

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

1 BY MR. MANLY:
2 Q And do you remember in or about what year that
3 occurred?
4 A The late '90s, I think.
12:08 5 Q And I take it that you called the police?
6 A No, I did not.
7 Q Did anybody call the police?
8 MR. RUTHERFORD: Calls for speculation
9 JUDGE JAMESON: If you know, you may answer
12:08 10 THE WITNESS: My understanding is the school had
11 called the police
12 BY MR. MANLY:
13 Q And who told you that?
14 A I don't recall who told me that
12:09 15 Q Well, who did you talk to about this matter at
16 the school besides Father Sallot?
17 A Well, certainly Father Sallot. Perhaps
18 Mr. Murphy. Pat Murphy.
19 Q Okay. Anybody else?
12:09 20 A Not that I recall.
21 Q Okay. So, it's fair to assume then that either
22 Father Sallot or Mr. Murphy told you the police had been
23 called; is that accurate?
24 MR. RUTHERFORD: Calls for speculation.
12:09 25 JUDGE JAMESON: Well, it doesn't call -- whether

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1 he talked to somebody else or not. I suppose it is
2 But on the other hand, if he can answer that, go
3 ahead. I guess the question is, is it fair to say that
4 they did, so you can respond to that
12:10 5 THE WITNESS: There were family members there
6 who said they had, too. They said they had
7 BY MR. MANLY:
8 Q So, you're not -- is your testimony you're not
9 sure whether you called the police or the family
12:10 10 called -- you, meaning somebody at the Diocese, or the
11 family called the police?
12 A I did not call the police
13 Q Okay. Do you know for a fact that somebody from
14 Mater Dei and/or the Diocese of Orange called the police?
12:10 15 A I know the police were contacted
16 Q But you don't know who did it?
17 A I don't recall
18 Q What department?
19 A I think Santa Ana.
12:10 20 Q Did you ever speak to anybody from the police
21 department?
22 A No, I did not.
23 Q Has that person's name, the alleged perpetrator
24 in that case, been made public?
12:11 25 MR. RUTHERFORD: Calls for speculation

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1 JUDGE JAMESON: I'm sorry. I didn't get the end
2 of the question.
3 BY MR. MANLY:
4 Q Has that alleged perpetrator, the one that the
12:11 5 family accused when they came to see you with
6 Father Sallot, has that name been made public by the
7 Diocese?
8 MR. RUTHERFORD: Calls for speculation
9 THE WITNESS: I do not know
12:11 10 BY MR. MANLY:
11 Q You were involved, were you not, in disclosure
12 of alleged perpetrators and alleged, be they, laypersons
13 or priests in or around 2002 and 2003?
14 MR. RUTHERFORD: Objection. Assumes facts
12:11 15 JUDGE JAMESON: Were you is the question
16 THE WITNESS: No.
17 BY MR. MANLY:
18 Q So, nobody asked --
19 A I don't recall. No.
12:11 20 Q I apologize, Monsignor, to interrupt.
21 So, at no time did anybody from the Bishop's
22 office ask you your knowledge about who had been accused
23 and who hasn't in order to disclose names in 2002 or
24 2003; is that accurate?
12:12 25 MR. RUTHERFORD: Calls for speculation, lacks

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1 foundation.
2 JUDGE JAMESON: Overruled.
3 THE WITNESS: Not that I recall
4 BY MR. MANLY:
12:12 5 Q Do you know how -- you are aware, Monsignor,
6 that the Diocese disclosed names of alleged priests and
7 perpetrators and religious perpetrators and lay
8 perpetrators subsequent to 2002? You're aware of that?
9 MR. RUTHERFORD: Objection. Assumes facts
12:12 10 BY MR. MANLY:
11 Q Are you aware of that?
12 JUDGE JAMESON: You may answer
13 THE WITNESS: Yes.
14 BY MR. MANLY:
12:12 15 Q Okay. And who was involved with identifying
16 those people?
17 A That I do not know
18 Q Who would know the answer to that?
19 MR. RUTHERFORD: Calls for speculation, lacks
12:12 20 foundation
21 JUDGE JAMESON: You may answer
22 THE WITNESS: I'm presuming the Bishop would
23 have known
24 BY MR. MANLY:
12:12 25 Q Okay

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1 A And our Diocesan attorney
2 Q Who is that?
3 A Maria Schinderle
4 MR. CALLAHAN: I would encourage the witness not
12:13 5 to presume anything. Answer what you know of your own
6 knowledge
7 MR. MANLY: Wait. Wait. Wait. Wait.
8 MR. CALLAHAN: What?
9 MR. MANLY: You want to take him out of the room
12:13 10 and coach him go ahead, but let's not do that here.
11 MR. CALLAHAN: I don't want to coach, but when
12 he says "I presume" or "I assume" or "I guess," then I
13 think I have an obligation to speak up and say don't
14 presume, don't assume, and don't guess
12:13 15 MR. FINALDI: He can say "I guess."
16 JUDGE JAMESON: Well, he can say "I guess," but
17 it doesn't mean much.
18 Are we about ready for lunch?
19 MR. MANLY: Let me ask a couple more
12:13 20 JUDGE JAMESON: Sure
21 BY MR. MANLY:
22 Q Are you doing okay, Monsignor?
23 A Yes
24 Q All right. Do you have water? Are you all
12:13 25 right?

1 JUDGE JAMESON: Well, the prior response was, "I
2 believe so." We might get an I believe so when.
3 MR. RUTHERFORD: Vague as to the word "adopted."
4 JUDGE JAMESON: Overruled
12:16 5 THE WITNESS: What I am thinking of is that
6 people who were accused of or I guess found guilty of,
7 too, but accused of or found guilty could not work in our
8 schools. I'm thinking of the school policy
9 BY MR. MANLY:
12:17 10 Q Well, my question's a little different
11 A Okay
12 Q My question is, Monsignor Urell, was there any
13 policy in effect from 1988 until 2001 that expressly
14 prohibited persons who were accused of molesting kids
12:17 15 from working in the Diocese?
16 A Accused --
17 Q That's a fair point. Let me rephrase it.
18 Was there any policy in the Diocese of Orange
19 from 1988 to 2002, in other words, December 31st, 2001,
12:18 20 that expressly prohibited persons credibly accused from
21 working in any capacity in the Diocese? Let me say it
22 again. Sorry
23 Was there any policy in effect from 1988 until
24 December 31, 2001 that expressly prohibited persons
12:18 25 credibly accused of sexual abuse of minors, whether

1 A Thank you
2 Q All right. As of the time you left the
3 chancery office, how many people accused of sexual
4 abuse were you aware of working in the Diocese?
12:14 5 MR. RUTHERFORD: Objection. Vague. If I may
6 ask for clarification. When you say, "working in the
7 Diocese," are you talking about Marywood, the Marywood
8 Center or --
9 MR. MANLY: Anywhere within the geographical
12:14 10 boundaries of the Diocese of Orange in any capacity
11 MR. RUTHERFORD: Objection. Violation of the
12 court order both in terms of time and scope.
13 JUDGE JAMESON: Overruled.
14 MR. RUTHERFORD: Instruct the witness not to
12:14 15 answer
16 BY MR. MANLY:
17 Q Was there any policy in effect in the Diocese of
18 Orange from 1988 to 2001 that absolutely prevented --
19 actually, let me rephrase it.
12:15 20 Was there any policy in effect from 1988 to 2001
21 which prohibited people who were sexual molesters of
22 children, of minor children from working in the Diocese?
23 A I believe so.
24 Q So, when was that policy adopted?
12:16 25 MR. RUTHERFORD: Objection. Assumes facts.

1 priest, layperson or religious, from working in this
2 Diocese?
3 A I do not know
4 Q Who is the most knowledgeable person, as far as
12:18 5 you're concerned, from 1988 to 2001 regarding the
6 policies and procedures involving sexual misconduct at
7 the Diocese of Orange today?
8 A Our Diocesan attorney
9 Q Who is?
12:19 10 A Maria Schinderle now
11 Q Other than your lawyer, who would be the most
12 knowledgeable person regarding that?
13 MR. RUTHERFORD: Calls for speculation, lacks
14 foundation
12:19 15 You just want his opinion?
16 MR. MANLY: Yeah
17 JUDGE JAMESON: Overruled. You may answer
18 THE WITNESS: For schools, I would say it was
19 Brother William, the school department. For priests, it
12:19 20 would have been under me as clergy personnel and
21 Bishop McFarland.
22 BY MR. MANLY:
23 Q From 1998 until 2001, who would have the most
24 knowledge about the policies of the Diocese with regard
12:19 25 to allowing employees to work in the Diocese who were

1 sexual abusers, alleged sexual abusers?
2 MR. RUTHERFORD: In your opinion.
3 THE WITNESS: My opinion, it would be all those
4 named of equal.
12:20 5 BY MR. MANLY:
6 Q Isn't it true, Monsignor, that the person from
7 1988 -- sorry -- 1998 until the end of 2001 who made the
8 decision whether persons were going to be allowed to work
9 in this Diocese who have been credibly accused of sexual
12:20 10 abuse was Bishop Brown?
11 MR. RUTHERFORD: Calls for speculation, lacks
12 foundation
13 JUDGE JAMESON: Overruled
14 THE WITNESS: May I have it read back, please?
12:21 15 MR. MANLY: Sure
16 (Whereupon, the record was read back
17 by the reporter as follows:)
18 "Q Isn't it true, Monsignor, that
19 the person from 1988 -- sorry -- 1998
20 until the end of 2001 who made the
21 decision whether persons were going to
22 be allowed to work in this Diocese who
23 have been credibly accused of sexual
24 abuse was Bishop Brown?"
12:21 25 THE WITNESS: I think so.

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1 Now, earlier we talked about [REDACTED] Do
2 you remember that?
3 A Yes.
4 Q And you mentioned he came to your parish?
01:15 5 A Yes.
6 Q And he's a former member of the Diocesan sex
7 abuse board?
8 A Yes
9 Q And he came to your parish and he has family
01:15 10 members that are parishioners there?
11 A Yes
12 Q Are they active in the parish?
13 A Yes, they are
14 Q His sister-in-law just ran the Vacation Bible
01:15 15 School, didn't she?
16 A Yes
17 Q Did he call you a liar when you saw him?
18 A I don't recall that
19 Q Did he call -- did he tell you he thought you
01:16 20 were dishonest when it came to dealing with the issue of
21 sexual abuse?
22 A I don't recall if he did or not
23 Q What does [REDACTED] do for a living, if you
24 know?
01:16 25 A I do not know

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1 MR. MANLY: Okay. Let's take a break
2 THE VIDEOGRAPHER: The time is 12:21 and we're
3 going off the record.
4 (Lunch recess taken)
12:21 5 (Off the record at 12:21 p.m. Back on the
6 record at 1:14 p.m.)
7 THE VIDEOGRAPHER: The time is 1:14 and we're
8 back on the record.
9 BY MR. MANLY:
01:14 10 Q Did you become aware at some point, Monsignor,
11 that Mr. Andrade sued the Diocese?
12 A Yes
13 Q And how did you become aware of that?
14 A When I was contacted by Mr. Rutherford, excuse
01:15 15 me, for a deposition.
16 Q Did you give your deposition in that case?
17 A No. This
18 Q You misunderstood my question or maybe I wasn't
19 clear
01:15 20 My question is, have you ever become aware that
21 Mr. Andrade, not my client, Mr. Andrade --
22 A Oh, excuse me
23 Q -- Mr. Andrade sued the Diocese?
24 A Excuse me. No. Sorry
01:15 25 Q It's all right.

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1 Q Is he a law enforcement officer?
2 A I don't know
3 Q You don't know what [REDACTED] does for a
4 living. Is that your testimony?
01:16 5 MR. RUTHERFORD: Objection. Asked and answered.
6 JUDGE JAMESON: Sustained
7 BY MR. MANLY:
8 Q Did it ever come to your attention that
9 [REDACTED] was a law enforcement officer?
01:16 10 A I don't know.
11 Q How many allegations from Mater Dei High School
12 involving a priest, religious or layperson did you learn
13 of in your term as a member of the hierarchy from 1988 to
14 2002?
01:17 15 MR. RUTHERFORD: I just want to object as vague
16 Do you understand that question?
17 THE WITNESS: No. May I have it again, please?
18 JUDGE JAMESON: "Allegations" is pretty broad
19 Do you want to keep it that broad?
01:18 20 MR. MANLY: No. I'm referring to sexual abuse
21 allegations, Judge.
22 JUDGE JAMESON: Okay
23 MR. MANLY: Thank you
24 MR. RUTHERFORD: And my objection about being
01:18 25 vague is there was some time period and I didn't know

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1 what time period that was modifying. Was it a
2 modification of his time at the Diocese or -- that part
3 of your question, you said '88 to --
4 MR. MANLY: We'll read it back if you have a
01:18 5 problem
6 JUDGE JAMESON: Let's have it read back. It
7 seemed all right to me. So, let's have it read back and
8 if you still have a problem. Mr. Rutherford, let us know
9 MR. RUTHERFORD: Okay
10 (Whereupon, the record was read back
11 by the reporter as follows:)
12 "Q How many allegations from Mater
13 Dei High School involving a priest,
14 religious or layperson did you learn
15 of in your term as a member of the
16 hierarchy from 1988 to 2002?"
17 MR. RUTHERFORD: Withdraw my objection
18 THE WITNESS: Two. I believe
19 BY MR. MANLY:
01:19 20 Q Which ones?
21 MR. RUTHERFORD: Just I caution you -- well,
22 objection. I think the question would tend to ask for
23 the identity of a person. I think that's what the intent
24 is.
01:19 25 MR. MANLY: All right. Well, let me ask it a

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1 different way. I see where you're coming from. Although
2 I think I have the right to do that. I'm not going to do
3 it.
4 Q So, your testimony is that from 1988 to 2002 you
01:19 5 received only two accusations arising out of conduct that
6 occurred at Mater Dei. Is that your testimony?
7 A May I ask a clarification? Is it Mater Dei at
8 any -- I mean any time?
9 Q At any time.
01:20 10 A Oh, excuse me. No. More than two
11 Q How many?
12 A Oh, goodness.
13 MR. RUTHERFORD: I'm going to object. I'm going
14 to interpose an objection here that it's not limited to a
01:20 15 particular time period. It's -- it's not asking for
16 matters that occurred during any particular time period
17 '88 through '01
18 JUDGE JAMESON: Well, the predicate question did
19 and I thought that's where we were.
01:20 20 MR. RUTHERFORD: No, Your Honor. The predicate
21 question was the time period that was referred to, '88
22 to '02, was the time period that Monsignor Urell was in a
23 position at the Diocese of Orange at Marywood. It wasn't
24 limited to abuse, alleged abuse that occurred at
01:20 25 Mater Dei from '88 to '02. That's why I originally

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1 objected to the question as being vague.
2 JUDGE JAMESON: Well, maybe I misunderstood.
3 MR. MANLY: No.
4 Q The question is, how many cases involving
01:21 5 allegations of sexual abuse came to your attention from
6 1988 to 2001 that allegedly occurred at Mater Dei?
7 A Okay.
8 MR. CALLAHAN: Regardless of the time when it
9 occurred?
01:21 10 MR. MANLY: Regardless of when the allegation --
11 regardless of when the abuse actually occurred.
12 JUDGE JAMESON: Oh, I see.
13 MR. RUTHERFORD: And, see, there's my objection
14 and why I'm objecting as being violative of the court
01:21 15 order.
16 MR. MANLY: That doesn't violate the court
17 order. I mean, you know, how he --
18 (Interruption in proceeding.)
19 JUDGE JAMESON: Hey, I'll take care of it.
01:21 20 MR. MANLY: I assume you were talking to the
21 people at the door.
22 JUDGE JAMESON: No. Both of you.
23 MR. MANLY: Okay.
24 JUDGE JAMESON: No. I'll take care of it.
01:21 25 Mr. Manly

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1 MR. MANLY: Okay, Your Honor.
2 JUDGE JAMESON: The question just asked for a
3 number, and when we get a number, then we can start
4 talking about who, what, where, when, if we do.
01:21 5 So, I don't -- the objection to that question is
6 overruled.
7 MR. RUTHERFORD: Then --
8 JUDGE JAMESON: You think just giving the
9 number, Mr. Rutherford --
01:22 10 MR. RUTHERFORD: Yes.
11 JUDGE JAMESON: -- if it's 1, 2, 5 or 15, that
12 that somehow violates the order?
13 MR. RUTHERFORD: It does, Your Honor, because to
14 quote from the order, "Plaintiff is entitled to inquire
01:22 15 into allegations of sexual misconduct between Mater Dei
16 students and Mater Dei employees during the time frame of
17 January of '88 through December 31, '01."
18 MR. FINALDI: And that's an allegation that came
19 about during that time frame. It's an allegation.
01:22 20 MR. MANLY: The whole point of it is to find out
21 how they handled allegations. It's an allegation
22 squarely within the ambit of that. Even if you read it
23 narrowly, it's a fair question and fair game.
24 MR. RUTHERFORD: The question, as I understand
01:22 25 it, Your Honor, it would basically be saying during your

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1 time at Marywood, how many total number of cases came to
2 your attention, regardless of when the purported
3 misconduct occurred, and Mater Dei's been around since
4 1950. So --

01 : 23 5 JUDGE JAMESON: And the follow-up to this
6 question might reach that threshold where we'd have to
7 discuss it, but I don't think we've reached that
8 threshold.

9 You can -- it sounds like you're going to be
01 : 23 10 before Judge Andler. If you want to throw this into the
11 basket, you can, but the objection's overruled.

12 MR. RUTHERFORD: I do believe it's in violation
13 of the court order, Your Honor --

14 JUDGE JAMESON: All right.

01 : 23 15 MR. RUTHERFORD: -- because it's not limited in
16 time, and I'll instruct him not to answer.

17 BY MR. MANLY:

18 Q Did John Merino work at Mater Dei in the '50s?
19 A I do not know.

01 : 23 20 Q Did he work at Mater Dei in the '60s?
21 A I don't know.

22 MR. MANLY: Well, I am -- you know, Your Honor,
23 I have never in all my life seen anything like this. I
24 don't think there's a single question I've asked that
01 : 24 25 this attorney hasn't objected to. Not one.

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1 JUDGE JAMESON: Oh, there's been a few.

2 BY MR. MANLY:

3 Q Have you ever lied about sex abuse before of
4 children? Have you ever lied about that?

01 : 24 5 A Not that I'm aware of, no.

6 Q So, at no -- your sworn testimony is at no time
7 have you misrepresented or lied to anyone about sex
8 abuse. Is that your sworn testimony?

9 A Not that I'm aware of, no.

01 : 24 10 Q Have you ever withheld facts from alleged
11 victims of sexual abuse?

12 MR. RUTHERFORD: Objection. Vague, overbroad.

13 JUDGE JAMESON: Sustained.

14 BY MR. MANLY:

01 : 25 15 Q Okay. Did you tell the DiMaria family when they
16 came forward to you in 2000 or -- I'm sorry -- in '96 or
17 '97 that the Diocese had a report indicating that there
18 was a -- from a psychiatric facility indicating they
19 believed Harris was an abuser?

01 : 25 20 MR. RUTHERFORD: Objection. A violation of the
21 court order. This is asking a question regarding a
22 matter that goes beyond the scope of the order.

23 MR. CALLAHAN: And it specifies a particular
24 name.

01 : 25 25 MR. RUTHERFORD: Yes.

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1 MR. MANLY: Yeah. Who has been public. Are we
2 not allowed to mention Mr. DiMaria's name?

3 MR. CALLAHAN: I'm going to only talk to the
4 judge. As I read the order, it doesn't say Footnote I,
01 : 26 5 if somebody's name is mentioned in the newspapers, then
6 you can rip up the order. I don't see that footnote. It
7 says plaintiff shall not inquire as to actual identity of
8 any alleged perpetrator or victim, period. Not but it's
9 okay if it was mentioned in the newspaper or it's okay if
01 : 26 10 I represented him in the past or it's okay if I got a
11 deposition on that point. It doesn't say that.

12 MR. MANLY: You've grossly mischaracterized the
13 order. Your Honor, they're grossly mischaracterizing the
14 order, but I'm not going to argue about it.

01 : 26 15 JUDGE JAMESON: The objection is overruled.

16 MR. RUTHERFORD: I'm instructing him not to
17 answer.

18 BY MR. MANLY:

19 Q Did you tell the DiMarins that Father Harris
01 : 26 20 denied the allegations and lead them to believe that the
21 Diocese had no information that Father Harris was a
22 molester or he'd molested anybody at Mater Dei?

23 MR. RUTHERFORD: Objection. Violation of the
24 court order.

01 : 27 25 ///

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1 BY MR. MANLY:

2 Q Did you do that?

3 MR. RUTHERFORD: Objection. Violation of the
4 court order.

01 : 27 5 JUDGE JAMESON: Overruled twice.

6 MR. RUTHERFORD: Instruct the witness not to
7 answer.

8 BY MR. MANLY:

9 Q Are you going to follow your attorney's
01 : 27 10 instruction?

11 A Yes.

12 Q Have you ever heard that when a victim of sexual
13 abuse comes forward, they frequently believe that they're
14 the only one and that's a great source of shame for them?
01 : 27 15 Have you heard that?

16 A Yes, I have heard that.

17 Q Okay. Did you believe it was important when you
18 were dealing with victims of sexual abuse from '88 until
19 2002 to let them know if someone else had made an
01 : 27 20 allegation?

21 MR. RUTHERFORD: Objection. Lacks foundation.
22 overbroad.

23 JUDGE JAMESON: May I have the question back?
24 (Whereupon, the record was read back
25 by the reporter as follows:)

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1 "Q Did you believe it was
2 important when you were dealing with
3 victims of sexual abuse from '88 until
4 2002 to let them know if someone else
01:28 5 had made an allegation?"
6 JUDGE JAMESON: Overruled.
7 THE WITNESS: I don't believe I thought about
8 that at that time.
9 BY MR. MANLY:
01:28 10 Q Have you ever -- have you ever in your time as a
11 member of the hierarchy at the Diocese of Orange misled a
12 victim into believing -- somebody who said they were a
13 victim anyway into believing that they were the only one
14 abused by that person?
01:28 15 A I don't believe so
16 Q So, you affirmatively deny that; is that
17 correct?
18 MR. RUTHERFORD: Objection. Asked and answered
19 JUDGE JAMESON: Sustained.
01:29 20 BY MR. MANLY:
21 Q When Bishop Brown came to the Diocese, did
22 Bishop Brown have access to the confidential files in the
23 Chancery office?
24 MR. RUTHERFORD: Calls for speculation, lacks
01:29 25 foundation.

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1 MR. MANLY: Well, let me lay some foundation
2 JUDGE JAMESON: Okay Thank you
3 BY MR. MANLY:
4 Q Under Canon law the only people who are to have
01:29 5 access to the confidential files, the secret archives of
6 the Diocese are the Chancellor, the Vicar General, and
7 the Bishop; is that accurate?
8 MR. RUTHERFORD: Calls for speculation, calls
9 for a canonical legal conclusion.
01:29 10 JUDGE JAMESON: Overruled
11 THE WITNESS: I think so
12 BY MR. MANLY:
13 Q Okay So, it's fair -- do you have knowledge
14 whether Bishop Brown had access to the confidential files
01:30 15 when he arrived in the Diocese in 1998?
16 A I would think he would
17 Q Did you have a sit-down with Bishop Brown at any
18 point and review priest files or discuss priests? Did
19 you do that?
01:30 20 MR. RUTHERFORD: Just in general on anything?
21 MR. MANLY: I think the question speaks for
22 itself.
23 THE WITNESS: I presume we did.
24 BY MR. MANLY:
01:30 25 Q And did you tell Bishop Brown the priests that

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1 you knew of who were in ministry who had been accused of
2 sexual abuse of a minor?
3 MR. RUTHERFORD: Objection. Violation of the
4 court order. It's overbroad in scope
01:30 5 JUDGE JAMESON: Overruled.
6 MR. RUTHERFORD: Instruct the witness not to
7 answer
8 BY MR. MANLY:
9 Q Did Bishop Brown know that there were people
01:30 10 working in the church, in the Diocese of Orange who had
11 been previously accused of molesting kids?
12 MR. RUTHERFORD: Calls for speculation, lacks
13 foundation
14 JUDGE JAMESON: Sustained.
01:31 15 BY MR. MANLY:
16 Q Bishop Brown had, the way -- is the way that one
17 would determine if there was a priest or other person
18 working in the Diocese who had been accused of sexual
19 abuse was to look at their file? Fair?
01:31 20 MR. RUTHERFORD: Objection. Calls for
21 speculation, lacks foundation, incomplete hypothetical
22 JUDGE JAMESON: Overruled.
23 THE WITNESS: May I have the question again,
24 please?
01:31 25 ///

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1 BY MR. MANLY
2 Q Sure
3 The way that Bishop Brown could determine if he
4 had priests working or employees working for him who had
01:31 5 previously been accused of sexual abuse was to look at
6 their file, correct?
7 MR. RUTHERFORD: Objection. Calls for
8 speculation, lacks foundation.
9 JUDGE JAMESON: Overruled.
01:31 10 THE WITNESS: Yes, I believe so
11 BY MR. MANLY
12 Q And there were two sets of files at the Diocese
13 for priests anyway; is that correct?
14 MR. RUTHERFORD: Objection. Vague
01:32 15 BY MR. MANLY:
16 Q Let me be clear
17 Did you have a regular personnel file --
18 (Telephonic interruption)
19 MR. CALLAHAN: I'm sorry I thought I turned
01:32 20 this off at lunchtime. I'll turn it off now
21 MR. MANLY: What was that?
22 MR. CALLAHAN: You don't know that song? That's
23 the Process of Elimination. It's not the USC Victory
24 March
01:32 25 MR. MANLY: Never mind. I think it was

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1 Notre Dame, wasn't it?
2 MR. CALLAHAN: Indeed it was
3 MR. MANLY: You're going to need it
4 Q Okay Getting back to the --
01:32 5 MR. CALLAHAN: Two sets of files.
6 MR. MANLY: Yeah Thank you.
7 Q There were two sets of files in the Chancellory
8 office for personnel There was the regular personnel
9 file and then a confidential file; correct?
01:32 10 MR. RUTHERFORD: Objection Overbroad
11 JUDGE JAMESON: You may answer
12 THE WITNESS: There were two sets of files, yes
13 BY MR. MANLY:
14 Q And what were they called?
01:32 15 A One would be the regular personnel files, and
16 the other file -- files would be for priests from the
17 personnel files or other -- from the personnel -- of
18 priests who had an accusation against them of whatever
19 kind, of sexual molestation
01:33 20 Q Okay And who had access to those files besides
21 yourself?
22 A The Bishop and the director of clergy personnel
23 Q Was that Father Kerry Beaulieu in 1988 to 20 --
24 1998 to 2001?
01:33 25 A No Excuse me During those years, no, it was

1 A Yes. And perhaps our Diocesan attorney
2 Q Ms Schinderle?
3 A Yes
4 Q She didn't become the Diocesan attorney until
01:35 5 2002 or 2003, did she?
6 MR. RUTHERFORD: Calls for speculation, lacks
7 foundation
8 MR. MANLY: Let me rephrase that.
9 Q She didn't have the title general counsel until
01:35 10 after that time, isn't that correct?
11 MR. RUTHERFORD: Calls for speculation, lacks
12 foundation.
13 JUDGE JAMESON: You may answer
14 THE WITNESS: I -- I guess not No, I guess
01:35 15 not.
16 BY MR. MANLY
17 Q Did she have access to those files when she was
18 HR director?
19 MR. RUTHERFORD: Calls for speculation, lacks
01:35 20 foundation
21 JUDGE JAMESON: Overruled.
22 THE WITNESS: Probably not. I would say not
23 BY MR. MANLY:
24 Q Okay Now, did there ever come a time, Father,
01:36 25 where you came to the understanding that Father McKiernan

1 not Father Beaulieu It would have been me
2 Q Okay All right And you've already told us
3 that Father McKiernan had access to those files
4 MR. RUTHERFORD: Objection Misstates
01:34 5 testimony
6 JUDGE JAMESON: Was that a question?
7 BY MR. MANLY:
8 Q Did Father McKiernan have access to those files?
9 A When Father McKiernan became director of clergy
01:34 10 personnel he did
11 Q And when was that?
12 A I believe that would have been 1998, '99
13 Q So, from 1998, '99, whenever he became director
14 of clergy personnel, he had access as well; correct?
01:34 15 A Yes.
16 Q Okay So --
17 MR. RUTHERFORD: I just want to object When
18 you say "as well," vague as to who, who else is as well
19 I didn't know if you meant as well as the witness.
01:34 20 JUDGE JAMESON: The answer will stand Let's go
21 ahead
22 BY MR. MANLY:
23 Q Okay And so as I understand it, from '98 or
24 '99 to 2001, the people that had access were you, the
01:35 25 Bishop, and Father McKiernan; is that correct?

1 had gone through the files after the DiMaria case settled
2 and removed and destroyed documents?
3 A Did there come a time when I knew that?
4 Q Have you ever heard from any source that after
01:36 5 the DiMaria settlement, Father McKiernan went through the
6 confidential files, removed certain materials and
7 destroyed them?
8 A No, I have never heard that.
9 Q Have you ever heard him brag about that?
01:37 10 A No, I have not.
11 Q You would agree with me, I take it, that if he
12 did that, that would be inappropriate and wrong; correct?
13 A Yes
14 Q Did Bishop Soto have access to the confidential
01:37 15 files?
16 A Not that I'm aware of.
17 Q Why were some files confidential and others not?
18 MR. RUTHERFORD: Objection Vague
19 JUDGE JAMESON: Do you have the question in
01:37 20 mind, sir? You may answer if you understand the
21 question
22 THE WITNESS: May I have the question once more,
23 please?
24 BY MR. MANLY:
01:38 25 Q Why were some files confidential and some files

1 not?

2 A The confidential --

3 MR RUTHERFORD: Objection Assumes facts

4 JUDGE JAMESON: Well, we've been talking about

01:38 5 the confidential set of files and regular personnel

6 files. I guess you could say sometimes personnel files

7 are confidential, too, but were there files that were not

8 confidential?

9 THE WITNESS: The priest personnel files were

01:38 10 confidential to the Bishop's office. Then there were

11 files kept in the safe that the files would include

12 priest wills, funeral instructions. Those were kept

13 there. When a priest died, his file was placed there

14 until it was put in the archives. And then if a priest

01:39 15 had any legal matter, that legal matter would be put in a

16 file with his name on it in that file.

17 BY MR. MANLY:

18 Q Okay. When you say "legal matter," does that

19 include child rape?

01:39 20 A If it were a legal matter against a priest, the

21 information about that would be in his file.

22 Q So, if it was just -- when you say "legal

23 matter," do you mean that if somebody had a child rape

24 allegation, it would only go into the file if there was a

01:39 25 lawsuit claim or criminal charge brought? Is that what

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1 you're saying?

2 MR RUTHERFORD: Calls for speculation

3 JUDGE JAMESON: Overruled

4 THE WITNESS: No. That's where the information

01:40 5 would be about the allegation that had been presented and

6 anything that would follow from that.

7 BY MR. MANLY:

8 Q How many files did you have in or around the end

9 of 2001 in that safe establishing that priests had been

01:40 10 accused of child molestation? How many individual files

11 did you have in that safe?

12 A I do not know

13 Q Did you ever count?

14 A No.

01:40 15 Q Were there -- sorry

16 A No.

17 Q Were there more than 10?

18 A May -- in 2001, Father McKiernan was in charge

19 of the clergy personnel files and I would not be going

01:40 20 through them.

21 Q Okay. Last time you were there, last time you

22 had access -- well, no. You still had access to the

23 files, right, in 2001?

24 A Yes, I did.

01:40 25 Q Okay. So, do you have an estimate of how many

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1 priests had confidential files that included allegations

2 of child molestation as of 2001?

3 MR. CALLAHAN: Your Honor, I'm going to object.

4 He's going from files that established childhood sexual

01:41 5 abuse to allegations of childhood sexual abuse, back and

6 forth, and it's getting very confusing.

7 JUDGE JAMESON: Well, we'll assume that we're

8 dealing with allegations.

9 MR. MANLY: That's correct, Your Honor.

01:41 10 MR. CALLAHAN: Okay.

11 JUDGE JAMESON: Okay.

12 THE WITNESS: Eight, nine, ten. I'm sorry, I

13 don't -- I can't remember what number it would be.

14 BY MR. MANLY:

01:41 15 Q Was it 20?

16 A I don't believe it was that number. I'm not

17 sure.

18 Q Was it more than 10?

19 A As I said, I believe eight, nine, ten. I do not

01:41 20 know.

21 Q Okay. How many priests were removed in this

22 Diocese in 2002 or 2003 for credible allegations of

23 sexual abuse?

24 MR. RUTHERFORD: Objection. It lacks

01:42 25 foundation. It's irrelevant, calls for speculation.

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1 JUDGE JAMESON: Overruled.

2 THE WITNESS: I do not know. The accurate

3 number I do not know.

4 BY MR. MANLY:

01:42 5 Q Was it more than 10?

6 MR. RUTHERFORD: Same objections.

7 JUDGE JAMESON: "I don't know" is the answer.

8 Let's move on.

9 BY MR. MANLY:

01:42 10 Q You were a priest in the Diocese when that

11 occurred?

12 A Yes.

13 Q Were there priests removed from ministry for

14 credible allegations of sexual abuse that you were not

01:42 15 aware were abusers?

16 MR. RUTHERFORD: Objection. Violation of the

17 court order. We're inquiring into matters beyond

18 anything attached to Mater Dei. It's overbroad.

19 JUDGE JAMESON: Overruled.

01:42 20 MR. RUTHERFORD: May I have the question back

21 before I make a decision on instructing him not to

22 answer?

23 (Whereupon, the record was read back

24 by the reporter as follows:)

01:43 25 Q Were there priests removed from

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1 ministry for credible allegations of
2 sexual abuse that you were not aware
3 were abusers?"
4 MR. RUTHERFORD: That's a yes or no question --
01:43 5 or yes or no answer. Monsignor
6 BY MR. MANLY:
7 Q Do you want me to ask it again. Monsignor?
8 A Please
9 Q Were there priests removed after you left the
01:43 10 Chancellery office by the Diocese of Orange in or about
11 2002 or 2003 for credible allegations of sexual abuse
12 that you were not aware were abusers?
13 MR. RUTHERFORD: Objection Violation of the
14 court order It's beyond the scope of the court order
01:43 15 It's unlimited in time and it's inquiring into matters
16 that aren't related to Mater Dei High School
17 JUDGE JAMESON: And the objection's overruled.
18 BY MR. MANLY:
19 Q You can answer
01:44 20 MR. RUTHERFORD: That's a yes or no question
21 THE WITNESS: May I have the question back
22 again, please? I'm sorry I'm very confused. I'm
23 trying to stay focused with you
24 (Whereupon, the record was read back
25 by the reporter as follows:)

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1 "Q Were there priests removed
2 after you left the Chancellery office
3 by the Diocese of Orange in or about
4 2002 or 2003 for credible allegations
5 of sexual abuse that you were not
6 aware were abusers?"
7 THE WITNESS: I don't know
8 BY MR. MANLY:
9 Q When you left the Chancellery office and became
01:44 10 the pastor of St. Norbert's, how many priests were you --
11 how many people working in the Diocese were you aware of,
12 priest, religious or laypersons, that were sex abusers?
13 MR. RUTHERFORD: Objection Violation of the
14 court order
01:45 15 JUDGE JAMESON: Overruled.
16 MR. RUTHERFORD: Instruct the witness not to
17 answer
18 BY MR. MANLY:
19 Q In or around 1988 when you first became the
01:45 20 Chancellor of the Diocese, how many people were working
21 in the Diocese that you were aware of, priests, laypeople
22 or religious, that were sex abusers of children?
23 MR. RUTHERFORD: Objection Violation of the
24 court order
01:45 25 JUDGE JAMESON: Overruled.

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1 MR. RUTHERFORD: Instruct not to answer
2 BY MR. MANLY:
3 Q In or about 1990, how many people were working
4 in this Diocese as far as you know, Monsignor Urell,
01:45 5 priest, layperson or religious, that were -- that had
6 been accused or were credibly -- strike that.
7 How many people were you aware of working in
8 this Diocese who had been credibly accused of sexual
9 abuse in or around 1990?
01:46 10 A I don't know I can't recall
11 Q More than 20?
12 MR. CALLAHAN: That were accused in 1990?
13 MR. MANLY: No
14 Q That were working in this Diocese who had been
01:46 15 accused -- did I ask in or around 1990?
16 MR. CALLAHAN: You said 1990.
17 BY MR. MANLY:
18 Q How many people were working in this Diocese in
19 or around the year 1990 who had been credibly accused of
01:46 20 sex abuse previously?
21 A I don't know
22 Q Do you have any estimate?
23 A No
24 Q Well, would it be more than 20?
01:46 25 A I don't know

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1 Q Would it be more than one?
2 A I cannot remember I can't. Nothing comes to
3 mind I'm sorry
4 Q As many as 100?
01:47 5 A I don't know a number
6 Q Do you think it was more than 25?
7 MR. RUTHERFORD: Objection. Asked and answered
8 The witness is --
9 JUDGE JAMESON: Sustained. I think we've --
01:47 10 MR. MANLY: Okay
11 JUDGE JAMESON: -- gone in the other direction
12 on the numbers
13 BY MR. MANLY:
14 Q Do you -- besides yourself, who would know the
01:47 15 answer to that question, Monsignor Urell, at the Diocese?
16 MR. RUTHERFORD: Calls for speculation.
17 JUDGE JAMESON: Overruled
18 THE WITNESS: I don't know the number
19 BY MR. MANLY:
01:48 20 Q I understand. But I'm asking besides yourself,
21 who would have access to that information who could give
22 me an estimate or give me the number?
23 MR. RUTHERFORD: Calls for speculation
24 JUDGE JAMESON: Overruled
01:48 25 THE WITNESS: Perhaps Father Michael Her, the

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1 Vicar General. or our Diocesan counsel
2 BY MR. MANLY
3 Q How about the Bishop?
4 A I don't know
01:48 5 Q Well. the Bishop could certainly have access to
6 the information. correct?
7 MR. RUTHERFORD: Calls for speculation. lacks
8 foundation.
9 JUDGE JAMESON: Overruled
01:48 10 THE WITNESS: I presume he could have access to
11 that. yes
12 BY MR. MANLY
13 Q I would take it that while you were Chancellor.
14 at least. you alerted the Bishop each and every time an
01:48 15 allegation of sexual abuse came to the Diocese's
16 attention no matter where it occurred?
17 MR. RUTHERFORD: Objection. Violation of the
18 court order. It's asking as to how matters were handled
19 in situations other than Mater Dei and. therefore --
01:49 20 MR. MANLY: Oh. come on.
21 MR. RUTHERFORD: Your Honor. I would appreciate
22 if I wouldn't be interrupted.
23 JUDGE JAMESON: No come ons, Mr Manly. It's
24 overruled. Let's move on.
01:49 25 MR. MANLY: Sorry, Judge

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1 MR. RUTHERFORD: May I have the question read
2 back before I decide on the instruction not to answer?
3 (Whereupon. the record was read back
4 by the reporter as follows:)
5 "Q I would take it that while you
6 were Chancellor. at least. you alerted
7 the Bishop each and every time an
8 allegation of sexual abuse came to the
9 Diocese's attention no matter where it
01:49 10 occurred?"
11 MR. RUTHERFORD: Just one moment. please
12 You can go ahead and answer that if you know
13 THE WITNESS: If it dealt with clergy. yes
14 BY MR. MANLY:
01:50 15 Q So, Bishop McFarland and Bishop Brown did not
16 want to know if a child had been molested by anybody
17 other than a clergy person. Is that your testimony?
18 MR. RUTHERFORD: Objection. Misstates
19 testimony. It's argumentative
01:50 20 JUDGE JAMESON: Sustained
21 BY MR. MANLY:
22 Q Did Bishop Brown or Bishop McFarland tell you
23 that they wanted to know of all allegations of
24 molestation or just those by priests?
01:50 25 MR. RUTHERFORD: Objection. It's forcing the

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1 witness to choose between two answers that may not even
2 be the witness's answer
3 JUDGE JAMESON: Well. he can explain that if
4 that's the case, but answer the question. please
01:50 5 THE WITNESS: Would you please repeat it.
6 please?
7 BY MR. MANLY:
8 Q Did Bishop McFarland and/or Bishop Brown tell
9 you that the only cases they wanted to know about of sex
01:50 10 abuse were those involving priests and priests only?
11 A No. Neither one of them told me that.
12 Q Okay. So, did there ever come a time where you
13 decided on your own -- well. how did -- did you never
14 report cases of laypersons who abused to the Bishop?
01:51 15 A Did I never report?
16 Q Let me ask it a different way. I think it's the
17 "never" that's confusing.
18 Was there ever a time that you reported to
19 Bishop McFarland and/or Bishop Brown an allegation of
01:51 20 child rape or sexual abuse. whatever you want to call it.
21 by a layperson?
22 A Not that I recall
23 Q Okay
24 A Certainly not to Bishop Brown
01:52 25 Q Why not?

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1 A I was not in that position at that time
2 Q Okay. So, at no point did you ever -- did you
3 ever report any abuse to Bishop Brown?
4 A No. not that I recall
01:52 5 Q Who was in the position to report to
6 Bishop Brown on that?
7 MR. RUTHERFORD: Objection. It calls for
8 speculation. vague
9 JUDGE JAMESON: Overruled. Please answer if
01:52 10 you know
11 THE WITNESS: If it were clergy.
12 Father McKiernan
13 BY MR. MANLY:
14 Q How about laypeople?
01:52 15 A That I don't know
16 Q And Father McKiernan lived with Bishop Brown at
17 that time, did he not?
18 A Yes, he did.
19 Q What is the nature of their relationship. if you
01:52 20 know?
21 MR. RUTHERFORD: Objection. Vague
22 JUDGE JAMESON: Well. if there was something
23 unique about that. you may answer
24 THE WITNESS: Bishop Brown. the Bishop;
01:53 25 Father McKiernan. a priest of the Diocese. his priest

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1 secretary who served also as clergy personnel director
 2 BY MR. MANLY:
 3 Q Uh-huh. Yeah Is that the nature of the
 4 relationship, professional?
 01 : 53 5 A I believe they're friends as well
 6 Q Now, you were the Bishop's secretary; correct?
 7 A Yes.
 8 Q Did you --
 9 A I was Bishop McFarland's secretary
 01 : 53 10 Q Okay And for how long?
 11 A From 1987 to approximately 1997, '96, '97
 12 Q Now, did you and the Bishop live in the same
 13 house?
 14 A From 199 -- excuse me From -- let me get the
 01 : 54 15 dates straight Bishop McFarland arrived in '87
 16 Q Monsignor. I don't care when Bishop McFarland
 17 arrived I'm not trying to cut you off.
 18 A Okay
 19 Q I just want to know if you ever lived in the
 01 : 54 20 same house
 21 A Excuse me Yes, we did Yes
 22 Q You lived in the same rectory; is that correct?
 23 A The same Bishop's house, yes
 24 Q And where was that?
 01 : 54 25 A On La Veta Avenue

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1 Q It was attached to Holy Family Cathedral?
 2 A Yes On the same property
 3 MR. RUTHERFORD: Mr Manly, whenever it's
 4 convenient, I could use a break.
 01 : 54 5 MR. MANLY: Okay Let's take it now
 6 THE VIDEOGRAPHER: The time is 1:54 and we're
 7 going off the record.
 8 (Recess taken)
 9 (Off the record at 1:54 p.m. Back on the record
 01 : 54 10 at 2:15 p.m.)
 11 THE VIDEOGRAPHER: The time is 2:15 and we're
 12 back on the record
 13 BY MR. MANLY:
 14 Q Have you ever had a conversation with
 02 : 15 15 Bishop Brown where he told you that under no
 16 circumstances prior to 2002 -- strike that
 17 Prior to 2002 did you ever have a conversation
 18 with Bishop Brown where he told you under no
 19 circumstances is anybody that's been credibly accused of
 02 : 16 20 sexual abuse to work in my Diocese?
 21 A No, I do not recall a conversation like that.
 22 Q Did you ever have such a conversation with
 23 Bishop McFarland?
 24 A Not that I recall
 02 : 16 25 Q Does the number 29 refresh your recollection as

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1 to how many priests were removed from the Diocese of
 2 Orange in 2002 or 2003?
 3 A No, it doesn't refresh my --
 4 Q Does that sound right to you?
 02 : 16 5 MR. RUTHERFORD: Objection. Asked and answered
 6 repeatedly
 7 JUDGE JAMESON Overruled
 8 THE WITNESS: I don't know
 9 BY MR. MANLY:
 02 : 17 10 Q All right Is it your understanding, based on
 11 your time as a senior member of the hierarchy in the
 12 Diocese, that it was Ms. Schinderle's obligation to
 13 inform the Bishop about allegations against laypeople of
 14 sexual abuse of children?
 02 : 17 15 MR. RUTHERFORD: Calls for speculation, lacks
 16 foundation.
 17 JUDGE JAMESON Overruled.
 18 THE WITNESS I don't know
 19 BY MR. MANLY:
 02 : 17 20 Q Who was responsible, if you know for informing
 21 the Bishop about allegations against laypersons of sexual
 22 abuse from 1988 to 2001, the end of 2001?
 23 A I don't know if anyone was obligated to
 24 Q You don't know whose responsibility that fell
 02 : 18 25 under?

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1 A No, I don't recall
 2 Q Did the Diocese -- at least when you were in the
 3 Chancellery office, did the Bishop -- did Bishop Brown
 4 and Bishop McFarland regard the rape of a child as a
 02 : 18 5 serious matter?
 6 A I presume they would, yes
 7 Q Well, you work with them every day; right?
 8 A Yes
 9 Q You knew them?
 02 : 18 10 A Yes
 11 Q And some people might say you were their
 12 right-hand person; fair?
 13 A Bishop McFarland
 14 Q Okay Did he regard child sexual abuse as a
 02 : 18 15 serious matter?
 16 A Yes, he did
 17 Q Okay And what about Bishop Brown?
 18 A I believe he does, yes
 19 Q Was there a policy under Bishop McFarland's term
 02 : 19 20 where it was expected that any priest who learned that a
 21 priest, layperson --
 22 What are you looking at me that way for? Oh,
 23 I'm talking to Mr Finaldi for the record. He looked at
 24 me like I was nuts. I thought I might have said
 02 : 19 25 something I didn't realize I said. I apologize You

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1 never know All right. Let's start over
2 MR. CALLAHAN: Now we're all looking at you
3 funny
4 MR. MANLY: Well, sometimes people do.
02 : 19 5 JUDGE JAMESON: I thought you'd get used to that
6 look from Mr. Finaldi
7 MR. CALLAHAN: Let's start over again
8 MR. MANLY: All right.
9 JUDGE JAMESON: I'm sorry I couldn't resist
02 : 19 10 MR. MANLY: No, Judge
11 MR. CALLAHAN: We're all laughing. Your Honor
12 MR. MANLY: That's what I thought I'll tell
13 you later what he did. Judge Okay For some reason.
14 I'm having difficulty breathing. Now I feel better
02 : 20 15 Okay
16 What was my last question before I got
17 interrupted?
18 (Whereupon, the record was read back
19 by the reporter as follows:)
02 : 20 20 "Q Was there a policy under Bishop
21 McFarland's term where it was expected
22 that any priest who learned that a
23 priest, layperson --
24 BY MR. MANLY:
02 : 20 25 Q Okay Was there a policy under Bishop McFarland

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1 instance where an employee, including
2 priests, religious or laypersons.
3 learned of an allegation of sexual
4 abuse, that the police or Child
5 Protective Services would be called;
6 correct?"
7 JUDGE JAMESON: Overruled.
8 THE WITNESS: I don't know I don't know
9 BY MR. MANLY:
02 : 22 10 Q Well, what do you mean by that answer?
11 MR. RUTHERFORD: Objection It speaks for
12 itself.
13 JUDGE JAMESON: It does
14 BY MR. MANLY:
02 : 22 15 Q So, let me see if I can understand your
16 testimony
17 Your testimony is even though you think that was
18 the policy, you don't know if that -- well, if that was
19 the policy, would you expect it to occur in every case?
02 : 22 20 MR. RUTHERFORD: Objection. Vague as to "that "
21 "if that was the policy "
22 JUDGE JAMESON: Sustained
23 BY MR. MANLY:
24 Q How many cases do you know of, as you sit here
02 : 23 25 today, based on your time in the hierarchy where the

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1 where it was expected that Diocesan employees would
2 immediately call the police without notifying the Diocese
3 if it came to their attention that an employee had
4 molested a child?
02 : 21 5 MR. CALLAHAN: That they, the employee, would
6 notify the police?
7 MR. MANLY: Correct
8 MR. CALLAHAN: Okay
9 THE WITNESS: I would think either the police or
02 : 21 10 the Child Protective Services
11 BY MR. MANLY:
12 Q So, it would be your expectation, Monsignor,
13 that in every instance where an employee, including
14 priests, religious or laypersons, learned of an
02 : 21 15 allegation of sexual abuse, that the police or Child
16 Protective Services would be called; correct?
17 MR. RUTHERFORD: Objection It's an incomplete
18 hypothetical, it calls for speculation, and it lacks
19 foundation
02 : 21 20 JUDGE JAMESON: May I have the question back.
21 please?
22 (Whereupon, the record was read back
23 by the reporter as follows:)
24 "Q So, it would be your
25 expectation, Monsignor, that in every

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1 police or Child Protective Services were called besides
2 the one you already mentioned?
3 MR. RUTHERFORD: Please let me have the question
4 read back. I'm sorry, Mr. Manly
02 : 23 5 MR. MANLY: It's all right.
6 (Whereupon, the record was read back
7 by the reporter as follows:)
8 "Q How many cases do you know of,
9 as you sit here today, based on your
10 time in the hierarchy where the police
11 or Child Protective Services were
12 called besides the one you already
13 mentioned?"
14 MR. RUTHERFORD: Okay. I'm just going to
02 : 23 15 object. It's overbroad pursuant to the court order and
16 it seeks information that goes beyond Mater Dei or any
17 time frame and those are my objections
18 JUDGE JAMESON: Overruled.
19 BY MR. MANLY:
20 Q You can answer
21 MR. RUTHERFORD: I will instruct the witness not
22 to answer that question
23 MR. MANLY: On the same grounds?
24 MR. RUTHERFORD: The objections I just gave.
02 : 23 25 yes

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1 MR. MANLY: Okay
2 Q Did you ever -- do you ever recall reading an
3 article in the Orange County Register or the L. A. Times
4 where Child Protective Services indicated they had no
02 : 24 5 reports from the Diocese or Mater Dei in their files?
6 A No, I don't recall that.
7 Q How many cases are you aware of involving
8 Mater Dei High School --
9 (Telephonic interruption)
02 : 24 10 MR. MANLY: I'm so sorry
11 Q -- involving Mater Dei High School where the
12 police or Child Protective Services were called?
13 A For what time period?
14 Q Any time period where you were in the hierarchy
02 : 25 15 MR. RUTHERFORD: I object as being overbroad and
16 in violation of the court order The permissible scope
17 of inquiry is January 1988 through December 31st, 2001,
18 and this is seeking to discover information during
19 Mater Dei's entire 57-year history.
02 : 25 20 JUDGE JAMESON: Overruled.
21 BY MR. MANLY:
22 Q You can answer
23 A I don't know I don't recall
24 Q You don't recall any?
02 : 25 25 A I recall -- I think I know of one

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1 office. arranged to transfer a priest who had molested
2 more than one child to be transferred to Mexico?
3 MR. RUTHERFORD: Objection. Violation of the
4 court order It's not focused on Mater Dei It's not
02 : 27 5 focused on any time period
6 JUDGE JAMESON: And I'm not so concerned about
7 the '88 to 2001 time frame. Mr. Manly, but I think we
8 need some time frame
9 MR. MANLY: Okay
02 : 27 10 Q While you were in the hierarchy from 1988 to
11 2002, did it come -- did you become aware that the
12 Diocese was placing one or more priests in the Diocese of
13 Tijuana who had been credibly accused of sexual abuse?
14 MR. RUTHERFORD: Objection. Violation of the
02 : 28 15 court order
16 JUDGE JAMESON: Overruled
17 MR. RUTHERFORD: Instruct not to answer
18 BY MR. MANLY:
19 Q Did the Diocese of Orange while you were in the
02 : 28 20 hierarchy view Hispanic children as less vulnerable to
21 sexual assault or sexual abuse than Anglo children?
22 A Not that I'm aware of.
23 Q Was there a policy while you were in the Diocese
24 in any type of official capacity from 1988 until 2002
02 : 28 25 against moving known predator priests, in other words.

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1 Q When? When did that happen, if you know?
2 MR. RUTHERFORD: Objection. Asked and answered.
3 I think we went through this earlier today
4 BY MR. MANLY:
02 : 26 5 Q Is this the same one we talked about earlier?
6 A Yes
7 Q Okay Thank you
8 A Yes
9 Q Are you familiar with any cases that came to
02 : 26 10 your attention from 1988 until 2002 where there was an
11 allegation that a priest was involved in a sex act with a
12 donkey and a child?
13 A No.
14 Q Are you involved with any cases -- aware of any
02 : 26 15 cases that came to your attention in or around -- from
16 1988 to 2002 where a priest took a child to a donkey show
17 where a donkey had sexual acts with a prostitute?
18 A No.
19 Q You never heard that before?
02 : 26 20 A No.
21 Q Your testimony is no victim ever told you that,
22 is that right?
23 A That is my testimony
24 Q Was there ever -- did there ever come a time
02 : 27 25 when the Diocese, while you were in the Chancery

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1 who molested children, from parish to parish?
2 A Not that I'm aware of
3 Q There was no such policy that prevented that
4 was there?
02 : 29 5 A Not that I'm aware of.
6 Q Okay And, in fact, the Diocese did that, did
7 it not?
8 MR. RUTHERFORD: Objection. Vague
9 JUDGE JAMESON: Yeah. Why don't you just -- I
02 : 29 10 think we need to spell it out each time. Mr. Manly --
11 MR. MANLY: Sure
12 JUDGE JAMESON: -- given the subject matter
13 BY MR. MANLY:
14 Q During your time in the hierarchy, did you
02 : 29 15 become aware that priests were transferred -- and I'll
16 give you the dates -- from 1988 until 2003 and/or
17 assigned to parishes with schools who had been previously
18 accused in other parishes of molesting children?
19 MR. RUTHERFORD: Objection. Violation of court
02 : 30 20 order. It's unlimited in its scope
21 JUDGE JAMESON: Overruled.
22 MR. RUTHERFORD: Instruct not to answer
23 BY MR. MANLY:
24 Q Do you know a man by the name of Father Jerome
02 : 30 25 Henson?

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1 A Yes
2 Q And Father Jerome was a Dominican. is that
3 correct. and then later became a Diocesan priest?
4 A Yes
02 : 30 5 Q Okay When was he incardinated into the Diocese
6 of Orange approximately?
7 A Early to mid '90s, I believe
8 Q Okay And did you ever become aware that
9 Father Jerome Henson was working at Mater Dei in the
02 : 30 10 television department?
11 A I can't recall if he did or not.
12 Q Okay Did you ever become aware that
13 Father Jerome Henson was working as an assistant in the
14 Chancellory office to Mr Tom Fuentes in the
02 : 31 15 communications department?
16 A I can't recall if he was or not
17 Q Have you ever seen Father Henson's file?
18 A Yes
19 Q Okay Did you become aware at some point that
02 : 31 20 Father Henson had been observed by a police officer in
21 Northern California orally copulating a boy in a
22 graveyard?
23 MR. RUTHERFORD: Objection Violation of court
24 order
02 : 31 25 JUDGE JAMESON: Overruled.

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1 BY MR. MANLY:
2 Q You can answer
3 MR. RUTHERFORD: Instruct not to answer.
4 specific identity
02 : 31 5 MR. MANLY: Well. for the record. this matter
6 has been public It was the subject of a story called
7 "Boneyard Tryst" in the OC Weekly It's been well
8 reported and it is not a secret and. as I recall.
9 Father Henson's files were made public by Judge Lichtman.
02 : 32 10 although I can't swear to it.
11 JUDGE JAMESON: Let's go on.
12 MR. MANLY: Okay You're not -- you're going to
13 instruct him not to answer. Mr Rutherford?
14 JUDGE JAMESON: He did
02 : 32 15 MR. MANLY: Okay All right. Judge Thank you
16 Q Were you aware -- did the Diocese ever
17 incardinate a priest as a member of the Diocese who the
18 Diocese was aware had previous allegations of sexual
19 abuse against him in another Diocese or religious order?
02 : 32 20 A Not that I'm aware of
21 Q Did -- were you aware that Father Henson had
22 allegations against him before he came to the Diocese?
23 MR. RUTHERFORD: Objection. Violation of the
24 court order. assumes facts.
02 : 33 25 JUDGE JAMESON: Overruled.

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1 MR. RUTHERFORD: Instruct not to answer as
2 violation of the court order
3 BY MR. MANLY:
4 Q Have you ever spoken with anyone from the
02 : 33 5 Diocese of Milwaukee about the issue of sexual abuse.
6 sexual abuse?
7 A Not that I recall. no.
8 Q Without naming names, has any priest come to
9 this Diocese from the Diocese of Milwaukee where the
02 : 33 10 Diocese of Milwaukee made you aware that there was an
11 allegation of sexual abuse. "you" being the Diocese?
12 MR. RUTHERFORD: Objection Violation of the
13 court order Lacks foundation. no establishment that
14 it's in any way related to Mater Dei High School
02 : 33 15 MR. MANLY: I'll withdraw it Not because of
16 your objection. just because I want to ask a different
17 question
18 Q Were there particular parishes that the Diocese
19 had a tendency to assign abusers to. in your experience.
02 : 34 20 from 1988 until 2002?
21 A I don't understand what you mean. "had a
22 tendency to"
23 Q Were there parishes that. for whatever reason.
24 you decided to -- you and the Diocese. the Chancellory
02 : 34 25 office or the priest board. whoever did the assigning.

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1 assigned priests to on a more regular basis than others?
2 A Yes
3 Q Okay And why was that?
4 A Well. what I'm thinking of are the
02 : 34 5 newly-ordained priests would be assigned to parishes
6 where they would be good places to be; and as they would
7 move every four years, then another one might go back.
8 another newly-ordained might be assigned there
9 Q Are you aware of any priest who has left the
02 : 35 10 Diocese because they were upset by the way the Diocese
11 was handling sexual abuse allegations?
12 A No, I'm not aware of that
13 Q Was there a -- you know Father Daniel Murray?
14 A Yes, I do
02 : 35 15 Q And who is Father Murray?
16 A Father Murray's a priest of the Diocese of
17 Orange
18 Q Still?
19 A I don't know if he is or not.
02 : 35 20 Q When's the last time --
21 A He was --
22 Q I'm sorry Go ahead. Monsignor
23 A I don't know if he is or not
24 Q When was the last time you saw him?
02 : 35 25 A Probably two weeks ago

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1 Q Where did you see him?
2 A At the House of Prayer for priests
3 Q What was he doing there?
4 A He lives there
02:35 5 Q With Father Moreland?
6 A Yes
7 Q What is his assignment?
8 A I don't know what his assignment is I don't
9 believe he has an assignment.
02:36 10 Q Why?
11 MR. RUTHERFORD: Objection. Depending on how
12 the -- how the witness -- if -- I don't know if the
13 witness knows the answer to that question or not, but if
14 he learned the reason for Father Murray's assignment in
02:36 15 his -- in the capacity as director of clergy personnel,
16 that could be a violation of privacy rights of others and
17 may be asking for disclosure of private information
18 regarding non-parties. I'd like to confer with my client
19 on that issue, Your Honor
02:36 20 JUDGE JAMESON: Well, let's ask a couple
21 preliminary questions
22 Are there assignments for any priest in the
23 Diocese of Orange that is confidential, not for public
24 knowledge?
02:37 25 THE WITNESS: I don't know

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1 JUDGE JAMESON: Conceivably I guess that could
2 be the case, but I just don't --
3 THE WITNESS: No. No. There are not that I'm
4 aware of.
02:37 5 JUDGE JAMESON: Mr. Rutherford, help me out with
6 what the objection is. The question was, what was
7 Father Murray's assignment?
8 MR. RUTHERFORD: No. That's not how I heard the
9 question. I heard the question as why was he assigned to
02:37 10 the House of Prayer
11 JUDGE JAMESON: Oh
12 MR. RUTHERFORD: Okay. Not what his assignment
13 was
14 MR. MANLY: No. That's not what I asked. What
02:37 15 I asked is, why did he not have an assignment?
16 JUDGE JAMESON: I think the prior response was
17 that he doesn't have an assignment.
18 MR. MANLY: That's right.
19 JUDGE JAMESON: And so is he a freelance priest
02:37 20 or what we call in some cases a floater where he fills in
21 for people who are sick or on vacation or I guess maybe a
22 simpler question is -- well, it's going to go back to
23 what his assignment was
24 Do you know what Father Murray's role is with
02:38 25 the Diocese of Orange?

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1 THE WITNESS: I believe that he is -- he has no
2 assignment, and so he is living at the House of Prayer
3 MR. MANLY: So, my question was, Your Honor, why
4 doesn't he have -- is there a reason he doesn't have an
02:38 5 assignment as far as the witness knows?
6 MR. RUTHERFORD: Objection. It calls for
7 speculation.
8 JUDGE JAMESON: Well, if he knows. Answer it if
9 you can.
02:39 10 THE WITNESS: I don't know
11 BY MR. MANLY:
12 Q Have you ever heard that he was removed for
13 credible allegations of sexual abuse?
14 MR. RUTHERFORD: Objection. Violation of the
02:39 15 court order. May I quote from it, Your Honor?
16 JUDGE JAMESON: No. I think we've heard it
17 enough.
18 I don't know if a clarifying question will help
19 or not, but when did that non-assignment assignment
02:39 20 commence, if you understand what I mean? When did he
21 become a non-assigned priest?
22 THE WITNESS: I do not know
23 BY MR. MANLY:
24 Q Well, after 2002?
02:39 25 A I don't know

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1 Q Okay
2 JUDGE JAMESON: Well, back to the threshold
3 question. The objection's overruled.
4 MR. RUTHERFORD: If I could just be reminded of
02:40 5 that threshold question.
6 MR. MANLY: I think it was, do you know why he
7 does not have an assignment?
8 MR. RUTHERFORD: Oh, we got an answer to that
9 question
02:40 10 MR. CALLAHAN: "I don't know."
11 MR. MANLY: Oh, no, I'm sorry. The threshold
12 question was, was he removed because of sexual abuse?
13 JUDGE JAMESON: That's it.
14 MR. MANLY: Right.
02:40 15 MR. RUTHERFORD: And, Your Honor, you've heard
16 and considered and overruled my objections?
17 JUDGE JAMESON: Yes.
18 MR. RUTHERFORD: Okay. I'm going to instruct --
19 I'm instructing the witness not to answer
02:40 20 BY MR. MANLY
21 Q Monsignor, was there a time while you were in
22 the Chancellery office that Monsignor Murphy was also
23 working at Marywood in the Chancellery office?
24 MR. RUTHERFORD: Did you say Murphy?
02:40 25 MR. MANLY: Murray. I'm sorry

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1 THE WITNESS: Yes
2 MR. MANLY: The Irish are all one tribe All
3 right.
4 MR. CALLAHAN: You want to hear the song again?
02 : 41 5 MR. MANLY: No. Well, actually if you're
6 willing to sing it on camera, I'll listen.
7 Q And what was his job there when you left the
8 Chancellory office, if you know?
9 A When I left the Chancellory office, I don't
02 : 41 10 believe Monsignor Murray was there at the Diocese.
11 Q Okay Did there come a time when he was moved
12 from all parish work and sent to the Diocese to head up
13 the Diocese's effort in dealing with sex abuse in terms
14 of dealing with priests canonically?
02 : 41 15 A No, not that I'm aware of.
16 Q So, you're not aware -- you were never made
17 aware at any time that Monsignor Murray became working
18 full-time in the Chancellory on sex abuse cases and that
19 it was necessary to have him there full-time because of
02 : 42 20 the amount of cases? Have you ever heard that or
21 anything like that?
22 A No, I have not.
23 Q Monsignor Murray is a canon lawyer, correct?
24 A Yes.
02 : 42 25 THE VIDEOGRAPHER: Can we go off the record?

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1 MR. MANLY: We're done Yeah, I'm sorry
2 We're not done. The tape's done
3 THE VIDEOGRAPHER: The time is 2:42 and we're
4 going off the record.
02 : 49 5 (Recess taken.)
6 (Off the record at 2:42 p.m. Back on the record
7 at 2:49 p.m.)
8 THE VIDEOGRAPHER: The time is 2:49 and we're
9 back on the record.
02 : 49 10 BY MR. MANLY:
11 Q Monsignor Murray is a canon lawyer? I don't
12 know whether we got an answer to that. Yes?
13 A Yes, he is
14 Q And was Monsignor Murray in charge of dealing
02 : 49 15 with canonical enforcement against priests who had
16 alleged -- have been alleged to have committed sexual
17 abuse?
18 A I don't know
19 Q You have no information that Monsignor Murray
02 : 49 20 worked on cases involving priest allegations --
21 allegations against priests of sexual abuse. Is that
22 your testimony?
23 A I can't recall
24 Q Did it ever come to your attention at any time
02 : 50 25 from any place that Monsignor Murray was working on sex

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1 abuse cases involving priests in his capacity as a canon
2 lawyer with the Diocese?
3 A It may have. I cannot recall
4 Q Who was in charge of canonical enforcement of
02 : 50 5 priests who violated canon law at the Diocese while you
6 were in the Chancellory office?
7 MR. RUTHERFORD: It's overbroad, vague as to the
8 term violation of canonical law
9 JUDGE JAMESON: Overruled.
02 : 51 10 THE WITNESS: Well, Bishop McFarland is a canon
11 lawyer I believe Bishop McFarland would have been
12 BY MR. MANLY
13 Q And how about during Bishop Brown's time, who
14 was in charge of enforcing the canonical statutes that
02 : 51 15 dealt with priest sexual abuse?
16 MR. CALLAHAN: Charged with enforcing, right?
17 MR. MANLY: Right.
18 JUDGE JAMESON: Yeah The DS and DA
19 MR. CALLAHAN: Okay
02 : 51 20 MR. MANLY: What's that?
21 JUDGE JAMESON: The DS and DA
22 MR. MANLY: Oh
23 JUDGE JAMESON: Maybe I'm -- talking about being
24 in charge of the enforcement, got to be an attorney
02 : 51 25 MR. MANLY: Yeah. But canonically

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1 JUDGE JAMESON: Yes.
2 MR. MANLY: Thanks for your help. Your Honor
3 THE WITNESS: I believe it's Father Doug Cook.
4 BY MR. MANLY:
02 : 51 5 Q And does Father Cook still work at the
6 Chancellory office?
7 A He's studying in Rome right now
8 Q What is he doing in Rome?
9 A I believe getting -- I believe he's getting his
02 : 52 10 doctorate in canon law
11 Q So, Father Cook did not have a degree in canon
12 law, he had a licentiate, is that accurate, when he left
13 the Chancellory office?
14 A I'm not sure what degree he has in canon law I
02 : 52 15 believe it's that --
16 Q Okay
17 A -- the licentiate
18 Q Is he at the Greg. Gregorian University?
19 A I don't know where he is.
02 : 52 20 Q Okay Is it true that periodically, as far as
21 you know, priests are called to Mater Dei to perform
22 sacramental work throughout the school year?
23 MR. RUTHERFORD: Lacks foundation
24 JUDGE JAMESON: Overruled
02 : 53 25 THE WITNESS: Priests are -- yes, priests are

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1 invited to come to help.
 2 BY MR. MANLY:
 3 Q And you've done that yourself, have you not?
 4 A Yes, I have
 02 : 53 5 Q Was there any policy while you were in the
 6 Chancellery office that prevented priests who had
 7 previously been accused of sexual abuse from performing
 8 sacramental services at Mater Dei?
 9 A May I have the question again?
 02 : 53 10 Q Let me ask it again so it's clear
 11 Was there ever a policy, either under
 12 Bishop McFarland's administration or under Bishop Brown's
 13 administration, of the Diocese that forbade or prohibited
 14 priests previously credibly accused of sexual abuse from
 02 : 53 15 performing sacramental work at Mater Dei High School?
 16 A Not that I'm aware of.
 17 Q Have you ever met a priest named Father Gus
 18 Krumm?
 19 A Yes.
 02 : 54 20 Q And were you aware that Father Krumm was
 21 periodically performing ministry at Mater Dei while you
 22 were in the Chancellery office?
 23 A No
 24 Q Were you aware that he had been previously
 02 : 54 25 accused of sexual abuse during your time at the

1 Chancellery office; in other words, before he arrived in
 2 the Diocese?
 3 MR. RUTHERFORD: Objection Violation of the
 4 court order It's regarding a particular person
 02 : 54 5 JUDGE JAMESON: Overruled.
 6 MR. RUTHERFORD: Instruct not to answer
 7 BY MR. MANLY:
 8 Q Monsignor, earlier you told us that there was a
 9 high recidivism rate or you had read there was a high
 02 : 55 10 recidivism rate among sexual abusers Do you remember
 11 that testimony?
 12 A Yes, I do
 13 Q Okay And given that, did you and
 14 Bishop McFarland and/or Bishop Brown ever have a
 02 : 55 15 discussion on the dangers of allowing pedophiles or
 16 ephebophile priests or employees to have access to
 17 children in school?
 18 A I don't recall if we had that conversation
 19 Q Do you have any recollection of such a
 02 : 55 20 conversation taking place as you sit here today?
 21 A No, I don't recall
 22 Q Do you recall anybody during your tenure in the
 23 Chancellery office expressing concern about allowing
 24 someone who had raped a child from working in a school?
 02 : 56 25 A I don't recall such a conversation

1 Q Okay Do you recall a priest -- well, let me
 2 ask you this
 3 Were there ever any policies or procedures that
 4 the Diocese adopted with respect to sexual abuse
 02 : 56 5 allegations while you were in the Chancellery office?
 6 MR. RUTHERFORD: Vague and overbroad.
 7 JUDGE JAMESON: Do you understand the question.
 8 sir?
 9 THE WITNESS: I do understand the question
 02 : 56 10 Were there -- may I have it again, please?
 11 MR. MANLY: Would you read it back.
 12 Miss Reporter, please?
 13 (Whereupon, the record was read back
 14 by the reporter as follows:)
 15 "Q Were there ever any policies or
 16 procedures that the Diocese adopted
 17 with respect to sexual abuse
 18 allegations while you were in the
 19 Chancellery office?"
 02 : 57 20 THE WITNESS: Yes
 21 BY MR. MANLY:
 22 Q And when were they adopted?
 23 A I don't recall, but I believe it goes back
 24 sometime
 02 : 57 25 Q Were those policies strictly enforced in the

1 Brown and McFarland administrations, as far as you know?
 2 MR. RUTHERFORD: Objection. Vague, overbroad
 3 lacks foundation, calls for speculation.
 4 JUDGE JAMESON: I would make a suggestion that
 02 : 58 5 we find out what they were That might help with whether
 6 or not they were complied with or not.
 7 BY MR. MANLY:
 8 Q Okay What were the policies?
 9 A There were -- I don't know if we'd say policies,
 02 : 58 10 but anyway practices of priests as mandated reporters,
 11 policy, policies, state law Also, let me see I don't
 12 know if I'd call these policies, but of who was and who
 13 was not to be allowed into rectories, the living space of
 14 priests Those kind of things, but mostly it was around
 02 : 59 15 the policy of reporting, mandated reporting
 16 Q Now, was that policy strictly enforced by
 17 Bishop McFarland and Bishop Brown?
 18 MR. RUTHERFORD: Calls for speculation, lacks
 19 foundation.
 02 : 59 20 JUDGE JAMESON: If you know
 21 THE WITNESS: I don't know
 22 BY MR. MANLY:
 23 Q Well, you were, at least as far as priests go,
 24 involved in every priest allegation that occurred between
 02 : 59 25 1988 and when you left the Chancellery office; is that

1 correct?

2 MR. RUTHERFORD: Objection Calls for

3 speculation. lacks foundation

4 JUDGE JAMESON: The question seems consistent

02 : 59 5 with what earlier testimony was So, if I'm mistaken.

6 you can let us know But, otherwise, please answer

7 THE WITNESS: May I have it again? I'm --

8 BY MR. MANLY:

9 Q Sure

03 : 00 10 A Yes

11 Q From 1988 until when you left the Chancellory

12 office, you were involved and became aware of every

13 allegation of sexual abuse involving a priest in the

14 Diocese; is that correct?

03 : 00 15 A I don't know if I became aware of every

16 allegation

17 Q Okay So, are you telling us that some the

18 Bishops kept secret?

19 MR. RUTHERFORD: Objection Calls for

03 : 00 20 speculation.

21 JUDGE JAMESON: Sustained.

22 BY MR. MANLY:

23 Q Well, I mean, you told us earlier you were the

24 one who was the point person for clergy Is that

03 : 00 25 accurate?

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1 JUDGE JAMESON: Overruled.

2 THE WITNESS: I probably would have known them,

3 but not been, as we're using that phrase, the point

4 person.

03 : 02 5 BY MR. MANLY:

6 Q So, Monsignor, what I'm trying to figure out

7 is when

8 A Okay

9 Q I'm trying to ask some questions I'm just

03 : 02 10 trying to get some dates

11 So, you would have known about priest

12 allegations from 1988 until -- 1988 until what date?

13 Please tell me

14 A Probably 2002

03 : 02 15 Q Okay So, during that time, to the best of your

16 knowledge, were every one of those cases reported to the

17 police in compliance with the Diocese's mandated

18 reporting policy you just described?

19 A I do not know

03 : 02 20 Q Well, who would know the answer to that?

21 MR. RUTHERFORD: Calls for speculation, lacks

22 foundation.

23 JUDGE JAMESON: If you know, sir

24 THE WITNESS: I don't know

03 : 03 25 ///

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1 A Yes, I was

2 Q Okay So, is it your expectation that you would

3 learn of every allegation against sexual -- of sexual

4 abuse against a priest that occurred from 1988 until the

03 : 00 5 time you left the Chancellory office?

6 A No, not until the time I left the Chancellory

7 office

8 Q Okay What -- give me the dates, Monsignor.

9 that you would have learned about those allegations, you

03 : 01 10 believe you would have known about allegations

11 MR. RUTHERFORD: Vague as to "allegations."

12 JUDGE JAMESON: Overruled

13 MR. RUTHERFORD: Well, are we talking about --

14 MR. MANLY: I'm talking about sexual abuse

03 : 01 15 MR. RUTHERFORD: Sexual abuse involving priests;

16 right?

17 JUDGE JAMESON: Right.

18 THE WITNESS: Until -- from '88 until I was no

19 longer priest personnel director which, let me think,

03 : 01 20 would be '99 I believe

21 BY MR. MANLY:

22 Q So, as of June of 2001, you would not know of

23 new allegations; is that correct?

24 MR. RUTHERFORD: Objection. Misstates the

03 : 01 25 testimony he just gave.

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1 BY MR. MANLY:

2 Q Your sworn -- I'm sorry

3 Your testimony here today is you have no idea

4 who would know if the cases that came to your attention

03 : 03 5 from 1988 to 2002 would be reported to the police in

6 compliance with Diocese policy; is that correct?

7 MR. RUTHERFORD: Asked and answered.

8 JUDGE JAMESON: Overruled.

9 THE WITNESS: I don't know I'm -- as I recall,

03 : 03 10 the case -- the allegations of people coming to me

11 against priests were adults making allegations of what

12 happened to them as children, and so I believe then they

13 would be directed to go to -- the allegations would be

14 then brought to me, taken to our oversight board, and

03 : 04 15 they would -- I think then most of them were directed to

16 call the police themselves as adults That's where I'm

17 confused in the questioning

18 So, if there was a suspicion that someone was

19 currently being in danger of or being molested, then they

03 : 04 20 would have -- the Child Protective Services would have

21 been called, I believe, but I don't think that was the

22 case with them.

23 BY MR. MANLY:

24 Q So, is what you're telling me if -- even if the

03 : 04 25 priest had access to children as of the time the

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1 allegation was made, you would not report it to the
2 police even if the Statute of Limitations was good; is
3 that correct?
4 MR. RUTHERFORD: Objection Vague, incomplete
03 : 05 5 hypothetical, calls for speculation
6 MR. CALLAHAN: And calls for a legal conclusion
7 about the Statute of Limitations
8 MR. MANLY: That's fair Let me withdraw that.
9 Q I think what you're telling me is that you would
03 : 05 10 not report the allegation to the police unless the person
11 was 17 or under Is that now what you're telling me?
12 A No, I don't think I'm saying that I don't
13 know what I'm saying in that. I --
14 Q Okay Well, let's try and figure it out.
03 : 05 15 A Okay
16 Q How many times did you tell families or
17 individuals to call the police when they came to you
18 between 1988 and 2002 and reported that they had been
19 sexually abused by a priest, layperson or religious?
03 : 06 20 MR. RUTHERFORD: Objection. Violation of the
21 court order It's overbroad in its scope It's
22 unlimited, unlimited in scope and time
23 JUDGE JAMESON: Overruled.
24 MR. RUTHERFORD: Instruct not to answer
03 : 06 25 MR. MANLY: Well, wait a minute He just said

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1 that he told them to do that. So, I mean, he can't throw
2 it in and then have you -- Judge, he just testified that
3 that was the policy And now I followed up and asked how
4 many times did you do it, and now I'm getting an
03 : 06 5 instruction not to answer
6 MR. RUTHERFORD: And, Your Honor --
7 JUDGE JAMESON: And I've overruled the objection
8 and requested that -- and do request the witness to
9 answer You can instruct him not to answer and that
03 : 06 10 takes you to the next level
11 MR. MANLY: All right
12 Q Can you think of a single instance where you
13 told a family to call the police on a priest, layperson
14 or religious from 1988 until 2002?
03 : 07 15 MR. RUTHERFORD: Again, violation of the court
16 order It's overbroad. It's not limited to anything
17 dealing with Mater Dei. It's talking about --
18 JUDGE JAMESON: Well, but it asked for a yes or
19 no question. And one of the things that Judge Andler
03 : 07 20 might appreciate, if the answer is no, that finishes the
21 issue; if the answer is yes, then object if you want to
22 carry it on
23 But I sense that some of these questions are
24 going to go to Judge Andler; and once the answer is
03 : 07 25 given, it's not going to mean anything. So, if we can

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1 avoid that
2 You can still instruct the Monsignor not to
3 answer, but since it's a yes or no question, I'd
4 recommend you at least take it to that point so that you
03 : 08 5 may not have to take an unnecessary issue to the judge
6 Do you follow what I mean?
7 MR. RUTHERFORD: Yeah, I do
8 MR. CALLAHAN: So, the question is how many
9 times?
03 : 08 10 MR. MANLY: No.
11 JUDGE JAMESON: No. It's a yes or no question
12 MR. MANLY: Yeah.
13 Q I said, can you remember a single instance where
14 you personally told a family who had come to the Diocese
03 : 08 15 to report sexual abuse of a priest, layperson or
16 religious to call the police?
17 MR. RUTHERFORD: That's a yes or no or an I
18 don't know
19 THE WITNESS: Yes
03 : 08 20 BY MR. MANLY:
21 Q How many times?
22 A I recall one time for certain.
23 Q And when did that occur? What year
24 approximately?
03 : 08 25 A I believe in the late '90s

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1 Q And did that allegation involve a priest,
2 layperson or religious?
3 A Layperson
4 Q And where did that occur?
03 : 09 5 A It was the Mater Dei situation we've talked
6 about earlier
7 Q Okay So, approximately how many victims or
8 families do you believe you met with during your time in
9 the Chancery office from 1988 until 2002 who came to
03 : 09 10 see you because they alleged that they had been abused by
11 a priest, layperson or religious working in Orange?
12 A Goodness Maybe 20, 25
13 Q Could it be more?
14 A I cannot recall I cannot recall
03 : 10 15 Q Okay You -- how would you be able to quantify
16 that if you needed to?
17 MR. RUTHERFORD: Objection Vague I'm not
18 sure I understand the question
19 BY MR. MANLY:
03 : 10 20 Q If you wanted to find out how many, how would
21 you do it?
22 A I don't know how I would do it now I don't
23 have access to anything
24 Q Well, if you were given open access to the
03 : 10 25 Diocesan files, how would you do it, Monsignor?

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

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

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

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

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1 A No.
2 Q What's the problem?
3 MR. RUTHERFORD: Objection. Argumentative
4 BY MR. MANLY:
03:16 5 Q What is the problem?
6 JUDGE JAMESON: Well, you may answer
7 MR. RUTHERFORD: It's vague as phrased.
8 MR. MANLY: Well, I just -- if the witness has
9 memory problems, I asked him at the beginning of the
03:16 10 deposition if he did and he said no, so --
11 THE WITNESS: Well, you know, when I worked at
12 Marywood for those years that I was there, many of those
13 years, a good number of those years were in a tremendous
14 variety of ministries, and one of the things that I did,
03:16 15 and one of them the most painful for those who came
16 forward and for me who had to try to help them and manage
17 these things, was all these allegations of sexual abuse
18 And I can't tell you what it is, but I just don't
19 remember them anymore. I don't look to remember them. I
03:17 20 try to forget them. It is a horrible -- I don't forget
21 the people, but a horrible chapter in their lives and in
22 mine. And so I don't remember a lot.
23 BY MR. MANLY:
24 Q Okay. So, your goal was to try and help them I
03:17 25 think is what you just said?

1 A Yes
2 Q Do you think you achieved that goal while you
3 were there?
4 A I hope I did with some, to treat them with
03:17 5 respect and dignity
6 Q Is that the goal, to treat them with respect and
7 dignity?
8 A Always is. I try to do that with people
9 And so when a name would come up like this, I
03:18 10 don't recall. There are some names I might recall, but I
11 just don't.
12 Q You need a break? Do you want to take a break?
13 A I don't know
14 MR. MANLY: You know, I think the witness needs
03:18 15 a break, so we're going to take a break
16 MR. CALLAHAN: All right.
17 THE VIDEOGRAPHER: The time is 3:18 and we're
18 going off the record.
19 (Recess taken)
03:18 20 (Off the record at 3:18 p.m. Back on the record
21 at 3:43 p.m.)
22 THE VIDEOGRAPHER: The time is 3:43 and we're
23 back on the record
24 JUDGE JAMESON: Mr Callahan, you want to be
03:43 25 heard?

1 MR. CALLAHAN: I do. Your Honor. Thank you
2 I appreciate Mr. Manly suggesting a break. I
3 talked to the witness during the break and he told me
4 that he simply cannot concentrate on these questions. He
03:43 5 is overcome if you will. He is not in a psychological
6 state where he can listen to the questions and give
7 answers to complicated questions. That naturally causes
8 me concern, but --
9 JUDGE JAMESON: It causes us all concern. But,
03:44 10 Monsignor, not questioning your circumstance at all
11 Just my question is, do you think this is a temporary
12 circumstance or is this permanent?
13 THE WITNESS: I -- I don't know. I actually
14 until about two months ago, thought this whole kind of
03:44 15 thing was over for me. It's never over for people who
16 get victimized. I know that. I know it. So, I don't
17 know. I mean, I can't hold my head up at the moment, and
18 in the last number of questions Mr. Manly's asking, I
19 cannot -- I can't figure out where we're going. Not
03:44 20 where we're going, but what I'm supposed to answer with
21 it.
22 So, I -- I just don't know what to do today. I
23 don't know. I mean -- so, I don't know. I don't know
24 what to say. I --
03:45 25 JUDGE JAMESON: Would you do me a favor and step

1 outside? I'd like to talk to counsel
2 THE WITNESS: Okay
3 MR. MANLY: You want to do this on the record or
4 off, Judge?
03:45 5 JUDGE JAMESON: No. I think we should be on the
6 record.
7 MR. MANLY: Okay.
8 JUDGE JAMESON: I think we should be on the
9 record because the question is -- I think it's safe to
03:45 10 say that you're not done with Monsignor Urell
11 MR. MANLY: That's correct.
12 JUDGE JAMESON: And the question is do we -- do
13 we try to persist a little bit today? I would recommend
14 against that.
03:46 15 MR. MANLY: Yeah. Judge. I --
16 JUDGE JAMESON: He's genuinely upset.
17 MR. MANLY: No. He's upset. I mean, my view is
18 that I believe he's genuinely upset, but -- well, I'm not
19 going to make comment, but I think there's reasons for
03:46 20 it. And, you know, I mean, the non-human part of me
21 wants to say, well, you know, my client cried her eyes
22 out for seven days and we're going to move forward, but
23 one wrong doesn't make someone right or something like
24 that. I don't know what the hell I'm saying. But the
03:46 25 bottom line is I'm not going to put him through it today

1 but I don't believe that -- I believe I'm going to
2 continue and I'm going to make a motion. I think that --
3 JUDGE JAMESON: Well --
4 MR. MANLY: -- there's nothing critical I need
03 : 46 5 to ask today to tee that up.
6 JUDGE JAMESON: That's my point. And this was
7 my suggestion. It's not going away. He's going to have
8 to come back. There's an issue of a whole line of
9 questions which there has been a declination to answer.
03 : 47 10 and I think the best thing to do is to get that resolved
11 first and then bring him back for whatever's left.
12 whether it be more or less.
13 MR. MANLY: I agree, Judge. I mean, there's
14 things I wanted to ask today that I can't, but I probably
03 : 47 15 wouldn't have had time to anyway. And my purpose in
16 doing this is not to hurt anybody. I just want to get to
17 the truth, so --
18 JUDGE JAMESON: Mr. Callahan, do you have a
19 different or better idea?
03 : 47 20 MR. CALLAHAN: No. I think I agree with what
21 you have said and I agree with what Mr. Manly has said.
22 I think that very well sums it up.
23 MR. MANLY: Can you say that one more time just
24 so I got it on the record?
03 : 47 25 MR. CALLAHAN: I agree with -- let me start with

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1 if the stip is the same as what we've been using the last
2 few sessions.
3 MR. RUTHERFORD: So, I'll propose the
4 stipulation that the reporter be relieved of her duties
03 : 48 5 under the code and that this volume be marked as Volume I
6 and it be bound on its own;
7 That the original of this transcript be
8 forwarded to my office and I will transmit it to
9 Monsignor Urell for his review and signature;
03 : 49 10 And that upon my receipt of it, I will notify or
11 I will transmit the original to Mr. Manly's office and he
12 will maintain custody of the original;
13 And I'll notify all parties of any changes made
14 to the transcript within a week of my receipt of it;
03 : 49 15 And that if, for any reason, the original is
16 lost, misplaced, destroyed or otherwise unavailable, that
17 a certified copy can be used in lieu thereof;
18 And that Mr. Manly will lodge the original with
19 the court upon reasonable request.
03 : 49 20 MR. MANLY: Did you listen to that?
21 MR. FINALDI: Yes, I did.
22 MR. MANLY: Was it okay?
23 MR. FINALDI: So stipulated.
24 MR. MANLY: Okay. So stipulated.
03 : 49 25 THE COURT REPORTER: Do you need a copy.

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1 Mr. Manly, I agree with Mr. Manly. It doesn't happen
2 too often, but it has occasionally.
3 JUDGE JAMESON: We could have resolved this very
4 well without you having to agree with Mr. Manly.
03 : 47 5 MR. CALLAHAN: With just saying yes. That would
6 have been fine.
7 MR. MANLY: I'll just leave. You'll all get
8 along just fine.
9 MR. CALLAHAN: Mr. Manly and I agree on actually
03 : 48 10 a number of things.
11 MR. MANLY: Okay. So, the other thing I want to
12 just put on the record is we've been trying to take his
13 deposition for the better part of a year and a half, and
14 I mean no disrespect to counsel, but I'm shocked that the
03 : 48 15 witness only knew two months ago his deposition was going
16 to be taken.
17 So, anyway I think we've got it. So, we'll
18 suspend the depo. It is concluded. And you want to call
19 this Volume I, Mr. Rutherford, and use the same stip?
03 : 48 20 MR. RUTHERFORD: Yes. But why don't I propose a
21 stip so we've got a clean one. Okay.
22 JUDGE JAMESON: I think so because --
23 MR. MANLY: That's fine.
24 JUDGE JAMESON: -- I don't know that -- our
03 : 48 25 reporter hasn't been a regular with us and I don't know

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1 Mr. Rutherford, of the deposition?
2 MR. RUTHERFORD: Yes, please.
3 THE VIDEOGRAPHER: The time is 3:49 and we're
4 going off the record.
5
6 (VOLUME I OF THE DEPOSITION ENDED AT 3:49 P.M.)
7 DECLARATION UNDER PENALTY OF PERJURY ON THE FOLLOWING
8 PAGE HEREOF)
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I, JOHN URELL, do solemnly declare under penalty of perjury that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary

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

WITNESS SIGNATURE

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CERTIFICATION
OF
CERTIFIED SHORTHAND REPORTER

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

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

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

IN WITNESS WHEREOF, I have this date subscribed my name John Urell

Dated: _____

Certificate Number 6942