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

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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           COUNTY OF ORANGE, CENTRAL JUSTICE CENTER
                                                                               2
                                                                                     WITNESS
                                                                                                                      EXAMINATION
                                                                                     JOHN URELL
      JANE C.R. DOE an
                                                                                                                  PAGE
      individual.
                    ) Case No 05CC00148
                                                                               5
                                                                                               BY MR MANLY
                                                                                                                              6
            Plaintiff, )
                                                                               6
                    ) Volume i
                    )
       THE ROMAN CATHOLIC BISHOP )
                                                                                                  EXHIBITS
                                                                               9
      OF ORANGE a corporation )
                                                                             10
       sole; et al .
                                                                             11
                                                                                                  (None Offered)
                                                                             12
            Defendant(s), )
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13
         Deposition of JOHN URELL, taken before
                                                                             16
1.4
      Michelle Milan Fulmer, a Certified Shorthand Reporter for
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15
      the State of California, with principal office in the
16
      County of Orange, commencing at 9:39 a.m.: Friday.
      July 27, 2007, in the offices of Judicate West.
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       1851 East First Street. Suite 1450. Santa Ana.
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      APPEARANCES OF COUNSEL:
                                                                               1
                                                                                        Santa Ana. California, Friday. July 27. 2007
                                                                                               9:39 a.m. + 3:49 p.m.
      THE REFEREE: HONORABLE C ROBERT JAMESON, RETIRED
      FOR PLAINTIFF:
                                                                                          THE VIDEOGRAPHER: The date is July 27th, 2007
          MANLY. MCGUIRE & STEWART
                                                                   09:39
                                                                                     The time is 9:39 We're taking Volume I of the
          BY: John C. Manly, Esq.
           Vince William Finaldi, Esu
                                                                                     deposition of John Urell in the matter of Jane C R. Doe
          4220 Von Karman Avenue. Suite 200
                                                                                     versus the Roman Catholic Bishop of Orange for the
          Newport Beach, California 92660
                                                                                     Superior Court of the State of California. County of
          TEL (949) 252-9990
          E-MAIL: vfinaldi@manlymeguire.com
                                                                                     Orange. Case Number 05CC00148
10
                                                                   09:39
                                                                             10
                                                                                          My name is Julio Pena. I represent
       FOR DEFENDANTS.
11
                                                                              11
                                                                                     Hahn & Bowersock, which is located in Costa Mesa.
          CALLAHAN, MCCUNE & WILLIS
                                                                              12
                                                                                     California. This deposition is being taken at
12
          BY: Thomas M. Ratherford, Jr. Esq.
                                                                                    Judicate West located in Santa Ana. California.
                                                                              13
           Peter Callahan, Esq.
13
          111 Fashion Lane
                                                                                          At this time could all parties please introduce
                                                                              14
          Tustin. California 92780
                                                                   09:40
                                                                             15
                                                                                    themselves, starting with the witness?
          TEL: (714) 730-5700
14
                                                                                          THE WITNESS: John Urell
          E-MAIL: thomas_rutherford@cmvlav.net
                                                                              16
                                                                              17
                                                                                          MR. RUTHERFORD: Tom Rutherford, Callahan.
16
      THE VIDEOGRAPHER:
                                                                              18
                                                                                     McCune & Willis, for Mater Dei High School, the Diocese
17
          Julio Pena
16
                                                                                    of Orange Educational Welfare Corporation, and the Roman
                                                                              19
       ALSO PRESENT:
                                                                   09:40
                                                                                     Catholic Bishop of Orange, a corporation sole
                                                                             20
19
                                                                              21
                                                                                          MR. CALLAHAN: Peter Callahan with
          Jessica Brostek
20
                                                                              22
                                                                                    Mr Rutherford's office
21
                                                                              23
                                                                                          JUDGE JAMESON I am Judge C. Robert Jameson.
22
23
                                                                              24
                                                                                     retired, sitting as a referee under appointment to the
24
                                                                   09:40
                                                                             25
                                                                                    Superior Court.
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	1	MS_BROSTEK: Jessica Brostek, intern at Manly.		1	Q Have you been deposed in any other case other
	2	McGuire & Stewart		2	than the DiMaria case?
	3	MR FINALDI: Vince Finaldi. Manly. McGuire &		3	A No. I have not
	4	· ·		4	Q So, the only depositions you've given are the
09:40	5	Stewart, for plaintiff.	09:42	5	* * * **
05:40	6	MR. MANLY: John Manly for plaintiff.	05,42	5	ones I took of you in the DiMaria case, however long ago that was?
		THE VIDEOGRAPHER: Would the court reporter	-	7	A Yes
	7	please swear in the witness?			
	8	TOTAL THE T	Ì	8	Q Okay Were you truthful in your testimony in
	9	JOHN URELL.		9	those cases?
	10	called as a witness by and on behalf of the Plaintiff,	09:42	1.0	A Yes. I believe I was
	11	having been first duly sworn by the Certified Shorthand		11	Q And I take it you did not try and mislead me or
	12	Reporter, was examined and testified as follows:		1,2	the court in any way during that testimony; is that
	13			13	correct?
	14	EXAMINATION		14	A I did not try to mislead you.
09:40	15	BY MR. MANLY:	09:42	15	Q All right. Monsignor, Mater Dei is – as far as
	16	Q Good morning, Monsigner		16	you know, is owned and controlled by the Diocese of
	1.7	A Good morning.		17	Orange?
	18	Q Normally I ask witnesses if they've ever had		18	A Mater Dei is owned by the Diocese of Orange
	19	their depositions taken before, but I know you have		19	Q Okay And the Diocese Educational Welfare
09:41	20	because I took it	09:43	20	Corporation, that's also owned by the Diocese of Orange?
	21	A Yes.		21	A I believe so.
	22	Q So, we'll dispense with that		22	Q Okay I think I know your background, but for
	23	The first thing I want to tell you is that at		23	purposes of this case I'm going to lay it out So. I'm
	24	any point if you need a break, you take it. Okay? The		24	not trying to cause you difficulty I just want to go
09:41	25	only caveat to that is if I have a question pending, I'd	09:43	25	through and get your background.
		······································	5		
	1	ask you to answer it before we break Okay?		1	When were you ordained?
	2	A Thank you		2	A June 3rd, 1978.
	3	Q All right So, if at any point you need to get		3	Q All right And how - I believe you went to
	4	up, get a drink of water, use the restroom, you want to		4	Tustin High School, not the minor seminary; correct?
09:41	5	talk to your lawyer. Whatever, Judge Jameson will be very	09:43	5	A Correct Tustin High School
	6	happy to stop the proceedings. I think. I'm not going to		6	Q And where did you go to college?
	7	speak for Judge Jameson I tried to do that yesterday		7	A Cal State, Long Beach
	8	and got myself in trouble.	:	6	Q Did you get a degree from there?
	9	So, but just let us know Okay?		9	A No, I did not
09:41	10	A Thank you.	09:43	10	Q How many years did you go to Cal State.
	11	Q Are you feeling well today, well enough today to		11	Long Beach before you moved?
	12	give a deposition?	ļ	12	A Three years
	1.3	A Yes, I am.	-	13	Q And what was your course of study there?
	14	Q Okay And you've never been diagnosed with	***************************************	14	A A mixed bag. I hadn't really gone to anything
09:41	15	memory problems or other things that would cause you to	09:44	15	particular
	16	have difficulty recalling events; correct?		16	Q Okay So, it was basically general ed courses?
	1.7	A I've never been diagnosed with a memory problem.		1.7	A General education courses
	18	Q Okay And I didn't think you had. I ask		18	Q And you hadn't declared a major?
	19	everybody that, so don't feel bad Okay		19	A No.
09:42	20	And you understand. Monsignor, you're under	09:44	20	Q Okny And let's see At some point you decided
	21	oath?	-	21	you had a vocation, the priesthood?
	22	A Yes, I do.		22	A I thought I did
		Q And you understand, by virtue of that oath.		23	Q Okay
	23	* · · · · · · · · · · · · · · · · · · ·	1		Q ORUJ
	24	you're bound to tell the truth?		24	A Yes
09:42			09:44		•

	1	A Yes. it was		1	Your Honor?
	2	Q Okay And what was your parish growing up?		2	JUDGE JAMESON: Yes
	3	Where did you grow up?		3	MR. MANLY: The order addresses Mater Dei The
	4	A St. Cecilia Parish in Tustin		4	order never addressed priests and/or other members of the
9:44	5	Q I see. And so what year did you enter the	09:46	5	Diocese Had it done so, we would have or they
	6	seminary?		6	attempted to do so, we would have taken issue with it
	7	A I entered the seminary in 1972	1	7	and frankly, taken it to the Court of Appeal That
	8	Q Okay And were you living in Tustin up until		e	order does not include that.
	9	that point?		9	Father Kenney is one of many priests who has
09:44	10	A Yes	09:47	_	• • • • • • • • • • • • • • • • • • • •
09:44	11		09:47	10	been publicly identified by the Diocese He is deceased.
		Q Okay And how old were you when you entered the		11	He has been deceased since 1974 I questioned the
	12	seminary?		12	witness yesterday extensively about Father Kenney without
	13	A 21		13	objection
	14	Q Was Father John Kenney an associate while you		14	JUDGE JAMESON: He's been deceased since '74?
09:45	15	were a member of the parish in St Cecilia's?	09:47	15	MR. MANLY: Yes. So, there is no right of
	16	A Yes.		16	privacy and
	17	Q Okay Did you know Father Kenney?		17	JUDGE JAMESON: What are we talking about? A
	18	A Yes, I did.		18	priest that did something inappropriate before 1974?
	19	Q Did he have a Jeep while you were there? Did he		19	MR. MANLY: Because the allegations arose
09:45	20	drive a Jeep?	09:47	20	against him, as I understand it, while Monsignor Urell,
	21	A I think he did. yes		21	and I handled the case against Father Kenney, was the
	22	Q Okay Did you ever go and ride in that Jeep or		22	Chancellor of the Diocese and occurred during the time
	23	anything like that?		23	period between 1988 and 1992
	24	A Yes, I think I did		24	So, the Diocese's policy and practice regarding
09:45	25	Q When did you first learn that John Kenney had	09:48	25	handling allegations and disclosure of allegations is at
		L			:
	1	been accused of sexual abuse? MR_RITHEREORD: Objection Violation of the		1	issue
	2	MR RUTHERFORD: Objection Violation of the		2	Also. Monsignor Urell has testified previously
	2	MR RUTHERFORD: Objection Violation of the court order Specifically. Page 2. 1 ine 26. "Plaintiff		2	Also. Monsignor Urell has testified previously that he knew of X number of people who had been accused
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	1	MR. RUTHERFORD: Well. Your Honor, I think that		1	MR. RUTHERFORD: Well. Your Honor. my concern,
	2	the question itself is directly in violation of the last		2	of course, is that we're right off at the start of this
	3	sentence that I just read and it states. "Plaintiff shall		3	deposition and we're already in territory that's beyond
	4	not inquire as to the actual identity of any alleged		4	the scope of the court order. in my opinion; and,
09:49	5	victim or perpetrator or inquire into alleged past sexual	09:52	5	therefore, we can only imagine what the rest of this day
	6	misconduct in such a way as to make the alleged victim or		6	holds for us because I'm sure Father Kenney won't be the
	7	perpetrator readily identifiable " And so the question		7	first priest or person that we hear of or this witness
	8	that's on the table right now is a question that relates		8	gets questioned about that has no connection whatsoever
	9	specifically to allegations of sexual misconduct		9	to Mater Dei.
09:49	10	regarding a particular individual	09:52	10	Your Honor. I think this is an issue that does
	11	I also note. Your Honor, that this - this		11	need to be raised with Judge Andler because I do believe
	12	order, which was entered by the court and signed off by		12	strongly that it is a violation of the court order that
	13	all of the parties in this case, the whole reason this		13	we spent so much time, energy, money, and effort to
	14	order was entered is because plaintiff early on in the		14	craft.
09:50	15	case was attempting to inquire into matters of sexual	09:52	15	MR. FINALDI: Your Honor, the court order
	16	misconduct beyond just Mr Andrade		16	MR. MANLY: Wait Wait Wait Wait
	17	And so the question that was framed before, the		17	Is he instructed to answer the question. Judge?
	18	issue that was framed before the court was is the		1.8	JUDGE JAMESON: I've overruled the objection
	19	plaintiff allowed to inquire into allegations of abuse		19	MR. MANLY: Okay
09:50	20	beyond just Mr Andrade, and the - at the end of the	09:52	20	MR. RUTHERFORD. I am going to instruct him not
	21	day, after all of that was litigated and extensively		21	to answer the question. Your Honor I believe it is a
	22	briefed and argued in front of the court, the court		22	meritorious issue that deserves the attention of
	23	entered the order stating that plaintiff is entitled to		23	Judge Andler in a brief, in a hearing.
	24	inquire during discovery into allegations or rumors of		24	MR. FINALDI Then I'd like to put on the record
09:50	25	sexual conduct between Mater Dei students and Mater Dei	09:53	25	the fact that I did also participate in the crafting of
		14]
	1	employees and it did not go further than that		1	this protective order over the course of over nine
	2	And so there's - when I said that earlier that		2	months. It was the understanding -
	3	the question lacks foundation, there has been no		3	JUDGE JAMESON: Excuse me. Vince. 1 don't
	4	establishment thus far that the - that this		4	MR FINALDI: Lunderstand. Your Honor
09:51	5	Father Kenney was in any way connected to Mater Dei and.	09:53	5	JUDGE JAMESON: The record here means nothing.
	6	based upon Mr Manly's representation that the priest	1	6	It's taken up with Judge Andler You can do all your
	7	died in the 1970s, it would also be impossible that he		7	arguing and noting for the record there. Noting it for
	ë	could have abused somebody in the time period that's		8	the record when I have no power to deal with it beyond
		• ,			•
	9	permitted by the court, which is 1988 through 2001			.f
09:51		Law model at the company of the comp		9	that, you know. I'll let you do that if you really.
09:51	10	MR FINALDI: Can I see the order, please. Tom?	09:53	10	really feel strongly about it, but just to tell you to me
09:51	11	MR. RUTHERFORD: Well. it's got some notes of	09:53	10 11	really feel strongly about it. but just to tell you to me I think it's an idle act if you do it here
09:51	11	MR. RUTHERFORD: Well. it's got some notes of mine on it.	09:53	10 11 12	really feel strongly about it. but just to tell you to me I think it's an idle act if you do it here MR. MANLY: Okay. Okay. Your Honor
09:51	11 12 13	MR. RUTHERFORD: Well. it's got some notes of mine on it MR. CALLAHAN: I have a copy	09:53	10 11 12 13	really feel strongly about it. but just to tell you to me I think it's an idle act if you do it here MR MANLY: Okay. Okay. Your Honor MR FINAL DI: I don't think we can
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	1	MR. MANLY: All right		1	JUDGE JAMESON: Well, my only comment is I've
	2	JUDGE JAMESON: That — I think that this is		2	been the discovery referee in a number of cases and in
	3	significant and deserves attention, that Mr Rutherford		3	•
	4	•			those cases where I was involved with depositions. I
		will want to have some heavy input on that, and I don't		4	didn't have half authority I was given carte blanche in
9:54	5	think that would be appropriate	09:56	5	terms of discovery
	5	MR. MANLY: Judge, the judge has also made clear		6	Here I'm monitoring depositions and I think I've
	7	that we can telephone her at any time and see if we can't		7	offended both of you equally so that my -
	8	get a ruling So, I'm half inclined to see if I can ask		8	MR. MANLY: Stipulated
	9	Mr Finaldi to go out in the hallway and call her clerk		9	JUDGE JAMESON: Whether you agree with me or
09:54	10	and see if we can just get a ruling right now on this	09:57	10	not. I hope you think - you respect my attempt at
	11	issue with you present unless the court thinks that that		11	fairness, but it's difficult to push forward with these
	12	would be ill advised and I'll leave that up to the		12	things when I come up to what I perceive to be a wall.
	13	court's judgment		13	and I think the first day I met with you I indicated I
	14	MR. CALLAHAN: I think this is something that		14	thought this was an unusual circumstance
09:54	15	calls for briefing.	09:57	15	MR. MANLY: And we've asked the defendants to
	16	MR. FINALDI: Well, she's told us in open court.		16	stipulate to that power. Judge, and they won't do it,
	17	"If you have a dispute, my line's always open. Give me a		17	so - and I'm not trying to put them in a difficult spot
	18	phone call." She might not rule on it at the time, but		18	Maybe they have very good reason, which I'm sure has
	19	she can give us instruction.		19	nothing to do with you. but I mean we're between a rock
09:55	20	MR. MANLY; She's made it very clear. Pete, and	09:57	20	and a hard place
	21	you know this - and I'm not trying to lecture you		21	I mean, we come here, we pay you a lot of money.
	22	Maybe you don't know because you weren't there she		22	and I'm sure that the Diocese is paying them a lot of
	23	does not want motions to compel. She hates them. She		23	money, our client is going to pay us a lot of money and,
	24	doesn't want them and she wants us to resolve these	:	24	you know, it just wastes everybody's time and, you know.
9:55	25	disputes And we have a discovery referee here and I'd	09:57	25	1-1-
		18			
	1	just as soon get her on the phone with Judge Jameson.		1	JUDGE JAMESON: Well, you know, to sort of put
	2	present the issue to her and get a ruling. If she rules		2	things in perspective - and I don't say this in terms of
	3	against us, so be it. If she rules in favor of us, fine.		3	criticism. Mr Manly you push the envelope You know
	4	MR. CALLAHAN: I have to say that my memory on		4	you do That's your job and you do it better than most
09:55	5	this is less than perfect, but the only time I recall her	09:58	5	attorneys. So, when you get out on the fringe like the
09:55	5 6	this is less than perfect, but the only time I recall her saying in court when I was there, "Feel free to call me."	09:58	5 6	attorneys. So, when you get out on the fringe like the area that we're embarking on now. I'm not surprised you
09:55		·	09:58		
09:55	6	saying in court when I was there, "Feel free to call me."	09:58	6	area that we're embarking on now. I'm not surprised you get objections
09:55	6 7	saying in court when I was there, "Feel free to call me." was before the appointment of the referee when we were battling over discovery issues I did not get the	09:58	6 7 8	area that we're embarking on now. I'm not surprised you get objections MR. MANLY: Well, Judge, if you heard the
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	1	And Monsignor Urell has personally met with the client in		1	not convenient for the defendants, whenever, let's agree
	2	that case, who's my client and who was paid		2	on a time so nobody misses the hearing and we can do that
	3	\$2,000,000 combined between Orange and recently settled		3	as well and get this sorted out. Okay?
	4	before, and he met with him squarely within the ambit of		4	MR. RUTHERFORD: Actually. I don't even have my
09:59	5	the time that this case is at issue	10:02	5	calendar with me. John
	6	So, I don't think I'm on the fringe. I think		6	MR. MANLY: Okay We don't have to do it now.
	7	I'm right where I should be, but I respect the court's]	7	but before the end of the day You know. I just want
	8	judgment		8	to - we want to give notice and I don't want to
	9	MR. CALLAHAN: And my		9	inconvenience you.
09:59	10	JUDGE JAMESON: Well, the court's judgment was	10:02	10	JUDGE JAMESON: Well you usually have to give
	11	to rule in your favor a few minutes ago You keep		11	notice before noon, or even some judges earlier than
	12	forgetting that Yesterday you and I got into it and I		12	that, to get in the next day
	1.3	was ruling in your favor		13	MR. MANLY: Judge. I just don't want to
	14	MR. MANLY: Well, nobody ever said I was smart.		14	inconvenience him.
09:59	15	Judge	10:02	15	JUDGE JAMESON: And you may not want to I
	16	MR. CALLAHAN: My thought. Your Honor. is that		16	mean, it's not - I don't know that's going to be - if
	1.7	this case is proceeding under an order that was signed		17	you can go in ex parte on Tuesday. I don't think it's
	18	May 15th, 2007 The fact that this witness may have		18	going to make any difference.
	19	testified years ago in some other matter doesn't mean.		19	MR. MANLY: That's fine That's what I'm
10:00	20	well, that we throw this order away now And so he	10:02	20	saying. Let's pick a day next week and we can all go in
	21	testified about it before, it's a matter of public record		21	and maybe we have a hearing next week. don't we. on
	22	since it's in a deposition, so I can ask you about it 1		22	something?
	23	don't necessarily think that follows		23	MR RUTHERFORD: I –
	24	•	ŀ	24	
10:00	25	This case has specific orders that apply to	10:02	25	MR. MANLY: Let's go off the record for a minute
10:00	23	this case and we're bound by the rules the judge.	10:02	23	so you don't have to keep typing
	1	Judge Andler, has set up, originally by Judge Cannon, not		1	THE VIDEOGRAPHER The time is 10 02 and we're
	2	Judge Andler, for this particular case		2	going off the record.
	3	MR. MANLY: The problem with that —		3	(Off the record at 10 02 a.m. Back on the
	4	JUDGE JAMESON: No. No. Let's get back on	1	4	record at 10:07 a.m.)
10:00	5	track here	10:07	5	THE VIDEOGRAPHER. The time is 10:07 and we're
20,00	6	We've got a situation where the question's been		6	back on the record
	7	asked, there's a — and I'll say this — a good faith		7	MR. RUTHERFORD: We've just had a discussion off
	8	· · ·	-	8	the record and plaintiff's counsel and I have been
	-	belief on the part of the defendants that it goes beyond			•
	9	or violates the parameters of a prior ruling of the	l	9	discussing this issue from different angles, and what I'm
10:01	10	court. My suggestion is that we enter into some sort of	10:07	10	going to try to do now is frame the issue as best I can
	11	stipulation that if a series of questions are asked in		11	and so that the record is clear as to what our position
	12	this area, the same instruction will be given and you can		12	is so that it can aid us in framing this issue with the
	13	take that to Judge Andler And then I assume there are		13	court later and that is as follows.
	14	some areas getting back to Mater Dei itself and the]	14	
10:01	15	events of this case and we can still have a productive	10:08	15	order limits plaintiff to inquiring about matters
	16	deposition.		16	involving Mater Dei workers and Mater Dei students who
	17	MR. MANLY: Yeah 1 agree, Judge		17	were accused of sexual abuse with Mater Dei students from
	1.9	JUDGE JAMESON: So, let's put enough into this		18	the time period of January 1st. 1988 up through and
	19	record to set the issue to be resolved down the road, but		19	including December 31st. 2001, and it's my understanding
10:01	20	let's get on with those areas that we can deal	10:08	20	that Mr Manly wants to ask questions about priests and
	21	meaningfully with today		21	other personnel, employees who served anywhere within the
	22	MR. MANLY: And what I'd like to do. Your Honor.		22	Diocese of Orange and not necessarily Mater Dei, and that
	23	if appropriate at some point, is just give		23	Mr Manly would like to inquire as to Monsignor Urell's
	24	ex parte notice that we're going to go in on Monday and		24	knowledge of those matters that fall outside the scope of
10:02	25	seek appointment of you with full powers Or if that's	10:09	25	Mater Dei and the stated time period
		23			
			,		

	1	And so in order to assist us in moving this		1	that came to the Diocese, that would be it.
	2	deposition, forward and to hopefully avoid repetitive		2	The Diocese of Orange has a long history of
	3	objections, we're essentially stipulating that that is.		3	allowing people who have sexually abused to teach, and I
	4	indeed, the issue and that if those types of questions		4	don't want to - Monsignor. I don't mean this personally
10:09	5	were to be asked, that I would object on a variety of	10:12	5	and I don't mean to offend you, but my view is that the
	6	grounds and instruct the witness not to answer		6	Diocese of Orange has a long history of allowing known
	7	MR. MANLY: Yeah. And obviously Mater Dei.		7	molesters to serve in ministry and to teach and that
	8	according to the witness and repeated representations		8	this - our position is that is precisely what this case
	9	over the years by Mr Callahan's office, apparently is		9	is about
10:09	10	one and the same with the Diocese or at least owned by	10:12	10	So, and my view is anybody who was accused
	11	the Diocese		11	during Monsignor Urell's tenure who has files there that
	12	Secondly, I don't believe the order says that		12	he would have had access to or otherwise are fair game.
	13	and I don't believe that was the order, the order's		1.3	and my view is that the defense here simply does not want
	14	intent Our position was what occurred here is that		14	that to occur because it would be absolutely damming to
10:09	15	there was concern about people who had current or recent	10:12	15	their case And, you know. I don't dispute the court's
	16	allegations not being names not being disclosed and		16	opinion that they're making the argument in good faith
	17	the identities of perpetrators not being disclosed on		17	I suppose if I were in their position. I'd make the same
	18	privacy grounds		18	argument I just don't think it has any merit.
	19	At no time during the hearing did anybody ever		19	In terms of the stip, what I'd like to ask is
10:10	20	argue that we could not ask about other perpetrators	10:12	20	that I don't want to face an argument later that because
20.10	21	outside of Mater Dei In fact, the record in this case	10.12	21	I didn't ask a question in this deposition. I'm now
	22			22	•
	23	will reflect that I asked Father Harris questions		23	precluded from doing so about any perpetrator or any
	24	extensively about that. I asked the witness yesterday.		23	victim. I don't and the reason I don't want to
	25	Father Sallot, questions about that all without	10:13	24	have — I want that stipulation is I don't want to go
10:10	25	objection.	10:13	23	through all this, get a ruling, then have you come back
	·····			***	
	1	And the thing that does concern me here is that		1	and say, well, you didn't mention victims or you didn't
	2	we need Monsignor Urell's deposition in order to finally		2	mention this or you didn't mention that Any
	3	evaluate our final demand for settlement and I can't do		3	perpetrator, any victim is fair game to ask about in the
	4	it		4	future
10:10	5	So, I would first hope that you would reevaluate	10:13	5	MR. CALLAHAN. Depending on how the court rules.
	6	your position; but, secondly, if the court's order.		6	MR. MANLY: Well, right
	7	indeed, attempted to say we couldn't ask about any		7	JUDGE JAMESON Yeah.
	8	perpetrator outside of Mater Dei. first of all. I think		8	MR. CALLAHAN: Yeah. I will say that I'm
	9	that would violate the code and I don't think that's what		9	confident that you had planned to ask about any number of
10:10	10	Judge Cannon was trying to do and Judge Andler certainly	10:13	10	victims and any number of alleged perpetrators
	11	hasn't said that		11	MR. MANLY Well, I plan to ask a lot of victims
	1.2	The code indicates that we're entitled to go		12	who I represent and who have given me specific permission
	13	into all areas reasonably calculated to lead to discovery		13	to ask about it. I think that the court's order on
	14	of admissible evidence If there are privacy issues at		14	Mater Dei is what it is and I can ask about it to
10:11	15	hand, then the court certainly is entitled to balance	10:13	15	preserve my record, but I understand that I have to make
	16	that and we, as always, would be willing to enter into		16	a motion on that and I intend to do so.
	17	any reasonable protective order to protect people's		17	But in terms of protecting the privacy rights of
	18	privacy rights		1.8	victims I represent. like the large of the l
	19	But the issue here is, is that Monsignor Urell		19	others, I mean. I have gotten their specific permission
10:11	20	was directly involved in handling cases and settlements	10:13	20	to ask about this question. And, you know, the privacy
	21	at Mater Dei, was directly involved from the time he went		21	thing is a balancing test and my preference would be that
	22	to the Chancellory office until very recently, as late as		22	Judge Jameson be allowed to balance that right here
	23	2002. in handling all allegations of sexual abuse that		23	And when you look at what the issues are which
	24	came to the Diocese He testified previously under outh		24	is child protection versus the privacy rights of somebody
10:11		, -	10:14		
10:11	25	that he was the point person if there was an allegation $$27$	10:14	25	credibly accused of sexual abuse. I think Judge

			T		
	1	Lichtman's recent opinion is excellent and I would direct	-	1	twofold. One is the privacy issue beyond the order, and
	2	people to the article I wrote about it in the Daily		2	then the order itself. So, I don't know that the order
	3	Journal where he found that, you know, the privacy rights		3	has anything to do with the stipulation you'd enter into
	4	of child molesters are outweighed by children. And, you		4	The stipulation is I want to ask this, and your response
10:14	5	know, there is a 17200 action in this case and that's	10:17	5	is don't answer that because it violates the order and
	6	what that's about		6	it's a privacy issue and let's go to the courthouse
	7	So. I think that pretty much surns up what I		7	MR. MANLY: I mean, I think I need to have a
	8	think.		8	broad enough stipulation that I'm not - I don't come
	9	JUDGE JAMESON: Well, even though it is		9	back and you say, "Well, he was at Mater Dei and you
10:14	10	expressed differently, I interpreted what both of you	10:18	10	didn't know it. You can't ask him." I mean, that's not
	11	have said to be the same. In other words, the parameters		11	fair
	12	of the questioning that's being objected to and that's		1.2	JUDGE JAMESON; Well. I think we need to resolve
	13	intended to be asked is understood. In other words, you		13	the issue once and for all -
	14	wanted a clarification, Mr. Manly, and expanded somewhat		14	MR. MANLY: 1 agree
10:15	15	on what Mr. Rutherford said, but I sense that we're	10:18	15	JUDGE JAMESON: — rather than do it piecemeal
	16	talking about the same thing. And if I'm wrong.	10.16	16	•
	17				MR CALLAHAN: And I think the pending question
		Mr Rutherford, let me know But if not, let's hear you		17	is, Mr Manly is going to say. 'Okay. I understand your
	18	both say so stipulated and let's move on		18	ruling or your instruction about Father Kenney I want
	19	MR. RUTHERFORD: I don't have a problem with -		19	to ask about other people, too * And we're saying. "Yes
10:15	20	I can't quite say so stipulated yet because. Mr Manly, I	10:18	20	We understand that. And if you ask about other people.
	21	agree I'm not - at some point later if the court		21	too, the instruction would be the same "
	22	disagrees with our position, I'm not going to say that.		22	MR. MANLY: That's what I understand, but I
	23	oh, you can't ask about father so and so or father so and		23	think what he's saying is - but he's qualifying it
	24	so, so long as that person was not a worker at		24	saying, "Well, but if you don't ask about Mater Dei
10:15	25	Mater Dei during the stated time period and was alleged	10:18	25	today, you're out of luck " And I can't - I can't
		30			
	1	to have been involved in sexual misconduct with a		1	conduct a deposition about that when I can't ask about a
	2	Mater Dei student during that time		2	specific person. I mean, if I can't ask about a specific
	3	MR. MANLY: I don't understand what you just		3	person, how do I know they worked at Mater Dei or not.
	4	said		4	you know? I mean that's the problem
10:15	5	MR. CALLAHAN: Let me try it	10:18	s	So. I mean, I want a broad stipulation so, you
	6	JUDGE JAMESON: No. Wait a minute What I -		6	know. I don't get, you know, jammed coming back
	7	at this point you're going in to the judge and you've		7	MR CALLAHAN: I think what we're saying is if
	В	asked the question you want to hear an answer to and you		8	you were to ask questions about other people other than
	9	are declining to answer		9	Father Kenney and, in so doing, identifying them by name.
10:16	10	What's in your current order doesn't mean a darn	10:19	10	the instruction would be the same.
	11	thing anymore The judge is going to have to take this.		11	MR. MANLY: Well, no. But he's saying - I
	12	in essence, de novo because we're in an area that you		12	don't think you understood what he said. Pete He said
	13	can certainly argue that the order covers this I'm not		13	but if you don't ask about Mater Dei today - I mean,
	14	saying that. But the point is reading what's in the		14	this is not what he said verbatim - that you're out of
10:16	15	order, I don't know is – how that would affect the	10:19	15	luck
	16		10:13		
	17	stipulation because you've already indicated that these		16	So, let me give you an example Bishop Brown
		questions go beyond the order	İ	1.7	has an allegation against him Bishop Brown's been at
	18	MR. RUTHERFORD: Yes	}	18	Mater Dei a lot, gone to Mater Dei I want to ask about
	19	JUDGE JAMESON: So, I think we need to, and I		19	Bishop Brown's allegation. Are you going to instruct him
10:16	20	thought we had, pretty much describe the area which you	10:19	20	not to answer that?
	21	think is outside the order and almost impliedly Mr Manly		21	MR. RUTHERFORD: Yes.
	22	agrees because he says the order doesn't cover this		22	MR. MANLY: Okay Well. I mean, so did
	23	situation		23	Bishop Brown serve at Mater Dei or not?
	24	So, it seems to me you've described the area of		24	MR RUTHERFORD: No
10:17	25	questioning. You've indicated, I think, your response is	10:19	25	JUDGE JAMESON: Well, let's not -
			}		

3 in terms of what the issue is 4 MR. MANLY. But — sorry 10119 5 IJLOGE LANGSON. Let me — let me add my 5 imprimatur here. if that's the right term 6 IJLOGE LANGSON. Let me — let me add my 10120 10 instruct the winess to answer because a think it goes to a different asp 10120 10 instruct the winess to answer because — surke that 10120 10 instruct the winess to answer because — surke that 10120 11 MR. CALL AHANY. Chey That would depend on the 12 question 13 MR. MANLY. If tell you what. We just 14 disagree. So, well stipulate to the extent we can And 10120 15 my positions that all cames and projection about Mater Dei without knowing the names of 10120 15 my positions that all cames and projections and 10120 15 my positions that all cames and projections and a projection about Mater Dei without knowing the names of 10120 15 my positions that all cames and projections and a development on priests because they might very 10121 10 my positions that all cames and projections and a development of priests because they might very 11 my positions that all cames and projections and a development of the state of the section of the section of the state of the section		1	MR. MANLY: I mean, this is the problem.		1	judge rule
4 MR. MANL Y: But – sorry 4 imprimatule here if that's the right term 5 MR. MANLY: Did you say imprimatur? 7 MR. MANLY: Did you say imprimatur? 8 JUJOGE JAMESON: It you ask those questions and objection because I disk it goes to a different appointment of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of thick in the cuty stages here of the case of the case of thick in the cuty stages here of the case of the case of thick in the cuty stages here of the case of the		2	JUDGE JAMESON: No. But I think the die is cast		2	JUDGE JAMESON: Well, I guess my concern is I
10:19 5 JUDGE JAMESON: Let me — let me add my 6 imprimatur here if that's the right here 7 Milk MANI V: Old you say imprimanan? 8 JUDGE JAMESON: It you ask those questions and 9 there's an objection — well. I work say that I would 10:20 10 instruct the witness to answer because — strike that 11 Milk CALLAHAN: Okny That would depend on the 12 question 13 Milk MANI V: I'll tell you what. We just 14 diagree So, well stigulate to the extent we can And 16:20 15 my position is that I cannot conduct a meaningful 16 deposition show Mater Dei without knowing the names of 17 the alleged perterstrept rises because they might very 18 well have served there. I mean, so you've put me betwist 19 and between, but It is just forge on and see how we de 10:20 20 So, can I ask my neest question. Your Honor? 21 JUDGE JAMESON: Are we without a stipulation and 22 just deal with. — I mean, obviously if you take it to the 23 court. sha's going to be interested in not aboling this 24 piecement, and when you do argue it and you do deal with 10:20 25 it and get a ruling from her. it would hopefully 24 deal with in the future 25 So, even if we don't have a stipulation. I 26 thoroughly at that in the 27 So, even if we don't have a stipulation. I 28 So, even if we don't have a stipulation. I 29 Own on-signor, how many cases of examl abuse are 9 Q Monsignor, how many cases of examl abuse are 10:21 10 you — alleged sexual abuse are you aware of that have 10:22 20 Milk R. FINALD: The protective orders says as one alleged sexual abuse are you aware of that have 10:21 10 you — alleged sexual abuse are you aware of that have 10:22 10 Milk RANI V: Are you go going to instruct the winest on a different ap of the issues in this area that we would 10:24 10 your — alleged perterstream of the saking for at any time? 10:25 10 Milk RANI V: You were clairwoyant index 10:26 the range of the size of the secual density of any persential or the protective orders are you were of the secual density of any persential or the protective orders and you do deal with		3	in terms of what the issue is.		3	understand and have ruled in the past to confine certain
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7 MR MANLY: Did you say imprimatur? 8 JUDGE (AMESON: If you sak those questions and 9 there's an objection — well. I won't say that I would 10:20 10 instruct the witness to answer because — stake that 11 MR. CALLAHAN: Okay That would depend on the 12 question 12 question 13 MR MANLY: Ill icil you what. We just 13 2001 are are relevant in terms of practices and policies of 13 my position is that I cannot conduct a meaningful 14 disagree So, we'll singulate to the extent we can And 16:20 15 my position is that I cannot conduct a meaningful 16:20 16 my position is that I cannot conduct a meaningful 17 the alleged prepreture prices because they might very 18 well have served there I means, so you've put me betweeth 19 and between, but let's just forge on and see how we do 10:20 20 So, can I ask my next question. Your Monor? 19 JUDGE (AMESON: Are we without a stipulation and 22 just deal with in the finare 22 just deal with in the finare 23 just deal with in the finare 24 piecemeal; and when you do argue it and you do deal with 10:20 25 it and get a railing from her, it would hopefully 24 deal with in the finare 25 So, even if we don't have a stipulation, 1 so, so, even if we don't have a stipulation, 1 so, so, even if we don't have a stipulation, 1 so, so, even if we don't have a stipulation of the 12 suppose that's still gions to take you to 10:24 5 MR, FINALDI: The protective order — 10:24 5 MR, FINALDI: The protective order — 10:24 5 MR, FINALDI: Let's not — scory 10:24 5 MR, FINALDI: The protective order — 10:24 5 MR, FINALDI: The protective order — 10:24 5 MR, FINALDI: The protective order a spis so with the string of the deal with have 12 and the issue will be briefed and discussed 10:24 5 MR, FINALDI: The protective order a spis so will be presented to the extent that it's asking for at any 10:24 5 MR, FINALDI: The protective order a spis so will be a surprised to the extent that it is asking for at any 10:24 5 MR, FINALDI: The protective order aspis so many entry of the deal will be still the presented or t	10:19	5	JUDGE JAMESON: Let me - let me add my	10:22	5	questions that have been asked that I have overruled that
7 MR MANLY: Did you say imprimatur? 8 JUDGE JAMESON: If you ask those questions and 9 there's an objection — well. I won't say that I would 10:20 10 instruct the winess to unawer because — stake that 11 MR CALLAHAN: Okay That would depend on the 12 question 13 MR MANLY: Ill tell you what. We just 14 disagree So, we'll stipulate to the extent we can And 10:20 13 my position is that I cannot conduct a meningful 10:21 15 my position is that I cannot conduct a meningful 10:20 21 my position is that I cannot conduct a meningful 10:20 22 my position is that I cannot conduct a meningful 10:20 23 my position is that I cannot conduct a meningful 10:20 24 my position is that I cannot conduct a meningful 10:20 25 my position is that I cannot conduct a meningful 10:20 26 So, can I ask my next question. Your Monor? 10:20 27 my position is that I cannot conduct a signalation and 10:20 28 So, can I ask my next question. Your Monor? 10:20 29 So, can I ask my next question. Your Monor? 10:20 20 So, can I ask my next question. Your Monor? 10:20 20 So, can I ask my next question. Your Monor? 10:20 21 just deal with in I mean. Johiously if you table it to the 22 just deal with in the fitters 23 just deal with in the fitters 24 piecemeal; and when you do argue it and you do deal with 10:20 25 it and get a ruling from her. it would hopefully 10:20 25 it and get a ruling from her. it would hopefully 10:20 25 it and get a ruling from her. it would hopefully 10:20 25 her and the issues in this aren that we would 26 deal with in the fitture 27 So, even if we don't have a stipulation, I 28 suppose — I suppose that stiff lighting to lake you to 10:21 5 her and the issue will be briefed and discussed 10:22 15 her and the issue will be briefed and discussed 10:24 10 your — Alleged sexual abuse are you aware of that have 10:24 10 your — Alleged sexual abuse are you aware of that have 10:24 10 your — Alleged sexual abuse are you aware of that have 10:24 10 your — Alleged sexual abuse are you aware of that have 10:24 10 your — Alleged sexual a		6	imprimatur here, if that's the right term.		5	objection because I think it goes to a different aspect
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22 objection if you limit him to the time period set forth 22 which Andrade was at Mater Dei 23 in the order 23 Now the question is asked. "Well, tell us ab	10:22	20	MR. CALLAHAN: I would - I would say we'd	10:24	20	allegations between Mater Dei students and employees.
23 in the order 23 Now the question is asked. "Well. tell us ab		21	instruct him not to answer it as phrased, but have no		21	"Such inquiry shall be limited to the time frame during
		22	objection if you limit him to the time period set forth		22	which Andrade was at Mater Dei "
24 MR MANLY: Well. I just need an instruction as 24 the entire time period. We don't care whether An		23	in the order		23	Now the question is asked. "Well, tell us about
ı		24	MR MANLY: Well. I just need an instruction as		24	the entire time period. We don't care whether Andrade
10:22 25 to that question or maybe the court let's let the 10:25 25 was at Mater Dei Tell us about the entire time p	10:22	25	to that question or maybe the court - let's let the	10:25	25	was at Mater Dei Tell us about the entire time period."

	1	MR. MANLY: So. your position is if you had 50		1	BY MR. MANLY:
	2	people raped in 1997. I can't ask about it; is that		2	Q - until the end of 2001; in other words,
	3	right?		3	December 31st. 2001 at 12:00 p.m ?
	4	MR. RUTHERFORD: In what year?		4	A I believe I'm aware of two
10:25	5	MR. MANLY: In 1987 if there were 50 students	10:26	5	Q Okay And when did they occur. approximately?
	6	raped, I can't ask about it; is that right?		6	A I believe they occurred in - in the mid to late
	7	MR. RUTHERFORD: I'm saying that that question		7	¹⁹⁰ s
	8	would violate the court's order		8	Q is one of them Jeff Andrade's case?
	9	MR. CALLAHAN: You said '87; right?		9	A Yes.
10:25	10	MR MANLY: '87	10:27	10	Q When did that case first come to your attention?
	11	MR. CALLAHAN: Yeah I think 87 falls outside		11	A When I received a call from Mr Rutherford that
	12	the period.		12	I was to be deposed in the matter perhaps two months ago
	13	MR. MANLY: So, no matter what the conduct, no		13	Q I'm sorry I probably misspoke
	14	matter how many allegations that occurred in 1987, your		14	When did the Andrade matter, the allegations
10:25	15	position is, under the court order. I am precluded from	10:27	15	against Mr Andrade first come to your attention?
	16	asking; is that correct?		16	A When Mr Rutherford called me
	17	MR. CALLAHAN: Yes		17	Q Okay So, your sworn testimony is at no time
	18	MR. MANLY: Okay		18	did you interact with anybody at Mater Dei or about
	19	MR. CALLAHAN: Because -		19	Jeff Andrade in 1996 or 1997 or 1998?
10:25	20	MR MANLY: All right. I appreciate your	10:28	20	A Well, I may have, but I don't recall if I did.
	21	honesty		21	Q Did you ever speak with Brother William Carriere
	22	MR. CALLAHAN: — it says such inquiry shall be		22	regarding the allegations against Mr Andrade at any time
	23	limited to the time frame And unless we draw a line		23	during the well, at any time? Did you ever speak with
	24	through that sentence. I think we're stuck to that		24	Brother William Carriere regarding the allegations
10:25	25	sentence	10:28	25	against Mr Andrade at any time?
		38			4
			 		
		ACC CONTACTOR to according accord identifies	1		A Louis Laboration with the
	1	MR. FINAL DI: It says the actual identity		1	A I may have, but I don't recall if I did or not
	2	MR. CALLAHAN No. It says inquiries.		2	Q Okay Well how many - how many different -
	2	MR. CALLAHAN No. It says inquiries. MR. MANLY I don't want to argue anymore		2	Q Okay. Well how many – how many different – on how many – you were from 1988 to 2002 effectively the
10.75	2 3 4	MR. CALLAHAN: No. It says inquiries. MR. MANLY. I don't want to argue anymore. Let's just move on. I think we're all getting along.	1.0.0	2 3 4	Q Okay. Well how many – how many different – on how many – you were from 1988 to 2002 effectively the point person on sexual abuse in the Chancellory office;
10:25	2 3 4 5	MR. CALLAHAN: No. It says inquiries. MR. MANLY. I don't want to argue anymore. Let's just move on I think we're all getting along strangely, so let's keep the good feelings going. It's a	10:28	2 3 4 5	Q Okay. Well how many - how many different - on how many - you were from 1988 to 2002 effectively the point person on sexual abuse in the Chancellory office; correct?
10:25	2 3 4 5	MR. CALLAHAN No. It says inquiries. MR. MANLY I don't want to argue anymore Let's just move on I think we're all getting along strangely, so let's keep the good feelings going. It's a refreshing moment of clarity as far as I'm concerned	10:28	2 3 4 5	Q Okay. Well how many – how many different – on how many – you were from 1988 to 2002 effectively the point person on sexual abuse in the Chancellory office; correct? MR. RUTHERFORD: Vague Objection Vague
10:25	2 3 4 5 6	MR. CALLAHAN No. It says inquiries. MR. MANLY I don't want to argue anymore Let's just move on I think we're all getting along strangely, so let's keep the good feelings going. It's a refreshing moment of clarity as far as I'm concerned Okay	10:28	2 3 4 5 6	Q Okay. Well. how many – how many different – on how many – you were from 1988 to 2002 effectively the point person on sexual abuse in the Chancellory office; correct? MR. RUTHERFORD: Vague Objection Vague JUDGE JAMESON: Well. let's add Mater Dei to
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	1	DV MD MANE V.		1	the Diogram biometry of the region
	2	BY MR. MANLY:			the Diocesan hierarchy or you were one of the senior
		Q You weren't Okny		2	members of the Diocesan hierarchy from the late 80s to
	3	Well, what allegations of sexual misconduct were		3	2002; is that accurate?
	4	you in charge of, if any?		4	A Yes.
10:29	5	A The ones that I dealt with were the ones having	10:32	5	Q Okay And you handled numerous, numerous
	6	to do with priests.		6	allegations of sexual abuse while you were in that
	7	Q Okay Who dealt with the ones having to do with		7	position. did you not?
	8	laypersons?		В	MR. RUTHERFORD: Objection Vague
	9	MR. RUTHERFORD: Calls for speculation, lacks		9	MR. MANLY: Well. I can't ask how many because
10:30	10	foundation	10:32	10	you'll object so
	11	JUDGE JAMESON: If he knows, sir. please answer		11	JUDGE JAMESON: Well, no That's not the -
	12	THE WITNESS: I'm not sure, but I think it would		12	that's not what I guess maybe "handled" is a loose
	13	be our director of HR or dealing with school		13	term.
	14	BY MR MANLY;	•	14	MR. MANLY: Did you - sorry. Judge.
10:30	15	Q So, your director of HR from 88 to 2002 was	10:32	15	JUDGE JAMESON: In your official capacity, did
	16	Maria Schinderle; is that correct?		16	those reports pass through you or land on your desk I
	17	A I don't know if those are the dates or not, but		17	guess is - maybe that's too cryptic, also
	18	she was a director of HR for a good number of years		18	You can answer the question, sir, if you
	19	Q So, I would need to have to depose her if I		19	understand it.
10;30	20	wanted to find out about allegations of laypeople; is	10:33	20	THE WITNESS: Through my desk came the
	21	that accurate?		21	allegations of clergy sexual misconduct.
	22	MR. RUTHERFORD: Calls for speculation, lacks		22	BY MR. MANLY:
	23	foundation		23	Q So, is it your testimony, will you be telling
	24	JUDGE JAMESON: Yeah Sustained.		24	the jury in this case that at no time were you involved
10:30	25	///	10:33	25	in handling allegations of sexual abuse by laypersons?
		42			4
	1	BY MR. MANLY:		1	MR RUTHERFORD: Objection. Argumentative as
	2	Q Well, you were the number two official in the		2	phrased.
	3	Diocese of Orange from 1988 until 2002; is that accurate?		3	JUDGE JAMESON: Sustained.
		A No.	ł		
	4	77 170.		4	MR MANLY: Okny
10:30	4 5	Q You functioned as the Chancellor and the Vicar	10:33	4 5	MR MANLY: Okay Q Well, did you ever handle or become involved in
10:30			10:33		•
10:30	5	Q You functioned as the Chancellor and the Vicar	10:33	5	Q Well, did you ever handle or become involved in
10:30	5 6	Q You functioned as the Chancellor and the Vicar General alternatively in those years; yes?	10:33	5 6	Q Well, did you ever handle or become involved in allegations of laypersons while you were the Chancellor — strike that.
10:30	5 6 7 8	Q You functioned as the Chancellor and the Vicar General alternatively in those years; yes? A I was Chancellor until 1999, became Vicar General in 1999	10:33	5 6 7 8	Q Well, did you ever handle or become involved in allegations of laypersons while you were the Chancellor strike that. Did you ever become involved in any way, shape
	5 6 7 8 9	Q You functioned as the Chancellor and the Vicar General alternatively in those years; yes? A I was Chancellor until 1999, became Vicar General in 1999 Q Okay And who was more senior in the		5 6 7 8	Q Well, did you ever handle or become involved in allegations of laypersons while you were the Chancellor — strike that. Did you ever become involved in any way, shape or form in responding to, handling, settling, directing
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	1	MR. MANLY: No I can't I'm not going to ask		1	Q How many cases from 1988 to 2002 involving
	2	it that way I don't think I have to. I mean, at this		2	laypeople were you involved in in any way shape or form
	3	point I think you're. honestly and respectfully, being		3	that touched upon the issue of sexual abuse?
	4	ridiculous. I mean, the fact that I can't ask how many		4	A I can't recall, but I believe just one.
10:34	5	cases he's handled. Come on. This is a circus	10:37	5	Q Okay How many cases did you become how many
	6	JUDGE JAMESON. Well, let's not make it a bigger		6	allegations of sexual abuse involving laypersons or
	7	circus		7	volunteers at the Diocese of Orange in your capacity as a
	8	MR. MANLY: Sorry		8	Chancellery official from 1988 to 2002?
	9	JUDGE JAMESON: Mr Manly		9	MR. RUTHERFORD Objection. Asked and answered.
10:35	10	MR. RUTHERFORD Your Honor, we do have a court	10:37	10	Your Honor It's the same question.
	11	order I believe there are ways to craft questions that		11	JUDGE JAMESON: Well
	12	don't violate that court order and that get the		12	MR. MANLY: No. it's not
	13	information that Mr Manly is seeking, and I believe that		13	JUDGE JAMESON: Then we can answer it again.
	14	· -			•
		this particular question is overbroad in that respect		14	please
10:35	15	MR. MANLY: You know, this is not what the	10:38	15	THE WITNESS: I'm sorry Could you?
	16	discovery act is about. The discovery act is about		16	JUDGE JAMESON: Let's have it read back
	1.7	allowing parties liberal discovery to find the facts and		17	BY MR. MANLY:
	1.8	find the truth, whatever the truth may be.		18	Q How many cases
	19	And what's happening here is this is being		19	JUDGE JAMESON No We'll have it read back.
10:35	20	grossly, grossly mischaracterized by you in an effort to	10:38	20	please
	21	shield whatever facts you want to shield, and I am going		21	MR. MANLY Oh. I'm sorry. Judge
	22	to make - at this point I'm going to make a motion for		22	(Whereupon, the record was read back
	23	sanctions on this deposition because, you know, I can't		23	by the reporter as follows:)
	24	ask a single question. You know what the answers are.		24	"Q How many cases did you
10:35	25	you know it's bad, and I believe it's been hidden by the		25	become how many allegations of
	*********	46			4:
	1	Diocese, now by counsel, and I have a right to ask him		1	sexual abuse involving laypersons or
	1 2	Diocese, now by counsel, and I have a right to ask him how many times — I can't ask the witness how many cases		1 2	sexual abuse involving laypersons or volunteers at the Diocese of Orange in
		•			
	2	how many times - I can't ask the witness how many cases		2	volunteers at the Diocese of Orange in
10:36	2 3	how many times I can't ask the witness how many cases of sexual abuse he's handled?	10:38	2	volunteers at the Diocese of Orange in your capacity as a Chancellory official from 1988 to 2002?"
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			1		
	1	forward to the Diocese from 1988 to 2002 who alleged		1	BY MR. MANLY:
	2	they've been abused by a lay employee or a volunteer of		2	Q Have you ever talked to Advantage to
	3	the Diocese of Orange?		3	A Yes.
	4	MR. RUTHERFORD: I'm going to object. I'm going		4	Q Have you ever talked to have about abuse
0:40	5	to object to this question. Again, it's violative of the	10;43	5	that occurred at Mater Dei High School?
	6	court order The witness has already stated that during		5	A I don't recall if I did I don't know if I did.
	7	the time period set forth in the order and - he only		7	Q Do you have any reason to believe that
	8	handled or was involved in or was aware of one case of a		В	yould lie about something you said?
	9	layperson at Mater Dei And now the question seeks to go		9	A No, I don't
10:40	10	beyond that and asked about any other part of the	10:43	10	Q Did serve in some capacity at the
	11	Diocese, and I believe that that specifically violates		11	Diocese from 1988 to 2002 in connection with responding
	12	the court order and I'm instructing him not to answer		12	to sexual abuse claims?
	13	MR. MANLY: Could you let the judge rule before		13	A Yes.
	14	you instruct him?		14	Q And in what capacity did he serve?
10:40	15	JUDGE JAMESON: There's an objection there and	10:43	15	A I believe he served on the Bishop's committee
	16	that is overruled. My only comment would be I think the		16	for - the newly-formed committee for oversight or
	17	objection is premature. It asks for a number. Once we		17	investigation of sexual misconduct allegations
	18	receive a number, if it's more than one, we'll break it		18	Q Okay. And did you attend those meetings?
	19	down as to the nature of perhaps the type of position		19	A Some of them, yes.
10:41	20	that the person held or whatever	10:44	20	Q And do you recall the same being there?
~~,	21	It may become objectionable, but at this point I		21	A Yes
	22	think we should get an answer You can maintain your		22	Q Do you recall discussing allegations against lay
	23	position if you want. Mr Rutherford, but that's my		23	employees at the Diocese in those meetings?
	24	comment		24	A No. I do not recall
10:41	25	MR. MANLY: Are you going to let him answer?	10:44	25	Q Did you take notes at those meetings?
10.71		50			5
	1	MR. RUTHERFORD: No Your Honor, I'm sorry I		1	A I don't believe I took notes
	2	stand firm on that.		2	Q So. is it your testimony that laypersons and
	3	JUDGE JAMESON: Don't apologize.		3	cases against laypersons were not discussed there or is
	4	BY MR. MANLY:		4	it your position you just don't remember?
10:41	5	Q Have you ever mo	10:44	5	A I do not remember
	6	sister?		6	Q Now, in the second of the committee?
	7	A I might have I can't recall if I did. but I		7	A I do not know
	В	might have		8	Q Did you ever learn the
	9	Q In what context did you meet her?		9	from the committee?
10:42	10	A I can't recall I don't know if I did or not	10:45	10	A I believe he did
	11	Q Does she have any connection to the Diocese		11	Q Do you know why he resigned?
	12	abuse scandal as far as you know?		12	A I cannot recall exactly why he resigned
	13	MR RUTHERFORD: Objection Violate		13	Q Did you ever hear he resigned because he felt
	14	objection. Vague.		14	the Diocese was continuing to cover up molestation at
10:42	15	JUDGE JAMESON: Sustained	10:45	15	Mater Dei and other places?
46	16	MR. RUTHERFORD: Thank you		16	A I don't recall if I heard that or not.
	17	BY MR, MANLY:		17	Q Did you hear he resigned because he complained
	18	Q Have you ever talked to her about allegations of		18	to the Bishop that Father McKiernan or Monsignor
				19	•
30.42	19	sexual misconduct by a layperson?	10:46	20	McKiernan would show up to the meetings drunk?
10:42	20	A I cannot recall, but I don't think so	10:46		A I don't recall that, no.
	21	Q Do you know whether or not she was abused?		21	Q Who is Monsignor McKiernan?
	22	MR. RUTHERFORD: Objection Violation		22	A Father Michael McKiernan
	23	Well, that's a yes or no answer. Monsignor Do		23	Q I'm sorry It's Father I apologize I gave
	24	you know whether or not that person was abused?	1	24	him a promotion
10:42	25	THE WITNESS: No, I do not	10:46	25	Who is Father Michael McKiernan?
		51			

	1	A Father Michael McKieman is the Pastor of		1	the victim here Okay?
	2	Christ Our Savior Parish		2	MR RUTHERFORD: Okay Counsel - Judge
	3	Q Has Monsignor I'm sorry		3	Jameson. I would just appreciate that those types of
	4	Has Father McKiernan ever held a position within	1.	4	comments be stopped. I don't think they have any place
10:46	5	the Diocese of Orange where it placed him in the	10:48	5	in this deposition, and my intent is to follow the court
	6	Chancellory office?		6	orders
	7	A Yes.		7	Now, based on Mr Manly's representations and so
	8	Q Okay Has Father McKiernan ever had access to		8	forth that he has this sort of permission, you know.
	9	the confidential files of the Diocese involving sexual		9	that - I guess we can make an exception in this case.
10:46	10	abuse?	10:49	10	but the type of comments that he's making are just
	11	A Yes. I believe he did.		11	completely unfounded.
	12	Q Okay Did ever complain to you that		12	MR. MANLY: Yeals Well, Judge, my response to
	13	Monsignor - I'm sorry - that Father McKiernan would		13	that is nobody's asked them, the court didn't ask us to
	14	come to the sexual abuse meetings drunk and/or make		14	check common-sense at the door
10:46	15	derogatory comments about victims?	10:49	15	JUDGE JAMESON: Well
	16	A He may have I don't recall		16	MR. CALLAHAN: There's no need to check courtesy
	17	Q Was that something that you think you might		17	at the door
	18	forget?		18	JUDGE JAMESON: No. Well, that's
	19	MR. RUTHERFORD: Calls for speculation		19	MR. MANLY: Come on, you know
10:47	20	JUDGE JAMESON: Sustained.	10:49	20	JUDGE JAMESON: Mr Manly, both of you.
	21	BY MR MANLY:		21	everybody. I take it - did I take that, following the
	22	Q Do you have a recollection as you sit here today		22	comments, that your objection is withdrawn?
	23	that the tame to you and complained that the		23	MR. RUTHERFORD: May I have the question read
	24	Bishop's secretary who had access to the confidential		24	back please?
10:47	25	files on priests would show up to the victim's would	10:49	25	(Whereupon, the record was read back
		54			· · · · · · · · · · · · · · · · · · ·
***************************************	1	show up to the sexual — the committee in charge of		1	by the reporter as follows:)
	2	responding to sexual abuse drunk?		2	*Q And is she a victim of sexual
	3	A I do not recall that.		3	abuse?"
	4	Q Are you saying that didn't happen or you just		4	MR. RUTHERFORD: If you know if she's a victim
10:47	5	don't remember?	10:49	5	based on Mr Manly's representations
10.47	6	A I don't remember if it happened or not	20.15	6	MR. CALLAHAN Do you mean of his personal
	7	Q Okay. Do you know		7	knowledge?
	. 8	A We have met, yes.		. 8	JUDGE JAMESON: Yeah He doesn't need to answer
	9	Q And was ever on a Diocesan		9	that based on Mr Manly's comments. He needs to base
10:47	10	committee?	10:50	10	that upon his recollection.
10:47	11	A Yes, she was.	10,50	11	You may answer sir If there is an objection.
	12	O And what committee was she on?		12	I would overrule it. So, let's move on
	13	A On that same oversight committee		13	BY MR. MANLY:
	14	•		14	
10:48	15	Q Okay And is she a victim of sexual abuse? MR. RUTHERFORD: Objection Violation of the	10:50	15	Q Do you understand the question? A May I have it one more time, please?
10:48	16	court order calling for the specific identity of an	10,30	16	Q Sure.
	16	alleged victim.		17	Is to your knowledge, a victim of
	1.0	MR. MANLY: Well. somehow I suspect that —		18	sexual abuse from a teacher at Mater Dei High School?
	19	first of all. has given me permission to ask		19	A My personal knowledge. I don't know. From what
30.40			10:50	20	-
10:48	20	it. Secondly, they paid her a million six to settle her	10:20	21	has been said publicly, yes. I would say that she is
	21	case. She was abused at Mater Dei by her choir director			Q You believe that she is a victim: correct?
	22	and she's the western regional director of the Survivors		22 23	A I suppose I don't know what to say
	23	Network of those Abused by Priests and has routinely done		24	Q How many non-victims did the Bishop appoint?
10	24	all sorts of press conferences and complaints about	10.53		Was she appointed as a victim's representative to the
10:48	25	Mater Dei So, let's not pretend we're trying to protect	10:51	25	Diocese board?
		55	Į.		!

	ı	A No. I would say not as a victim's		1	Q So, what have you heard?
	2	representative.		2	A That that is the reason why she resigned.
	3	Q Oh. okay So. your understanding is she was not		3	Q I see
	4	appointed as a victim's representative; correct?		4	So, the as I understand it, the reason, and
10:51	5	MR. RUTHERFORD: Asked and answered.	10:54	5	maybe I'm wrong, but the reason that Messrs and
	6	MR. MANLY: I just want to make sure the		6	were appointed is because – to the board is
	7	testimony is clear		7	because the 2002 norms adopted by the bishops mandated
	8	MR. RUTHERFORD: Your Honor. I'm sorry The		в	that victims be appointed to those boards; is that
	9	·		9	accurate?
1 M . F 1		witness was just waiting, but if -	20.54	10	
10:51	10	JUDGE JAMESON: Yeah Please answer	10:54		A I don't know if they were appointed before or
	11	THE WITNESS: My understanding was that		11	after the norms I don't recall when they were asked to
	12	was asked to serve on the board because she		12	serve.
	13	was a victim, yes		13	Q Do you know why they were put on the board? I
	14	BY MR. MANLY:		14	guess that's a better question.
10:51	15	Q Okay	10:54	15	A I know why I asked to serve on it.
	16	A Yes.		16	Q Why?
	17	Q Thank you.		17	A Because I felt that he, as one who was a victim
	16	And did she resign from the board?	1	18	of sexual molestation, would be a good person to have on
	19	A Yes, she did.	Ì	19	the board to help the newly-formed board know the
10:52	20	Q Do you know why?	10:55	20	situation of victims and the plight of victims and to
	21	A This I only would say, I believe she resigned		21	have him - to ask him to serve in this way
	22	because she felt that the board was not functioning		22	Q Has ver made any comments to you
	23	properly as it ought to.		23	personally, Monsignor, about his feelings about your
	24	Q What do you mean by that?		24	handling of cases while you were in the Chancellory
10:52	25	MR. RUTHERFORD: Objection It's asking the	10:55	25	office involving sexual abuse?

	1 2	witness to interpret somebody else JUDGE JAMESON: Well, was there a declaration or		1 2	A Yes. Q And tell me about that. What did he say to you?
	3	a comment or a letter written or anything stating her		3	A He told me he was - as I recall, that he was -
	4	reason for resignation that you would base an		4	
10:52	5	•	10:56	5	he, came to St. Norbert's where I am now and
10:52		understanding on why she resigned?	10:56		told me that he was upset with me the way that well.
	5	THE WITNESS: I don't have personal knowledge of		6	it basically had to do with that — upset with me that I
	7	anything sent to me, I don't believe, why she resigned,		7	would attend a dinner party for Michael Harris after
	8	but that I think that publicly or in some form she has	1		
				8	Michael Harris was no longer serving as a priest
	9	said because it was not the board was not working and		9	Q He was upset with you because you attended a
10:53	10	she felt that it was not the right place to be or was	10:56	9 10	Q He was upset with you because you attended a dinner party for Michael Harris after the Bishop had
10:53		she felt that it was not the right place to be or was not — it was not doing what it was set up to do.	10:56	9	Q He was upset with you because you attended a dinner party for Michael Harris after the Bishop had removed him for credible allegations of sexual abuse; is
10:53	10	she felt that it was not the right place to be or was	10:56	9 10	Q He was upset with you because you attended a dinner party for Michael Harris after the Bishop had
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	1	MR. RUTHERFORD: Objection. It's violative of		1	MR. CALLAHAN: Ask Mr. Manly what do you mean by
	2	the court order It readily identifies a particular		2	this.
	3	individual and I believe there's portions of that		3	MR. MANLY: If that's okay with the court.
	4	question that don't need to be in there in order to get		4	JUDGE JAMESON: Yeah I mean, you're always
0:57	5	the information that Mr. Manly seeks.	11:00	5	welcome if you don't understand a question or have a
	6	JUDGE JAMESON: Well -	1	6	7 problem with it rephrase it but let us - if you can.
	7	MR RUTHERFORD: If the question is - I'm sorry		7	let us know what the area of the question is that you're
	8	to interrupt. Your Honor, but if the question is did you		8	concerned about
	9	attend, that's a very simple question. It's yes or no.		9	MR. RUTHERFORD: You can also have it read back.
0:57	10	but without all the rhetoric attached to it that is in	11:00	10	but go ahead
	11	violation of the court order		11	THE WITNESS: May I have the question read back?
	12	न JUDGE JAMESON: Well, I don't know that it's		12	MR MANLY: Okay
	13	rhetoric, but it's conditions which make the question		1.3	(Whereupon, the record was read back
	14	compound because we could receive an answer of no and it		14	by the reporter as follows)
0:57	15	could be any one of those elements.		15	"Q Have you ever aftended a diffeer
	16	MR. MANL Y: I'll break it down		16	for any priest or any former employee
	17	JUDGE JAMESON: But the other the other 1		17	of the Diocese after you received
	16	would just comment we've taken the deposition of		1.8	as a Chancellory office official
	19	Mr Harris and these allegations were discussed with him		19	received a document from a Roman
0:58	20	So. I don't know that there's a privacy issue here		20	Catholic psychiatric facility naming
.0:50	21	So, if you want to break it down. Mr Manly.		21	them as a molester?*
	22	•		22	THE WITNESS: My confusion is this Because we
	23	we'll do that, please MR. MANLY: Yes, sir		23	were talking about Michael Harris, are you saying that
	24	·		24	that document the document from the Catholic thing
		Q Have you ever attended a dinner for any priest	11:01	25	named him a molester? That's my confusion
10:58	25	or any former employee of the Diocese after you 62			Maried Militarios State Time Tilly Colleges
		Charles Ward and American		1	BY MR. MANLY:
	1	received — as a Chancellory office official received a		2	
	2	document from a Roman Catholic psychiatric facility			Q Okay Well, let's ask that question
	3	naming them as a molester?		3	Did you ever receive a document from a Catholic
	4	A May I ask my attorney a question?		4	psychiatric hospital identifying or giving a diagnosis
10:59	5	MR RUTHERFORD: Sure. You always have that	11:01	5	that Father Harris suffered from an ailment, a
	6	right.	1	6	psychological ailment where he would – would – I'll
	7	MR. MANLY: Wait. Not with a question pending		7	tell you what. Let me ask a very specific question
	8	in a deposition	Į	8	What's an ephebophile, if you know?
	9	MR. CALLAHAN: Is it for clarification about the		9	A An ephebophile. I believe, is someone who has
10:59	9 10	MR. CALLAHAN: Is it for clarification about the question?	11:01	10	sexual attraction to people who are to young people
10:59		question? THE WITNESS: Yes	11:01		sexual attraction to people who are - to young people who are post-pubescent
10:59	10	question?	11:01	10	sexual attraction to people who are to young people who are post-pubescent Q Okay In other words, they have sex with
10:59	10 11	question? THE WITNESS: Yes	11:01	10 11	sexual attraction to people who are - to young people who are post-pubescent
10:59	10 11 12	question? THE WITNESS: Yes MR. CALLAHAN: Then ask the person who asked it	11:01	10 11 12	sexual attraction to people who are to young people who are post-pubescent Q Okay In other words, they have sex with
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4 as — of the order as well as Page 2. Lines 26 through 28 5 continuing onto the next page 6 BY MR MANLY: 7 Q Monsignor. Aby our scall giving a deposition on 8 June 12th 2001 in a case entitled Marcus Ryan Dibharia 9 versors Roman Catholic Bibliop of Crange, et al. 7 11:03 10 A Yes, 1do. 10 Q Okay And let me read to you from Page 99 11 Q Okay And let me read to you from Page 99 12 And, Mr Rudherford, if you want to come look 13 over my shoulder, you're velcome to as long as you don't 14 touch me That's a joke 11:03 15 But let me read you the testimony and this is 16 from Page 99 17 'Q Can you tell me, so the juny will 18 understand why Hurris was suspended from the 19 active prienthood because he reliased to comply 22 with the Bibliop's discrete to go for impatient 11:03 20 "A Michael Harris was suspended from the 23 active prienthood because he reliased to comply 24 with the Bibliop's discrete to go for impatient 25 suspended without faculties and then would be 26 suspended without faculties and then when 27 The WTNESS: I believe the Bishop made that 28 determination that Michael Harris continued his refusal. lie was 29 suspended with no priestly faculties 20 THE WTNESS: I believe the Bishop made that 21 could come back to priestly ministry because he 22 message and a determination that Michael Harris fall nove 29 The because of the report from the Saint Lake 20 motest anyone. he needed impatient restition 21 percent for what?" 22 message and with our priestly desired to go for impatient 23 motest anyone. he needed impatient restition 24 And there faculties and been made: 25 THE WTNESS: There what the Saint Lake's heaves of the country of the Diocese of Orange that he needed treatment 26 Again, a statement by Mr Harris's lavyer 27 THE WTNESS: There were the substitute was well-become for being to use a phrace. 28 The Washing down have a substitute was well-become for being to use a phrace. 29 The WTNESS: The result of the country of the Diocese of Orange that he needed treatment 29 The because of the report fr		1	MR. RUTHERFORD: I'm going to - I must instruct		1	any phrases, but because of other concerns raised
a as — of the order at well as Page 2. Lines 26 through 28 5 continuing mont the neat page 6 BY MR MANLY: 7 Q Monisginor, do you recall giving a deposition on 8 June 12th 2001 in a case entitled Mucras Ryan DiMaria 9 versus Roman Cattolic Bitchop of Ornage, et al. 11:03 10 A Yes, I do. 11:03 10 A Yes, I do. 12 A Yes, I do. 12 A Yes, I do. 13 Q Clay. And let me read to you from Page 99 12 And, Mr Rutherford, if you want to come look 13 over my shoulder, you're welcome to as long as you don't 14 touch me That's a joke 13 over my shoulder, you're welcome to as long as you don't 14 touch me That's a joke 15 from Page 90 16 Q Can you tell me, so the jury will 17 Q Can you tell me, so the jury will 18 understand, why Harris was suspended from the 19 active pricationed a service pricationed as early precision by with the Bitchop's discretive to go for impatient 22 mention of the Bitchop warned him tout he would be 19 active pricationed because he refused to comply with 11:03 20 "A Michael Harris was suspended from the 21 active pricationed because he refused to comply with the thick post factive to go for impatient 22 mention of the Bitchop warned him tout he would be 23 suspended with on priestly faculties 24 that And then Father Harris's lawyer objected 25 THE WITNESS: I believe the Bitchop made that 26 determination that Michael Harris decided reasonen 27 because of the report from the Saint Lake 28 mould come back to priestly ministry because he 29 Again, a statement by Mr Harris's lawyer 21 THE WITNESS: That's what the Saint Lake's recommended is to that he 21 could come back to priestly ministry because he 22 was ould ministry and the word was out stready 23 THE WITNESS: Based on the Saint Luke's report middle saint and great pilon prince in the country of revaluating, dispressing and ureasing priest pedophilies; and ephebophilies; or THE WITNESS: Based on the Saint Luke's report would May he can be be single to use a phrace a specialist in this area which is why – and that's five peror would have been their — w		2	the witness not to answer, Your Honor I believe this is		2	in that that the Saint Luke's report indicated
11 102 5 continuing onto the next page 6 BY MR MANINY: 7 Q Monsigner do you secall giving a deposition on 8 June 12h. 2001 in a case entitled Marcus Ryan Diblaris 9 versus Romon Catholic Bishop of Orange, et al ? 11 103 10 A Yes, I do. 11 Q Clay And the me read to you from Page 99 12 And, hir Rutherford, if you want to come look 13 over my shoulder, you're welcome to as long as you don't 14 toucher me That's globe 15 But let me read you the testimony and this is 16 from Page 90 17 'Q Can you tell me, so the juny will 18 understand, why Harris was suspended from the 19 ocivive priestabood? 19 O'A Michael Harris was suspended from the 20 ocivive priestabood because he refused to comply 21 wish the Bishop's directive to go for inpanient 22 treatment. And when he refused to comply 23 treatment and when he refused to comply 24 that the Bishop warned him that he would be 25 suspended with not priestly fleaulites 26 determination than Michael Harris redulter treatment 27 And then Father Harris's lawyer objected 28 THE WITNESS: I believe the Bishop made that 29 determination with Michael Harris continued his refusal. he was 20 suspended with not minerty with the sound the because of the report from the Saint Luke 21 toucher form because of the report from the Saint Luke 22 touches and that if Michael Harris's lawyer objected 31 O'Q Treatment Michael Harris redulter treatment 4 And then Father Harris's lawyer objected 4 And then Father Harris's lawyer objected 5 THE WITNESS: That's what the Saint Luke 6 Institute, and that if Michael Harris deline treatment 7 because of the report from the Saint Luke 8 Institute, and that if Michael Harris deline treatment 10 because Saint Luke's recommended it to that he 11 could come back to priestly ministry because he 12 was out of ministry und the word was out already 13 THE WITNESS: That's what the Saint Luke's because yet and the saint Luke's because		3	in direct violation of Page 3. Lines 4 through 7 as well		3	this and they recommended treatment, as Chancellor
6 BY MIR MANLY: 7 Q Monsigner, do you recall giving a deposition on 8 June 12th, 2001 in caste entitled Marcus Ryan DiMaria 9 versus Rorman Catholic Bishops of Orange, et al 7 11:03 10 A Yes, 1 do 11:0 Q Okay And let me read to you from Page 99 12 And, Mr. Rusherford, if you want to come Book 13 over my shoulder, you're welcomes to as long as you don't 14 touch me That's ajoke 16 from Page 99 17 'Q Cam you tell me, so the jony will 18 understand, why liverity was suspended from the 19 active priesthood? 11:03 20 'A Michael Harris was suspended from the 19 active priesthood? 11:03 20 'A Michael Harris was suspended from the 19 active priesthood? 11:03 22 That the Bishop warned him that he would be 23 treatment. And when he refused to comply with 24 that, the Bishop warned him that he would be 25 suspended with on priestly facilities. 26 THE WITNESS: I believe the Bishop made that 27 And then Father Harris's lawyer objected. 28 Michael Harris continued his refusal. he was 29 suspended with on priestly facilities. 30 'Q Treatment for wha?" 4 And then Father Harris's lawyer objected. 4 The WITNESS: I believe the Bishop made that 4 because of the report from the Saint Luke 5 for being an aphebophilie? 4 And then Father Harris sellower the Bishop made that 5 because of the report from the Saint Luke 6 for the Diocesse of Orange that he needed treatment 7 because Saint Luke's recommended it to that he 11:04 10 because Saint Luke's recommended it to that he 12 was out of ministry and the word was out already 13 MR MANLY. The Diocesse 14 Again, a statement by Mr Harris's lawyer 15 'MR MANLY. You can unawer 16 'A Wash aid give understand as the Chancellor 17 Of the Diocesse of Orange that he needed treatment 18 for baced on the Saint Luke's report in the Saint Luke's because by 19 Continuing a Page 100 again an objection by 11:04 20 Futher Harris's lawyer 11:05 20 A Yes 22 Q All right. Father - 22 Q All right. Father -		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
6 BY MR MANLY: 7 Q Monsignor, do you recall giving a deposition on 8 June 12th, 2001 in case entitled Marcus Ryan Dibdaria 9 versus Roman Catholic Bishop of Crange, et al. 7 11:03 10 A Yes, 160 11 Q Okay, And let me read to you from Page 99 12 And, Mr Ruberford, if you want to come blook 13 over my shoulder, you've welcome to as long as you don't 14 touch me That's a joke 11:03 15 But let me read you the testimony and this is 16 from Page 99 17 Q Can you tell me, so the jury will 18 understand, why Hurris's was suspended from the 19 active priesthoof? 11:03 20 "A Michael Harris was suspended from the 21 active priesthoof? 22 with the Bishop's directive to go for inputient 23 treatment. And when he refused to comply with 24 that, the Bishop wanted him that he would be 25 asspended without finculties. And then when 26 THE WITNESS: I believe the Bishop made that 26 determination that Michael Harris fall most 27 because of the report from the Saint Luke 28 suspended with on priestly fisculties. 39 THE WITNESS: I believe the Bishop made that 40 because you fee report from the Saint Luke 41 because of the report from the Saint Luke 51 Continuing at Page 101 52 Was ont of ministry and the word was out already 53 that allegations had been made. 54 Again, a statement by Mr Harris's lowyer 56 56 56 57 THE WITNESS: I believe the Bishop made that 58 Continuing at Page 101 59 Cy You sent him to Saint Luke's recommended its of that he 59 THE WITNESS: I believe the Bishop made that 50 Cy Wat at Michael Harris did not 51 Cy Wat at Michael Harris did not 51 Cy Wat at did you understand as the Chancellor 59 The Was well-known for being to use phrase, as spended on the Saint Luke report? 50 Cy Wat at did you understand as the Chancellor 51 Continuing at Page 100 again an objection by 51 Continuing at Page 101 52 Continuing at Page 101 53 Continuing at Page 101 54 Continuing at Page 101 55 Cy Wat at did you understand as the Chancellor 56 Cy Wat at did you understand as the Chancellor 59 Continuing at Page 100 again an objection b	1:02	5	-	11:05	5	treatment."
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24 word I'm thinking of ephebophilia and I haven't 24 MR. RUTHERFORD: I'm sorry. Mr. Manly		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?	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?

	1	MR. CALLAHAN: It is now about almost 10 minutes		1	JUDGE JAMESON. So, it's a little inconsistent
	2	after 11:00,		2	to talk about privilege now
	3	MR. MANLY: Want to take a break?		3	MR. RUTHERFORD: Your Honor, though, that
	4	MR. RUTHERFORD: I'd appreciate it.		4	document was shown to a witness and simply asked have you
11:06	5	JUDGE JAMESON: We're due for a break, overdue	11:31	5	seen it before
	6	for a break		6	MR. CALLAHAN And now this witness is being
	7	MR. MANLY: Sure	1	7	read earlier testimony taken at a time when that
	8	THE VIDEOGRAPHER: The time is 11:06 and we're		8	examinee. Harris had a lawyer there and we know I
	9	going off the record		9	don't have an exact memory of the deposition, although
11:07	10	(Recess taken)	11:31	10	this happened, what, five years ago
	11	(Off the record at 11:06 a.m. Back on the		11	JUDGE JAMESON. Well, there was - Father Harris
	12	record at 11:29 a.m.)		12	was deposed a few weeks ago in this case. That's where
	13	THE VIDEOGRAPHER: The time is 11:29 and we're		1.3	my comment comes from as to prior testimony
	14	back on the record.		14	MR. CALLAHAN: And Harris freely talked about
11:29	15	MR. CALLAHAN: Let me just repeat. Your Honor.	11:31	15	the psychiatric report and didn't assert any privilege?
** * * * *	16	what I said off the record.	11.51	16	If that's the case. I'm not going to assert the
	17	Fin concerned that our interpretation of this		17	privilege
		•		18	
	1.0	order by Judge Andler for the facts in this case is the			JUDGE JAMESON. I don't recall the report being
	19	judge says you can talk about Category 1. Mater Dei. '88		19	discussed in his deposition, but certainly his -
11:29	20	to '01, but you can't talk about Category 2, identity of	11:32	20	affegations against him were raised
	21	particular victims or perpetrators and that's our		21	MR. MANLY The issue of this report was
	22	position and I understand people differ with that.		22	litigated to the California Supreme Court judge in
	23	Now, we've had a question, well, in an earlier		23	another case. They ordered it produced. It was
	24	deposition did you talk about Category 2, and he's asked		24	produced. It's been attached to numerous filings with
11:29	25	a number of questions, do you remember this, did you say	11:32	25	the Superior Court in numerous cases without objection
		70			7
	1	this, identifying a particular victim or perpetrator, and		1	It is in the public domain. It has been featured in
					•
	2	the answer to those questions are yes, I said it in		2	articles. It is on BishopAccountability Com's website
	2	the answer to those questions are yes, I said it in deposition earlier But I think, and perhaps I'm a		2	•
					articles. It is on BishopAccountability Com's website
11:30	3	deposition earlier But I think, and perhaps I'm a	11:32	3	articles. It is on BishopAccountability Com's website right now if you'd like to get it. And the horse is not
11:30	3 4	deposition earlier But I think, and perhaps I'm a little bit late on this, but that around, that then	11:32	3	articles. It is on BishopAccountability Com's website right now if you'd like to get it. And the horse is not only out of the barn, the horse has left the state. And
11:30	3 4 5	deposition earlier But I think, and perhaps I'm a little bit late on this, but that around, that then incorporates the earlier deposition into the current	11:32	3 4 5	articles. It is on BishopAccountability Com's website right now if you'd like to get it. And the horse is not only out of the barn, the horse has left the state. And you know. I understand why they don't want it there
11:30	3 4 5 6	deposition earlier But I think, and perhaps I'm a little bit late on this, but that around, that then incorporates the earlier deposition into the current deposition and thereby violates the court order	11;32	3 4 5	articles. It is on BishopAccountability Com's website right now if you'd like to get it. And the horse is not only out of the barn, the horse has left the state. And you know. I understand why they don't want it there because they fought all the way to the Supreme Court to
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11:30 11:30	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	deposition earlier But I think, and perhaps I'm a little bit late on this, but that around, that then incorporates the earlier deposition into the current deposition and thereby violates the court order JUDGE JAMESON: Well, and I sat here wondering why there wasn't an objection, and without an answer to those readings, they wouldn't mean anything. So, you get your — to a certain extent, the horse is out of the barn. If you want to object to future questions of that nature, that's your prerogative. MR CALLAHAN: All right. I'm not sure if I can spell this, but I'd like to insert a nunc pro tunc objection to the earlier questions. I got fooled by that in the realm of the earlier deposition The other concern! have about this deposition is, he's now being asked about earlier testimony about psychiatric reports, which are entitled to a privilege, at a time when the person identified in the psychiatric report had an attorney there JUDGE JAMESON: Let me interrupt you for a	11:32	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	articles. It is on BishopAccountability Com's website right now if you'd like to get it. And the horse is not only out of the barn, the horse has left the state. And, you know. I understand why they don't want it there because they fought all the way to the Supreme Court to get it protected, but come on, this is — you know, this is about — at this point the Diocese's counsel is basically going to attempt to refuse to let me ask any question that in any way, shape or form indicates they had another perpetrator. If there were other perpetrators in the Diocese, and we know there were dozens. I am entitled to ask about that The order doesn't say what Mr. Callahan's construing it to say. Judge Cannon issued this order and what he was concerned about was protecting the privacy of victims, and today I haven't asked about a victim other than people I've represented, and he was — he wanted to protect the privacy of perpetrators who had not yet been disclosed, and this falls under neither of those If the Diocese wanted to protect Monsignor.

2 certainly not transport 3 So, let's just proceet 4 JUDGE JAMI 11:33 5 BY MR MANLY: 6 Q Okay Mons 7 experts in the field 8 the recidivism rate 9 (Telephonic is 11:34 10 JUDGE JAMI 11 MR MANLY	ignor, do you have any idea of what of child sexual abuse believe about — sterruption) ESON: Sorry about that	11:35	1 2 3 4 5 6 7 8 9 10	June 12th — A Yes Q — okay. 2001 in the DiMaria case? A Yes. Q Let me read to you from Page 63. Line 19 "Q How long have you been the point person in handling sex abuse cases in the Diocese of Orange? "A I would say 1992. '91. '92. in that time
3 So, let's just proceed 4 JUDGE JAMI 11:33 5 BY MR. MANLY: 6 Q Okay Mons 7 experts in the field of the recidivism rate of the recidivism	d. I guess ESON: Yes. please ignor. do you have any idea of what of child sexual abuse believe about enterruption) ESON: Sorry about that : That's okay		3 4 5 6 7 8 9	Q — okay. 2001 in the DiMaria case? A Yes Q Let me rend to you from Page 63. Line 19 "Q How long have you been the point person in handling sex abuse cases in the Diocese of Orange? "A I would say 1992. '91. '92. in that time
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11:34 10 JUDGE JAMI 11 MR. MANLY 12 Q of sex abus	ESON: Sorry about that : That's okay	11:36	10	•
11 MR. MANLY 12 Q of sex abus	: That's okay	11:36		C
12 Q of sex abu	·		4.4	frame
•	sers? Do you have any information		11	"Q If a report was made to an agency. it
13 on that?			12	would have to come across your desk since you have
			13	been involved with these cases since 91?
14 A Anecdotally			14	"A If a report were made to an agency?"
11:34 15 Q Have you ev	er read anything about that?	11:36	15	This is now Page 64
16 A can't recall	having read anything for a while.		16	"Q Right. It would have to come across your
17 Yes. I have, but I ca	n't recall when		17	desk as the point person that investigates these
18 Q Do you reme	mber giving a deposition on		18	cases; correct?
19 June 12th, 2001 in t	the DiMaria case?		19	"A Tam confused. I'm sorry I'm confused.
11:34 20 A Yes		11:36	20	"Q Let me - the chain of command is such
21 Q Okay Let m	ie read you Page 39, Line 6.		21	that if there is a report made to an agency about
22 "Q Have yo	ou ever read anything on the		22	a priest, that it should come across your desk and
23 recidivism rate	of child molesters?		23	you report it; correct?
24 "A Yes			24	"A No
11:34 25 "O What is	your understanding of the	11:36	25	"Q Tell me what is wrong about that.
	74	1		7
1 recidivism rate o	f somebody who was a child		1	"A If a report were to be made about any
2 molester?	•	ļ	2	other priest or any other teacher, administrator
3 "A I believe	the recidivism rate is very		3	knew about it, they're the ones to make the
	vell for a person. I guess it's		4	report. Now, they would let me know. I believe "
11:35 5 a bad way		11:37	5	Did you give that testimony?
6 'Q You mea	n it's high?		6	A Yes.
7 "A It's high."	•		7	Q Okay So, is it a fact that if somebody made a
8 Did you give th			8	report about a teacher or administrator serving the
9 A Yes, I did	a		9	Diocese of Orange, you should have been notified – white
	ain your opinion?	11:37	10	you were the Chancellor, you should have been notified
11 A Yes.	ши уош оринон:	24.07	11	•
	and the Control of the			while you were serving in the Chancellory office?
•	earlier I asked if you were the		12	MR RUTHERFORD: Calls for speculation
	Diocese on sexual abuse Do you		13	JUDGE JAMESON: It's overruled.
14 remember that?			14	THE WITNESS: May I have the question one more
11:35 15 A Yes.Ido		11:37	15	time, please?
·	- what was your answer to that?		16	MR. MANLY: Why don't you read it back.
	ests, is that right, or you said no		17	(Whereupon, the record was read back
18 or –			18	by the reporter as follows:)
	FORD: Asked and answered		19	"Q Okay So, is it a fact that if
	I just don't remember what his		20	somebody made a report about a teacher
21 answer was I'm not	trying to -		21	or administrator serving the Diocese
22 JUDGE JAME	SON: Answer the question, if you can		22	of Orange, you should have been
23 THE WITNESS	S: For clergy sexual abuse, yes.		23	notified while you were the
24 BY MR. MANLY:			24	Chancellor, you should have been
11:35 25 Q Do you remen	iber giving a deposition on		25	notified while you were serving in the
	7:	5		

ople are you aware of - have you
on that topic previously on how many
were operating in the Diocese of
ere in the Chancellory office? Have
ony like that before?
un you don't remember or you didn't?
ber
nany priest molesters, not laypeople
were working in the Diocese as of
זו
FORD: I'm sorry Objection
t order
SON: Overruled
FORD: Instruct the witness not to
tims of priest — how many victims
Diocese of Orange from 1976 to the
e of that have come forward and
e abused by a priest, layperson or
cese?
FORD: Objection. Violation of the
SON: Well, I guess that's the problem
certainly, in time, might need to
ce the question is how many and I
scloses any the identity of
the objection You can instruct
you want.
FORD: Your Honor, I'm -
Tom, you don't need to say it. I'll
stion, as phrased, it's outside the
'm just making my record.
FORD: Time limits
The time limits. I think at this
a clear record established that
s highly relevant, and all I'm
my record. so
FORD: All I want to say is that it
ler in multiple respects Not only
ready been mentioned, but also that
hat plaintiff is only entitled to
ns of sexual misconduct between
nd Mater Dei employees during a
<u></u>
structing him not to answer
-
hen's the first time well.
•

					A CONTRACTOR OF THE CONTRACTOR
	1	actually who taught you how to handle or intake a sex		1	you were in the Chanceliury office on any employee of the
	2	abuse case. if anybody?		2	Diocese of Orange who was alleged to have molested a
	3	A No one that I recall		3	child at any time?
	4	Q Well, who did it before you at the Diocese, if		4	MR RUTHERFORD: Objection. Violation of the
11:43	5	anybody?	11:46	5	court order. It's overbroad and it's not limited in any
	6	A Bishop Driscoll Monsignor Driscoll Bishop		6	fashion to just Mater Dei High School
	7	Driscoll		7	JUDGE JAMESON: Well, the response is how many
	8	Q So. did you ever speak with him on how it should		8	times, and the answer could be one to any other number
	9	be done?		9	and I don't see how that discloses anything. And then
11:43	10	A I'm sure I did. yes	11:46	10	that - if there aren't any, then that ends the issue
	11	Q Okay So, effectively he trained you. Is that		11	If there are any, then I think you need to focus on the
	12	fair?		12	next question. But if you think that's disclosing
	13	A Well, he would have been one source of learning		13	something, then
	14	what to do. yes.		14	MR. RUTHERFORD: Your Honor, there's more at
11:43	15	Q Okay And I want you to listen to this question	11:46	15	issue here than just disclosure of private information
	16	very carefully		16	MR MANLY: Yes, there is. Tagree
	17	Was there an agreement by you and Bishop		17	MR. RUTHERFORD: Relevancy was a major component
	1.8	McFarland and/or others at the Chancellory office that		18	of the fashioning of this court order and there needs to
	19	you would conceal the names of priest abusers from law		19	be some limitation to the scope of what the plaintiff is
11:43	20	enforcement?	11:47	20	entitled to inquire into So, I think I just don't
	21	A May I have the question again?		21	want - I don't want there to be some misunderstanding
	22	JUDGE JAMESON: Have it reread, please		22	that this court order is all about privacy interests,
	23	(Whereupon, the record was read back		23	although that is a major component of it. There's also a
	24	by the reporter as follows:)		24	relevancy component of it that the court understood and
	25	"Q Was there an agreement by you	11:47	25	that's why the court fashioned the order as it did
		82			. 8
	1	and Bishop McFarland and/or others at		1	And so I don't believe the litmus test on these
	2	the Chancellory office that you would		2	questions is whether or not it tends to identify
	3	conceal the names of priest abusers		3	somebody, although that is a part of the analysis. The
	4	from law enforcement?"		4	test also is whether or not it's within the scope of
11:44	5	THE WITNESS: No, there was no agreement between	11:47	5	relevancy that the court has determined
	6	me and Bishop McFarland or others to do that.		6	MR MANLY: I mean, I just
	7	BY MR. MANLY:		7	JUDGE JAMESON: 1 don't think we need to debate
	В	Was there ever an unwritten understanding or a		8	it.
	9	sitent understanding that you were not to call the police		9	MR. MANLY: I agree
11:44	10	when you received a report of sexual abuse by an employee	11:47	10	JUDGE JAMESON: Let's move on.
44,44	11	of the Diocese of Orange or a volunteer or a priest or	11.47	11	MR. MANLY: Can I have an answer?
	12	layperson involving a child?		12	MR. RUTHERFORD: I'm instructing him not to
	13	A Not that I'm aware of.			~
				13	answer that question
	14	Q How many times did you call the police on an		14	BY MR. MANLY:
11:45	15	employee, priest or religious working in the Diocese of	11:48	15	Q Monsignor, when you were at the Diocese, was
	16	Orange who was alleged to have molested a child?		16	there a different protocol on how to handle abuse cases
	17	MR RUTHERFORD: Objection. Violation of the		17	that arose or allegedly arose from Mater Dei than other
	1.8	court order It's seeking to discover information		1.8	places?
	19	regarding matters that may go beyond anything to do with		19	A I don't know how the cases were handled at
11:45	20	Mater Dei and it also lacks foundation in that regard	11:48	20	Mater Dei
	21	JUDGE JAMESON: Objection's overruled		21	Q Is that right? Didn't you handle cases
	22	MR. RUTHERFORD: I'm instructing the witness not		22	involving Father Harris from Mater Dei?
	23	to answer		23	MR RUTHERFORD: Objection Violation of the
	24	BY MR, MANLY		24	court order
11:45	25	Q Did you ever call the police in the entire time	11:48	25	JUDGE JAMESON: Overniled
		83			

	1	MR RUTHERFORD: Instruct him not to answer		1	know what I asked?
	2	BY MR. MANLY:		2	(Whereupon, the record was read back
	3	Q In 1994 did you receive allegations that		3	by the reporter as follows:)
	4	Michael Harris raped kids at Mater Dei white he was	•	4	*Q And you have no information
11:48	5	principal there?		5	from any source that there was ever a
	6	MR RUTHERFORD: Objection Violation of the	ŀ	6	policy or an instruction from anybody
	7	court order These are - it's not only identifying a		7	in the Diocese at any time that Mater
	8	- • •		9	Dej cases were to be handled
		specific person, but more importantly, it's inquiring		9	
	9	into matters that may or may not have taken place within		-	differently from any other case in the
11:49	1.0	the stated time period.	11:51	10	Diocese; is that correct?"
	11	JUDGE JAMESON: Objection's overruled.		11	JUDGE JAMESON: Well let's see if Monsignor
	12	MR. RUTHERFORD: I'm instructing the witness not		12	understands the question now that it was reread or do we
	13	to answer		13	need to have it rephrased?
	14	MR. MANLY; On what grounds?		14	THE WITNESS It's a lot in one question I
11:49	15	MR. RUTHERFORD: I just provided it.	11:51	15	may it be rephrased?
	16	JUDGE JAMESON: Let's move on, Mr. Manly.		1.6	JUDGE JAMESON All right
	17	MR MANLY: Okay		17	BY MR. MANLY:
	1.8	Q Did you receive any training or are you aware of		18	Q Sure
	19	any document that indicates the Diocese should treat		19	Do you have any information from any source that
11:49	20	Mater Dei cases any differently than they would any other	11:51	20	at any time Mater Dei cases in the Diocese were supposed
	21	cases where sexual abuse is alleged?		21	to be handled differently from any other case in the
	22	A No.		22	Diocese of sexual abuse?
	23	Q There was no policy that existed that Mater Dei		23	A I do not remember
	24	cases would be treated any differently than other cases;		24	Q Does that mean no or you have no information?
11:49	25	correct?	11:51	25	MR. RUTHERFORD: Objection. Asked and answered
		86			88
	1	MR. RUTHERFORD: Objection. Vague		1	The answer is very clear
	2	JUDGE JAMESON: May I have the question back?		2	JUDGE JAMESON. "I don't remember" is
	3	BY MR. MANLY:		3	acceptable So, I don't know how that can be interpreted
	4	Q Was there any policy that existed or any writing		4	as no
11:49	5	of any type or sort that stated that Mater Dei cases will	11:52	5	MR. MANLY: Okay
	6	be handled differently than other cases in the Diocese of		_	
	•		1	6	O So, you don't remember if that happened or not
	7	·		6	Q So, you don't remember if that happened or not is that cipht?
	7	sexual abuse?		7	is that right?
	8	sexual abuse? JUDGE JAMESON: Overruled.		7 8	is that right? MR. RUTHERFORD: Objection. Asked and answered
	8	sexual abuse? JUDGE JAMESON: Overruled. THE WITNESS: Not that I'm aware of.	33.53	7 8 9	is that right? MR. RUTHERFORD: Objection. Asked and answered JUDGE JAMESON: Overruled.
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	1	Mater Dei cases were supposed to be		1	the witness's
	2	handled differently from cases in		2	JUDGE JAMESON: Just ask did that priest work at
	3	other schools, parishes or Diocesan		3	Mater Dei
	4	institutions at any time?"		4	BY MR. MANLY.
11:53	5	THE WITNESS: I don't recall being told anything	11:55	s	Q Did the priest ever work, serve or have any
	6	about that		6	connection with Mater Dei?
	,	BY MR. MANLY:		7	A I don't know if he did or not.
	8	Q Okay So, the answer is no; correct?		8	Q Can I have the priest's name, please?
	9	MR. RUTHERFORD: Objection. Misstates		9	MR. RUTHERFORD: Objection. Violation of the
11:53	10	testimony	11:55	10	court order
	11	JUDGE JAMESON: Yeah He doesn't recall if it	11.33	11	JUDGE JAMESON: Sustained.
	12	happened, so let's —		12	
	13			13	MR. MANLY If I can't — if I have the priest's
		MR. MANLY: All right.			name, Judge. I can check the Catholic directory and
	14	AJDGE JAMESON: — let's take that answer and		14	determine for myself if he did. I can also consult the
11:53	15	go.	11:55	15	Diocesan directory
	16	BY MR. MANLY:		16	JUDGE JAMESON Well you need to exhaust you
	1.7	Q From 1988 to 1992, do you ever recall reporting		17	may well get to it by asking other questions. You need
	1.8	any employee of the Diocese of Orange, including priests,		1.8	to exhaust that effort before we answer this question
	19	teachers or laypersons, to the police for any reason?		19	BY MR. MANLY:
11:53	20	MR. RUTHERFORD: Drugs or anything like that?	11:55	20	Q What parishes did the priest serve in?
	21	MR. MANLY: Any reason.		21	MR. RUTHERFORD Objection My concern on this
	22	THE WITNESS: I don't think so, but I do not		22	one, Your Honor, and I'm going to object on the grounds
	23	recall I don't thìnk so		23	that it could tend to identify who that person is because
	24	BY MR. MANLY:		24	it's not only the court order not only prohibits
11:53	25	Q If you had made such a report, would that be in	11:56	25	disclosure of a name, but it also prohibits disclosure of
		90		····	<u> </u>
	1	that person's file?		1	information that would tend to identify who that person
		MR. RUTHERFORD: Calls for speculation	1		
	2	Mac representations. Can for specialistic		2	is
	3	MR MANLY: I'll withdraw it		3	is JUDGE JAMESON: I understand that and I have
		•			
11:54	3	MR MANLY: I'll withdraw it	11:56	3	JUDGE JAMESON: I understand that and I have
11:54	3 4	MR MANLY: I'll withdraw it Q Have you ever made a report to the police about	11:56	3	JUDGE JAMESON: I understand that and I have prevented the 20 questions approach on that issue, but I
11:54	3 4 5	MR MANLY: I'll withdraw it Q Have you ever made a report to the police about an employee?	11:56	3 4 5	JUDGE JAMESON: I understand that and I have prevented the 20 questions approach on that issue, but I don't think that this particular question would identify
11:54	3 4 5	MR MANLY: I'll withdraw it Q Have you ever made a report to the police about an employee? A Yes	11:56	3 4 5 6	JUDGE JAMESON: I understand that and I have prevented the 20 questions approach on that issue, but I don't think that this particular question would identify or necessarily lead to the identification. So, the
11:54	3 4 5 6	MR MANLY: I'll withdraw it Q Have you ever made a report to the police about an employee? A Yes Q When?	11:56	3 4 5 6 7	JUDGE JAMESON: I understand that and I have prevented the 20 questions approach on that issue, but I don't think that this particular question would identify or necessarily lead to the identification. So, the objection will be overruled.
	3 4 5 6 7 8	MR MANLY: I'll withdraw it Q Have you ever made a report to the police about an employee? A Yes Q When? A I can't remember the year	11:56	3 4 5 6 7 8	JUDGE JAMESON: I understand that and I have prevented the 20 questions approach on that issue, but I don't think that this particular question would identify or necessarily lead to the identification. So, the objection will be overruled. BY MR. MANLY:
	3 4 5 6 7 8	MR MANLY: I'll withdraw it Q Have you ever made a report to the police about an employee? A Yes Q When? A I can't remember the year Q What did the allegations involve or why did you		3 4 5 6 7 8	JUDGE JAMESON: I understand that and I have prevented the 20 questions approach on that issue, but I don't think that this particular question would identify or necessarily lead to the identification. So, the objection will be overruled. BY MR. MANLY: Q. You can answer
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	1	repeatedly. He was the subject of repeated lawsuits in		1	in every case that came across your desk in that time
	2	the early '90s and I believe the Diocese has paid as much		2	period; is that correct?
	3	as \$20,000,000 to settle cases against him.		3	MR. RUTHERFORD: I'm going to object to this
	4	MR. CALLAHAN. Your Honor, the court order says		4	question as well. Your Honor Earlier testimony has
11:57	5	you can inquire into sexual interaction between Mater Dei	12:00	5	indicated that from the witness has indicated that he
	6	students and Mater Dei employees There is no showing	ŀ	6	has some recollection of a particular matter at
	7	that this particular priest was a Mater Dei student or a		7	Mater Dei; and based on that testimony all these other
	8	Mater Dei employee		8	questions are clearly beyond the scope of the court
	9	MR. MANLY: But the		9	order This - these are matters that are being inquired
11:58	10	MR. FINAL DI: But the question is why did you	12:01	10	into on subjects that deal outside of Mater Dei High
	11	call the police? I don't think it identifies anyone		11	School He recalls only one situation or possibly two
	12	MR. MANLY: And Judge Cannon specifically	-	12	that relate to Mater Dei and this isn't one of them
	13	indicated we were free to do our own investigation; and		13	according to the witness's own testimony
	14	if we found out on that basis, we were free to pursue it.		14	MR. MANLY: I'm not going to debate this It's
11:58	15	so	12:01	15	just a waste of time It's so clearly relevant. I
	16	MR RUTHERFORD: Your Honor		16	just so, if the court wants to rule
	17	JUDGE JAMESON: We've made an assumption here		17	JUDGE JAMESON The objection's overruled.
	18	but in this case and even in a case outside of this case		18	BY MR. MANLY
	19			19	
4 4 . F B		that I am familiar with. Father Coughlin's name has come			Q You can answer
11:58	20	up repeatedly So, the identity issue is seems to me	12:01	20	MR RUTHERFORD And I'm instructing the witness
	21	is moot, but your objection goes beyond that I take it.	***************************************	21	not to answer
	22	MR. RUTHERFORD Yes. Your Honor because it's a		22	BY MR. MANLY:
	23	violation of the court order and the court order was		23	Q Did you call the police on anybody else from
	24	fashioned not only for purposes of privacy interests, but		24	1988 to 1992 aside from the case you mentioned involving
11:58	25	also because of relevancy. And we've spent a whole year	12:01	25	all American Boys Choir. Monsignor? Choir. not core
		94			
					<u> </u>
	1	litigating this issue and I can't see why we would want		1	Sorry
<u> </u>	2	litigating this issue and I can't see why we would want to just erode away at an order that took so much time and		2	Sorry A I may have I don't recall if I did.
	2	litigating this issue and I can't see why we would want to just crode away at an order that took so much time and effort to fashion		2 3	Sorry A I may have 1 don't recall if I did. Q What agency did you call in connection with
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