matter at 7 Mater Dei; and based on that testimony, all these other 8 questions are clearly beyond the scope of the court 9 order. This -- these are matters that are being inquired 12:01 10 into on subjects that deal outside of Mater Dei High 11 School. He recalls only one situation or possibly two 12 that relate to Mater Dei and this isn't one of them 13 according to the witness's own testimony. 14 MR. MANLY: I'm not going to debate this. It's 12:01 15 just a waste of time. It's so clearly relevant. I 16 just -- so, if the court wants to rule. 17 JUDGE JAMESON: The objection's overruled. 18 BY MR. MANLY: 19 Q: You can answer. 12:01 20 MR. RUTHERFORD: And I'm instructing the witness 21 not to answer. 22 BY MR. MANLY: 23 Q: Did you call the police on anybody else from 24 1988 to 1992 aside from the case you mentioned involving 12:01 25 all American Boys Choir, Monsignor? Choir, not core</p> <p style="text-align: right;">96</p>
<p>1 litigating this issue and I can't see why we would want 2 to just erode away at an order that took so much time and 3 effort to fashion. 4 MR. MANLY: And I have -- 11:59 5 JUDGE JAMESON: Have we established -- I guess I 6 did -- this was sometime in the '90s. Is that as narrow 7 as we've got it time-wise? 8 MR. MANLY: I can tell you, I can represent to 9 the court -- 11:59 10 JUDGE JAMESON: Well, I don't want you to do 11 that. 12 MR. MANLY: Yeah. He said the '90s, Judge. 13 JUDGE JAMESON: He said the '90s? 14 MR. MANLY: Yes. 11:59 15 JUDGE JAMESON: The objection's overruled in 16 that how the Diocese dealt with an abuser, especially 17 with young people of student age, their practices, 18 protocols, policies seem to me to be relevant. So, the 19 objection's overruled. If you want to pursue that 12:00 20 elsewhere, you may. 21 MR. RUTHERFORD: Yeah. I will instruct the 22 witness not to answer. Your Honor. 23 BY MR. MANLY: 24 Q: Now, I take it if you called in the mid '90s, 12:00 25 you called the police in that case, you called the police</p> <p style="text-align: right;">95</p>	<p>1 Sorry. 2 A: I may have. I don't recall if I did. 3 Q: What agency did you call in connection with 4 the -- with the allegation you mentioned? 12:02 5 A: What police? 6 Q: Yes. What department? 7 A: Costa Mesa Police Department. 8 Q: Do you remember who you spoke to? 9 A: No, I do not. 12:02 10 Q: Do you have any explanation -- well, do you have 11 an estimate of how many times from 1988 to 19 -- I'm 12 sorry -- from 1988 to 2001, the end of 2001 you actually 13 called the police or law enforcement on an employee, 14 priest, layperson or otherwise? 12:02 15 A: I don't recall. 16 Q: Is there more than one? 17 MR. RUTHERFORD: Asked and answered. 18 JUDGE JAMESON: Overruled. 19 THE WITNESS: I do not recall. This one sticks 12:03 20 out as one I do recall. I don't recall. 21 BY MR. MANLY: 22 Q: Is it a fair statement, as you sit here today, 23 the only one you can remember is that one call, correct? 24 A: As I'm sitting here today, yes. 12:03 25 Q: Okay. And, Monsignor, how many allegations did</p> <p style="text-align: right;">97</p>

<p>1 you receive of sexual abuse in the Diocese from 1988</p> <p>2 until December 31st. 2001 of sexual abuse of children?</p> <p>3 MR. RUTHERFORD: Objection Violation of the</p> <p>4 court order</p> <p>12 : 03 5 JUDGE JAMESON: Overruled</p> <p>6 MR. RUTHERFORD: I instruct not to answer</p> <p>7 BY MR. MANLY:</p> <p>8 Q How many times have you spoken to persons or</p> <p>9 families from 1988 to 2001, December 31st of that year.</p> <p>12 : 03 10 who alleged that their child was sexually molested by an</p> <p>11 employee at this Diocese?</p> <p>12 MR. RUTHERFORD: Objection Vague. overbroad.</p> <p>13 violation of the court order</p> <p>14 JUDGE JAMESON: May I have the question back.</p> <p>12 : 04 15 please?</p> <p>16 (Whereupon, the record was read back</p> <p>17 by the reporter as follows:)</p> <p>18 "Q How many times have you spoken</p> <p>19 to persons or families from 1988 to</p> <p>20 2001, December 31st of that year, who</p> <p>21 alleged that their child was sexually</p> <p>22 molested by an employee at this</p> <p>23 Diocese?"</p> <p>24 JUDGE JAMESON: Overruled</p> <p>12 : 04 25 MR. RUTHERFORD: I'm instructing the witness not</p> <p style="text-align: right;">98</p>	<p>1 objecting</p> <p>2 MR. MANLY: Okay</p> <p>3 JUDGE JAMESON: Well, but the last time you</p> <p>4 didn't specify So, I don't care how long they are.</p> <p>12 : 05 5 Either say "Same objection" or repeat them, but I think</p> <p>6 Mr. Manly's concern was that you didn't really give a</p> <p>7 ground this time</p> <p>8 MR. RUTHERFORD: Okay And if I didn't, I</p> <p>9 apologize Let me state it.</p> <p>12 : 05 10 I'm objecting on the grounds that it violates</p> <p>11 the court order and is not limited in terms of matters</p> <p>12 involving Mater Dei High School</p> <p>13 BY MR. MANLY:</p> <p>14 Q Monsignor, do you recall a time where a family</p> <p>12 : 05 15 came to you from Mater Dei High School with Father Sallot</p> <p>16 and a settlement was negotiated involving allegations of</p> <p>17 a lay teacher in the '90s?</p> <p>18 A I recall a family coming with Father Sallot I</p> <p>19 don't recall anything about settlement.</p> <p>12 : 06 20 Q And what was the allegation that they wanted --</p> <p>21 was there an allegation that family wanted to discuss?</p> <p>22 A Yes</p> <p>23 Q What was the allegation?</p> <p>24 A Well, sexual misconduct between a staff person</p> <p>12 : 06 25 at Mater Dei and this person's, this family's child.</p> <p style="text-align: right;">100</p>
<p>1 to answer that question</p> <p>2 MR. MANLY: On what grounds?</p> <p>3 MR. RUTHERFORD: The ones I gave</p> <p>4 MR. MANLY: I'm not trying to be a jerk I'm</p> <p>12 : 04 5 just trying to make a clear record.</p> <p>6 MR. RUTHERFORD: Okay</p> <p>7 MR. MANLY: On the order and the other stuff</p> <p>8 you've been saying?</p> <p>9 MR. RUTHERFORD: Yes</p> <p>12 : 04 10 MR. MANLY: Maybe it would be better, can you --</p> <p>11 MR. CALLAHAN: Didn't we have a stipulation?</p> <p>12 MR. MANLY: Well, no, we didn't.</p> <p>13 MR. CALLAHAN: Oh.</p> <p>14 MR. MANLY: But we had a partial stipulation</p> <p>12 : 04 15 Let's do this</p> <p>16 JUDGE JAMESON: Yeah I think we're in a</p> <p>17 different area. These are different.</p> <p>18 MR. MANLY: Can I request this? Can you state</p> <p>19 your objections that have gone on that you've been</p> <p>12 : 05 20 stating and then you can say, "Same objection"? If you</p> <p>21 want to add anything you can, but that way you don't have</p> <p>22 to keep repeating it You can if you want I don't</p> <p>23 care, but I'm just trying to move things along.</p> <p>24 MR. RUTHERFORD: I'll try to shorten my</p> <p>12 : 05 25 objections if I can, but I try to be precise on why I'm</p> <p style="text-align: right;">99</p>	<p>1 Q And what was the nature of the allegation if</p> <p>2 you recall?</p> <p>3 A I do not recall specifically</p> <p>4 Q Now -- I'm sorry I didn't mean to interrupt</p> <p>12 : 07 5 you You wanted to finish?</p> <p>6 A I do not recall specifically</p> <p>7 Q Okay And do you have a recollection that there</p> <p>8 was intercourse involved?</p> <p>9 A No, I don't. I don't</p> <p>12 : 07 10 Q Okay Was she pregnant?</p> <p>11 A I do not know I don't recall I don't recall</p> <p>12 Q Was there any financial compensation in any form</p> <p>13 paid to that family by the Diocese?</p> <p>14 A Not that I'm aware of.</p> <p>12 : 07 15 Q Now, why did they come to see you?</p> <p>16 MR. RUTHERFORD: Objection. Calls for</p> <p>17 speculation</p> <p>18 JUDGE JAMESON: Overruled.</p> <p>19 THE WITNESS: Well, I think they came to see me</p> <p>12 : 08 20 with Father Sallot to underscore the importance of what</p> <p>21 had taken place, whatever it was, but to underscore the</p> <p>22 importance of that, I believe, as I recall, and to see</p> <p>23 what help their daughter could be given for her</p> <p>24 education. I believe that's what it was.</p> <p>12 : 08 25 ///</p> <p style="text-align: right;">101</p>

<p>1 BY MR. MANLY:</p> <p>2 Q And do you remember in or about what year that</p> <p>3 occurred?</p> <p>4 A The late '90s, I think.</p> <p>12 : 08 5 Q And I take it that you called the police?</p> <p>6 A No, I did not.</p> <p>7 Q Did anybody call the police?</p> <p>8 MR. RUTHERFORD: Calls for speculation</p> <p>9 JUDGE JAMESON: If you know, you may answer</p> <p>12 : 08 10 THE WITNESS: My understanding is the school had</p> <p>11 called the police</p> <p>12 BY MR. MANLY:</p> <p>13 Q And who told you that?</p> <p>14 A I don't recall who told me that</p> <p>12 : 09 15 Q Well, who did you talk to about this matter at</p> <p>16 the school besides Father Sallot?</p> <p>17 A Well, certainly Father Sallot. Perhaps</p> <p>18 Mr. Murphy. Pat Murphy.</p> <p>19 Q Okay. Anybody else?</p> <p>12 : 09 20 A Not that I recall</p> <p>21 Q Okay. So, it's fair to assume then that either</p> <p>22 Father Sallot or Mr. Murphy told you the police had been</p> <p>23 called; is that accurate?</p> <p>24 MR. RUTHERFORD: Calls for speculation.</p> <p>12 : 09 25 JUDGE JAMESON: Well, it doesn't call -- whether</p> <p style="text-align: right;">102</p>	<p>1 JUDGE JAMESON: I'm sorry. I didn't get the end</p> <p>2 of the question.</p> <p>3 BY MR. MANLY:</p> <p>4 Q Has that alleged perpetrator, the one that the</p> <p>12 : 11 5 family accused when they came to see you with</p> <p>6 Father Sallot, has that name been made public by the</p> <p>7 Diocese?</p> <p>8 MR. RUTHERFORD: Calls for speculation</p> <p>9 THE WITNESS: I do not know</p> <p>12 : 11 10 BY MR. MANLY:</p> <p>11 Q You were involved, were you not, in disclosure</p> <p>12 of alleged perpetrators and alleged, be they, laypersons</p> <p>13 or priests in or around 2002 and 2003?</p> <p>14 MR. RUTHERFORD: Objection. Assumes facts</p> <p>12 : 11 15 JUDGE JAMESON: Were you is the question</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. MANLY:</p> <p>18 Q So, nobody asked --</p> <p>19 A I don't recall. No.</p> <p>12 : 11 20 Q I apologize, Monsignor, to interrupt.</p> <p>21 So, at no time did anybody from the Bishop's</p> <p>22 office ask you your knowledge about who had been accused</p> <p>23 and who hasn't in order to disclose names in 2002 or</p> <p>24 2003; is that accurate?</p> <p>12 : 12 25 MR. RUTHERFORD: Calls for speculation, lacks</p> <p style="text-align: right;">104</p>
<p>1 he talked to somebody else or not. I suppose it is</p> <p>2 But on the other hand, if he can answer that, go</p> <p>3 ahead. I guess the question is, is it fair to say that</p> <p>4 they did, so you can respond to that</p> <p>12 : 10 5 THE WITNESS: There were family members there</p> <p>6 who said they had, too. They said they had</p> <p>7 BY MR. MANLY:</p> <p>8 Q So, you're not -- is your testimony you're not</p> <p>9 sure whether you called the police or the family</p> <p>12 : 10 10 called -- you, meaning somebody at the Diocese, or the</p> <p>11 family called the police?</p> <p>12 A I did not call the police</p> <p>13 Q Okay. Do you know for a fact that somebody from</p> <p>14 Mater Dei and/or the Diocese of Orange called the police?</p> <p>12 : 10 15 A I know the police were contacted</p> <p>16 Q But you don't know who did it?</p> <p>17 A I don't recall</p> <p>18 Q What department?</p> <p>19 A I think Santa Ana.</p> <p>12 : 10 20 Q Did you ever speak to anybody from the police</p> <p>21 department?</p> <p>22 A No, I did not.</p> <p>23 Q Has that person's name, the alleged perpetrator</p> <p>24 in that case, been made public?</p> <p>12 : 11 25 MR. RUTHERFORD: Calls for speculation</p> <p style="text-align: right;">103</p>	<p>1 foundation.</p> <p>2 JUDGE JAMESON: Overruled.</p> <p>3 THE WITNESS: Not that I recall</p> <p>4 BY MR. MANLY:</p> <p>12 : 12 5 Q Do you know how -- you are aware, Monsignor,</p> <p>6 that the Diocese disclosed names of alleged priests and</p> <p>7 perpetrators and religious perpetrators and lay</p> <p>8 perpetrators subsequent to 2002? You're aware of that?</p> <p>9 MR. RUTHERFORD: Objection. Assumes facts</p> <p>12 : 12 10 BY MR. MANLY:</p> <p>11 Q Are you aware of that?</p> <p>12 JUDGE JAMESON: You may answer</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. MANLY:</p> <p>12 : 12 15 Q Okay. And who was involved with identifying</p> <p>16 those people?</p> <p>17 A That I do not know</p> <p>18 Q Who would know the answer to that?</p> <p>19 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>12 : 12 20 foundation</p> <p>21 JUDGE JAMESON: You may answer</p> <p>22 THE WITNESS: I'm presuming the Bishop would</p> <p>23 have known</p> <p>24 BY MR. MANLY:</p> <p>12 : 12 25 Q Okay</p> <p style="text-align: right;">105</p>

<p>1 A And our Diocesan attorney</p> <p>2 Q Who is that?</p> <p>3 A Maria Schinderle</p> <p>4 MR. CALLAHAN: I would encourage the witness not</p> <p>12:13 5 to presume anything. Answer what you know of your own</p> <p>6 knowledge</p> <p>7 MR. MANLY: Wait. Wait. Wait. Wait.</p> <p>8 MR. CALLAHAN: What?</p> <p>9 MR. MANLY: You want to take him out of the room</p> <p>12:13 10 and coach him go ahead, but let's not do that here</p> <p>11 MR. CALLAHAN: I don't want to coach, but when</p> <p>12 he says "I presume" or "I assume" or "I guess," then I</p> <p>13 think I have an obligation to speak up and say don't</p> <p>14 presume, don't assume, and don't guess</p> <p>12:13 15 MR. FINALDI: He can say "I guess."</p> <p>16 JUDGE JAMESON: Well, he can say "I guess," but</p> <p>17 it doesn't mean much.</p> <p>18 Are we about ready for lunch?</p> <p>19 MR. MANLY: Let me ask a couple more</p> <p>12:13 20 JUDGE JAMESON: Sure</p> <p>21 BY MR. MANLY:</p> <p>22 Q Are you doing okay, Monsignor?</p> <p>23 A Yes</p> <p>24 Q All right. Do you have water? Are you all</p> <p>12:13 25 right?</p> <p style="text-align: right;">106</p>	<p>1 JUDGE JAMESON: Well, the prior response was, "I</p> <p>2 believe so." We might get an I believe so when.</p> <p>3 MR. RUTHERFORD: Vague as to the word "adopted."</p> <p>4 JUDGE JAMESON: Overruled</p> <p>12:16 5 THE WITNESS: What I am thinking of is that</p> <p>6 people who were accused of or I guess found guilty of,</p> <p>7 too, but accused of or found guilty could not work in our</p> <p>8 schools. I'm thinking of the school policy</p> <p>9 BY MR. MANLY:</p> <p>12:17 10 Q Well, my question's a little different</p> <p>11 A Okay</p> <p>12 Q My question is, Monsignor Urell, was there any</p> <p>13 policy in effect from 1988 until 2001 that expressly</p> <p>14 prohibited persons who were accused of molesting kids</p> <p>12:17 15 from working in the Diocese?</p> <p>16 A Accused --</p> <p>17 Q That's a fair point. Let me rephrase it.</p> <p>18 Was there any policy in the Diocese of Orange</p> <p>19 from 1988 to 2002, in other words, December 31st, 2001,</p> <p>12:18 20 that expressly prohibited persons credibly accused from</p> <p>21 working in any capacity in the Diocese? Let me say it</p> <p>22 again. Sorry</p> <p>23 Was there any policy in effect from 1988 until</p> <p>24 December 31, 2001 that expressly prohibited persons</p> <p>12:18 25 credibly accused of sexual abuse of minors, whether</p> <p style="text-align: right;">108</p>
<p>1 A Thank you</p> <p>2 Q All right. As of the time you left the</p> <p>3 chancery office, how many people accused of sexual</p> <p>4 abuse were you aware of working in the Diocese?</p> <p>12:14 5 MR. RUTHERFORD: Objection. Vague. If I may</p> <p>6 ask for clarification. When you say, "working in the</p> <p>7 Diocese," are you talking about Marywood, the Marywood</p> <p>8 Center or --</p> <p>9 MR. MANLY: Anywhere within the geographical</p> <p>12:14 10 boundaries of the Diocese of Orange in any capacity</p> <p>11 MR. RUTHERFORD: Objection. Violation of the</p> <p>12 court order both in terms of time and scope.</p> <p>13 JUDGE JAMESON: Overruled.</p> <p>14 MR. RUTHERFORD: Instruct the witness not to</p> <p>12:14 15 answer</p> <p>16 BY MR. MANLY:</p> <p>17 Q Was there any policy in effect in the Diocese of</p> <p>18 Orange from 1988 to 2001 that absolutely prevented --</p> <p>19 actually, let me rephrase it.</p> <p>12:15 20 Was there any policy in effect from 1988 to 2001</p> <p>21 which prohibited people who were sexual molesters of</p> <p>22 children, of minor children from working in the Diocese?</p> <p>23 A I believe so.</p> <p>24 Q So, when was that policy adopted?</p> <p>12:16 25 MR. RUTHERFORD: Objection. Assumes facts.</p> <p style="text-align: right;">107</p>	<p>1 priest, layperson or religious, from working in this</p> <p>2 Diocese?</p> <p>3 A I do not know</p> <p>4 Q Who is the most knowledgeable person, as far as</p> <p>12:18 5 you're concerned, from 1988 to 2001 regarding the</p> <p>6 policies and procedures involving sexual misconduct at</p> <p>7 the Diocese of Orange today?</p> <p>8 A Our Diocesan attorney</p> <p>9 Q Who is?</p> <p>12:19 10 A Maria Schinderle now</p> <p>11 Q Other than your lawyer, who would be the most</p> <p>12 knowledgeable person regarding that?</p> <p>13 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>14 foundation</p> <p>12:19 15 You just want his opinion?</p> <p>16 MR. MANLY: Yeah</p> <p>17 JUDGE JAMESON: Overruled. You may answer</p> <p>18 THE WITNESS: For schools, I would say it was</p> <p>19 Brother William, the school department. For priests, it</p> <p>12:19 20 would have been under me as clergy personnel and</p> <p>21 Bishop McFarland.</p> <p>22 BY MR. MANLY:</p> <p>23 Q From 1998 until 2001, who would have the most</p> <p>24 knowledge about the policies of the Diocese with regard</p> <p>12:19 25 to allowing employees to work in the Diocese who were</p> <p style="text-align: right;">109</p>

<p>1 sexual abusers, alleged sexual abusers?</p> <p>2 MR. RUTHERFORD: In your opinion.</p> <p>3 THE WITNESS: My opinion. it would be all those</p> <p>4 named of equal.</p> <p>12 : 20 5 BY MR. MANLY:</p> <p>6 Q Isn't it true. Monsignor. that the person from</p> <p>7 1988 -- sorry -- 1998 until the end of 2001 who made the</p> <p>8 decision whether persons were going to be allowed to work</p> <p>9 in this Diocese who have been credibly accused of sexual</p> <p>12 : 20 10 abuse was Bishop Brown?</p> <p>11 MR. RUTHERFORD: Calls for speculation. lacks</p> <p>12 foundation</p> <p>13 JUDGE JAMESON: Overruled</p> <p>14 THE WITNESS: May I have it read back. please?</p> <p>12 : 21 15 MR. MANLY: Sure</p> <p>16 (Whereupon, the record was read back</p> <p>17 by the reporter as follows:)</p> <p>18 "Q Isn't it true. Monsignor. that</p> <p>19 the person from 1988 -- sorry -- 1998</p> <p>20 until the end of 2001 who made the</p> <p>21 decision whether persons were going to</p> <p>22 be allowed to work in this Diocese who</p> <p>23 have been credibly accused of sexual</p> <p>24 abuse was Bishop Brown?"</p> <p>12 : 21 25 THE WITNESS: I think so.</p> <p style="text-align: right;">110</p>	<p>1 Now, earlier we talked about [REDACTED] Do</p> <p>2 you remember that?</p> <p>3 A Yes.</p> <p>4 Q And you mentioned he came to your parish?</p> <p>01 : 15 5 A Yes.</p> <p>6 Q And he's a former member of the Diocesan sex</p> <p>7 abuse board?</p> <p>8 A Yes</p> <p>9 Q And he came to your parish and he has family</p> <p>01 : 15 10 members that are parishioners there?</p> <p>11 A Yes</p> <p>12 Q Are they active in the parish?</p> <p>13 A Yes. they are</p> <p>14 Q His sister-in-law just ran the Vacation Bible</p> <p>01 : 15 15 School. didn't she?</p> <p>16 A Yes</p> <p>17 Q Did he call you a liar when you saw him?</p> <p>18 A I don't recall that</p> <p>19 Q Did he call -- did he tell you he thought you</p> <p>01 : 16 20 were dishonest when it came to dealing with the issue of</p> <p>21 sexual abuse?</p> <p>22 A I don't recall if he did or not</p> <p>23 Q What does [REDACTED] do for a living. if you</p> <p>24 know?</p> <p>01 : 16 25 A I do not know</p> <p style="text-align: right;">112</p>
<p>1 MR. MANLY: Okay. Let's take a break</p> <p>2 THE VIDEOGRAPHER: The time is 12:21 and we're</p> <p>3 going off the record.</p> <p>4 (Lunch recess taken)</p> <p>12 : 21 5 (Off the record at 12:21 p.m. Back on the</p> <p>6 record at 1:14 p.m.)</p> <p>7 THE VIDEOGRAPHER: The time is 1:14 and we're</p> <p>8 back on the record.</p> <p>9 BY MR. MANLY:</p> <p>01 : 14 10 Q Did you become aware at some point. Monsignor.</p> <p>11 that Mr. Andrade sued the Diocese?</p> <p>12 A Yes</p> <p>13 Q And how did you become aware of that?</p> <p>14 A When I was contacted by Mr. Rutherford. excuse</p> <p>01 : 15 15 me, for a deposition.</p> <p>16 Q Did you give your deposition in that case?</p> <p>17 A No. This</p> <p>18 Q You misunderstood my question or maybe I wasn't</p> <p>19 clear</p> <p>01 : 15 20 My question is, have you ever become aware that</p> <p>21 Mr. Andrade. not my client. Mr. Andrade --</p> <p>22 A Oh. excuse me</p> <p>23 Q -- Mr. Andrade sued the Diocese?</p> <p>24 A Excuse me. No. Sorry</p> <p>01 : 15 25 Q It's all right.</p> <p style="text-align: right;">111</p>	<p>1 Q Is he a law enforcement officer?</p> <p>2 A I don't know</p> <p>3 Q You don't know what [REDACTED] does for a</p> <p>4 living. Is that your testimony?</p> <p>01 : 16 5 MR. RUTHERFORD: Objection. Asked and answered.</p> <p>6 JUDGE JAMESON: Sustained</p> <p>7 BY MR. MANLY:</p> <p>8 Q Did it ever come to your attention that</p> <p>9 [REDACTED] was a law enforcement officer?</p> <p>01 : 16 10 A I don't know.</p> <p>11 Q How many allegations from Mater Dei High School</p> <p>12 involving a priest. religious or layperson did you learn</p> <p>13 of in your term as a member of the hierarchy from 1988 to</p> <p>14 2002?</p> <p>01 : 17 15 MR. RUTHERFORD: I just want to object as vague</p> <p>16 Do you understand that question?</p> <p>17 THE WITNESS: No. May I have it again, please?</p> <p>18 JUDGE JAMESON: "Allegations" is pretty broad</p> <p>19 Do you want to keep it that broad?</p> <p>01 : 18 20 MR. MANLY: No. I'm referring to sexual abuse</p> <p>21 allegations, Judge.</p> <p>22 JUDGE JAMESON: Okay</p> <p>23 MR. MANLY: Thank you</p> <p>24 MR. RUTHERFORD: And my objection about being</p> <p>01 : 18 25 vague is there was some time period and I didn't know</p> <p style="text-align: right;">113</p>

<p>1 what time period that was modifying. Was it a 2 modification of his time at the Diocese or -- that part 3 of your question. you said '88 to -- 4 MR. MANLY: We'll read it back if you have a 01:18 5 problem 6 JUDGE JAMESON: Let's have it read back. It 7 seemed all right to me. So, let's have it read back and 8 if you still have a problem. Mr. Rutherford, let us know 9 MR. RUTHERFORD: Okay 10 (Whereupon, the record was read back 11 by the reporter as follows:) 12 "Q How many allegations from Mater 13 Dei High School involving a priest, 14 religious or layperson did you learn 15 of in your term as a member of the 16 hierarchy from 1988 to 2002?" 17 MR. RUTHERFORD: Withdraw my objection 18 THE WITNESS: Two. I believe 19 BY MR. MANLY: 01:19 20 Q Which ones? 21 MR. RUTHERFORD: Just I caution you -- well, 22 objection. I think the question would tend to ask for 23 the identity of a person. I think that's what the intent 24 is. 01:19 25 MR. MANLY: All right. Well, let me ask it a</p> <p style="text-align: right;">114</p>	<p>1 objected to the question as being vague. 2 JUDGE JAMESON: Well, maybe I misunderstood. 3 MR. MANLY: No 4 Q The question is, how many cases involving 01:21 5 allegations of sexual abuse came to your attention from 6 1988 to 2001 that allegedly occurred at Mater Dei? 7 A Okay 8 MR. CALLAHAN: Regardless of the time when it 9 occurred? 01:21 10 MR. MANLY: Regardless of when the allegation -- 11 regardless of when the abuse actually occurred. 12 JUDGE JAMESON: Oh, I see 13 MR. RUTHERFORD: And, see, there's my objection 14 and why I'm objecting as being violative of the court 01:21 15 order 16 MR. MANLY: That doesn't violate the court 17 order. I mean, you know, how he -- 18 (Interruption in proceeding.) 19 JUDGE JAMESON: Hey, I'll take care of it. 01:21 20 MR. MANLY: I assume you were talking to the 21 people at the door 22 JUDGE JAMESON: No. Both of you 23 MR. MANLY: Okay 24 JUDGE JAMESON: No. I'll take care of it. 01:21 25 Mr. Manly</p> <p style="text-align: right;">116</p>
<p>1 different way. I see where you're coming from. Although 2 I think I have the right to do that. I'm not going to do 3 it. 4 Q So, your testimony is that from 1988 to 2002 you 01:19 5 received only two accusations arising out of conduct that 6 occurred at Mater Dei. Is that your testimony? 7 A May I ask a clarification? Is it Mater Dei at 8 any -- I mean any time? 9 Q At any time. 01:20 10 A Oh, excuse me. No. More than two 11 Q How many? 12 A Oh, goodness. 13 MR. RUTHERFORD: I'm going to object. I'm going 14 to interpose an objection here that it's not limited to a 01:20 15 particular time period. It's -- it's not asking for 16 matters that occurred during any particular time period 17 '88 through '01 18 JUDGE JAMESON: Well, the predicate question did 19 and I thought that's where we were. 01:20 20 MR. RUTHERFORD: No, Your Honor. The predicate 21 question was the time period that was referred to, '88 22 to '02, was the time period that Monsignor Urell was in a 23 position at the Diocese of Orange at Marywood. It wasn't 24 limited to abuse, alleged abuse that occurred at 01:20 25 Mater Dei from '88 to '02. That's why I originally</p> <p style="text-align: right;">115</p>	<p>1 MR. MANLY: Okay, Your Honor. 2 JUDGE JAMESON: The question just asked for a 3 number, and when we get a number, then we can start 4 talking about who, what, where, when, if we do 01:21 5 So, I don't -- the objection to that question is 6 overruled. 7 MR. RUTHERFORD: Then -- 8 JUDGE JAMESON: You think just giving the 9 number, Mr. Rutherford -- 01:22 10 MR. RUTHERFORD: Yes. 11 JUDGE JAMESON: -- if it's 1, 2, 5 or 15, that 12 that somehow violates the order? 13 MR. RUTHERFORD: It does, Your Honor, because to 14 quote from the order, "Plaintiff is entitled to inquire 01:22 15 into allegations of sexual misconduct between Mater Dei 16 students and Mater Dei employees during the time frame of 17 January of '88 through December 31, '01." 18 MR. FINALDI: And that's an allegation that came 19 about during that time frame. It's an allegation. 01:22 20 MR. MANLY: The whole point of it is to find out 21 how they handled allegations. It's an allegation 22 squarely within the ambit of that. Even if you read it 23 narrowly, it's a fair question and fair game. 24 MR. RUTHERFORD: The question, as I understand 01:22 25 it, Your Honor, it would basically be saying during your</p> <p style="text-align: right;">117</p>

<p>1 time at Marywood, how many total number of cases came to 2 your attention, regardless of when the purported 3 misconduct occurred, and Mater Dei's been around since 4 1950. So --</p> <p>01 : 23 5 JUDGE JAMESON: And the follow-up to this 6 question might reach that threshold where we'd have to 7 discuss it, but I don't think we've reached that 8 threshold.</p> <p>9 You can -- it sounds like you're going to be 01 : 23 10 before Judge Andler. If you want to throw this into the 11 basket, you can, but the objection's overruled.</p> <p>12 MR. RUTHERFORD: I do believe it's in violation 13 of the court order, Your Honor --</p> <p>14 JUDGE JAMESON: All right.</p> <p>01 : 23 15 MR. RUTHERFORD: -- because it's not limited in 16 time, and I'll instruct him not to answer.</p> <p>17 BY MR. MANLY:</p> <p>18 Q Did John Merino work at Mater Dei in the '50s? 19 A I do not know.</p> <p>01 : 23 20 Q Did he work at Mater Dei in the '60s? 21 A I don't know.</p> <p>22 MR. MANLY: Well, I am -- you know, Your Honor. 23 I have never in all my life seen anything like this. I 24 don't think there's a single question I've asked that 01 : 24 25 this attorney hasn't objected to. Not one.</p> <p style="text-align: right;">118</p>	<p>1 MR. MANLY: Yeah. Who has been public. Are we 2 not allowed to mention Mr. DiMaria's name?</p> <p>3 MR. CALLAHAN: I'm going to only talk to the 4 judge. As I read the order, it doesn't say Footnote I. 01 : 26 5 if somebody's name is mentioned in the newspapers, then 6 you can rip up the order. I don't see that footnote. It 7 says plaintiff shall not inquire as to actual identity of 8 any alleged perpetrator or victim, period. Not but it's 9 okay if it was mentioned in the newspaper or it's okay if 01 : 26 10 I represented him in the past or it's okay if I got a 11 deposition on that point. It doesn't say that.</p> <p>12 MR. MANLY: You've grossly mischaracterized the 13 order. Your Honor, they're grossly mischaracterizing the 14 order, but I'm not going to argue about it.</p> <p>01 : 26 15 JUDGE JAMESON: The objection is overruled.</p> <p>16 MR. RUTHERFORD: I'm instructing him not to 17 answer.</p> <p>18 BY MR. MANLY:</p> <p>19 Q Did you tell the DiMarins that Father Harris 01 : 26 20 denied the allegations and lead them to believe that the 21 Diocese had no information that Father Harris was a 22 molester or he'd molested anybody at Mater Dei?</p> <p>23 MR. RUTHERFORD: Objection. Violation of the 24 court order.</p> <p>01 : 27 25 ///</p> <p style="text-align: right;">120</p>
<p>1 JUDGE JAMESON: Oh, there's been a few 2 BY MR. MANLY:</p> <p>3 Q Have you ever lied about sex abuse before of 4 children? Have you ever lied about that?</p> <p>01 : 24 5 A Not that I'm aware of, no.</p> <p>6 Q So, at no -- your sworn testimony is at no time 7 have you misrepresented or lied to anyone about sex 8 abuse. Is that your sworn testimony?</p> <p>9 A Not that I'm aware of, no.</p> <p>01 : 24 10 Q Have you ever withheld facts from alleged 11 victims of sexual abuse?</p> <p>12 MR. RUTHERFORD: Objection. Vague, overbroad.</p> <p>13 JUDGE JAMESON: Sustained.</p> <p>14 BY MR. MANLY:</p> <p>01 : 25 15 Q Okay. Did you tell the DiMaria family when they 16 came forward to you in 2000 or -- I'm sorry -- '96 or 17 '97 that the Diocese had a report indicating that there 18 was a -- from a psychiatric facility indicating they 19 believed Harris was an abuser?</p> <p>01 : 25 20 MR. RUTHERFORD: Objection. A violation of the 21 court order. This is asking a question regarding a 22 matter that goes beyond the scope of the order.</p> <p>23 MR. CALLAHAN: And it specifies a particular 24 name.</p> <p>01 : 25 25 MR. RUTHERFORD: Yes.</p> <p style="text-align: right;">119</p>	<p>1 BY MR. MANLY:</p> <p>2 Q Did you do that?</p> <p>3 MR. RUTHERFORD: Objection. Violation of the 4 court order.</p> <p>01 : 27 5 JUDGE JAMESON: Overruled twice.</p> <p>6 MR. RUTHERFORD: Instruct the witness not to 7 answer.</p> <p>8 BY MR. MANLY:</p> <p>9 Q Are you going to follow your attorney's 01 : 27 10 instruction?</p> <p>11 A Yes.</p> <p>12 Q Have you ever heard that when a victim of sexual 13 abuse comes forward, they frequently believe that they're 14 the only one and that's a great source of shame for them? 01 : 27 15 Have you heard that?</p> <p>16 A Yes, I have heard that.</p> <p>17 Q Okay. Did you believe it was important when you 18 were dealing with victims of sexual abuse from '88 until 19 2002 to let them know if someone else had made an 01 : 27 20 allegation?</p> <p>21 MR. RUTHERFORD: Objection. Lacks foundation. 22 overbroad.</p> <p>23 JUDGE JAMESON: May I have the question back? 24 (Whereupon, the record was read back 25 by the reporter as follows:)</p> <p style="text-align: right;">121</p>

<p>1 Q Did you believe it was</p> <p>2 important when you were dealing with</p> <p>3 victims of sexual abuse from '88 until</p> <p>4 2002 to let them know if someone else</p> <p>01:28 5 had made an allegation?"</p> <p>6 JUDGE JAMESON: Overruled.</p> <p>7 THE WITNESS: I don't believe I thought about</p> <p>8 that at that time.</p> <p>9 BY MR. MANLY:</p> <p>01:28 10 Q Have you ever -- have you ever in your time as a</p> <p>11 member of the hierarchy at the Diocese of Orange misled a</p> <p>12 victim into believing -- somebody who said they were a</p> <p>13 victim anyway into believing that they were the only one</p> <p>14 abused by that person?</p> <p>01:28 15 A I don't believe so</p> <p>16 Q So, you affirmatively deny that; is that</p> <p>17 correct?</p> <p>18 MR. RUTHERFORD: Objection. Asked and answered</p> <p>19 JUDGE JAMESON: Sustained.</p> <p>01:29 20 BY MR. MANLY:</p> <p>21 Q When Bishop Brown came to the Diocese, did</p> <p>22 Bishop Brown have access to the confidential files in the</p> <p>23 Chancery office?</p> <p>24 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>01:29 25 foundation</p> <p style="text-align: right;">122</p>	<p>1 you knew of who were in ministry who had been accused of</p> <p>2 sexual abuse of a minor?</p> <p>3 MR. RUTHERFORD: Objection. Violation of the</p> <p>4 court order. It's overbroad in scope</p> <p>01:30 5 JUDGE JAMESON: Overruled.</p> <p>6 MR. RUTHERFORD: Instruct the witness not to</p> <p>7 answer</p> <p>8 BY MR. MANLY:</p> <p>9 Q Did Bishop Brown know that there were people</p> <p>01:30 10 working in the church, in the Diocese of Orange who had</p> <p>11 been previously accused of molesting kids?</p> <p>12 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>13 foundation</p> <p>14 JUDGE JAMESON: Sustained.</p> <p>01:31 15 BY MR. MANLY:</p> <p>16 Q Bishop Brown had, the way -- is the way that one</p> <p>17 would determine if there was a priest or other person</p> <p>18 working in the Diocese who had been accused of sexual</p> <p>19 abuse was to look at their file? Fair?</p> <p>01:31 20 MR. RUTHERFORD: Objection. Calls for</p> <p>21 speculation, lacks foundation, incomplete hypothetical</p> <p>22 JUDGE JAMESON: Overruled.</p> <p>23 THE WITNESS: May I have the question again.</p> <p>24 please?</p> <p>01:31 25 ///</p> <p style="text-align: right;">124</p>
<p>1 MR. MANLY: Well, let me lay some foundation</p> <p>2 JUDGE JAMESON: Okay. Thank you</p> <p>3 BY MR. MANLY:</p> <p>4 Q Under Canon law the only people who are to have</p> <p>01:29 5 access to the confidential files, the secret archives of</p> <p>6 the Diocese are the Chancellor, the Vicar General, and</p> <p>7 the Bishop; is that accurate?</p> <p>8 MR. RUTHERFORD: Calls for speculation, calls</p> <p>9 for a canonical legal conclusion.</p> <p>01:29 10 JUDGE JAMESON: Overruled.</p> <p>11 THE WITNESS: I think so</p> <p>12 BY MR. MANLY:</p> <p>13 Q Okay. So, it's fair -- do you have knowledge</p> <p>14 whether Bishop Brown had access to the confidential files</p> <p>01:30 15 when he arrived in the Diocese in 1998?</p> <p>16 A I would think he would.</p> <p>17 Q Did you have a sit-down with Bishop Brown at any</p> <p>18 point and review priest files or discuss priests? Did</p> <p>19 you do that?</p> <p>01:30 20 MR. RUTHERFORD: Just in general on anything?</p> <p>21 MR. MANLY: I think the question speaks for</p> <p>22 itself.</p> <p>23 THE WITNESS: I presume we did.</p> <p>24 BY MR. MANLY:</p> <p>01:30 25 Q And did you tell Bishop Brown the priests that</p> <p style="text-align: right;">123</p>	<p>1 BY MR. MANLY</p> <p>2 Q Sure</p> <p>3 The way that Bishop Brown could determine if he</p> <p>4 had priests working or employees working for him who had</p> <p>01:31 5 previously been accused of sexual abuse was to look at</p> <p>6 their file, correct?</p> <p>7 MR. RUTHERFORD: Objection. Calls for</p> <p>8 speculation, lacks foundation.</p> <p>9 JUDGE JAMESON: Overruled.</p> <p>01:31 10 THE WITNESS: Yes, I believe so</p> <p>11 BY MR. MANLY</p> <p>12 Q And there were two sets of files at the Diocese</p> <p>13 for priests anyway; is that correct?</p> <p>14 MR. RUTHERFORD: Objection. Vague</p> <p>01:32 15 BY MR. MANLY:</p> <p>16 Q Let me be clear</p> <p>17 Did you have a regular personnel file --</p> <p>18 (Telephonic interruption.)</p> <p>19 MR. CALLAHAN: I'm sorry. I thought I turned</p> <p>01:32 20 this off at lunchtime. I'll turn it off now</p> <p>21 MR. MANLY: What was that?</p> <p>22 MR. CALLAHAN: You don't know that song? That's</p> <p>23 the Process of Elimination. It's not the USC Victory</p> <p>24 March</p> <p>01:32 25 MR. MANLY: Never mind. I think it was</p> <p style="text-align: right;">125</p>

<p>1 Notre Dame, wasn't it?</p> <p>2 MR. CALLAHAN: Indeed it was</p> <p>3 MR. MANLY: You're going to need it</p> <p>4 Q Okay Getting back to the --</p> <p>01:32 5 MR. CALLAHAN: Two sets of files.</p> <p>6 MR. MANLY: Yeah Thank you.</p> <p>7 Q There were two sets of files in the Chancellory</p> <p>8 office for personnel There was the regular personnel</p> <p>9 file and then a confidential file; correct?</p> <p>01:32 10 MR. RUTHERFORD: Objection Overbroad</p> <p>11 JUDGE JAMESON: You may answer</p> <p>12 THE WITNESS: There were two sets of files, yes</p> <p>13 BY MR. MANLY:</p> <p>14 Q And what were they called?</p> <p>01:32 15 A One would be the regular personnel files, and</p> <p>16 the other file -- files would be for priests from the</p> <p>17 personnel files or other -- from the personnel -- of</p> <p>18 priests who had an accusation against them of whatever</p> <p>19 kind, of sexual molestation</p> <p>01:33 20 Q Okay And who had access to those files besides</p> <p>21 yourself?</p> <p>22 A The Bishop and the director of clergy personnel</p> <p>23 Q Was that Father Kerry Beaulieu in 1988 to 20 --</p> <p>24 1998 to 2001?</p> <p>01:33 25 A No Excuse me During those years, no, it was</p> <p style="text-align: right;">126</p>	<p>1 A Yes And perhaps our Diocesan attorney</p> <p>2 Q Ms Schinderle?</p> <p>3 A Yes</p> <p>4 Q She didn't become the Diocesan attorney until</p> <p>01:35 5 2002 or 2003, did she?</p> <p>6 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>7 foundation</p> <p>8 MR. MANLY Let me rephrase that.</p> <p>9 Q She didn't have the title general counsel until</p> <p>01:35 10 after that time, isn't that correct?</p> <p>11 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>12 foundation.</p> <p>13 JUDGE JAMESON You may answer</p> <p>14 THE WITNESS: I -- I guess not No, I guess</p> <p>01:35 15 not.</p> <p>16 BY MR. MANLY</p> <p>17 Q Did she have access to those files when she was</p> <p>18 HR director?</p> <p>19 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>01:35 20 foundation</p> <p>21 JUDGE JAMESON Overruled.</p> <p>22 THE WITNESS: Probably not. I would say not</p> <p>23 BY MR. MANLY:</p> <p>24 Q Okay Now, did there ever come a time, Father,</p> <p>01:36 25 where you came to the understanding that Father McKiernan</p> <p style="text-align: right;">128</p>
<p>1 not Father Beaulieu It would have been me</p> <p>2 Q Okay All right And you've already told us</p> <p>3 that Father McKiernan had access to those files</p> <p>4 MR. RUTHERFORD: Objection Misstates</p> <p>01:34 5 testimony</p> <p>6 JUDGE JAMESON: Was that a question?</p> <p>7 BY MR. MANLY:</p> <p>8 Q Did Father McKiernan have access to those files?</p> <p>9 A When Father McKiernan became director of clergy</p> <p>01:34 10 personnel he did</p> <p>11 Q And when was that?</p> <p>12 A I believe that would have been 1998, '99</p> <p>13 Q So, from 1998, '99, whenever he became director</p> <p>14 of clergy personnel, he had access as well; correct?</p> <p>01:34 15 A Yes.</p> <p>16 Q Okay So --</p> <p>17 MR. RUTHERFORD: I just want to object When</p> <p>18 you say "as well," vague as to who, who else is as well</p> <p>19 I didn't know if you meant as well as the witness.</p> <p>01:34 20 JUDGE JAMESON: The answer will stand Let's go</p> <p>21 ahead</p> <p>22 BY MR. MANLY:</p> <p>23 Q Okay And so as I understand it, from '98 or</p> <p>24 '99 to 2001, the people that had access were you, the</p> <p>01:35 25 Bishop, and Father McKiernan; is that correct?</p> <p style="text-align: right;">127</p>	<p>1 had gone through the files after the DiMaria case settled</p> <p>2 and removed and destroyed documents?</p> <p>3 A Did there come a time when I knew that?</p> <p>4 Q Have you ever heard from any source that after</p> <p>01:36 5 the DiMaria settlement, Father McKiernan went through the</p> <p>6 confidential files, removed certain materials and</p> <p>7 destroyed them?</p> <p>8 A No, I have never heard that.</p> <p>9 Q Have you ever heard him brag about that?</p> <p>01:37 10 A No, I have not.</p> <p>11 Q You would agree with me, I take it, that if he</p> <p>12 did that, that would be inappropriate and wrong; correct?</p> <p>13 A Yes</p> <p>14 Q Did Bishop Soto have access to the confidential</p> <p>01:37 15 files?</p> <p>16 A Not that I'm aware of.</p> <p>17 Q Why were some files confidential and others not?</p> <p>18 MR. RUTHERFORD: Objection Vague</p> <p>19 JUDGE JAMESON: Do you have the question in</p> <p>01:37 20 mind, sir? You may answer if you understand the</p> <p>21 question</p> <p>22 THE WITNESS: May I have the question once more,</p> <p>23 please?</p> <p>24 BY MR. MANLY:</p> <p>01:38 25 Q Why were some files confidential and some files</p> <p style="text-align: right;">129</p>

<p>1 not?</p> <p>2 A The confidential --</p> <p>3 MR. RUTHERFORD: Objection Assumes facts</p> <p>4 JUDGE JAMESON: Well, we've been talking about</p> <p>01:38 5 the confidential set of files and regular personnel</p> <p>6 files. I guess you could say sometimes personnel files</p> <p>7 are confidential, too, but were there files that were not</p> <p>8 confidential?</p> <p>9 THE WITNESS: The priest personnel files were</p> <p>01:38 10 confidential to the Bishop's office. Then there were</p> <p>11 files kept in the safe that the files would include</p> <p>12 priest wills, funeral instructions. Those were kept</p> <p>13 there. When a priest died, his file was placed there</p> <p>14 until it was put in the archives. And then if a priest</p> <p>01:39 15 had any legal matter, that legal matter would be put in a</p> <p>16 file with his name on it in that file.</p> <p>17 BY MR. MANLY:</p> <p>18 Q Okay. When you say "legal matter," does that</p> <p>19 include child rape?</p> <p>01:39 20 A If it were a legal matter against a priest, the</p> <p>21 information about that would be in his file.</p> <p>22 Q So, if it was just -- when you say "legal</p> <p>23 matter," do you mean that if somebody had a child rape</p> <p>24 allegation, it would only go into the file if there was a</p> <p>01:39 25 lawsuit claim or criminal charge brought? Is that what</p> <p style="text-align: right;">130</p>	<p>1 priests had confidential files that included allegations</p> <p>2 of child molestation as of 2001?</p> <p>3 MR. CALLAHAN: Your Honor, I'm going to object.</p> <p>4 He's going from files that established childhood sexual</p> <p>01:41 5 abuse to allegations of childhood sexual abuse, back and</p> <p>6 forth, and it's getting very confusing.</p> <p>7 JUDGE JAMESON: Well, we'll assume that we're</p> <p>8 dealing with allegations.</p> <p>9 MR. MANLY: That's correct, Your Honor.</p> <p>01:41 10 MR. CALLAHAN: Okay.</p> <p>11 JUDGE JAMESON: Okay.</p> <p>12 THE WITNESS: Eight, nine, ten. I'm sorry, I</p> <p>13 don't -- I can't remember what number it would be.</p> <p>14 BY MR. MANLY:</p> <p>01:41 15 Q Was it 20?</p> <p>16 A I don't believe it was that number. I'm not</p> <p>17 sure.</p> <p>18 Q Was it more than 10?</p> <p>19 A As I said, I believe eight, nine, ten. I do not</p> <p>01:41 20 know.</p> <p>21 Q Okay. How many priests were removed in this</p> <p>22 Diocese in 2002 or 2003 for credible allegations of</p> <p>23 sexual abuse?</p> <p>24 MR. RUTHERFORD: Objection. It lacks</p> <p>01:42 25 foundation, it's irrelevant, calls for speculation.</p> <p style="text-align: right;">132</p>
<p>1 you're saying?</p> <p>2 MR. RUTHERFORD: Calls for speculation.</p> <p>3 JUDGE JAMESON: Overruled.</p> <p>4 THE WITNESS: No. That's where the information</p> <p>01:40 5 would be about the allegation that had been presented and</p> <p>6 anything that would follow from that.</p> <p>7 BY MR. MANLY:</p> <p>8 Q How many files did you have in or around the end</p> <p>9 of 2001 in that safe establishing that priests had been</p> <p>01:40 10 accused of child molestation? How many individual files</p> <p>11 did you have in that safe?</p> <p>12 A I do not know.</p> <p>13 Q Did you ever count?</p> <p>14 A No.</p> <p>01:40 15 Q Were there -- sorry.</p> <p>16 A No.</p> <p>17 Q Were there more than 10?</p> <p>18 A May -- in 2001, Father McKiernan was in charge</p> <p>19 of the clergy personnel files and I would not be going</p> <p>01:40 20 through them.</p> <p>21 Q Okay. Last time you were there, last time you</p> <p>22 had access -- well, no. You still had access to the</p> <p>23 files, right, in 2001?</p> <p>24 A Yes, I did.</p> <p>01:40 25 Q Okay. So, do you have an estimate of how many</p> <p style="text-align: right;">131</p>	<p>1 JUDGE JAMESON: Overruled.</p> <p>2 THE WITNESS: I do not know. The accurate</p> <p>3 number I do not know.</p> <p>4 BY MR. MANLY:</p> <p>01:42 5 Q Was it more than 10?</p> <p>6 MR. RUTHERFORD: Same objections.</p> <p>7 JUDGE JAMESON: "I don't know" is the answer.</p> <p>8 Let's move on.</p> <p>9 BY MR. MANLY:</p> <p>01:42 10 Q You were a priest in the Diocese when that</p> <p>11 occurred?</p> <p>12 A Yes.</p> <p>13 Q Were there priests removed from ministry for</p> <p>14 credible allegations of sexual abuse that you were not</p> <p>01:42 15 aware were abusers?</p> <p>16 MR. RUTHERFORD: Objection. Violation of the</p> <p>17 court order. We're inquiring into matters beyond</p> <p>18 anything attached to Mater Dei. It's overbroad.</p> <p>19 JUDGE JAMESON: Overruled.</p> <p>01:42 20 MR. RUTHERFORD: May I have the question back</p> <p>21 before I make a decision on instructing him not to</p> <p>22 answer?</p> <p>23 (Whereupon, the record was read back</p> <p>24 by the reporter as follows:)</p> <p>01:43 25 Q Were there priests removed from</p> <p style="text-align: right;">133</p>

<p>1 ministry for credible allegations of</p> <p>2 sexual abuse that you were not aware</p> <p>3 were abusers?"</p> <p>4 MR. RUTHERFORD: That's a yes or no question --</p> <p>01:43 5 or yes or no answer. Monsignor</p> <p>6 BY MR. MANLY:</p> <p>7 Q Do you want me to ask it again. Monsignor?</p> <p>8 A Please</p> <p>9 Q Were there priests removed after you left the</p> <p>01:43 10 Chancellory office by the Diocese of Orange in or about</p> <p>11 2002 or 2003 for credible allegations of sexual abuse</p> <p>12 that you were not aware were abusers?</p> <p>13 MR. RUTHERFORD: Objection Violation of the</p> <p>14 court order It's beyond the scope of the court order</p> <p>01:43 15 It's unlimited in time and it's inquiring into matters</p> <p>16 that aren't related to Mater Dei High School</p> <p>17 JUDGE JAMESON: And the objection's overruled.</p> <p>18 BY MR. MANLY:</p> <p>19 Q You can answer</p> <p>01:44 20 MR. RUTHERFORD: That's a yes or no question</p> <p>21 THE WITNESS: May I have the question back</p> <p>22 again, please? I'm sorry I'm very confused I'm</p> <p>23 trying to stay focused with you</p> <p>24 (Whereupon, the record was read back</p> <p>25 by the reporter as follows;)</p> <p style="text-align: right;">134</p>	<p>1 MR. RUTHERFORD: Instruct not to answer</p> <p>2 BY MR. MANLY:</p> <p>3 Q In or about 1990, how many people were working</p> <p>4 in this Diocese as far as you know. Monsignor Urell.</p> <p>01:45 5 priest, layperson or religious, that were -- that had</p> <p>6 been accused or were credibly -- strike that.</p> <p>7 How many people were you aware of working in</p> <p>8 this Diocese who had been credibly accused of sexual</p> <p>9 abuse in or around 1990?</p> <p>01:46 10 A I don't know I can't recall</p> <p>11 Q More than 20?</p> <p>12 MR. CALLAHAN: That were accused in 1990?</p> <p>13 MR. MANLY: No</p> <p>14 Q That were working in this Diocese who had been</p> <p>01:46 15 accused -- did I ask in or around 1990?</p> <p>16 MR. CALLAHAN: You said 1990.</p> <p>17 BY MR. MANLY:</p> <p>18 Q How many people were working in this Diocese in</p> <p>19 or around the year 1990 who had been credibly accused of</p> <p>01:46 20 sex abuse previously?</p> <p>21 A I don't know</p> <p>22 Q Do you have any estimate?</p> <p>23 A No</p> <p>24 Q Well, would it be more than 20?</p> <p>01:46 25 A I don't know</p> <p style="text-align: right;">136</p>
<p>1 "Q Were there priests removed</p> <p>2 after you left the Chancellory office</p> <p>3 by the Diocese of Orange in or about</p> <p>4 2002 or 2003 for credible allegations</p> <p>5 of sexual abuse that you were not</p> <p>6 aware were abusers?"</p> <p>7 THE WITNESS: I don't know</p> <p>8 BY MR. MANLY:</p> <p>9 Q When you left the Chancellory office and became</p> <p>01:44 10 the pastor of St. Norbert's, how many priests were you --</p> <p>11 how many people working in the Diocese were you aware of,</p> <p>12 priest, religious or laypersons, that were sex abusers?</p> <p>13 MR. RUTHERFORD: Objection Violation of the</p> <p>14 court order</p> <p>01:45 15 JUDGE JAMESON: Overruled.</p> <p>16 MR. RUTHERFORD: Instruct the witness not to</p> <p>17 answer</p> <p>18 BY MR. MANLY:</p> <p>19 Q In or around 1988 when you first became the</p> <p>01:45 20 Chancellor of the Diocese, how many people were working</p> <p>21 in the Diocese that you were aware of, priests, laypeople</p> <p>22 or religious, that were sex abusers of children?</p> <p>23 MR. RUTHERFORD: Objection Violation of the</p> <p>24 court order</p> <p>01:45 25 JUDGE JAMESON: Overruled.</p> <p style="text-align: right;">135</p>	<p>1 Q Would it be more than one?</p> <p>2 A I cannot remember I can't. Nothing comes to</p> <p>3 mind I'm sorry</p> <p>4 Q As many as 100?</p> <p>01:47 5 A I don't know a number</p> <p>6 Q Do you think it was more than 25?</p> <p>7 MR. RUTHERFORD: Objection. Asked and answered</p> <p>8 The witness is --</p> <p>9 JUDGE JAMESON: Sustained. I think we've --</p> <p>01:47 10 MR. MANLY: Okay</p> <p>11 JUDGE JAMESON: -- gone in the other direction</p> <p>12 on the numbers</p> <p>13 BY MR. MANLY:</p> <p>14 Q Do you -- besides yourself, who would know the</p> <p>01:47 15 answer to that question, Monsignor Urell, at the Diocese?</p> <p>16 MR. RUTHERFORD: Calls for speculation.</p> <p>17 JUDGE JAMESON: Overruled</p> <p>18 THE WITNESS: I don't know the number</p> <p>19 BY MR. MANLY:</p> <p>01:48 20 Q I understand. But I'm asking besides yourself,</p> <p>21 who would have access to that information who could give</p> <p>22 me an estimate or give me the number?</p> <p>23 MR. RUTHERFORD: Calls for speculation</p> <p>24 JUDGE JAMESON: Overruled</p> <p>01:48 25 THE WITNESS: Perhaps Father Michael Her, the</p> <p style="text-align: right;">137</p>

1	Vicar General. or our Diocesan counsel	1	witness to choose between two answers that may not even
2	BY MR. MANLY	2	be the witness's answer
3	Q How about the Bishop?	3	JUDGE JAMESON: Well. he can explain that if
4	A I don't know	4	that's the case, but answer the question. please
01:48 5	Q Well. the Bishop could certainly have access to	01:50 5	THE WITNESS: Would you please repeat it.
6	the information. correct?	6	please?
7	MR. RUTHERFORD: Calls for speculation. lacks	7	BY MR. MANLY:
8	foundation.	8	Q Did Bishop McFarland and/or Bishop Brown tell
9	JUDGE JAMESON: Overruled	9	you that the only cases they wanted to know about of sex
01:48 10	THE WITNESS: I presume he could have access to	01:50 10	abuse were those involving priests and priests only?
11	that. yes	11	A No. Neither one of them told me that.
12	BY MR. MANLY	12	Q Okay. So, did there ever come a time where you
13	Q I would take it that while you were Chancellor,	13	decided on your own -- well. how did -- did you never
14	at least. you alerted the Bishop each and every time an	14	report cases of laypersons who abused to the Bishop?
01:48 15	allegation of sexual abuse came to the Diocese's	01:51 15	A Did I never report?
16	attention no matter where it occurred?	16	Q Let me ask it a different way. I think it's the
17	MR. RUTHERFORD: Objection. Violation of the	17	"never" that's confusing.
18	court order. It's asking as to how matters were handled	18	Was there ever a time that you reported to
19	in situations other than Mater Dei and. therefore --	19	Bishop McFarland and/or Bishop Brown an allegation of
01:49 20	MR. MANLY: Oh. come on.	01:51 20	child rape or sexual abuse. whatever you want to call it.
21	MR. RUTHERFORD: Your Honor. I would appreciate	21	by a layperson?
22	if I wouldn't be interrupted.	22	A Not that I recall
23	JUDGE JAMESON: No come ons, Mr. Manly. It's	23	Q Okay
24	overruled. Let's move on.	24	A Certainly not to Bishop Brown
01:49 25	MR. MANLY: Sorry, Judge	01:52 25	Q Why not?
138		140	
1	MR. RUTHERFORD: May I have the question read	1	A I was not in that position at that time
2	back before I decide on the instruction not to answer?	2	Q Okay. So, at no point did you ever -- did you
3	(Whereupon. the record was read back	3	ever report any abuse to Bishop Brown?
4	by the reporter as follows:)	4	A No. not that I recall
5	"Q I would take it that while you	01:52 5	Q Who was in the position to report to
6	were Chancellor. at least. you alerted	6	Bishop Brown on that?
7	the Bishop each and every time an	7	MR. RUTHERFORD: Objection. It calls for
8	allegation of sexual abuse came to the	8	speculation. vague
9	Diocese's attention no matter where it	9	JUDGE JAMESON: Overruled. Please answer if
01:49 10	occurred?"	01:52 10	you know
11	MR. RUTHERFORD: Just one moment. please	11	THE WITNESS: If it were clergy.
12	You can go ahead and answer that if you know	12	Father McKiernan
13	THE WITNESS: If it dealt with clergy. yes	13	BY MR. MANLY:
14	BY MR. MANLY:	14	Q How about laypeople?
01:50 15	Q So, Bishop McFarland and Bishop Brown did not	01:52 15	A That I don't know
16	want to know if a child had been molested by anybody	16	Q And Father McKiernan lived with Bishop Brown at
17	other than a clergy person. Is that your testimony?	17	that time, did he not?
18	MR. RUTHERFORD: Objection. Misstates	18	A Yes, he did.
19	testimony. It's argumentative	19	Q What is the nature of their relationship. if you
01:50 20	JUDGE JAMESON: Sustained	01:52 20	know?
21	BY MR. MANLY:	21	MR. RUTHERFORD: Objection. Vague
22	Q Did Bishop Brown or Bishop McFarland tell you	22	JUDGE JAMESON: Well. if there was something
23	that they wanted to know of all allegations of	23	unique about that. you may answer
24	molestation or just those by priests?	24	THE WITNESS: Bishop Brown. the Bishop;
01:50 25	MR. RUTHERFORD: Objection. It's forcing the	01:53 25	Father McKiernan. a priest of the Diocese. his priest
139		141	

<p>1 secretary who served also as clergy personnel director</p> <p>2 BY MR. MANLY:</p> <p>3 Q Uh-huh. Yeah Is that the nature of the</p> <p>4 relationship, professional?</p> <p>01:53 5 A I believe they're friends as well</p> <p>6 Q Now, you were the Bishop's secretary; correct?</p> <p>7 A Yes.</p> <p>8 Q Did you --</p> <p>9 A I was Bishop McFarland's secretary</p> <p>01:53 10 Q Okay And for how long?</p> <p>11 A From 1987 to approximately 1997. '96, '97</p> <p>12 Q Now, did you and the Bishop live in the same</p> <p>13 house?</p> <p>14 A From 199 -- excuse me From -- let me get the</p> <p>01:54 15 dates straight Bishop McFarland arrived in '87</p> <p>16 Q Monsignor. I don't care when Bishop McFarland</p> <p>17 arrived I'm not trying to cut you off.</p> <p>18 A Okay</p> <p>19 Q I just want to know if you ever lived in the</p> <p>01:54 20 same house</p> <p>21 A Excuse me Yes, we did Yes</p> <p>22 Q You lived in the same rectory; is that correct?</p> <p>23 A The same Bishop's house, yes</p> <p>24 Q And where was that?</p> <p>01:54 25 A On La Veta Avenue</p> <p style="text-align: right;">142</p>	<p>1 to how many priests were removed from the Diocese of</p> <p>2 Orange in 2002 or 2003?</p> <p>3 A No, it doesn't refresh my --</p> <p>4 Q Does that sound right to you?</p> <p>02:16 5 MR. RUTHERFORD: Objection. Asked and answered</p> <p>6 repeatedly</p> <p>7 JUDGE JAMESON Overruled</p> <p>8 THE WITNESS: I don't know</p> <p>9 BY MR. MANLY:</p> <p>02:17 10 Q All right Is it your understanding, based on</p> <p>11 your time as a senior member of the hierarchy in the</p> <p>12 Diocese, that it was Ms. Schinderle's obligation to</p> <p>13 inform the Bishop about allegations against laypeople of</p> <p>14 sexual abuse of children?</p> <p>02:17 15 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>16 foundation</p> <p>17 JUDGE JAMESON Overruled</p> <p>18 THE WITNESS I don't know</p> <p>19 BY MR. MANLY:</p> <p>02:17 20 Q Who was responsible, if you know for informing</p> <p>21 the Bishop about allegations against laypersons of sexual</p> <p>22 abuse from 1988 to 2001, the end of 2001?</p> <p>23 A I don't know if anyone was obligated to</p> <p>24 Q You don't know whose responsibility that fell</p> <p>02:18 25 under?</p> <p style="text-align: right;">144</p>
<p>1 Q It was attached to Holy Family Cathedral?</p> <p>2 A Yes On the same property</p> <p>3 MR. RUTHERFORD: Mr Manly, whenever it's</p> <p>4 convenient, I could use a break</p> <p>01:54 5 MR. MANLY: Okay Let's take it now</p> <p>6 THE VIDEOGRAPHER: The time is 1:54 and we're</p> <p>7 going off the record.</p> <p>8 (Recess taken)</p> <p>9 (Off the record at 1:54 p.m. Back on the record</p> <p>01:54 10 at 2:15 p.m.)</p> <p>11 THE VIDEOGRAPHER: The time is 2:15 and we're</p> <p>12 back on the record</p> <p>13 BY MR. MANLY:</p> <p>14 Q Have you ever had a conversation with</p> <p>02:15 15 Bishop Brown where he told you that under no</p> <p>16 circumstances prior to 2002 -- strike that</p> <p>17 Prior to 2002 did you ever have a conversation</p> <p>18 with Bishop Brown where he told you under no</p> <p>19 circumstances is anybody that's been credibly accused of</p> <p>02:16 20 sexual abuse to work in my Diocese?</p> <p>21 A No, I do not recall a conversation like that.</p> <p>22 Q Did you ever have such a conversation with</p> <p>23 Bishop McFarland?</p> <p>24 A Not that I recall</p> <p>02:16 25 Q Does the number 29 refresh your recollection as</p> <p style="text-align: right;">143</p>	<p>1 A No, I don't recall</p> <p>2 Q Did the Diocese -- at least when you were in the</p> <p>3 Chancellery office, did the Bishop -- did Bishop Brown</p> <p>4 and Bishop McFarland regard the rape of a child as a</p> <p>02:18 5 serious matter?</p> <p>6 A I presume they would, yes</p> <p>7 Q Well, you work with them every day; right?</p> <p>8 A Yes</p> <p>9 Q You knew them?</p> <p>02:18 10 A Yes</p> <p>11 Q And some people might say you were their</p> <p>12 right-hand person; fair?</p> <p>13 A Bishop McFarland</p> <p>14 Q Okay Did he regard child sexual abuse as a</p> <p>02:18 15 serious matter?</p> <p>16 A Yes, he did</p> <p>17 Q Okay And what about Bishop Brown?</p> <p>18 A I believe he does, yes</p> <p>19 Q Was there a policy under Bishop McFarland's term</p> <p>02:19 20 where it was expected that any priest who learned that a</p> <p>21 priest, layperson --</p> <p>22 What are you looking at me that way for? Oh,</p> <p>23 I'm talking to Mr Finaldi for the record. He looked at</p> <p>24 me like I was nuts. I thought I might have said</p> <p>02:19 25 something I didn't realize I said. I apologize You</p> <p style="text-align: right;">145</p>

<p>1 never know All right. Let's start over</p> <p>2 MR. CALLAHAN: Now we're all looking at you</p> <p>3 funny</p> <p>4 MR. MANLY: Well, sometimes people do.</p> <p>02 : 19 5 JUDGE JAMESON: I thought you'd get used to that</p> <p>6 look from Mr. Finaldi</p> <p>7 MR. CALLAHAN: Let's start over again</p> <p>8 MR. MANLY: All right.</p> <p>9 JUDGE JAMESON: I'm sorry I couldn't resist</p> <p>02 : 19 10 MR. MANLY: No, Judge</p> <p>11 MR. CALLAHAN: We're all laughing. Your Honor</p> <p>12 MR. MANLY: That's what I thought I'll tell</p> <p>13 you later what he did. Judge Okay For some reason.</p> <p>14 I'm having difficulty breathing. Now I feel better</p> <p>02 : 20 15 Okay</p> <p>16 What was my last question before I got</p> <p>17 interrupted?</p> <p>18 (Whereupon, the record was read back</p> <p>19 by the reporter as follows:)</p> <p>02 : 20 20 "Q Was there a policy under Bishop</p> <p>21 McFarland's term where it was expected</p> <p>22 that any priest who learned that a</p> <p>23 priest, layperson --"</p> <p>24 BY MR. MANLY:</p> <p>02 : 20 25 Q Okay Was there a policy under Bishop McFarland</p> <p style="text-align: right;">146</p>	<p>1 instance where an employee, including</p> <p>2 priests, religious or laypersons.</p> <p>3 learned of an allegation of sexual</p> <p>4 abuse, that the police or Child</p> <p>5 Protective Services would be called;</p> <p>6 correct?"</p> <p>7 JUDGE JAMESON: Overruled.</p> <p>8 THE WITNESS: I don't know I don't know</p> <p>9 BY MR. MANLY:</p> <p>02 : 22 10 Q Well, what do you mean by that answer?</p> <p>11 MR. RUTHERFORD: Objection It speaks for</p> <p>12 itself.</p> <p>13 JUDGE JAMESON: It does</p> <p>14 BY MR. MANLY:</p> <p>02 : 22 15 Q So, let me see if I can understand your</p> <p>16 testimony</p> <p>17 Your testimony is even though you think that was</p> <p>18 the policy, you don't know if that -- well, if that was</p> <p>19 the policy, would you expect it to occur in every case?</p> <p>02 : 22 20 MR. RUTHERFORD: Objection. Vague as to "that "</p> <p>21 "if that was the policy "</p> <p>22 JUDGE JAMESON: Sustained</p> <p>23 BY MR. MANLY:</p> <p>24 Q How many cases do you know of, as you sit here</p> <p>02 : 23 25 today, based on your time in the hierarchy where the</p> <p style="text-align: right;">148</p>
<p>1 where it was expected that Diocesan employees would</p> <p>2 immediately call the police without notifying the Diocese</p> <p>3 if it came to their attention that an employee had</p> <p>4 molested a child?</p> <p>02 : 21 5 MR. CALLAHAN: That they, the employee, would</p> <p>6 notify the police?</p> <p>7 MR. MANLY: Correct</p> <p>8 MR. CALLAHAN: Okay</p> <p>9 THE WITNESS: I would think either the police or</p> <p>02 : 21 10 the Child Protective Services</p> <p>11 BY MR. MANLY:</p> <p>12 Q So, it would be your expectation, Monsignor,</p> <p>13 that in every instance where an employee, including</p> <p>14 priests, religious or laypersons, learned of an</p> <p>02 : 21 15 allegation of sexual abuse, that the police or Child</p> <p>16 Protective Services would be called; correct?</p> <p>17 MR. RUTHERFORD: Objection It's an incomplete</p> <p>18 hypothetical, it calls for speculation, and it lacks</p> <p>19 foundation</p> <p>02 : 21 20 JUDGE JAMESON: May I have the question back,</p> <p>21 please?</p> <p>22 (Whereupon, the record was read back</p> <p>23 by the reporter as follows:)</p> <p>24 "Q So, it would be your</p> <p>25 expectation, Monsignor, that in every</p> <p style="text-align: right;">147</p>	<p>1 police or Child Protective Services were called besides</p> <p>2 the one you already mentioned?</p> <p>3 MR. RUTHERFORD: Please let me have the question</p> <p>4 read back. I'm sorry, Mr. Manly</p> <p>02 : 23 5 MR. MANLY: It's all right.</p> <p>6 (Whereupon, the record was read back</p> <p>7 by the reporter as follows:)</p> <p>8 "Q How many cases do you know of,</p> <p>9 as you sit here today, based on your</p> <p>10 time in the hierarchy where the police</p> <p>11 or Child Protective Services were</p> <p>12 called besides the one you already</p> <p>13 mentioned?"</p> <p>14 MR. RUTHERFORD: Okay. I'm just going to</p> <p>02 : 23 15 object. It's overbroad pursuant to the court order and</p> <p>16 it seeks information that goes beyond Mater Dei or any</p> <p>17 time frame and those are my objections</p> <p>18 JUDGE JAMESON: Overruled.</p> <p>19 BY MR. MANLY:</p> <p>02 : 23 20 Q You can answer</p> <p>21 MR. RUTHERFORD: I will instruct the witness not</p> <p>22 to answer that question</p> <p>23 MR. MANLY: On the same grounds?</p> <p>24 MR. RUTHERFORD: The objections I just gave.</p> <p>02 : 23 25 yes</p> <p style="text-align: right;">149</p>

<p>1 MR. MANLY: Okay</p> <p>2 Q Did you ever -- do you ever recall reading an</p> <p>3 article in the Orange County Register or the L. A. Times</p> <p>4 where Child Protective Services indicated they had no</p> <p>02 : 24 5 reports from the Diocese or Mater Dei in their files?</p> <p>6 A No, I don't recall that.</p> <p>7 Q How many cases are you aware of involving</p> <p>8 Mater Dei High School --</p> <p>9 (Telephonic interruption)</p> <p>02 : 24 10 MR. MANLY: I'm so sorry</p> <p>11 Q -- involving Mater Dei High School where the</p> <p>12 police or Child Protective Services were called?</p> <p>13 A For what time period?</p> <p>14 Q Any time period where you were in the hierarchy</p> <p>02 : 25 15 MR. RUTHERFORD: I object as being overbroad and</p> <p>16 in violation of the court order The permissible scope</p> <p>17 of inquiry is January 1988 through December 31st, 2001,</p> <p>18 and this is seeking to discover information during</p> <p>19 Mater Dei's entire 57-year history.</p> <p>02 : 25 20 JUDGE JAMESON: Overruled.</p> <p>21 BY MR. MANLY:</p> <p>22 Q You can answer</p> <p>23 A I don't know I don't recall</p> <p>24 Q You don't recall any?</p> <p>02 : 25 25 A I recall -- I think I know of one</p> <p style="text-align: right;">150</p>	<p>1 office. arranged to transfer a priest who had molested</p> <p>2 more than one child to be transferred to Mexico?</p> <p>3 MR. RUTHERFORD: Objection. Violation of the</p> <p>4 court order It's not focused on Mater Dei It's not</p> <p>02 : 27 5 focused on any time period</p> <p>6 JUDGE JAMESON: And I'm not so concerned about</p> <p>7 the '88 to 2001 time frame. Mr. Manly, but I think we</p> <p>8 need some time frame</p> <p>9 MR. MANLY: Okay</p> <p>02 : 27 10 Q While you were in the hierarchy from 1988 to</p> <p>11 2002, did it come -- did you become aware that the</p> <p>12 Diocese was placing one or more priests in the Diocese of</p> <p>13 Tijuana who had been credibly accused of sexual abuse?</p> <p>14 MR. RUTHERFORD: Objection. Violation of the</p> <p>02 : 28 15 court order</p> <p>16 JUDGE JAMESON: Overruled.</p> <p>17 MR. RUTHERFORD: Instruct not to answer</p> <p>18 BY MR. MANLY:</p> <p>19 Q Did the Diocese of Orange while you were in the</p> <p>02 : 28 20 hierarchy view Hispanic children as less vulnerable to</p> <p>21 sexual assault or sexual abuse than Anglo children?</p> <p>22 A Not that I'm aware of.</p> <p>23 Q Was there a policy while you were in the Diocese</p> <p>24 in any type of official capacity from 1988 until 2002</p> <p>02 : 28 25 against moving known predator priests, in other words.</p> <p style="text-align: right;">152</p>
<p>1 Q When? When did that happen, if you know?</p> <p>2 MR. RUTHERFORD: Objection. Asked and answered.</p> <p>3 I think we went through this earlier today</p> <p>4 BY MR. MANLY:</p> <p>02 : 26 5 Q Is this the same one we talked about earlier?</p> <p>6 A Yes</p> <p>7 Q Okay Thank you</p> <p>8 A Yes</p> <p>9 Q Are you familiar with any cases that came to</p> <p>02 : 26 10 your attention from 1988 until 2002 where there was an</p> <p>11 allegation that a priest was involved in a sex act with a</p> <p>12 donkey and a child?</p> <p>13 A No</p> <p>14 Q Are you involved with any cases -- aware of any</p> <p>02 : 26 15 cases that came to your attention in or around -- from</p> <p>16 1988 to 2002 where a priest took a child to a donkey show</p> <p>17 where a donkey had sexual acts with a prostitute?</p> <p>18 A No</p> <p>19 Q You never heard that before?</p> <p>02 : 26 20 A No</p> <p>21 Q Your testimony is no victim ever told you that;</p> <p>22 is that right?</p> <p>23 A That is my testimony</p> <p>24 Q Was there ever -- did there ever come a time</p> <p>02 : 27 25 when the Diocese, while you were in the Chancellory</p> <p style="text-align: right;">151</p>	<p>1 who molested children, from parish to parish?</p> <p>2 A Not that I'm aware of</p> <p>3 Q There was no such policy that prevented that</p> <p>4 was there?</p> <p>02 : 29 5 A Not that I'm aware of.</p> <p>6 Q Okay And, in fact, the Diocese did that, did</p> <p>7 it not?</p> <p>8 MR. RUTHERFORD: Objection. Vague</p> <p>9 JUDGE JAMESON: Yeah. Why don't you just -- I</p> <p>02 : 29 10 think we need to spell it out each time. Mr. Manly --</p> <p>11 MR. MANLY: Sure</p> <p>12 JUDGE JAMESON: -- given the subject matter</p> <p>13 BY MR. MANLY:</p> <p>14 Q During your time in the hierarchy, did you</p> <p>02 : 29 15 become aware that priests were transferred -- and I'll</p> <p>16 give you the dates -- from 1988 until 2003 and/or</p> <p>17 assigned to parishes with schools who had been previously</p> <p>18 accused in other parishes of molesting children?</p> <p>19 MR. RUTHERFORD: Objection Violation of court</p> <p>02 : 30 20 order It's unlimited in its scope</p> <p>21 JUDGE JAMESON: Overruled.</p> <p>22 MR. RUTHERFORD: Instruct not to answer</p> <p>23 BY MR. MANLY:</p> <p>24 Q Do you know a man by the name of Father Jerome</p> <p>02 : 30 25 Henson?</p> <p style="text-align: right;">153</p>

<p>1 A Yes</p> <p>2 Q And Father Jerome was a Dominican. is that</p> <p>3 correct. and then later became a Diocesan priest?</p> <p>4 A Yes</p> <p>02 : 30 5 Q Okay When was he incardinated into the Diocese</p> <p>6 of Orange approximately?</p> <p>7 A Early to mid '90s, I believe</p> <p>8 Q Okay And did you ever become aware that</p> <p>9 Father Jerome Henson was working at Mater Dei in the</p> <p>02 : 30 10 television department?</p> <p>11 A I can't recall if he did or not.</p> <p>12 Q Okay Did you ever become aware that</p> <p>13 Father Jerome Henson was working as an assistant in the</p> <p>14 Chancellory office to Mr Tom Fuentes in the</p> <p>02 : 31 15 communications department?</p> <p>16 A I can't recall if he was or not</p> <p>17 Q Have you ever seen Father Henson's file?</p> <p>18 A Yes</p> <p>19 Q Okay Did you become aware at some point that</p> <p>02 : 31 20 Father Henson had been observed by a police officer in</p> <p>21 Northern California orally copulating a boy in a</p> <p>22 graveyard?</p> <p>23 MR. RUTHERFORD: Objection Violation of court</p> <p>24 order</p> <p>02 : 31 25 JUDGE JAMESON: Overruled.</p> <p>154</p>	<p>1 MR. RUTHERFORD: Instruct not to answer as</p> <p>2 violation of the court order</p> <p>3 BY MR. MANLY:</p> <p>4 Q Have you ever spoken with anyone from the</p> <p>02 : 33 5 Diocese of Milwaukee about the issue of sexual abuse.</p> <p>6 sexual abuse?</p> <p>7 A Not that I recall. no.</p> <p>8 Q Without naming names, has any priest come to</p> <p>9 this Diocese from the Diocese of Milwaukee where the</p> <p>02 : 33 10 Diocese of Milwaukee made you aware that there was an</p> <p>11 allegation of sexual abuse. "you" being the Diocese?</p> <p>12 MR. RUTHERFORD: Objection Violation of the</p> <p>13 court order Lacks foundation. no establishment that</p> <p>14 it's in any way related to Mater Dei High School</p> <p>02 : 33 15 MR. MANLY: I'll withdraw it Not because of</p> <p>16 your objection. just because I want to ask a different</p> <p>17 question</p> <p>18 Q Were there particular parishes that the Diocese</p> <p>19 had a tendency to assign abusers to. in your experience.</p> <p>02 : 34 20 from 1988 until 2002?</p> <p>21 A I don't understand what you mean. "had a</p> <p>22 tendency to "</p> <p>23 Q Were there parishes that. for whatever reason.</p> <p>24 you decided to -- you and the Diocese. the Chancellory</p> <p>02 : 34 25 office or the priest board. whoever did the assigning.</p> <p>156</p>
<p>1 BY MR. MANLY:</p> <p>2 Q You can answer</p> <p>3 MR. RUTHERFORD: Instruct not to answer.</p> <p>4 specific identity</p> <p>02 : 31 5 MR. MANLY: Well. for the record. this matter</p> <p>6 has been public It was the subject of a story called</p> <p>7 "Boneyard Tryst" in the OC Weekly It's been well</p> <p>8 reported and it is not a secret and. as I recall.</p> <p>9 Father Henson's files were made public by Judge Lichtman.</p> <p>02 : 32 10 although I can't swear to it.</p> <p>11 JUDGE JAMESON: Let's go on.</p> <p>12 MR. MANLY: Okay You're not -- you're going to</p> <p>13 instruct him not to answer. Mr Rutherford?</p> <p>14 JUDGE JAMESON: He did</p> <p>02 : 32 15 MR. MANLY: Okay All right. Judge Thank you</p> <p>16 Q Were you aware -- did the Diocese ever</p> <p>17 incardinate a priest as a member of the Diocese who the</p> <p>18 Diocese was aware had previous allegations of sexual</p> <p>19 abuse against him in another Diocese or religious order?</p> <p>02 : 32 20 A Not that I'm aware of</p> <p>21 Q Did -- were you aware that Father Henson had</p> <p>22 allegations against him before he came to the Diocese?</p> <p>23 MR. RUTHERFORD: Objection. Violation of the</p> <p>24 court order. assumes facts</p> <p>02 : 33 25 JUDGE JAMESON: Overruled.</p> <p>155</p>	<p>1 assigned priests to on a more regular basis than others?</p> <p>2 A Yes</p> <p>3 Q Okay And why was that?</p> <p>4 A Well. what I'm thinking of are the</p> <p>02 : 34 5 newly-ordained priests would be assigned to parishes</p> <p>6 where they would be good places to be; and as they would</p> <p>7 move every four years, then another one might go back.</p> <p>8 another newly-ordained might be assigned there</p> <p>9 Q Are you aware of any priest who has left the</p> <p>02 : 35 10 Diocese because they were upset by the way the Diocese</p> <p>11 was handling sexual abuse allegations?</p> <p>12 A No, I'm not aware of that</p> <p>13 Q Was there a -- you know Father Daniel Murray?</p> <p>14 A Yes, I do</p> <p>02 : 35 15 Q And who is Father Murray?</p> <p>16 A Father Murray's a priest of the Diocese of</p> <p>17 Orange</p> <p>18 Q Still?</p> <p>19 A I don't know if he is or not.</p> <p>02 : 35 20 Q When's the last time --</p> <p>21 A He was --</p> <p>22 Q I'm sorry Go ahead. Monsignor</p> <p>23 A I don't know if he is or not</p> <p>24 Q When was the last time you saw him?</p> <p>02 : 35 25 A Probably two weeks ago</p> <p>157</p>

<p>1 Q Where did you see him?</p> <p>2 A At the House of Prayer for priests</p> <p>3 Q What was he doing there?</p> <p>4 A He lives there</p> <p>02:35 5 Q With Father Moreland?</p> <p>6 A Yes</p> <p>7 Q What is his assignment?</p> <p>8 A I don't know what his assignment is I don't</p> <p>9 believe he has an assignment.</p> <p>02:36 10 Q Why?</p> <p>11 MR. RUTHERFORD: Objection. Depending on how</p> <p>12 the -- how the witness -- if -- I don't know if the</p> <p>13 witness knows the answer to that question or not, but if</p> <p>14 he learned the reason for Father Murray's assignment in</p> <p>02:36 15 his -- in the capacity as director of clergy personnel,</p> <p>16 that could be a violation of privacy rights of others and</p> <p>17 may be asking for disclosure of private information</p> <p>18 regarding non-parties. I'd like to confer with my client</p> <p>19 on that issue, Your Honor</p> <p>02:36 20 JUDGE JAMESON: Well, let's ask a couple</p> <p>21 preliminary questions</p> <p>22 Are there assignments for any priest in the</p> <p>23 Diocese of Orange that is confidential, not for public</p> <p>24 knowledge?</p> <p>02:37 25 THE WITNESS: I don't know</p> <p style="text-align: right;">158</p>	<p>1 THE WITNESS: I believe that he is -- he has no</p> <p>2 assignment, and so he is living at the House of Prayer</p> <p>3 MR. MANLY: So, my question was, Your Honor, why</p> <p>4 doesn't he have -- is there a reason he doesn't have an</p> <p>02:38 5 assignment as far as the witness knows?</p> <p>6 MR. RUTHERFORD: Objection. It calls for</p> <p>7 speculation.</p> <p>8 JUDGE JAMESON: Well, if he knows, Answer it if</p> <p>9 you can.</p> <p>02:39 10 THE WITNESS: I don't know</p> <p>11 BY MR. MANLY:</p> <p>12 Q Have you ever heard that he was removed for</p> <p>13 credible allegations of sexual abuse?</p> <p>14 MR. RUTHERFORD: Objection. Violation of the</p> <p>02:39 15 court order. May I quote from it, Your Honor?</p> <p>16 JUDGE JAMESON: No. I think we've heard it</p> <p>17 enough.</p> <p>18 I don't know if a clarifying question will help</p> <p>19 or not, but when did that non-assignment assignment</p> <p>02:39 20 commence, if you understand what I mean? When did he</p> <p>21 become a non-assigned priest?</p> <p>22 THE WITNESS: I do not know</p> <p>23 BY MR. MANLY:</p> <p>24 Q Well, after 2002?</p> <p>02:39 25 A I don't know</p> <p style="text-align: right;">160</p>
<p>1 JUDGE JAMESON: Conceivably I guess that could</p> <p>2 be the case, but I just don't --</p> <p>3 THE WITNESS: No. No. There are not that I'm</p> <p>4 aware of.</p> <p>02:37 5 JUDGE JAMESON: Mr. Rutherford, help me out with</p> <p>6 what the objection is. The question was, what was</p> <p>7 Father Murray's assignment?</p> <p>8 MR. RUTHERFORD: No. That's not how I heard the</p> <p>9 question. I heard the question as why was he assigned to</p> <p>02:37 10 the House of Prayer</p> <p>11 JUDGE JAMESON: Oh.</p> <p>12 MR. RUTHERFORD: Okay. Not what his assignment</p> <p>13 was</p> <p>14 MR. MANLY: No. That's not what I asked. What</p> <p>02:37 15 I asked is, why did he not have an assignment?</p> <p>16 JUDGE JAMESON: I think the prior response was</p> <p>17 that he doesn't have an assignment.</p> <p>18 MR. MANLY: That's right.</p> <p>19 JUDGE JAMESON: And so is he a freelance priest</p> <p>02:37 20 or what we call in some cases a floater where he fills in</p> <p>21 for people who are sick or on vacation or I guess maybe a</p> <p>22 simpler question is -- well, it's going to go back to</p> <p>23 what his assignment was</p> <p>24 Do you know what Father Murray's role is with</p> <p>02:38 25 the Diocese of Orange?</p> <p style="text-align: right;">159</p>	<p>1 Q Okay</p> <p>2 JUDGE JAMESON: Well, back to the threshold</p> <p>3 question. The objection's overruled.</p> <p>4 MR. RUTHERFORD: If I could just be reminded of</p> <p>02:40 5 that threshold question.</p> <p>6 MR. MANLY: I think it was, do you know why he</p> <p>7 does not have an assignment?</p> <p>8 MR. RUTHERFORD: Oh, we got an answer to that</p> <p>9 question</p> <p>02:40 10 MR. CALLAHAN: "I don't know."</p> <p>11 MR. MANLY: Oh, no, I'm sorry. The threshold</p> <p>12 question was, was he removed because of sexual abuse?</p> <p>13 JUDGE JAMESON: That's it.</p> <p>14 MR. MANLY: Right.</p> <p>02:40 15 MR. RUTHERFORD: And, Your Honor, you've heard</p> <p>16 and considered and overruled my objections?</p> <p>17 JUDGE JAMESON: Yes.</p> <p>18 MR. RUTHERFORD: Okay. I'm going to instruct --</p> <p>19 I'm instructing the witness not to answer</p> <p>02:40 20 BY MR. MANLY:</p> <p>21 Q Monsignor, was there a time while you were in</p> <p>22 the Chancery office that Monsignor Murphy was also</p> <p>23 working at Marywood in the Chancery office?</p> <p>24 MR. RUTHERFORD: Did you say Murphy?</p> <p>02:40 25 MR. MANLY: Murray. I'm sorry</p> <p style="text-align: right;">161</p>

<p>1 THE WITNESS: Yes</p> <p>2 MR. MANLY: The Irish are all one tribe All</p> <p>3 right.</p> <p>4 MR. CALLAHAN: You want to hear the song again?</p> <p>02 : 41 5 MR. MANLY: No. Well, actually if you're</p> <p>6 willing to sing it on camera, I'll listen.</p> <p>7 Q And what was his job there when you left the</p> <p>8 Chancellory office, if you know?</p> <p>9 A When I left the Chancellory office, I don't</p> <p>02 : 41 10 believe Monsignor Murray was there at the Diocese.</p> <p>11 Q Okay Did there come a time when he was moved</p> <p>12 from all parish work and sent to the Diocese to head up</p> <p>13 the Diocese's effort in dealing with sex abuse in terms</p> <p>14 of dealing with priests canonically?</p> <p>02 : 41 15 A No, not that I'm aware of.</p> <p>16 Q So, you're not aware -- you were never made</p> <p>17 aware at any time that Monsignor Murray became working</p> <p>18 full-time in the Chancellory on sex abuse cases and that</p> <p>19 it was necessary to have him there full-time because of</p> <p>02 : 42 20 the amount of cases? Have you ever heard that or</p> <p>21 anything like that?</p> <p>22 A No, I have not.</p> <p>23 Q Monsignor Murray is a canon lawyer, correct?</p> <p>24 A Yes.</p> <p>02 : 42 25 THE VIDEOGRAPHER: Can we go off the record?</p> <p>162</p>	<p>1 abuse cases involving priests in his capacity as a canon</p> <p>2 lawyer with the Diocese?</p> <p>3 A It may have. I cannot recall</p> <p>4 Q Who was in charge of canonical enforcement of</p> <p>02 : 50 5 priests who violated canon law at the Diocese while you</p> <p>6 were in the Chancellory office?</p> <p>7 MR. RUTHERFORD: It's overbroad, vague as to the</p> <p>8 term violation of canonical law</p> <p>9 JUDGE JAMESON: Overruled.</p> <p>02 : 51 10 THE WITNESS: Well, Bishop McFarland is a canon</p> <p>11 lawyer. I believe Bishop McFarland would have been</p> <p>12 BY MR. MANLY</p> <p>13 Q And how about during Bishop Brown's time, who</p> <p>14 was in charge of enforcing the canonical statutes that</p> <p>02 : 51 15 dealt with priest sexual abuse?</p> <p>16 MR. CALLAHAN: Charged with enforcing, right?</p> <p>17 MR. MANLY: Right.</p> <p>18 JUDGE JAMESON: Yeah. The DS and DA</p> <p>19 MR. CALLAHAN: Okay</p> <p>02 : 51 20 MR. MANLY: What's that?</p> <p>21 JUDGE JAMESON: The DS and DA</p> <p>22 MR. MANLY: Oh</p> <p>23 JUDGE JAMESON: Maybe I'm -- talking about being</p> <p>24 in charge of the enforcement, got to be an attorney</p> <p>02 : 51 25 MR. MANLY: Yeah. But canonically</p> <p>164</p>
<p>1 MR. MANLY: We're done. Yeah. I'm sorry</p> <p>2 We're not done. The tape's done</p> <p>3 THE VIDEOGRAPHER: The time is 2:42 and we're</p> <p>4 going off the record.</p> <p>02 : 49 5 (Recess taken.)</p> <p>6 (Off the record at 2:42 p.m. Back on the record</p> <p>7 at 2:49 p.m.)</p> <p>8 THE VIDEOGRAPHER: The time is 2:49 and we're</p> <p>9 back on the record.</p> <p>02 : 49 10 BY MR. MANLY:</p> <p>11 Q Monsignor Murray is a canon lawyer? I don't</p> <p>12 know whether we got an answer to that. Yes?</p> <p>13 A Yes, he is.</p> <p>14 Q And was Monsignor Murray in charge of dealing</p> <p>02 : 49 15 with canonical enforcement against priests who had</p> <p>16 alleged -- have been alleged to have committed sexual</p> <p>17 abuse?</p> <p>18 A I don't know</p> <p>19 Q You have no information that Monsignor Murray</p> <p>02 : 49 20 worked on cases involving priest allegations --</p> <p>21 allegations against priests of sexual abuse. Is that</p> <p>22 your testimony?</p> <p>23 A I can't recall</p> <p>24 Q Did it ever come to your attention at any time</p> <p>02 : 50 25 from any place that Monsignor Murray was working on sex</p> <p>163</p>	<p>1 JUDGE JAMESON: Yes.</p> <p>2 MR. MANLY: Thanks for your help. Your Honor</p> <p>3 THE WITNESS: I believe it's Father Doug Cook.</p> <p>4 BY MR. MANLY:</p> <p>02 : 51 5 Q And does Father Cook still work at the</p> <p>6 Chancellory office?</p> <p>7 A He's studying in Rome right now</p> <p>8 Q What is he doing in Rome?</p> <p>9 A I believe getting -- I believe he's getting his</p> <p>02 : 52 10 doctorate in canon law</p> <p>11 Q So, Father Cook did not have a degree in canon</p> <p>12 law, he had a licentiate, is that accurate, when he left</p> <p>13 the Chancellory office?</p> <p>14 A I'm not sure what degree he has in canon law. I</p> <p>02 : 52 15 believe it's that --</p> <p>16 Q Okay</p> <p>17 A -- the licentiate</p> <p>18 Q Is he at the Greg. Gregorian University?</p> <p>19 A I don't know where he is.</p> <p>02 : 52 20 Q Okay. Is it true that periodically, as far as</p> <p>21 you know, priests are called to Mater Dei to perform</p> <p>22 sacramental work throughout the school year?</p> <p>23 MR. RUTHERFORD: Lacks foundation</p> <p>24 JUDGE JAMESON: Overruled</p> <p>02 : 53 25 THE WITNESS: Priests are -- yes, priests are</p> <p>165</p>

<p>1 invited to come to help.</p> <p>2 BY MR. MANLY:</p> <p>3 Q And you've done that yourself, have you not?</p> <p>4 A Yes, I have</p> <p>02 : 53 5 Q Was there any policy while you were in the</p> <p>6 Chancellery office that prevented priests who had</p> <p>7 previously been accused of sexual abuse from performing</p> <p>8 sacramental services at Mater Dei?</p> <p>9 A May I have the question again?</p> <p>02 : 53 10 Q Let me ask it again so it's clear</p> <p>11 Was there ever a policy, either under</p> <p>12 Bishop McFarland's administration or under Bishop Brown's</p> <p>13 administration, of the Diocese that forbade or prohibited</p> <p>14 priests previously credibly accused of sexual abuse from</p> <p>02 : 53 15 performing sacramental work at Mater Dei High School?</p> <p>16 A Not that I'm aware of.</p> <p>17 Q Have you ever met a priest named Father Gus</p> <p>18 Krumm?</p> <p>19 A Yes.</p> <p>02 : 54 20 Q And were you aware that Father Krumm was</p> <p>21 periodically performing ministry at Mater Dei while you</p> <p>22 were in the Chancellery office?</p> <p>23 A No</p> <p>24 Q Were you aware that he had been previously</p> <p>02 : 54 25 accused of sexual abuse during your time at the</p> <p style="text-align: right;">166</p>	<p>1 Q Okay. Do you recall a priest -- well, let me</p> <p>2 ask you this</p> <p>3 Were there ever any policies or procedures that</p> <p>4 the Diocese adopted with respect to sexual abuse</p> <p>02 : 56 5 allegations while you were in the Chancellery office?</p> <p>6 MR. RUTHERFORD: Vague and overbroad.</p> <p>7 JUDGE JAMESON: Do you understand the question.</p> <p>8 sir?</p> <p>9 THE WITNESS: I do understand the question</p> <p>02 : 56 10 Were there -- may I have it again, please?</p> <p>11 MR. MANLY: Would you read it back.</p> <p>12 Miss Reporter, please?</p> <p>13 (Whereupon, the record was read back</p> <p>14 by the reporter as follows:)</p> <p>15 "Q Were there ever any policies or</p> <p>16 procedures that the Diocese adopted</p> <p>17 with respect to sexual abuse</p> <p>18 allegations while you were in the</p> <p>19 Chancellery office?"</p> <p>02 : 57 20 THE WITNESS: Yes.</p> <p>21 BY MR. MANLY:</p> <p>22 Q And when were they adopted?</p> <p>23 A I don't recall, but I believe it goes back</p> <p>24 sometime</p> <p>02 : 57 25 Q Were those policies strictly enforced in the</p> <p style="text-align: right;">168</p>
<p>1 Chancellery office; in other words, before he arrived in</p> <p>2 the Diocese?</p> <p>3 MR. RUTHERFORD: Objection. Violation of the</p> <p>4 court order. It's regarding a particular person</p> <p>02 : 54 5 JUDGE JAMESON: Overruled.</p> <p>6 MR. RUTHERFORD: Instruct not to answer</p> <p>7 BY MR. MANLY:</p> <p>8 Q Monsignor, earlier you told us that there was a</p> <p>9 high recidivism rate or you had read there was a high</p> <p>02 : 55 10 recidivism rate among sexual abusers. Do you remember</p> <p>11 that testimony?</p> <p>12 A Yes, I do</p> <p>13 Q Okay. And given that, did you and</p> <p>14 Bishop McFarland and/or Bishop Brown ever have a</p> <p>02 : 55 15 discussion on the dangers of allowing pedophiles or</p> <p>16 ephebophile priests or employees to have access to</p> <p>17 children in school?</p> <p>18 A I don't recall if we had that conversation</p> <p>19 Q Do you have any recollection of such a</p> <p>02 : 55 20 conversation taking place as you sit here today?</p> <p>21 A No, I don't recall</p> <p>22 Q Do you recall anybody during your tenure in the</p> <p>23 Chancellery office expressing concern about allowing</p> <p>24 someone who had raped a child from working in a school?</p> <p>02 : 56 25 A I don't recall such a conversation</p> <p style="text-align: right;">167</p>	<p>1 Brown and McFarland administrations, as far as you know?</p> <p>2 MR. RUTHERFORD: Objection. Vague, overbroad.</p> <p>3 lacks foundation, calls for speculation.</p> <p>4 JUDGE JAMESON: I would make a suggestion that</p> <p>02 : 58 5 we find out what they were. That might help with whether</p> <p>6 or not they were complied with or not.</p> <p>7 BY MR. MANLY:</p> <p>8 Q Okay. What were the policies?</p> <p>9 A There were -- I don't know if we'd say policies,</p> <p>02 : 58 10 but anyway practices of priests as mandated reporters,</p> <p>11 policy, policies, state law. Also, let me see. I don't</p> <p>12 know if I'd call these policies, but of who was and who</p> <p>13 was not to be allowed into rectories, the living space of</p> <p>14 priests. Those kind of things, but mostly it was around</p> <p>02 : 59 15 the policy of reporting, mandated reporting</p> <p>16 Q Now, was that policy strictly enforced by</p> <p>17 Bishop McFarland and Bishop Brown?</p> <p>18 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>19 foundation.</p> <p>02 : 59 20 JUDGE JAMESON: If you know</p> <p>21 THE WITNESS: I don't know</p> <p>22 BY MR. MANLY:</p> <p>23 Q Well, you were, at least as far as priests go,</p> <p>24 involved in every priest allegation that occurred between</p> <p>02 : 59 25 1988 and when you left the Chancellery office; is that</p> <p style="text-align: right;">169</p>

<p>1 correct?</p> <p>2 MR. RUTHERFORD: Objection Calls for</p> <p>3 speculation. lacks foundation</p> <p>4 JUDGE JAMESON: The question seems consistent</p> <p>02 : 59 5 with what earlier testimony was So, if I'm mistaken.</p> <p>6 you can let us know But, otherwise, please answer</p> <p>7 THE WITNESS: May I have it again? I'm --</p> <p>8 BY MR. MANLY:</p> <p>9 Q Sure</p> <p>03 : 00 10 A Yes</p> <p>11 Q From 1988 until when you left the Chancellory</p> <p>12 office, you were involved and became aware of every</p> <p>13 allegation of sexual abuse involving a priest in the</p> <p>14 Diocese; is that correct?</p> <p>03 : 00 15 A I don't know if I became aware of every</p> <p>16 allegation</p> <p>17 Q Okay So, are you telling us that some the</p> <p>18 Bishops kept secret?</p> <p>19 MR. RUTHERFORD: Objection Calls for</p> <p>03 : 00 20 speculation.</p> <p>21 JUDGE JAMESON: Sustained.</p> <p>22 BY MR. MANLY:</p> <p>23 Q Well, I mean, you told us earlier you were the</p> <p>24 one who was the point person for clergy Is that</p> <p>03 : 00 25 accurate?</p> <p style="text-align: right;">170</p>	<p>1 JUDGE JAMESON: Overruled.</p> <p>2 THE WITNESS: I probably would have known them,</p> <p>3 but not been, as we're using that phrase, the point</p> <p>4 person.</p> <p>03 : 02 5 BY MR. MANLY:</p> <p>6 Q So, Monsignor, what I'm trying to figure out</p> <p>7 is when</p> <p>8 A Okay</p> <p>9 Q I'm trying to ask some questions I'm just</p> <p>03 : 02 10 trying to get some dates</p> <p>11 So, you would have known about priest</p> <p>12 allegations from 1988 until -- 1988 until what date?</p> <p>13 Please tell me</p> <p>14 A Probably 2002</p> <p>03 : 02 15 Q Okay So, during that time, to the best of your</p> <p>16 knowledge, were every one of those cases reported to the</p> <p>17 police in compliance with the Diocese's mandated</p> <p>18 reporting policy you just described?</p> <p>19 A I do not know</p> <p>03 : 02 20 Q Well, who would know the answer to that?</p> <p>21 MR. RUTHERFORD: Calls for speculation, lacks</p> <p>22 foundation.</p> <p>23 JUDGE JAMESON: If you know, sir</p> <p>24 THE WITNESS: I don't know</p> <p>03 : 03 25 ///</p> <p style="text-align: right;">172</p>
<p>1 A Yes, I was</p> <p>2 Q Okay So, is it your expectation that you would</p> <p>3 learn of every allegation against sexual -- of sexual</p> <p>4 abuse against a priest that occurred from 1988 until the</p> <p>03 : 00 5 time you left the Chancellory office?</p> <p>6 A No, not until the time I left the Chancellory</p> <p>7 office</p> <p>8 Q Okay What -- give me the dates, Monsignor.</p> <p>9 that you would have learned about those allegations, you</p> <p>03 : 01 10 believe you would have known about allegations</p> <p>11 MR. RUTHERFORD: Vague as to "allegations."</p> <p>12 JUDGE JAMESON: Overruled</p> <p>13 MR. RUTHERFORD: Well, are we talking about --</p> <p>14 MR. MANLY: I'm talking about sexual abuse</p> <p>03 : 01 15 MR. RUTHERFORD: Sexual abuse involving priests;</p> <p>16 right?</p> <p>17 JUDGE JAMESON: Right.</p> <p>18 THE WITNESS: Until -- from '88 until I was no</p> <p>19 longer priest personnel director which, let me think,</p> <p>03 : 01 20 would be '99 I believe</p> <p>21 BY MR. MANLY:</p> <p>22 Q So, as of June of 2001, you would not know of</p> <p>23 new allegations; is that correct?</p> <p>24 MR. RUTHERFORD: Objection. Misstates the</p> <p>03 : 01 25 testimony he just gave.</p> <p style="text-align: right;">171</p>	<p>1 BY MR. MANLY:</p> <p>2 Q Your sworn -- I'm sorry</p> <p>3 Your testimony here today is you have no idea</p> <p>4 who would know if the cases that came to your attention</p> <p>03 : 03 5 from 1988 to 2002 would be reported to the police in</p> <p>6 compliance with Diocese policy; is that correct?</p> <p>7 MR. RUTHERFORD: Asked and answered.</p> <p>8 JUDGE JAMESON: Overruled.</p> <p>9 THE WITNESS: I don't know I'm -- as I recall,</p> <p>03 : 03 10 the case -- the allegations of people coming to me</p> <p>11 against priests were adults making allegations of what</p> <p>12 happened to them as children, and so I believe then they</p> <p>13 would be directed to go to -- the allegations would be</p> <p>14 then brought to me, taken to our oversight board, and</p> <p>03 : 04 15 they would -- I think then most of them were directed to</p> <p>16 call the police themselves as adults That's where I'm</p> <p>17 confused in the questioning</p> <p>18 So, if there was a suspicion that someone was</p> <p>19 currently being in danger of or being molested, then they</p> <p>03 : 04 20 would have -- the Child Protective Services would have</p> <p>21 been called, I believe, but I don't think that was the</p> <p>22 case with them.</p> <p>23 BY MR. MANLY:</p> <p>24 Q So, is what you're telling me if -- even if the</p> <p>03 : 04 25 priest had access to children as of the time the</p> <p style="text-align: right;">173</p>

<p>1 allegation was made, you would not report it to the</p> <p>2 police even if the Statute of Limitations was good; is</p> <p>3 that correct?</p> <p>4 MR. RUTHERFORD: Objection. Vague, incomplete</p> <p>03 : 05 5 hypothetical, calls for speculation</p> <p>6 MR. CALLAHAN: And calls for a legal conclusion</p> <p>7 about the Statute of Limitations</p> <p>8 MR. MANLY: That's fair. Let me withdraw that.</p> <p>9 Q. I think what you're telling me is that you would</p> <p>03 : 05 10 not report the allegation to the police unless the person</p> <p>11 was 17 or under. Is that now what you're telling me?</p> <p>12 A. No. I don't think I'm saying that. I don't</p> <p>13 know what I'm saying in that. I --</p> <p>14 Q. Okay. Well, let's try and figure it out.</p> <p>03 : 05 15 A. Okay</p> <p>16 Q. How many times did you tell families or</p> <p>17 individuals to call the police when they came to you</p> <p>18 between 1988 and 2002 and reported that they had been</p> <p>19 sexually abused by a priest, layperson or religious?</p> <p>03 : 06 20 MR. RUTHERFORD: Objection. Violation of the</p> <p>21 court order. It's overbroad in its scope. It's</p> <p>22 unlimited, unlimited in scope and time</p> <p>23 JUDGE JAMESON: Overruled.</p> <p>24 MR. RUTHERFORD: Instruct not to answer</p> <p>03 : 06 25 MR. MANLY: Well, wait a minute. He just said</p> <p style="text-align: right;">174</p>	<p>1 avoid that</p> <p>2 You can still instruct the Monsignor not to</p> <p>3 answer, but since it's a yes or no question, I'd</p> <p>4 recommend you at least take it to that point so that you</p> <p>03 : 08 5 may not have to take an unnecessary issue to the judge</p> <p>6 Do you follow what I mean?</p> <p>7 MR. RUTHERFORD: Yeah, I do</p> <p>8 MR. CALLAHAN: So, the question is how many</p> <p>9 times?</p> <p>03 : 08 10 MR. MANLY: No.</p> <p>11 JUDGE JAMESON: No. It's a yes or no question</p> <p>12 MR. MANLY: Yeah.</p> <p>13 Q. I said, can you remember a single instance where</p> <p>14 you personally told a family who had come to the Diocese</p> <p>03 : 08 15 to report sexual abuse of a priest, layperson or</p> <p>16 religious to call the police?</p> <p>17 MR. RUTHERFORD: That's a yes or no or an I</p> <p>18 don't know</p> <p>19 THE WITNESS: Yes</p> <p>03 : 08 20 BY MR. MANLY:</p> <p>21 Q. How many times?</p> <p>22 A. I recall one time for certain.</p> <p>23 Q. And when did that occur? What year</p> <p>24 approximately?</p> <p>03 : 08 25 A. I believe in the late '90s</p> <p style="text-align: right;">176</p>
<p>1 that he told them to do that. So, I mean, he can't throw</p> <p>2 it in and then have you -- Judge, he just testified that</p> <p>3 that was the policy. And now I followed up and asked how</p> <p>4 many times did you do it, and now I'm getting an</p> <p>03 : 06 5 instruction not to answer</p> <p>6 MR. RUTHERFORD: And, Your Honor --</p> <p>7 JUDGE JAMESON: And I've overruled the objection</p> <p>8 and requested that -- and do request the witness to</p> <p>9 answer. You can instruct him not to answer and that</p> <p>03 : 06 10 takes you to the next level</p> <p>11 MR. MANLY: All right</p> <p>12 Q. Can you think of a single instance where you</p> <p>13 told a family to call the police on a priest, layperson</p> <p>14 or religious from 1988 until 2002?</p> <p>03 : 07 15 MR. RUTHERFORD: Again, violation of the court</p> <p>16 order. It's overbroad. It's not limited to anything</p> <p>17 dealing with Mater Dei. It's talking about --</p> <p>18 JUDGE JAMESON: Well, but it asked for a yes or</p> <p>19 no question. And one of the things that Judge Andler</p> <p>03 : 07 20 might appreciate, if the answer is no, that finishes the</p> <p>21 issue; if the answer is yes, then object if you want to</p> <p>22 carry it on</p> <p>23 But I sense that some of these questions are</p> <p>24 going to go to Judge Andler; and once the answer is</p> <p>03 : 07 25 given, it's not going to mean anything. So, if we can</p> <p style="text-align: right;">175</p>	<p>1 Q. And did that allegation involve a priest,</p> <p>2 layperson or religious?</p> <p>3 A. Layperson</p> <p>4 Q. And where did that occur?</p> <p>03 : 09 5 A. It was the Mater Dei situation we've talked</p> <p>6 about earlier</p> <p>7 Q. Okay. So, approximately how many victims or</p> <p>8 families do you believe you met with during your time in</p> <p>9 the Chancery office from 1988 until 2002 who came to</p> <p>03 : 09 10 see you because they alleged that they had been abused by</p> <p>11 a priest, layperson or religious working in Orange?</p> <p>12 A. Goodness. Maybe 20, 25</p> <p>13 Q. Could it be more?</p> <p>14 A. I cannot recall. I cannot recall</p> <p>03 : 10 15 Q. Okay. You -- how would you be able to quantify</p> <p>16 that if you needed to?</p> <p>17 MR. RUTHERFORD: Objection. Vague. I'm not</p> <p>18 sure I understand the question</p> <p>19 BY MR. MANLY:</p> <p>03 : 10 20 Q. If you wanted to find out how many, how would</p> <p>21 you do it?</p> <p>22 A. I don't know how I would do it now. I don't</p> <p>23 have access to anything</p> <p>24 Q. Well, if you were given open access to the</p> <p>03 : 10 25 Diocesan files, how would you do it, Monsignor?</p> <p style="text-align: right;">177</p>

1 A Go through the files and count
2 Q Okay And do you still have your calendars?
3 A No, I do not.
4 Q When did you throw those away?
03:11 5 A At the end of each year I throw it away
6 Q Well, that's odd because we got your calendar
7 from 1994 in 2001 in the DiMaria case So, how did that
8 happen?
9 A At the end of that year
03:11 10 Q You threw your calendar -- no. Your -- let me
11 represent that my recollection is your counsel produced
12 your calendar --
13 A Yes
14 Q -- in 2001 from the year 1994 So, my question
03:11 15 to you is, if you were throwing your calendars away every
16 year, how is it that we got your calendar from 1994 seven
17 years later?
18 A Oh, excuse me
19 I think it was -- I don't remember which year --
03:11 20 2002, 2003 that I stopped keeping my calendars
21 Q So, you threw the ones you had away; is that
22 correct?
23 A Yes
24 Q And how many cases were pending against the
03:12 25 Diocese of Orange when you did that?

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1 A I do not know
2 Q There were many; correct?
3 MR. RUTHERFORD: Lacks foundation, calls for
4 speculation.
03:12 5 JUDGE JAMESON: Sustained
6 BY MR. MANLY:
7 Q Did you know that there were lawsuits pending
8 against the Diocese of Orange when you threw your
9 calendars away?
03:12 10 A I don't think so.
11 Q And when you threw your calendars away, were you
12 concerned that you might be destroying evidence?
13 A No. I never thought of that
14 Q You didn't think of that?
03:12 15 A No
16 Q Okay So, do you recall in the DiMaria case,
17 which involved an allegation against Monsignor Harris, do
18 you recall what your calendar showed in terms of your
19 interaction with Father Harris?
03:13 20 A I recall showing that dinner
21 Q The going-away party?
22 A The dinner that was held.
23 Q It was a going-away party, wasn't it?
24 A I didn't call it a going-away party
03:13 25 Q Well, why did you have a dinner?

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1 MR. RUTHERFORD: Objection.
2 MR. MANLY: You know what? I'll just let the
3 record speak for itself. I know what it was and I know
4 what he called it last time So, we'll just leave it
03:13 5 there
6 Q Did you throw your calendars away, Monsignor,
7 because you were concerned that a statute had been passed
8 in 2002 that was going to allow many people to file
9 lawsuits who had been previously barred by the Statute of
03:13 10 Limitations and you wanted to get rid of the evidence?
11 A No
12 Q That never entered your mind?
13 A No.
14 Q Where did you throw them away?
03:14 15 A I don't recall
16 Q Did you talk to anybody before you threw them
17 away?
18 A No, I don't think so
19 Q So, of the 20 to 25 times you recall meeting
03:14 20 with families of people that alleged sexual abuse, you
21 can recall telling a family only one time to call the
22 police; is that accurate?
23 A I know I did it more often than one time I
24 know I said earlier one time, but I was thinking
03:14 25 specifically of that situation we've talked about with

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1 Mater Dei I think I would have told people that that's
2 what they ought to do
3 Q Did you tell the DiMarias to call the police?
4 A I don't recall
03:15 5 Q Is there a reason you wouldn't have told the
6 DiMarias to call the police?
7 A No
8 Q Did you tell [REDACTED] to call the police?
9 MR. RUTHERFORD: Objection. Assumes facts
03:15 10 BY MR. MANLY:
11 Q You met with [REDACTED], didn't you?
12 A I don't recall, I mean
13 Q Do you recall telling [REDACTED] to call the
14 police?
03:15 15 A No, I do not recall
16 Q Do you recall telling [REDACTED] to call the
17 police?
18 A No, I don't recall
19 Q Do you recall telling [REDACTED] to call the
03:16 20 police?
21 A I don't recall that name
22 Q Okay Do you have -- do you have any memory
23 problems?
24 A Well, actually I'm -- yes.
03:16 25 Q Okay Have you seen a doctor because of it?

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<p>1 A No.</p> <p>2 Q What's the problem?</p> <p>3 MR. RUTHERFORD: Objection. Argumentative</p> <p>4 BY MR. MANLY:</p> <p>03:16 5 Q What is the problem?</p> <p>6 JUDGE JAMESON: Well, you may answer</p> <p>7 MR. RUTHERFORD: It's vague as phrased.</p> <p>8 MR. MANLY: Well, I just -- if the witness has</p> <p>9 memory problems, I asked him at the beginning of the</p> <p>03:16 10 deposition if he did and he said no, so --</p> <p>11 THE WITNESS: Well, you know, when I worked at</p> <p>12 Marywood for those years that I was there, many of those</p> <p>13 years, a good number of those years were in a tremendous</p> <p>14 variety of ministries, and one of the things that I did,</p> <p>03:16 15 and one of them the most painful for those who came</p> <p>16 forward and for me who had to try to help them and manage</p> <p>17 these things, was all these allegations of sexual abuse</p> <p>18 And I can't tell you what it is, but I just don't</p> <p>19 remember them anymore. I don't look to remember them. I</p> <p>03:17 20 try to forget them. It is a horrible -- I don't forget</p> <p>21 the people, but a horrible chapter in their lives and in</p> <p>22 mine. And so I don't remember a lot</p> <p>23 BY MR. MANLY:</p> <p>24 Q Okay. So, your goal was to try and help them I</p> <p>03:17 25 think is what you just said?</p> <p style="text-align: right;">182</p>	<p>1 MR. CALLAHAN: I do. Your Honor. Thank you</p> <p>2 I appreciate Mr. Manly suggesting a break. I</p> <p>3 talked to the witness during the break and he told me</p> <p>4 that he simply cannot concentrate on these questions. He</p> <p>03:43 5 is overcome if you will. He is not in a psychological</p> <p>6 state where he can listen to the questions and give</p> <p>7 answers to complicated questions. That naturally causes</p> <p>8 me concern, but --</p> <p>9 JUDGE JAMESON: It causes us all concern. But,</p> <p>03:44 10 Monsignor, not questioning your circumstance at all</p> <p>11 Just my question is, do you think this is a temporary</p> <p>12 circumstance or is this permanent?</p> <p>13 THE WITNESS: I -- I don't know. I actually</p> <p>14 until about two months ago, thought this whole kind of</p> <p>03:44 15 thing was over for me. It's never over for people who</p> <p>16 get victimized. I know that. I know it. So, I don't</p> <p>17 know. I mean, I can't hold my head up at the moment; and</p> <p>18 in the last number of questions Mr. Manly's asking. I</p> <p>19 cannot -- I can't figure out where we're going. Not</p> <p>03:44 20 where we're going, but what I'm supposed to answer with</p> <p>21 it.</p> <p>22 So, I -- I just don't know what to do today. I</p> <p>23 don't know. I mean -- so, I don't know. I don't know</p> <p>24 what to say. I --</p> <p>03:45 25 JUDGE JAMESON: Would you do me a favor and step</p> <p style="text-align: right;">184</p>
<p>1 A Yes</p> <p>2 Q Do you think you achieved that goal while you</p> <p>3 were there?</p> <p>4 A I hope I did with some, to treat them with</p> <p>03:17 5 respect and dignity</p> <p>6 Q Is that the goal, to treat them with respect and</p> <p>7 dignity?</p> <p>8 A Always is. I try to do that with people</p> <p>9 And so when a name would come up like this, I</p> <p>03:18 10 don't recall. There are some names I might recall, but I</p> <p>11 just don't.</p> <p>12 Q You need a break? Do you want to take a break?</p> <p>13 A I don't know</p> <p>14 MR. MANLY: You know, I think the witness needs</p> <p>03:18 15 a break, so we're going to take a break</p> <p>16 MR. CALLAHAN: All right.</p> <p>17 THE VIDEOGRAPHER: The time is 3:18 and we're</p> <p>18 going off the record.</p> <p>19 (Recess taken)</p> <p>03:18 20 (Off the record at 3:18 p.m. Back on the record</p> <p>21 at 3:43 p.m.)</p> <p>22 THE VIDEOGRAPHER: The time is 3:43 and we're</p> <p>23 back on the record</p> <p>24 JUDGE JAMESON: Mr. Callahan, you want to be</p> <p>03:43 25 heard?</p> <p style="text-align: right;">183</p>	<p>1 outside? I'd like to talk to counsel</p> <p>2 THE WITNESS: Okay</p> <p>3 MR. MANLY: You want to do this on the record or</p> <p>4 off, Judge?</p> <p>03:45 5 JUDGE JAMESON: No. I think we should be on the</p> <p>6 record.</p> <p>7 MR. MANLY: Okay.</p> <p>8 JUDGE JAMESON: I think we should be on the</p> <p>9 record because the question is -- I think it's safe to</p> <p>03:45 10 say that you're not done with Monsignor Urell</p> <p>11 MR. MANLY: That's correct.</p> <p>12 JUDGE JAMESON: And the question is do we -- do</p> <p>13 we try to persist a little bit today? I would recommend</p> <p>14 against that.</p> <p>03:46 15 MR. MANLY: Yeah, Judge. I --</p> <p>16 JUDGE JAMESON: He's genuinely upset.</p> <p>17 MR. MANLY: No. He's upset. I mean, my view is</p> <p>18 that I believe he's genuinely upset, but -- well, I'm not</p> <p>19 going to make comment, but I think there's reasons for</p> <p>03:46 20 it. And, you know, I mean, the non-human part of me</p> <p>21 wants to say, well, you know, my client cried her eyes</p> <p>22 out for seven days and we're going to move forward, but</p> <p>23 one wrong doesn't make someone right or something like</p> <p>24 that. I don't know what the hell I'm saying. But the</p> <p>03:46 25 bottom line is I'm not going to put him through it today</p> <p style="text-align: right;">185</p>

<p>1 but I don't believe that -- I believe I'm going to 2 continue and I'm going to make a motion. I think that -- 3 JUDGE JAMESON: Well -- 4 MR. MANLY: -- there's nothing critical I need 03 : 46 5 to ask today to tee that up. 6 JUDGE JAMESON: That's my point. And this was 7 my suggestion. It's not going away. He's going to have 8 to come back. There's an issue of a whole line of 9 questions which there has been a declination to answer. 03 : 47 10 and I think the best thing to do is to get that resolved 11 first and then bring him back for whatever's left. 12 whether it be more or less 13 MR. MANLY: I agree, Judge. I mean, there's 14 things I wanted to ask today that I can't, but I probably 03 : 47 15 wouldn't have had time to anyway. And my purpose in 16 doing this is not to hurt anybody. I just want to get to 17 the truth, so -- 18 JUDGE JAMESON: Mr. Callahan, do you have a 19 different or better idea? 03 : 47 20 MR. CALLAHAN: No. I think I agree with what 21 you have said and I agree with what Mr. Manly has said. 22 I think that very well sums it up. 23 MR. MANLY: Can you say that one more time just 24 so I got it on the record? 03 : 47 25 MR. CALLAHAN: I agree with -- let me start with</p> <p style="text-align: right;">186</p>	<p>1 if the stip is the same as what we've been using the last 2 few sessions 3 MR. RUTHERFORD: So, I'll propose the 4 stipulation that the reporter be relieved of her duties 03 : 48 5 under the code and that this volume be marked as Volume I 6 and it be bound on its own; 7 That the original of this transcript be 8 forwarded to my office and I will transmit it to 9 Monsignor Urell for his review and signature; 03 : 49 10 And that upon my receipt of it, I will notify or 11 I will transmit the original to Mr. Manly's office and he 12 will maintain custody of the original; 13 And I'll notify all parties of any changes made 14 to the transcript within a week of my receipt of it; 03 : 49 15 And that if, for any reason, the original is 16 lost, misplaced, destroyed or otherwise unavailable, that 17 a certified copy can be used in lieu thereof; 18 And that Mr. Manly will lodge the original with 19 the court upon reasonable request. 03 : 49 20 MR. MANLY: Did you listen to that? 21 MR. FINALDI: Yes, I did. 22 MR. MANLY: Was it okay? 23 MR. FINALDI: So stipulated. 24 MR. MANLY: Okay. So stipulated. 03 : 49 25 THE COURT REPORTER: Do you need a copy.</p> <p style="text-align: right;">188</p>
<p>1 Mr. Manly. I agree with Mr. Manly. It doesn't happen 2 too often, but it has occasionally. 3 JUDGE JAMESON: We could have resolved this very 4 well without you having to agree with Mr. Manly. 03 : 47 5 MR. CALLAHAN: With just saying yes. That would 6 have been fine. 7 MR. MANLY: I'll just leave. You'll all get 8 along just fine. 9 MR. CALLAHAN: Mr. Manly and I agree on actually 03 : 48 10 a number of things. 11 MR. MANLY: Okay. So, the other thing I want to 12 just put on the record is we've been trying to take his 13 deposition for the better part of a year and a half, and 14 I mean no disrespect to counsel, but I'm shocked that the 03 : 48 15 witness only knew two months ago his deposition was going 16 to be taken. 17 So, anyway I think we've got it. So, we'll 18 suspend the depo. It is concluded. And you want to call 19 this Volume I, Mr. Rutherford, and use the same stip? 03 : 48 20 MR. RUTHERFORD: Yes. But why don't I propose a 21 stip so we've got a clean one. Okay. 22 JUDGE JAMESON: I think so because -- 23 MR. MANLY: That's fine. 24 JUDGE JAMESON: -- I don't know that -- our 03 : 48 25 reporter hasn't been a regular with us and I don't know</p> <p style="text-align: right;">187</p>	<p>1 Mr. Rutherford, of the deposition? 2 MR. RUTHERFORD: Yes, please. 3 THE VIDEOGRAPHER: The time is 3:49 and we're 4 going off the record. 5 6 (VOLUME I OF THE DEPOSITION ENDED AT 3:49 P.M.) 7 DECLARATION UNDER PENALTY OF PERJURY ON THE FOLLOWING 8 PAGE HEREOF.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">189</p>

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I, JOHN URELL, do solemnly declare under penalty
of perjury that the foregoing is my deposition under
oath; that these are the questions asked of me and my
answers thereto; that I have read same and have made the
necessary corrections, additions, or changes to my
answers that I deem necessary

In witness thereof, I hereby subscribe my name
this day of _____, 2007

WITNESS SIGNATURE

190

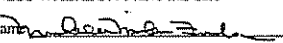
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CERTIFICATION
OF
CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand
Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken
before me at the time and place herein set forth; that
any witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim
record of the proceedings was made by me using machine
shorthand which was thereafter transcribed under my
direction; further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither
financially interested in the action nor a relative or
employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date
subscribed my name 

Dated: _____

Certificate Number 6942

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