

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 Manly, both of you. 21 everybody, I take it -- did I take that, following the 22 comments, that your objection is withdrawn? 23 MR.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

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

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