

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

Coordinated Proceeding	)	
Special Title (Rule 1550(b))	)	
THE CLERGY CASES 1	)	
_____	)	Case No. BC376766
LUIS C., an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
JOHN DOE 1, et al.,	)	
	)	
Defendants.	)	

DEPOSITION OF:

RICHARD P. BYRNE

THURSDAY, OCTOBER 29, 2009

**Transcript of deposition taken in Luis C., LASC Case No. BC376766, and approved for release to the public in John VG Doe, BC412464. On June 10, 2010, Counsel for Plaintiff John VG Doe and for Defendants The Roman Catholic Archbishop of Los Angeles, a corporation sole, and St. Thomas the Apostle Church and School in John VG Doe stipulated to redact private information as required by prior orders of the Court, including the Order re Privacy Redactions filed by Judge Haley J. Fromholz on December 8, 2005, and the Order re Privacy Redactions filed by Judge Emilie H. Elias on November 16, 2009. The final redactions were agreed to by the above counsel on June 15, 2010.**

Reported by:  
Rachael Moore

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8 Plaintiff, )  
9 vs. )  
10 JOHN DOE 1, et al., )  
11 Defendants. )  
12 \_\_\_\_\_ )

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14  
15  
16  
17 The deposition of RICHARD P. BYRNE, taken on  
18 behalf of the Plaintiff, before Rachael Moore, Certified  
19 Shorthand Reporter 13098 for the State of California,  
20 commencing at 10:09 a.m., Thursday, October 29, 2009, in  
21 the Law Offices of Manly & Stewart, 4220 Von Karman,  
22 Suite 200, Newport Beach, California 92660.

23  
24  
25

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8 ALSO PRESENT:

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Manly & Stewart

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Danny Colohan, Videographer

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I N D E X

Examination by: Page  
Mr. Manly -----7

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1 Thursday, October 29, 2009, 10:09 a.m.

2 Newport Beach, California

3

4 THE VIDEOGRAPHER: Good morning. This is the

10:09:39

5 videotape deposition of Judge Richard Byrne, retired,

6 taken at 4220 Von Karman Avenue, Suite 200 in Newport

7 Beach, California on Thursday, October 29th, 2009, in

8 the matter of Luis C. versus John Doe 1, et al., Case

9 Number BC 376766. This deposition is on behalf of the

10:10:08

10 plaintiff. My name is Danny Colohan with Dean Jones

11 Attorney Video Services of Los Angeles and Santa Ana,

12 California. This deposition is commencing at 10:10 a.m.

13 Would all present please identify themselves beginning

14 with the deponent.

10:10:25

15 THE WITNESS: Richard Byrne.

16 MR. WOODS: Donald Woods of Hennigan, Bennett &

17 Dorman on behalf of a number of defendants and the

18 witness.

19 MR. STEIER: Don Steier for defendant Baker,

10:10:38

20 Doe 3.

21 MR. DWYER: Christopher Dwyer on behalf of

22 defendant Doe 6.

23 MR. MANLY: John Manly on behalf of the

24 plaintiff. Also appearing Patrick Wall with my office

10:10:51

25 as a consultant. Good morning, Your Honor. Take it

10:10:54 1 away his --

2 THE VIDEOGRAPHER: Please be aware the  
3 microphones are very sensitive. They will pick up all  
4 conversations in the room. Would the court reporter  
10:11:02 5 please administer the oath?

6 RICHARD P. BYRNE,  
7 was called as a witness by and on behalf of the  
8 Plaintiff, and having been first duly sworn by the  
9 Certified Shorthand Reporter, was examined and testified  
10:11:03 10 as follows:

11 EXAMINATION

12 BY MR. MANLY:

13 Q I'll try again. Good morning, Your Honor.

14 A Good morning.

10:11:15 15 Q Your Honor, first of all, thank you for coming  
16 here today. I realize it was a drive, and I'm very  
17 appreciative. The first thing I want to tell you is  
18 that I very much respect you and your service to the  
19 courts, and I want to make you as comfortable as  
10:11:32 20 possible today here as a witness. So at any point if  
21 you need to get up, use the rest room, you want to speak  
22 to Mr. Woods, you need a glass of water, anything, you  
23 just let me know. We'll stop. Okay, sir?

24 A Fine. Thank you.

10:11:44 25 Q Your Honor, you have been a member of the Bar

10:11:46 1 for much longer than I have.  
2 A Yes.  
3 Q And you're generally familiar with the  
4 deposition proceedings?  
10:11:51 5 A Yes.  
6 Q Okay. And you know you're under oath?  
7 A Yes.  
8 Q And by virtue of that oath you understand  
9 you're about to tell the truth?  
10:11:57 10 A Yes.  
11 Q Have you ever been deposed before?  
12 A No.  
13 Q Okay. Well --  
14 A There's always a first time.  
10:12:03 15 Q First time I've ever deposed a judge, Your  
16 Honor, so I guess that makes two of us. Your Honor,  
17 you're here in a case involving allegations against  
18 Father Michael Baker. Do you understand that?  
19 A Yes.  
10:12:16 20 Q Okay. And have you ever met Father Baker?  
21 A I believe so.  
22 Q Do you remember when you met him?  
23 A No.  
24 Q I'm going to ask you a little biographical  
10:12:30 25 information. I don't need your address, but where do



10:12:33 1 you live?

2 A In Los Angeles [REDACTED].

3 Q [REDACTED]?

4 A Yes.

10:12:41 5 Q And when did you become -- where did you grow  
6 up?

7 A In Los Angeles.

8 Q Did you go to Catholic schools?

9 A No.

10:12:49 10 Q All right. Were you -- were you baptized as a  
11 child as a Catholic?

12 A Yes.

13 Q What is the first position, if any, you held in  
14 the church?

10:13:02 15 A I'm not sure I understand what the position  
16 would be.

17 Q Sure. Other than going to mass and being a  
18 parishioner and being a member of the faithful, have you  
19 held any positions of either voluntary or paid within  
10:13:14 20 the Roman Catholic Church or the archdiocese?

21 A I'll have to think back. See, my father was a  
22 Catholic, my mother was not so I -- that would be  
23 important. I was not an altar boy, if that would be a  
24 position. I went to public school.

10:13:37 25 Q What I really mean is as an adult did you serve

10:13:40 1 as a lector or things of that nature?  
2 A Yes.  
3 Q When did you become a member of the bar?  
4 A January 1959.  
10:13:51 5 Q And sir, where did you go to law school?  
6 A I went to University of Notre Dame for one year  
7 and USC for two, graduated from USC in 1958.  
8 Q Well, that's the first time I ever heard that.  
9 That must have been very difficult having gone to USC  
10:14:06 10 and then Notre Dame. It's a little bipolar.  
11 A It's a little harder because I went to UCLA as  
12 an undergrad.  
13 Q Okay. Wow. You covered all the bases.  
14 A Yeah.  
10:14:18 15 Q And when did you become -- when were you  
16 appointed to the bench, Your Honor?  
17 A The appointment was March 17, 1972. I took the  
18 oath on April 30th, 1972.  
19 Q So you were appointed by Governor Regan?  
10:14:44 20 A Yes.  
21 Q And how long did you serve as a judge in the  
22 superior court, Your Honor?  
23 A A little over 20 years.  
24 Q So you retired in the early '90s?  
10:14:57 25 A I retired in 1992.

10:15:01 1 Q And since that time have you gone back and  
2 served as a judge -- not judge pro tem but a retired  
3 judge?

4 A On assignment?

10:15:11 5 Q Yes.

6 A No.

7 Q Have you engaged in the practice of law since  
8 you left the bench?

9 A No.

10:15:18 10 Q But you do do mediations and some private  
11 judging work?

12 A Yes.

13 Q And how long have you done that, Your Honor?

14 A Since the day after I retired from the bench,  
15 primarily at this point arbitrations, but in the past  
16 mediations serving as a private judge and referee.

10:15:29

17 Q Did you ever serve on temporary assignment to  
18 the court of appeals?

19 A Yes.

10:15:42 20 Q How many times did you do that, Judge?

21 A One time.

22 Q And when is the first time you recall meeting  
23 the cardinal?

24 A Meeting him?

10:15:57 25 Q Yes, sir. Cardinal Mahony, not Cardinal

10:16:03 1 Manning.

2 A Yes. I can't recall when I met him.

3 Q Was it shortly after he came to Los Angeles in  
4 the mid '80s?

10:16:13 5 A I don't know if it was shortly after.

6 Q Okay.

7 A It was probably sometime in the later '80s.

8 Q At some time -- some point were you asked to  
9 serve on -- on a diocese, an archdiocese and board?

10:16:28 10 A I was asked to participate in committee, but  
11 when you say "board," there were earlier times when I  
12 served on the Catholic Youth Organization Board. There  
13 was another one, Catholic Social Services Board. That  
14 was before Cardinal Mahony came to Los Angeles, I  
15 believe.

10:16:56 16 Q So you were appointed -- were you appointed  
17 those by archbishop or Cardinal Manning?

18 A I'm not really certain.

19 Q You've been a faithful Catholic your life --  
20 basically your whole adult life; right?

10:17:05 21 A I've been a practicing Catholic.

22 Q Fair enough. And you have tried to I take it  
23 serve the church in the best way you can and live the  
24 faith the best way you can; is that fair?

10:17:23 25 A Yes.

10:17:23 1 Q And as Catholic when the bishop or the  
2 archbishop or the cardinal, whatever the appropriate  
3 title is asked you to serve, did you feel an obligation  
4 to serve?

10:17:34 5 A Not necessarily.

6 Q Did you turn down any appointments?

7 A No.

8 Q Maybe "appointment's" not the right word. It  
9 sounds too official. When somebody asks you -- all  
10:17:45 10 these positions were volunteer; right, Judge?

11 A Yes.

12 Q And so -- all right. At some point did the  
13 cardinal ask you to serve on a committee that somehow  
14 dealt with the sexual abuse of children?

10:17:59 15 A Yes.

16 Q When did that happen, sir?

17 A It was 1993 I believe, and there was not a  
18 committee as such at that time.

19 Q How would you describe it? What were --

10:18:16 20 A I was asked to come to a meeting, and there  
21 were other people present and the request was made to  
22 assist in the revision of the archdiocese and policy on  
23 sexual abuse.

24 Q Did [REDACTED] ask you to come to that?

10:18:39 25 A Pardon me?

10:18:40 1 Q Did [REDACTED] ask you to go to that?

2 A I don't recall.

3 MR. MANLY: Do you know -- just for the record  
4 Mr. Gaspari has entered the room. Good morning.

10:18:50 5 MR. GASPARI: Sorry I'm late.

6 MR. MANLY: Mr. Gaspari represents the servants  
7 of the paraclete in this case, Your Honor, and is a very  
8 distinguished lawyer and a good guy so -- I didn't say  
9 that on the record.

10:19:01 10 MR. GASPARI: Don't tell any untruths, John.

11 MR. MANLY: I'm not under oath.

12 THE WITNESS: That's what I was going to say.

13 MR. STEIER: Okay. So what was my last  
14 question before I got all --

10:19:19 15 (Record read)

16 BY MR. MANLY:

17 Q Do you know [REDACTED]?

18 A Yes.

19 Q How long have you known [REDACTED]?

10:19:25 20 A Oh, maybe 40 years, 40 to 45 years.

21 Q All right. He lives in your neighborhood?

22 A Yes.

23 Q He's a friend?

24 A Yes. Children went to the same parochial

10:19:44 25 school.

10:19:45 1 Q Got it. So the [REDACTED] are family  
2 friends?  
3 A Yes.  
4 Q Do you know Mr. Hennigan?  
10:19:50 5 A Yes.  
6 Q Is he a friend?  
7 A I would consider him to be a friend, yes.  
8 Q And he lives in your neighborhood as well?  
9 A Yes.  
10:19:58 10 Q Was [REDACTED] the one that you can recall  
11 who invited you to come to the meeting?  
12 A I can't recall.  
13 Q Do you have any recollection whatsoever of who  
14 asked you to go there?  
10:20:08 15 A No.  
16 Q Can you tell me what the meeting was?  
17 A Well, basically, what I just said. At the  
18 meeting the people who were present were asked to look  
19 at the existing policy concerning sexual abuse by a  
10:20:31 20 priest and to offer its suggestions for revisions.  
21 Q Did you know that there had been priests  
22 that -- had you ever heard of a priest abusing a child  
23 sexually before you went to that meeting?  
24 A Oh, I'm sure I had but I had no -- I have no  
10:20:49 25 specific recollection of that.

10:20:50 1 Q Did you ever handle one of those cases on the  
2 bench?

3 A No.

4 Q When you were on the bench or as a lawyer did  
10:20:55 5 you ever encounter the issue of somebody accused  
6 criminally of molesting a child?

7 A Yes.

8 Q Did you sentence some of those people to state  
9 prison?

10:21:06 10 A I can't recall.

11 Q Did you sit as a criminal judge for awhile?

12 A Just one year, 1994. I handled overflow  
13 criminal from time to time in various assignments.

14 Q But in '94 you -- had you left -- were you  
10:21:27 15 sitting on assignment then?

16 A I'm sorry. '74.

17 Q '74. I got it.

18 A I stand corrected.

19 Q No. That's okay. So did you ever encounter  
10:21:39 20 the issue of sexual abuse of children when you were  
21 sitting in juvenile court?

22 A Yes.

23 Q And did you have -- did you consider yourself  
24 in the early '90s to have some familiarity with the  
10:21:49 25 issue?



10:21:49 1 A Yes.

2 Q And do you know why you were asked in -- by  
3 whoever you were asked to to go to that meeting?

4 MR. WOODS: Calls for speculation.

10:22:04 5 THE WITNESS: No, but I assume it was because  
6 of my background and experience.

7 BY MR. MANLY:

8 Q Okay. Where was the meeting held, the first  
9 one we were talking about?

10:22:19 10 A I believe it was -- I don't have a clear  
11 recollection of the meeting itself. I have a  
12 recollection of having attended one or two meetings at  
13 the archdiocese and offices I guess you'd call them, the  
14 chancery offices when they were located on 9th Street,  
10:22:38 15 which is now James M. Woods.

16 Q Do you remember who was at the meeting?

17 A I'm not sure if I remember everybody but the  
18 others that I do remember -- want me to name them?

19 Q Yes, please.

10:22:56 20 A I believe that now Bishop Curry -- I don't  
21 think he was a bishop at the time -- maybe he was at the  
22 meeting, Monsignor Timothy Dire was at the meeting.  
23 There may have been another priest or two, I can't  
24 recall, and I do believe the other lay people who were

10:23:23 25 involved at that time were present, although I don't

10:23:27 1 have a clear recollection.

2 Q Who were the lay people involved, do you  
3 recall?

4 A [REDACTED]

10:23:40 5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q Okay. Anybody else you can recall?

9 A No.

10:24:03 10

Q Your Honor, did -- did the cardinal attend that  
11 meeting?

12 A I don't recall.

13 Q And was it in a conference room?

14 A Yes.

10:24:13 15

Q And who presided, if anybody?

16 A I don't have a clear recollection. It probably  
17 would have been Monsignor Dire or I think at the time  
18 Monsignor Curry.

10:24:32 20

19 Q Okay. And did -- did they discuss that there  
20 was going to be -- they wanted to write a new policy or  
21 what was the stated purpose of the meeting when you were  
22 there?

23 A I think it was to expand and revise the  
24 existing policy.

10:24:47 25

Q Okay. Were you given a copy of the existing

10:24:50 1 policy?

2 A Probably.

3 Q You don't have a copy of that today?

4 A I don't -- I don't have a copy of that with me.

10:24:56 5 Q Okay. Did you -- do you still retain a copy of

6 those policies?

7 A Pardon?

8 Q Your Honor, at home do you retain or at your

9 office do you retain a copy of those policies?

10:25:07 10 A I probably have a copy of that at home.

11 Q And was Steven Blair there, Monsignor Blair,

12 now Bishop Blair?

13 A I'm not sure. I have no recollection of -- I

14 know who he is.

10:25:24 15 Q Did the committee during that meeting agree to

16 undertake, assist the archdiocese for the rewriting of

17 the policy?

18 A Yes.

19 Q Was there a process by which the committee

10:25:36 20 tried to educate itself on what to do or how to do it or

21 how did you physically -- let me ask a question instead

22 of a series of questions. How did you go about revising

23 the policy?

24 A I can't really recall. I think that we looked

10:25:52 25 at the policy that existed and discussed it and then

10:25:59 1 through a process suggested revisions and eventually  
2 came up with a revision.

3 Q Did anybody at -- Judge, were you under the  
4 impression at that time that there were priests in  
10:26:19 5 ministry in the archdiocese that had molested kids?

6 MR. WOODS: Calls for speculation.

7 THE WITNESS: Did I have the impression at that  
8 time?

9 BY MR. MANLY:

10:26:27 10 Q Yeah. Did you know that was the case at that  
11 time?

12 MR. WOODS: Okay. That's a new question. So  
13 "did you know" is the question now.

14 THE WITNESS: Well, I assumed that there was a  
10:26:38 15 need for a policy.

16 BY MR. MANLY:

17 Q Let me ask a different question. I think  
18 Mr. Woods makes a good point. I'm not saying that's  
19 going to continue, but at this point he makes a good  
10:26:48 20 point. Did you personally -- did they make you aware at  
21 that meeting that at that time there were priests  
22 serving in parishes or other ministries that had  
23 previously molested kids?

24 A No.

10:27:03 25 Q And you had no awareness of that at that time;

10:27:06 1 is that right?

2 A No. I understood this was an issue.

3 Q Okay. All right. But you didn't have any  
4 understanding of the depth of it or the scope of it or  
10:27:16 5 anything of that nature because you were new to it; is  
6 that fair?

7 A Correct.

8 Q Okay. So did that committee that revised the  
9 policy sort of morph into what became known as the SAAB  
10:27:27 10 Committee?

11 A Yes.

12 Q How did that change come about? How did you go  
13 from writing the policy to becoming the Sexual Abuse  
14 Advisory Board to the cardinal? "You" being not you but  
10:27:40 15 the committee.

16 A The policy -- it's -- this whole thing is a  
17 work in progress.

18 Q Understood.

19 A The original policy was very perfunctory as I  
10:27:53 20 recall, and so we expanded upon that and in the course  
21 of drafting a revision identified an advisory board.  
22 There was no name given to it originally. We came up  
23 with a -- what we considered to be a new policy. That  
24 was changed several times in the course of the next few  
10:28:24 25 years or so, but the first version that we came up with

10:28:32 1 called for an advisory board.

2 Q Was [REDACTED] involved in that process?

3 A You know, I don't recall. I don't believe so.

4 Q You knew, Judge, that [REDACTED] was the

10:28:44 5 counsel of the archdiocese?

6 A At some point I learned that he was, but I  
7 wasn't sure at that time.

8 Q Did you know that he was handling -- did he  
9 disclose to you at any point in the first year you

10:28:58 10 became -- began to work on that policy that he was  
11 actively defending molestation allegations against the  
12 archdiocese?

13 A No. Let me say this. It's not responsive to  
14 any question, but just to give you a little more

10:29:13 15 background.

16 Q Sure.

17 A I was not close to the hierarchy of the church.

18 Q Okay.

19 A So I didn't know who the people were, what the  
10:29:23 20 positions were, things of that sort.

21 Q Okay. Understood. So you didn't have a  
22 preexisting relationship with the cardinal or Bishop  
23 Curry or Monsignor Curry or anybody else?

24 A Correct.

10:29:35 25 Q You know [REDACTED] ?

10:29:36 1 A I knew him. I was active in my own parish.  
2 Q Right.  
3 A That was principally plus these other things  
4 I've already identified like the Catholic Youth  
10:29:46 5 Organization and the social services.  
6 Q You were an active Catholic lay person in your  
7 parish and with other organizations affiliated with the  
8 faith?  
9 A Yes. My wife was involved in some, too.  
10:29:59 10 Q And what was your parish and is your parish?  
11 A [REDACTED]  
12 Q To the present?  
13 A To the present.  
14 Q Yes. Okay. And --  
10:30:19 15 A And you asked a question about holding  
16 positions. I -- within the parish I was involved in  
17 things as lector, as a member of their parish committee  
18 and some of that stuff.  
19 Q The parish lector?  
10:30:33 20 A Yes.  
21 Q And you volunteered your time at the parish,  
22 donated to the parish and did typical things that  
23 Catholic people involved in the faith do?  
24 A Yes.  
10:30:45 25 Q Are you -- have you received any awards or a

10:30:50 1 member of any Catholic fraternal organizations like the  
2 Knights of Malta or anything of that nature?

3 A I received an award -- I think it was last year  
4 to become a member of the Knights of Saint Gregory I

10:31:09 5 believe it is.

6 Q And who did you receive that from?

7 A From the cardinal. A letter was sent to me,  
8 but I had never been a member of the Knights of Malta or  
9 the Knights of the Holy Sepulchre or something. I had

10:31:28 10 some opinions about those organizations and do not feel  
11 I wanted to become involved.

12 Q Okay.

13 MR. WOODS: You know, you should just answer  
14 the questions.

10:31:37 15 THE WITNESS: I'm straining from --

16 BY MR. MANLY:

17 Q Well, I'm glad you asked because that was what  
18 my next question -- you said it because that was my next  
19 question. I have some opinions about them too, but

10:31:47 20 we'll talk later. Okay. And what is the Knights of  
21 Saint Gregory, Your Honor?

22 A Well, it's a -- an order that was established a  
23 long time ago and the purpose of it now apparently is to  
24 support the house of prayer for priests in the Los

10:32:12 25 Angeles archdiocese, and that's a physical facility



10:32:18 1 where a priest will go for retreats or for recollection  
2 or things of that sort.

3 Q And staffed by a Jesuit?

4 A I don't think so, but I don't know.

10:32:26 5 Q The one in Orange is, so I just thought I'd  
6 guess. And did the cardinal give you that award at a  
7 ceremony?

8 A There was a ceremony at the cathedral. I was  
9 one of maybe 20 or 30 men and women.

10:32:49 10 Q All right. And who -- who's the chapel of that  
11 organization, if you know?

12 A I should know and -- but I can't think of their  
13 name.

14 Q Okay. All right. So do you recall how much  
10:33:11 15 time elapsed from when you began to write the policy as  
16 a committee and then you became to advise the cardinal  
17 on these issues?

18 A We didn't advise the cardinal.

19 Q Okay. Who did you advise? What did the  
10:33:24 20 committee do?

21 A It was called an advisory board but what we did  
22 was consider hypothetical cases that were presented to  
23 us by the vicar for clergy and attempt to arrive at some  
24 kind of consensus or -- we did not arrive at

10:33:47 25 recommendations, per se, and the information was

10:33:58 1 provided I would assume at some point to the cardinal if  
2 necessary, but it was directed basically to the vicar  
3 for clergy.

4 Q Who would you presume then would discuss it  
10:34:11 5 with the cardinal?

6 A We assumed that he probably would, although I  
7 don't know what the vicar or clergy's authority was.

8 Q That makes two of us. Okay. So the primary  
9 conduit from the hierarchy would be the vicar for clergy  
10:34:32 10 with the clergy?

11 A If there's a conduit, maybe there is.

12 Q Maybe "conduit" isn't the right term. Contact  
13 or interaction?

14 A Right.

10:34:40 15 Q And so the first person that you were dealing  
16 with, was that Monsignor Curry?

17 A I think there was a transition about that point  
18 where he -- where Monsignor Dire was stepping in to  
19 become the vicar for clergy.

10:34:58 20 Q And --

21 A If he wasn't already and Monsignor Curry was  
22 either the outgoing vicar for clergy at the time at the  
23 period of transition or had been the vicar for clergy  
24 and participated because of his experience as vicar for

10:35:18 25 clergy.

10:35:19 1 Q Your Honor, from '92 to 2000 do you have an  
2 estimate on how many hypothetical cases were brought to  
3 the board?

4 A No.

10:35:30 5 Q Was it more than 20?

6 A Probably.

7 Q Okay. And whose idea was it to make the cases  
8 hypothetical?

9 A I don't recall.

10:35:42 10 Q Okay. So when you say "hypothetical cases," I  
11 think I understand what you mean, but can you explain in  
12 a little more detail how that process worked?

13 A Well, the vicar for clergy was the one who  
14 would present a hypothetical case. The priest was  
15 identified as Father Fred. Everybody was Father Fred.

16 Q Okay.

17 A And it would be put such as "This is what the  
18 hypothetical is, Father Fred was involved in" and so  
19 forth and then the matter would be open for discussion,  
10:36:27 20 and at some point there was a consensus arrived at or  
21 maybe not, but usually then you'd move on to the next  
22 case.

23 Q And how frequently during from '92 to 2000 did  
24 you meet?

10:36:49 25 A We met -- I have produced some materials that I

10:36:54 1 keep from my own personal calendar what meetings were  
2 scheduled.

3 Q But I mean, rough -- I'm not going to hold you  
4 to it.

10:37:04 5 A I'd say four, five times a year maybe.

6 Q And were those regularly scheduled, or were  
7 they called by the archdiocese?

8 A They -- when you say "called by the  
9 archdiocese" --

10:37:20 10 Q Let me rephrase.

11 A The vicar -- there was an attempt at the end of  
12 the year to set up the time for a meeting for the  
13 following year.

14 Q Got it.

10:37:33 15 A And they would be scheduled for maybe --

16 nothing in January. So according to my own review of  
17 the calendars, copies of which are being produced today  
18 there would be a meeting scheduled for each month,  
19 February, March, April, May, maybe into June, but they

10:37:58 20 weren't always held. Some were canceled, some I did not  
21 attend.

22 Q Who was -- was there a chair of the board  
23 during those years?

24 A The vicar for clergy was the one who I would  
10:38:13 25 characterize as the chair.

10:38:14 1 Q Was there a vice chairman, or were there  
2 different officers?

3 A No.

4 Q I've seen it and this may be a different  
10:38:21 5 committee or another evolution where you were named in  
6 the media as the vice chairman of the committee. Is  
7 that accurate?

8 A If it's the sexual abuse advisory board, it  
9 would be inaccurate.

10:38:32 10 Q Okay. Were you the vice chairman of some other  
11 committee that was similar?

12 A No, not to my recollection.

13 Q Have you ever been vice chairman of any  
14 committee affiliated in any way, shape or form of the  
10:38:44 15 archdiocese?

16 A I am presently the vice chair of the Clergy  
17 Misconduct Oversight Board.

18 Q Okay. When was that formed?

19 A In the time the scandal broke in early 2002 and  
10:39:03 20 there was a -- it was finalized. I remember there was a  
21 press conference on June 20th of 2002.

22 Q So the SAAB Board existed until the Clergy  
23 Oversight -- Misconduct Oversight Board was formed; is  
24 that accurate?

10:39:24 25 A Yes.

10:39:25 1 Q Did you -- earlier I think I had my dates off  
2 because I was asking you about '92 to 2000. Did the  
3 meeting levels increase between 2000 and 2002 and the  
4 activity increase, or did it stay the same?

10:39:42 5 A I'm not really sure it would be reflected in --  
6 the meetings themselves would be reflected in the  
7 calendars that I produced. The number -- I have no  
8 feeling that there was an increase in the volume of  
9 cases that were presented at each meeting. The meetings  
10:40:04 10 would last usually two hours starting about 9:30 pretty  
11 much going sometimes in the afternoon, but there are  
12 only so many cases that you could hear in that period of  
13 time.

14 Q I didn't mean to interrupt you. I'm sorry,  
10:40:20 15 Your Honor. You anticipated by next question is: How  
16 long did the meetings typically last?

17 A I'd say they were about two and a half hours.

18 Q And essentially I think what you're telling me  
19 is what would happen is you'd get there, say hello,  
10:40:36 20 you'd sit down to business and there would be a  
21 discussion about a Father Fred, it's always Father Fred,  
22 and then they would give you the particular facts of  
23 this case and then they would ask for your input; is  
24 that right?

10:40:48 25 A Yes. They would give us a hypothetical.

10:40:52 1 Q And did the hypothetical always involve  
2 allegations of sexual misconduct by the priest with a  
3 child?  
4 A No.

10:40:58 5 Q Okay. How often did that happen?  
6 A I can't recall.  
7 Q Well --  
8 A We considered adults as well.

9 Q Did it always involve -- did the allegations --  
10:41:12 10 in terms of SAAB now, so from '92 to 2002 always involve  
11 allegations of sexual misconduct?  
12 A Right. That's why they called it -- eventually  
13 called it the Sexual Abuse Advisory Board.

14 Q At some point when you were sitting on this  
10:41:31 15 committee and you began to, you know, see these  
16 allegations come forward, did you become concerned at  
17 any point there was a problem within the archdiocese, a  
18 larger problem that needed to be addressed between '92  
19 and 2002 with sexual abuse?

10:41:49 20 A No.

21 Q Did anybody -- were you under the impression  
22 based on these hypothetical cases that you learned about  
23 that there were priests serving in the archdiocese that  
24 had previously molested children and were allowed to  
10:42:07 25 return to ministry?

10:42:09 1 A I had no idea.

2 Q I take it as a member of the bench that if that  
3 had brought to your attention that there were priests  
4 who had molested kids who were serving in -- had  
10:42:22 5 previously molested kids and were serving in parishes  
6 you would have asked somebody to call law enforcement;  
7 is that fair?

8 MR. STEIER: Objection. Speculation.

9 MR. WOODS: Calls for speculation. It's  
10:42:33 10 hypothetical in nature.

11 THE WITNESS: That is hypothetical. It didn't  
12 come up.

13 BY MR. MANLY:

14 Q It never came up?

10:42:40 15 A Correct. I mean --

16 Q Did anybody at any point during these Father  
17 Fred discussions ever discuss calling the police?

18 A I can't recall.

19 Q Did you ever raise that?

10:42:51 20 A I don't believe so.

21 Q Why were the cases hypothetical, Your Honor, if  
22 you know?

23 MR. STEIER: John, are we talking now about  
24 SAAB or CMOB or any --

25



10:43:08 1 BY MR. MANLY:

2 Q Fair enough. Between '92 and 2002 do you know  
3 why they -- these cases were presented to you and your  
4 fellow board members as being hypothetical?

10:43:19 5 A No, although, you know, I have my own opinions,  
6 but that's all it would be.

7 Q What's your own opinion?

8 A Well, we're concerned about protecting the  
9 identity of the children, the identity of the priest  
10:43:35 10 while the matter was being investigated because of the  
11 seriousness of the allegations. When I was on the court  
12 I served in juvenile court for six years, and all the  
13 files are confidential. I also served as the adoption  
14 judge for one year, all of the files are confidential.  
10:43:58 15 I was familiar generally with the idea of  
16 confidentiality involving children and relationships  
17 that were sensitive.

18 Q When there was a jury trial in court when you  
19 were in juvenile court or when --

10:44:14 20 A No juries in juvenile.

21 Q When there was a bench trial was the name of  
22 the victim kept confidential from the trier of fact?

23 A No, but the records were and the public was not  
24 admitted unless there was a reason for them to be

10:44:31 25 admitted.

10:44:32 1 Q And was the name of the alleged if there was  
2 a -- an adult involved, was the name of the adult kept  
3 secret from the trier of fact?  
4 A No, but the entire proceeding was confidential.

10:44:44 5 Q Understood. How many different Father Freds  
6 were there, Your Honor, in '90 -- between '92 and 2000?  
7 A I don't know.  
8 Q Did you take notes at the meetings?  
9 A No, not that I recall.

10:45:04 10 Q When you went to the meetings, was there an  
11 agenda?  
12 A You mean a written agenda?  
13 Q Yes, sir.  
14 A That was presented?

10:45:14 15 Q Yes.  
16 A No, not that I recall.  
17 Q Not that you recall. You don't ever recall  
18 seeing -- were there ever any type of written materials  
19 distributed to board members between '92 and 2002?  
20 A I don't believe so.

10:45:27 21 Q So the case was presented orally to the vicar  
22 for clergy?  
23 A Yes.  
24 Q So you would say something like "Father Fred  
10:45:36 25 serves at a parish. He's accused of doing X, Y and Z.

10:45:42 1 We talked to the victim, and the alleged victim says X,  
2 Y and Z" and gave you a basic summary of the case?

3 A Well, that's a hypothetical, but it's generally  
4 the case. And then there would be questions if anybody  
10:45:53 5 had "What about this? What about that?" I looked upon  
6 the SAAB as a sounding board for the vicar for clergy.  
7 We weren't there to make formal recommendations, we were  
8 to assist because of our own background and experience  
9 to help the vicar for clergy think the case through and  
10:46:23 10 what the vicar would do with it. We really didn't know,  
11 although we assumed that there had to be some kind of  
12 contact at some point with the archbishop, but whether  
13 there was in every case or not, I have no idea. As I  
14 said before, I don't know what the authority for the

10:46:42 15 vicar for clergy was.

16 Q Your Honor, who decided to give the alleged  
17 perpetrator the name Father Fred, if you know?

18 A I can't recall.

19 Q And you gave some names of -- you gave some  
10:46:55 20 names of board members that served I think you said the  
21 vicar for clergy [REDACTED]

22 [REDACTED] Who else served between '92 and 2002?

23 A Well, there were other -- the others were  
24 priests. The four lay people, myself and the other  
10:47:16 25 three that I've identified served the entire period of

10:47:20 1 time.

2 Q Who were the other priests that served?

3 A I'm trying to remember the names. One was

4 [REDACTED]

10:47:29 5 Q [REDACTED]?

6 A I don't know --

7 Q [REDACTED]?

8 A [REDACTED], I think.

9 Q [REDACTED]?

10:47:36 10 A [REDACTED] It was a -- there was some

11 Vincentians that came and went, but I can't recall the

12 names of the other priests.

13 Q And for the record the Vincentians are the

14 names of that religious order, you mean?

10:47:59 15 A The religious order, right.

16 Q And the other priests there were other priests

17 that served?

18 A Now Monsignor then Father Gabriel Gonzalez was

19 a member for awhile and --

10:48:18 20 Q So --

21 A I'm not really sure. It's a kind of meeting

22 where you had the generic priests that were present,

23 you'd come in and there was a -- the priest that you'd

24 seen before, you'd say hi, maybe you'd know who it was,

10:48:34 25 and you'd start the meeting by "Let's all introduce

10:48:38 1 ourselves." So a new priest would show up and we would  
2 just go on and --

3 Q How about [REDACTED], does that sound  
4 familiar?

10:48:47 5 A I know [REDACTED]. I don't know that  
6 he was involved with SAAB. I have no recollection.

7 Q So did you and the other board members  
8 understand that these even though they were hypothetical  
9 these were actual cases that were occurring?

10:49:08 10 A We felt that they were probably similar but --

11 Q So -- and did some of the -- did some of the --  
12 some of the hypotheticals present factual scenarios that  
13 if were real were you as a member of the bar and a judge  
14 recognize that there had been a crime committed?

10:49:30 15 A If they were real?

16 Q If they were real. In other words, if Father  
17 Fred turned out to be, you know, Father Baker or Father  
18 Whoever and they had molested a child, you understood  
19 that was a crime if that had occurred; right?

10:49:47 20 A Yes.

21 Q Okay. Did anybody, Your Honor, ever -- ever  
22 ask about the police being called or the law enforcement  
23 had been contacted?

24 A I don't believe so.

10:50:04 25 Q Why not?

10:50:05 1 A I don't know. Didn't occur to me. I assumed  
2 that the -- by virtue of the fact that this was a  
3 committee that was established by the archdiocese they  
4 were interested in trying to learn about these things  
10:50:21 5 that -- and do something about it that they were doing  
6 what they were supposed to do and -- we were not an  
7 oversight board, we were an advisory board.

8 Q Now, did anybody ever discuss [REDACTED]  
9 [REDACTED]  
10:50:42 10 [REDACTED]

11 A [REDACTED]

12 Q Was there any member of law enforcement on the  
13 committee, Your Honor?

14 A No. Excuse me. No.

10:51:31 15 Q So the only -- the only people who as far as  
16 you know were given the facts of these cases, the  
17 hypothetical facts were the members of the board  
18 including yourself and the vicar for clergy; is that  
19 right?

10:51:50 20 A Well, I don't know who else the vicar may have  
21 talked to. I mean, as far as the board is concerned,  
22 all I know is what was given to us.

23 Q I mean, were -- were you at all concerned or  
24 did you ever -- was there ever -- strike that.

10:52:07 25 Was there ever a time during any of these

10:52:10 1 meetings where the possibility of other victims were  
2 discussed in each factual scenario and whether the  
3 archdiocese had made announcements of parishes to alert  
4 people that Father Fred had molested children?

10:52:27 5 A I can't recall.

6 Q You don't have any recollection of that,  
7 though, as you sit here?

8 A Correct.

9 Q Your Honor, did you ever get the impression  
10:52:38 10 while sitting on that board between '92 and 2002 that  
11 the archdiocese was trying to keep this quiet?

12 A No. I never had the impression they were  
13 holding back.

14 Q I don't mean from you, I mean from anybody  
10:52:54 15 else.

16 A No.

17 Q Like law enforcement?

18 A No.

19 Q How many priests can you recall that you became  
10:53:01 20 aware of were arrested for sexual crimes that you  
21 learned of between '92 and 2002?

22 A I have no recollection at all.

23 Q Did you ever wonder, Your Honor, or discuss  
24 with your fellow committee members -- well, that's two

10:53:18 25 questions. Let me break it down. Did you ever

10:53:20 1 personally wonder given the amount of Father Freds that  
2 were being presented to the committee why there weren't  
3 more arrests?

4 MR. WOODS: I'm going to object to the form of  
10:53:30 5 the question. It assumes facts in evidence -- that are  
6 not in evidence and calls for speculation.

7 THE WITNESS: No.

8 BY MR. MANLY:

9 Q And that issue never came up?

10:53:41 10 A Correct.

11 Q Do you know the -- do you have an estimate of  
12 the number of Father Freds that came before that board  
13 between '92 and 2002?

14 A No.

10:53:53 15 Q More than 100?

16 A Not more than 100.

17 Q More than 50?

18 MR. STEIER: I'm going to object. I think this  
19 has been asked earlier and answered.

10:54:04 20 MR. MANLY: No, it hasn't. Don't coach the  
21 witness, please.

22 THE WITNESS: No. No. I recall the other  
23 question and it -- I would be surprised if it was 50.

24 BY MR. MANLY:

10:54:18 25 Q In your career in law enforcement in juvenile



10:54:20 1 court did you learn while you were serving on the bench,  
2 Your Honor, that pedophiles frequently had more than one  
3 victim?

4 A No, but when you talk about my career in law  
10:54:31 5 enforcement, that's --

6 Q That's a misnomer. I'm sorry.

7 A People confuse the judiciary with law  
8 enforcement.

9 Q You're absolutely right. I apologize. Let me  
10:54:40 10 rephrase it. In your career as a judge did you ever  
11 come to understand that there was a huge problem with  
12 recidivism with regard to pedophiles?

13 A When you say "huge problem with recidivism" --

14 Q Let me rephrase it, Your Honor. It's a crappy  
10:55:02 15 question. I'm sorry.

16 Did you ever learn that frequently people who  
17 molest children almost always do it more than once?

18 A I was aware of the fact that child molesters  
19 often reoffended, but I did not really pick that up from  
10:55:28 20 the court.

21 Q Where did you?

22 A My father who was a career California youth  
23 authority parole officer and board member and  
24 occasionally would talk about some cases, and I think  
10:55:41 25 there was one case that he had where he had taken an

10:55:44       1       interest in a child abuser and then at a later time  
                  2       after the person was no longer on parole found that the  
                  3       person had committed another offense elsewhere, and he  
                  4       talked about that particular case.

10:56:06       5           Q       Now, I understand from your bio that you were a  
                  6       DA for a period of time?

7           A       Year and a half.

8           Q       Did you prosecute child molesters?

9           A       I can't recall. I may have but as a year and a  
10:56:20       10       half I was in Compton for a year. We had a heavy  
                  11       volume, mostly DUI cases, but there were other cases as  
                  12       well. We did preliminary hearings, so there may have  
                  13       been some cases in there, but I have no recollection.

14           Q       The case that's been in the news recently is  
10:56:38       15       the Polanski case. Were you on the bench when that was  
                  16       occurring?

17           A       I went on the bench in 1972.

18           Q       I think he was arrested in '73. You may not  
                  19       have a recollection of it.

10:56:51       20           A       I don't have a recollection of it.

21           Q       And that didn't play any role in your thinking  
                  22       in these cases or --

23           A       No.

24           Q       I thought you might have been involved with it  
10:56:59       25       but I don't --

10:57:00 1 A Surprisingly I don't really follow most of the  
2 publicity cases.

3 Q I think that's --

4 A Friends will ask me about them and I don't --  
10:57:09 5 I'm not really that interested. I see enough at work or  
6 saw enough at work. I wasn't looking for other things  
7 to think about.

8 Q I think that speaks well of you, Your Honor.  
9 Okay. We've been going about an hour. Why don't we  
10:57:22 10 take about a 10-minute break.

11 THE VIDEOGRAPHER: Videotape deposition's off  
12 record at 10:57 a.m.

13 (Pause in the proceedings.)

14 THE VIDEOGRAPHER: Videotape deposition's back  
11:26:16 15 on record at 11:26 a.m.

16 MR. MANLY: Your Honor, before we went back on  
17 the record I showed you a document we've -- are going to  
18 mark as Exhibit 2, which is an article dated -- I've  
19 represented is dated February 17th, 2006, from The  
11:26:34 20 Tidings entitled "Oversight Board Exercises Vigilance to  
21 Insure Child's Safety."

22 (Plaintiff's Exhibit 2 was  
23 marked for identification.)

24 BY MR. MANLY:

11:26:40 25 Q Judge, did you have an opportunity to read that

11:26:44 1 document?

2 A Yes.

3 Q Does that look familiar to you?

4 A I may have read this particular article, I'm

11:26:49 5 not sure, but the substance is familiar.

6 Q Okay. And it quotes you in the article several

7 times. Did you notice that?

8 A Yes.

9 Q Are those quotes accurate?

11:27:01 10 A I assume so.

11 Q You have no reason to believe as you read it

12 they're inaccurate?

13 A Correct.

14 Q Did -- this article accurate sort of

11:27:12 15 summarize -- well, let me ask you a different question.

16 I'll go -- I think I can go point by point. You're

17 quoted in the second paragraph the article, Your Honor,

18 "Our mission is to make sure all allegations of

19 misconduct by priests are investigated." Is that -- is

11:27:29 20 that accurate?

21 A Correct.

22 Q And is that, in fact, the board's mission?

23 A That's one of the things we do.

24 Q You say, "Also, our objective is to make sure

11:27:43 25 no priest who poses a danger to others is serving in

11:27:46 1 ministry in the archdiocese of Los Angeles." Did you  
2 say that?

3 A I believe so.

4 Q Is that accurate about the current board?

11:27:54 5 A Yes.

6 Q Are those two statements also true of the SAAB  
7 Board that preexisted this board formed in 2002?

8 A No.

9 Q Okay. So what was -- what was the mission or  
11:28:06 10 objective of the SAAB Board?

11 A I don't know that we ever had a formal mission  
12 statement. Mission of the SAAB Board would probably  
13 be -- best be characterized by the vicar for clergy as a  
14 member of the board. I can state that my own

11:28:28 15 participation was to respond to the hypothetical cases  
16 that were presented and to ask questions that I felt  
17 needed to be asked, follow to flush out other facts  
18 which may not have been presented.

19 Q Whose job, if anybody, on the board was to be  
11:28:56 20 an advocate for victims, meaning the SAAB Board?

21 A The SAAB Board?

22 Q Yes.

23 A There was no one designated to be an advocate  
24 for victims.

11:29:05 25 Q Well --

11:29:07

1

A

2

3

Q

4

A

11:29:21

5

6

7

Q I remember seeing it, Your Honor. I know what you mean.

8

9

A Yes.

11:29:39

10

Q And moving down the document it says -- I think

11

it's one, two, three, four, fifth paragraph down it

12

says, "The 13 member (seven man, six woman) board

13

includes clergy, religious and laity, as well as a range

14

of ethnic and cultural groups, occupations and life

11:30:07

15

experiences to bring different points of view, Judge

16

Byrne explained," and it names the members, one of whom

17

is [REDACTED]. Who is [REDACTED] identified

18

there, please?

19

A Yes. That's [REDACTED]. I think it's spelled

11:30:23

20

[REDACTED]. He's at [REDACTED]. The members of the board

21

have been made public.

22

Q Okay.

23

A Identities.

24

Q Did [REDACTED] serve on the SAAB Board as

11:30:37

25

well?

11:30:38 1 A No. [REDACTED]

2 Q I'm sorry. Thank you. [REDACTED]. Who's [REDACTED]

3 [REDACTED] identified here?

4 A The -- [REDACTED].

11:30:54 5 Q Did he serve --

6 A And [REDACTED].

7 Q Did they serve on the SAAB Board?

8 A No.

9 Q Now, do you recall any instances involving a

11:31:18 10 Father Fred case where the board was upset at the action

11 the cardinal had taken?

12 A We didn't know what the action was that was

13 taken.

14 Q Do you ever remember an instance where

11:31:36 15 Monsignor Loomis came to discuss the Father Baker case

16 with the board?

17 A No.

18 Q At any time?

19 A No.

11:31:49 20 Q The policy you helped write, did that include

21 notification to the parishes of alleged sexual

22 misconduct?

23 A I believe at some point it did. I'd have to

24 look back at it. It's all there. We have copies of

11:32:06 25 that.

11:32:08 1 Q Did you participate in the --

2 A We're talking now about the CM -- or the SAAB

3 policy?

4 Q SAAB policy.

11:32:16 5 A I believe it's in there some place, but I'm not

6 sure.

7 Q Was it your expectation as a member of the

8 board that the cardinal would follow the policy?

9 MR. WOODS: Again, the SAAB Board?

11:32:26 10 MR. MANLY: SAAB Board, yeah.

11 THE WITNESS: Well, I don't know that it

12 indicated what he was supposed to do.

13 BY MR. MANLY:

14 Q Well, do you remember as -- there was a policy

11:32:39 15 in place, oral or written in the archdiocese between '92

16 and 2002 that required that the church notify a parish

17 where a priest had been -- had molested?

18 A Are you talking now about the overall policy as

19 opposed to that portion of the policy that related to

11:33:00 20 the advisory board?

21 Q I'm talking about the overall policy, yes, sir.

22 A I believe there was something like that in

23 there.

24 Q Was it your expectation as a member board that

11:33:08 25 the -- that the archdiocese would follow that policy?



11:33:12 1 A Yes.

2 Q Okay. Now, do you ever remember SAAB meetings  
3 where Monsignor Loomis would relate cases to you?

4 A Yes.

11:33:25 5 Q Do you ever recall a time where you now know  
6 that the Baker case even though he was called Father  
7 Fred was related to the board?

8 A No. I've heard that it was, but I have no  
9 recollection of that.

11:33:38 10 Q So you don't dispute that it was, you just  
11 don't remember it?

12 A Correct.

13 Q Do you remember a discussion at any time by  
14 Monsignor Loomis while he was the vicar for clergy  
11:33:53 15 talking about the cardinal had decided not to notify  
16 parishes?

17 A No.

18 Q Are you saying that didn't happen or you just  
19 don't have any recollection?

11:34:05 20 A I have no recollection of that.

21 Q Okay. Thank you. Did you handle or -- not  
22 handle. That's the wrong term. I apologize. Were you  
23 involved in -- in any way as a board member in handling  
24 the allegations against Monsignor Loomis himself?

11:34:32 25 A When you say "as a board member," we're talking

11:34:34 1 now of the CMOB.

2 Q Post 2002.

3 A Clergy Misconduct Oversight Board?

4 Q Right.

11:34:40 5 A Yes.

6 Q And in the Clergy Misconduct Oversight Board  
7 were there priest names used?

8 A On occasion if the priest was known. For

9 instance, if there were articles in the newspaper

11:34:57 10 identifying the priest, then the name would be used.

11 Q What about if there were not?

12 A Then they were Father X. We changed from  
13 Father Fred because we didn't know whether there might  
14 at some point be a Father Fred.

11:35:13 15 Q Okay. Why didn't they just use the names?

16 You're advising the cardinal on it. I mean, did you  
17 ever suggest to them that they should just use the  
18 names?

19 A No, not really. The -- it's a matter of great

11:35:31 20 sensitivity to the victims that their names not be

21 known, to the priests. We didn't feel it was essential

22 for us to know who the priests were in order for us to

23 do what we needed to do, and an allegation of child

24 sexual abuse once made is very, very serious and hard to

11:35:55 25 change. It's like the unringing the bell.

11:35:58 1 Q How many false cases have you found while  
2 you've been on the board?  
3 A False cases?  
4 Q False cases, how many false cases?  
11:36:06 5 A I'm not sure.  
6 Q How many accusations? How many?  
7 A False, some.  
8 Q How many? Do you know, Your Honor?  
9 A No. There have been some, though.  
11:36:20 10 Q Who made that determination?  
11 A Well, when you say "Who made the  
12 determination," it would have been the board arriving at  
13 the conclusion that the information presented did not  
14 support the accusation, either unsubstantiated or that  
11:36:41 15 there was no basis for the claim. Or when you say "the  
16 claim," whether the claim was, in fact, considered to be  
17 abuse.  
18 Q Okay.  
19 A One thing you haven't mentioned has to do with  
11:37:02 20 boundary violations, and there were discussions about  
21 the kinds of things that could be characterized as  
22 boundary violations.  
23 Q Like what?  
24 A Well, like, an off-color story or something of  
11:37:12 25 that sort that somebody, a parishioner heard or would

11:37:19 1 report it to the vicar for clergy and look at that and  
2 say, "Well, that doesn't really fall into the category  
3 of -- of abuse."

4 Q Were you presented with cases with -- involving  
11:37:33 5 Father Fred or Father X that involved things like  
6 alleged cruising for gay sex or straight sex or things  
7 like that?

8 A Now you're talking about both the SAAB and the  
9 CMOB?

11:37:46 10 Q Yes, sir, I am.

11 A Cruising being in cars?

12 Q Cruising, in other words, trying to -- priest  
13 using a vehicle or some other instrument to try and pick  
14 up other adults for sexual activity? Did you ever have  
15 that presented?

11:38:02 16 A Well, we're getting into other specifics. I  
17 don't know -- I thought this was about Father Baker, but  
18 we're getting into specific cases that do not involve  
19 Father Baker. I don't know if that's beyond the scope  
11:38:18 20 of what we were trying to accomplish here. I mean, we  
21 can go through did you ever have one like this? Did you  
22 ever have one like that?

23 Q Why don't you answer the question, Your Honor.

24 MR. WOODS: I'm going to object to the form of  
11:38:31 25 the question as beyond the scope of the -- beyond the

11:38:36 1 scope of the case, not relevant to the subject matter of  
2 the case.

3 BY MR. MANLY:

4 Q You can answer, Your Honor.

11:38:45 5 A I don't think it's necessary for me to answer  
6 that question.

7 MR. MANLY: Okay. Would you please mark the  
8 transcript?

9 BY MR. MANLY:

11:38:50 10 Q You're going to refuse to answer the question?

11 A Yes.

12 Q On what grounds?

13 A On the grounds that it's beyond the scope of at  
14 least my understanding of what the deposition is about.

11:39:02 15 Q If you don't know who Father Baker is, Your  
16 Honor, and they're all Father X, how do you know I'm not  
17 talking about Father Baker?

18 A Because you're talking about the CMOB; right?

19 Q I'm talking about both. I want to know what  
11:39:13 20 you did and part of the things -- part of -- given that  
21 you said you didn't know who Father Baker was, I'm now  
22 in a position where I have to ask you about all sorts of  
23 things and I don't -- you know, I respect you and you  
24 can -- you can not answer, but how do you know what the

11:39:30 25 Baker case was or wasn't if you --

11:39:33 1 A I was -- I understood your question to ask that  
2 as a chair and member of the Clergy Misconduct Oversight  
3 Board, which was established in June of 2002 whether  
4 there was ever any case that came before the board  
11:39:52 5 involving cruising.

6 Q That's not my question. My question is --

7 A Maybe you can clarify your question.

8 Q Sure. My question is from '92 to the present  
9 had you ever dealt with that issue?

11:40:04 10 A Well, that includes the CMOB.

11 Q Well, yes, it does.

12 A Well, I'm not going to answer as far as the  
13 CMOB is concerned on the basis that my understanding  
14 that Father Baker was laicized in 2000. He never  
11:40:20 15 came -- the board never considered him as a case.

16 Q Did you ever think that maybe people that  
17 supervised Father Baker or were involved with Father  
18 Baker might have come before the board since 2002?

19 MR. WOODS: Could I -- I didn't understand  
11:40:35 20 that. Could I hear that back again?

21 (Record read)

22 MR. STEIER: Vague.

23 THE WITNESS: My answer is no.

24 BY MR. MANLY:

11:40:49 25 Q Well, how do you know because you don't know

11:40:51 1 him because you've testified they're all Father X unless  
2 they've been in the paper?

3 A I don't know.

4 Q Okay. So can I have an answer to my question,  
11:40:58 5 please?

6 A What is the question?

7 Q The question is: Have you ever had to dealt  
8 with allegations of cruising or adult sexual activity  
9 between 1992 and the present as a member of the board?

11:41:09 10 MR. WOODS: I'm going to object that adult  
11 activity's irrelevant to the subject matter of this  
12 case.

13 BY MR. MANLY:

14 Q You can answer.

11:41:16 15 A I refuse to answer the question.

16 MR. MANLY: Please mark the transcript.

17 BY MR. MANLY:

18 Q Your Honor, let's just limit the question then  
19 to between '92 and 2002. Did the issue of cruising ever  
11:41:34 20 come before the board?

21 A Not that I can recall.

22 Q You were involved review of the Loomis matter;  
23 is that correct?

24 A Yes.

11:41:44 25 Q Was he known as Father X?

11:41:46 1 A No.

2 Q Why was he singled out not to be Father X?

3 A His case was generally known in the public  
4 media.

11:41:56 5 Q What other priests were generally known in the  
6 public that were disclosed to you post 2002 besides  
7 Father Loomis?

8 A You mean after 2002?

9 Q Yes, sir.

11:42:05 10 A Well, there -- newspaper accounts, those  
11 were --

12 Q Do you remember any of those names, sir?

13 A Offhand if you got -- if you got the newspaper,  
14 it would certainly help.

11:42:24 15 Q I don't have -- I don't keep my copies of The  
16 Times, but I could look. Maybe I can get People of God  
17 report later, and we could go through it. That might be  
18 a good way to do it. We'll delay that question then.

19 Dealing with the Loomis case, what was the  
11:42:38 20 decision of the board to do with Monsignor Loomis given  
21 the allegations against him?

22 MR. STEIER: I'm going to object. It's  
23 certainly not relevant to this case, in no way would it  
24 lead to any evidence that would be relevant in this case  
11:42:51 25 and go ahead. That's it.



11:42:56 1 MR. MANLY: Well, Mr. Steier, is somebody going  
2 to instruct him not to answer? Do I need to respond to  
3 this?

4 MR. STEIER: I'm not his lawyer.

11:43:03 5 MR. MANLY: I understand. I'm very glad of  
6 that so -- go ahead.

7 MR. WOODS: Could we have the question again?

8 (Record read)

9 BY MR. MANLY:

11:43:30 10 Q Let me ask it a little differently. Did a  
11 board make a recommendation to Cardinal Mahony about  
12 what to do with Monsignor Loomis?

13 MR. STEIER: Is there an offer of proof about  
14 what relevance this could possibly have in the case  
11:43:44 15 we're having right now? Do you want to make an offer of  
16 proof because my opinion, John, if it isn't relevant.

17 MR. MANLY: Don, you've made your objection.  
18 It's noted.

19 MR. STEIER: Let me just say in the absence of  
11:43:56 20 some intelligent offer of proof, it would not seem to be  
21 relevant and, therefore, according to what Judge Elias  
22 said two days ago, if it isn't relevant, they don't have  
23 to answer the question.

24 MR. MANLY: I see.

11:44:10 25 MR. FINALDI: I don't remember the judge saying

11:44:11 1 that.

2 MR. STEIER: I do.

3 MR. MANLY: That's why we should have gone on  
4 the record but okay. We'll just do it -- do you have an  
11:44:17 5 objection, Mr. Woods?

6 MR. WOODS: It's -- it's a real judgment call  
7 situation. Obviously we know that Monsignor Loomis has  
8 been the subject of allegations, we know there's been a  
9 canonical trial. We know that this is -- that those  
11:44:41 10 matters have been in public. I don't know that the  
11 recommendation of the Clergy Oversight Board adds to  
12 anything that you can argue about that situation. I  
13 mean, I assume you'll argue that Loomis was soft on  
14 pedophiles or was biased or testified against a cardinal  
11:45:05 15 for some reason because he felt he was treated poorly.

16 All of those things I think you can argue based on the  
17 facts you already know and that are in public -- public  
18 domain. I mean, to go beyond that seems unnecessary and  
19 really gets into some stuff that's extremely private and  
11:45:26 20 confidential as far as Monsignor Loomis is concerned who  
21 has always denied allegations against him.

22 MR. MANLY: Do you have an objection? Are you  
23 going to make an objection, instruct him not to answer?

24 MR. WOODS: It's beyond the subject matter of  
11:45:38 25 the litigation. I tried to explain why --

11:45:40 1 MR. MANLY: Are you instructing him not to  
2 answer?

3 MR. WOODS: Maybe I could consult with the  
4 witness.

11:45:44 5 MR. MANLY: No. I -- what I -- let me just put  
6 into the record that [REDACTED] has publicly attacked  
7 Monsignor Loomis as being somebody who has been accused  
8 of pedophilia and removed from ministry.

9 MR. WOODS: No. I don't agree with that  
11:45:59 10 characterization.

11 MR. MANLY: Yes. Yes. Yes. Well, that's  
12 fine, but that's what he said. And so this -- Monsignor  
13 Loomis has made certain statements about the cardinal  
14 and then he was basically subsequently attacked by

11:46:12 15 [REDACTED]. So, you know, as far as I'm concerned and  
16 for all the reasons you just stated about, you know, if  
17 it it's true, that would certainly bear on his  
18 credibility of someone --

19 MR. WOODS: If what's true?

11:46:26 20 MR. MANLY: If he's, in fact, an abuser, that  
21 would bear on his credibility and his ability to  
22 exercise discretion. I'm not saying he is or he isn't,  
23 but for both those reasons on both ends I think it's  
24 fair game, and it's certainly calculated to lead to the  
11:46:39 25 discovery of admissible evidence.

11:46:40 1 MR. WOODS: I think it will lead us off in a  
2 total collateral area as to whether the allegations  
3 against him are true or not true. Whatever the  
4 Oversight Board thinks is not relevant. Those  
11:46:54 5 allegations which settled, they've never been resolved.  
6 There's been a canonical trial and is still being  
7 reviewed so we don't have the final result so -- but I  
8 mean I think you have everything you need for this case.

9 MR. FINALDI: I understand that, but, Don,  
11:47:12 10 you're saying that you think it's relevant to either  
11 bias or credibility, but you're saying that we've  
12 already got enough information to establish that.

13 MR. WOODS: You've got enough information to  
14 make the argument.

11:47:24 15 MR. FINALDI: That doesn't matter. You're  
16 saying yourself that you think it's relevant to those  
17 issues. So if this is relevant to those issues, we're  
18 entitled to it even if we might have information that's  
19 also relevant to it and the judge said during the  
11:47:36 20 hearing that unless it's privileged, then we're entitled  
21 to it, and I don't hear a privileged objection here, and  
22 you're admitting that it's relevant so --

23 MR. WOODS: When the judge -- when we  
24 discussed, you know, deep penetration into the Loomis  
11:47:50 25 case the judge said that she wouldn't consider it until

11:47:53 1 Loomis' attorney was present, and she said if you wanted  
2 to pursue it, you should bring it to her attention.

3 MR. MANLY: Judge --

4 MR. WOODS: That's where we are. The judge --  
11:48:02 5 the judge --

6 MR. MANLY: Don, I just want to move, so you  
7 either --

8 MR. WOODS: I'm going to let the judge -- he  
9 knows -- he has a feel for what should be -- what the  
11:48:12 10 board should do and the board's way of operating. And  
11 so I mean, if he feels this is something that should  
12 remain confidential at the moment, you know, I think --

13 MR. MANLY: Whatever you want to do. I think  
14 we've exhausted our collective knowledge on this topic,  
11:48:27 15 and I think we ought to just get the question answered  
16 or instruction.

17 MR. WOODS: I make the objection that it's --  
18 it violates the right of privacy of Monsignor Loomis,  
19 it's unnecessary to the pursuit of your case. It's  
11:48:43 20 beyond the -- any relevance to the subject matter of  
21 this case, but I'll let the witness decide for himself  
22 how to proceed.

23 THE WITNESS: What is the question?

24 BY MR. MANLY:

11:48:56 25 Q The question is: What was the board's

11:48:59 1 recommendation to the cardinal regarding the allegations  
2 of abuse against Monsignor Loomis?

3 A The -- the board recommended that he be removed  
4 from -- or placed on administrative leave, that is

11:49:15 5 removed from ministry and that the investigation proceed  
6 at a canonical level.

7 Q Why was that recommendation made?

8 A Why?

9 Q Yes.

11:49:33 10 A Because it was felt that there were credible  
11 allegations of abuse.

12 Q And how did the board determine that?

13 A The board arrived at its conclusion based upon  
14 the information that was presented.

11:49:48 15 Q Did the board interview Monsignor Loomis?

16 A No. The board does not interview any of the  
17 accused priests.

18 Q Did the board direct anybody to interview  
19 Monsignor Loomis?

11:49:59 20 A The -- yes, that's correct.

21 Q Who interviewed him?

22 A I believe it was -- I'm not certain who  
23 interviewed him. I believe it was the vicar for clergy  
24 who at the time was -- I believe was Monsignor Cox, most

11:50:20 25 likely the auditor who had been appointed as

11:50:24 1 investigator, canonical auditor. I believe that was  
2 [REDACTED] and --

3 Q Could you spell that for the record, Your  
4 Honor?

11:50:35 5 A [REDACTED] and I  
6 believe that that was the interview that was  
7 conducted -- one or more interviews conducted. I  
8 believe at that time Monsignor Loomis was represented by  
9 attorney Donald Steier who is present here, and he may  
10 have been in attendance at the interview or interviews.

11 MR. MANLY: Mr. Steier, do you still represent  
12 Monsignor Loomis?

13 MR. STEIER: Not in this matter.

14 MR. MANLY: Okay. I shouldn't have asked  
11:51:17 15 you -- I shouldn't have asked you that on the record.  
16 I'm sorry. Did you want to ask me a question?

17 MR. STEIER: Later. I asked you to validate  
18 parking.

19 MR. MANLY: All right.

11:51:37 20 MR. WOODS: I think he's going to decline to  
21 answer that question.

22 MR. MANLY: I'll take the fifth.

23 MR. WOODS: Just a guess.

24 BY MR. MANLY:

11:51:44 25 Q So how did the board go about doing an

11:51:50 1 investigation on Monsignor Loomis? Did it have  
2 investigators go out and interview victims and witnesses  
3 and things like that?

4 A So you're talking about the CMOB again after  
11:52:00 5 the allegations rose against Monsignor Loomis in the  
6 superior court action that was filed?

7 Q Yes, sir.

8 A Yes. At that point I was designated to be the  
9 point person in the investigation and I and another  
11:52:21 10 board member, [REDACTED].

11 Q Could you spell that for the record?

12 A [REDACTED], [REDACTED]  
13 [REDACTED]. We  
14 interviewed [REDACTED]. I believe that [REDACTED]  
11:52:50 15 was the one who recommended him. We felt there should  
16 be a new investigator appointed, not somebody that the  
17 archdiocese was using. And let me indicate that  
18 beginning 2003 as part of this development of the -- of  
19 the entire process the [REDACTED] investigators were  
11:53:22 20 hired by the archdiocese to investigate cases.

21 Q Do you know their names?

22 A The first one was [REDACTED]  
23 [REDACTED] I believe was the way he spells that, [REDACTED]

24 [REDACTED].  
11:53:43 25 Q [REDACTED]?



11:53:45

1

A

2

3

Q I understand, Your Honor.

4

A There may have been another investigator

11:53:57

5

employed, I'm not certain.

6

Q Okay.

7

A But because -- I would say this, it was my

8

feeling when I heard about the allegation that had been

9

included in the superior court complaint against

11:54:13

10

Monsignor Loomis that the individual directing the

11

investigation should not be his successor to Monsignor

12

Cox.

13

Q Why?

14

A Because of the relationship that the two had

11:54:32

15

had that it should be somebody that is -- does not have

16

that kind of a relationship. There's a transition that

17

takes place between one vicar for clergy and the next

18

and overlap and that type of thing.

19

Q It's not a good idea generally when -- from an

11:54:50

20

investigation or supervising somebody who's suspected of

21

this type of activity to have someone who's close to him

22

do it; right?

23

A To have somebody else do it.

24

Q Yeah, but it's not a good idea to have a friend

11:55:02

25

do the investigation or supervise them?

11:55:04 1 A Well, I mean, it all depends. I think in the  
2 workplace there are lots of times when supervisors are  
3 investigating allegations of harassment or against  
4 employees that they can -- it all depends. This one it  
11:55:19 5 seemed to be in my opinion too close of a relationship.

6 Q Who made you the point person on the  
7 investigation?

8 A The cardinal.

9 Q Did you meet with him about it?

11:55:30 10 A No, not that I recall.

11 Q How did you become the point person?

12 A I contacted him in some way, maybe I started  
13 with Monsignor Cox. I can't quite recall and said, "I  
14 don't think it's a good idea for the present vicar for  
11:55:50 15 clergy to be investigating his predecessor and I think  
16 somebody else should do it and since the clergy  
17 oversight misconduct board, I believe I should do it."

18 Q Did you have an E-mail communication with the  
19 cardinal regarding this?

11:56:12 20 A I don't recall.

21 Q Do you E-mail with the cardinal periodically?

22 A From time to time.

23 Q Did you search your E-mails before today to see  
24 if you had documents responsive to the document request?

11:56:31 25 A The document request being limited to Michael

11:56:34 1 Baker.

2 Q Anything in the document request that -- did  
3 you search your E-mail for documents that would be  
4 responsive to the document request you were served with  
11:56:43 5 your deposition notice, sir?

6 A I don't believe I did.

7 Q Your Honor, what's your E-mail address, please?

8 MR. STEIER: Is that relevant?

9 THE WITNESS: [REDACTED]

11:56:58 10 BY MR. MANLY:

11 Q I'm happy to take it off the record.

12 A It's all right. [REDACTED]  
13 [REDACTED]

14 Q Okay. Did you ever discuss the Loomis case  
11:57:24 15 with the cardinal?

16 A Not that I can recall. When you say "discuss,"  
17 you mean in person?

18 Q Or on the phone.

19 A Or on the phone?

11:57:35 20 Q Yes.

21 A My appointment could have been on the phone.  
22 I'm not really certain how that came about.

23 Q Did you have a discussion with him about that,  
24 about the Loomis case?

11:57:45 25 A Initially I don't -- I don't recall.

11:57:48 1 Q At any time.

2 A I don't recall. There was -- when you say  
3 "discussion," there were memos that were written from  
4 the CMOB to the cardinal concerning the recommendations  
11:58:05 5 of the board.

6 Q Did you ever meet -- as a point person ever  
7 meet with Monsignor Loomis to discuss this?

8 A No.

9 Q And why not?

11:58:19 10 A I didn't think it was my role to do that.

11 Q Well, did -- was there something about -- did  
12 Monsignor Loomis deny the abuse took place?

13 A Pardon?

14 Q Did Monsignor Loomis through whatever means  
11:58:34 15 deny the abuse, the alleged abuse took place?

16 A I believe he has.

17 Q So what was it about -- given that he denied  
18 it, what was it about the abuse the allegations -- what  
19 was it about the allegations the board found to be  
11:58:49 20 credible?

21 A Well, I haven't reviewed my notes in connection  
22 with this case. It was my opinion -- my view or  
23 understanding that it was about Michael Baker.

24 Q Do you keep notes about these cases, Your  
11:59:03 25 Honor?

11:59:03 1 A A few.

2 Q Where do you keep those?

3 A I think most of them are in the file to the  
4 extent that they exist in any -- are in the file at the  
11:59:19 5 archdiocese office. I have some in my file probably.

6 Q How far back do those files go?

7 A Go back to maybe at the time of or shortly  
8 after the CMOB was formed, but they're more in the  
9 nature of notes.

11:59:49 10 Q Where in the archdiocese are the files kept  
11 that you just referred to?

12 A They're in the CMOB office.



13 Q Where is that?

14 A It's on the fifth floor of the archdiocese and  
11:59:59 15 Catholic center.

16 Q At the cathedral?

17 A No. It's on Wilshire Boulevard.

18 Q Okay. Who's in charge of those files?

19 A The administrator at the present time is a  
12:00:13 20   
21 .

22 Q All right. Did you review your personal notes  
23 for documents responsive to the document request?

24 A Yes. I looked to see if I had anything  
12:00:42 25 concerning Michael Baker.

12:00:49 1 Q So did you E-mail regarding the Loomis case to  
2 other persons, other than the cardinal?

3 A I don't think so. E-mails were not generally  
4 used.

12:01:12 5 Q All right. Now, was Monsignor Loomis, did you  
6 get the impression during your investigation of Michael  
7 Baker -- I'm sorry. Did you get your impression as a  
8 board member and as the point person investigating the  
9 Loomis allegations that Monsignor Loomis was upset with  
10 the cardinal?

11 A That was --

12 MR. WOODS: Objection. Calls for speculation.

13 THE WITNESS: You say in the course of the --

14 BY MR. MANLY:

12:01:45 15 Q Yeah. In the course of your investigation did  
16 you get the impression that Monsignor Loomis was upset  
17 with the cardinal?

18 A I had no contact with Monsignor Loomis. The  
19 only time I talked to him on one occasion I went over  
12:01:59 20 and said hello at a -- I believe it was a funeral. We  
21 did not talk about the case.

22 Q When was this?

23 A It must have been a year or two after the  
24 allegations and investigation.

12:02:19 25 Q Did you participate in the canonical proceeding

12:02:23 1 against him?

2 A No.

3 Q Do you know the outcome of that proceeding?

4 A I understand it's still in the works. I don't

12:02:32 5 really pretend to understand kind of law -- I've learned  
6 a lot in the course of my service as chair of the Clergy  
7 Misconduct Oversight Board, but I'm not a canon lawyer.

8 I don't know where his case is at the present time.

9 Q Do you know whether there was a trial held?

12:02:51 10 A I've heard that there was a trial or a trial  
11 either held or scheduled.

12 Q And you know what the outcome of that was?

13 A No.

14 Q What was it -- what were the facts as a board

12:03:04 15 member that were presented to you at whatever format  
16 that led you to believe that the allegations against  
17 Monsignor Loomis were credible?

18 A I'd have to look back at the minutes and see  
19 what they say. I did not prepare for questions about

12:03:22 20 Monsignor Loomis.

21 Q Who keeps the minutes?

22 A The minutes are maintained in the CMOB office.

23 Q And who records the minutes?

24 A God bless you.

12:03:39 25 MR. FINALDI: Thank you.

12:03:40 1 THE WITNESS: Minutes are taken by the  
2 administrator.  
3 BY MR. MANLY:  
4 Q Who took the minutes at the SAAB Board?  
12:03:49 5 A I don't think there were any minutes at the  
6 SAAB Board, at least I never saw any minutes.  
7 Q Have you ever spoken to the cardinal about the  
8 Baker case?  
9 A No.  
12:04:02 10 Q Have you ever spoken to the cardinal about the  
11 Loomis case, other than what you've already talked  
12 about?  
13 A I don't believe so.  
14 Q Have you ever been critical of the cardinal's  
12:04:16 15 handling of sexual abuse cases to anybody?  
16 A I don't believe so.  
17 Q You think he's done a good job generally?  
18 A Yes, I do. As a matter of fact, it's -- that's  
19 a view that I've held, and it's been confirmed by  
12:04:36 20 everything that I have learned through what I would say  
21 very close association. A lot of people blame the  
22 cardinal. I think with Baker he may have made some  
23 statement that he could have been more diligent or this  
24 was a case that he regrets or something of that sort,  
12:04:59 25 but I've always found him to be very supportive. I've



12:05:04 1 always found him to try to do the right thing. I think  
2 the press is portrayed him in an inaccurate, very  
3 one-sided manner. Nobody bats 1,000, so there are times  
4 I guess when you would say that maybe he wasn't doing  
12:05:24 5 everything that everyone wanted him to do, but I think  
6 he's done an outstanding job.

7 Q Do you -- were you surprised when you learned  
8 that the cardinal delayed reporting Michael Baker to the  
9 police?

12:05:45 10 A I don't know that I learned that.

11 Q You've never heard that?

12 A No.

13 Q Were you surprised when you learned that the  
14 cardinal deviated from the diocese policy and did not  
12:05:58 15 make an announcement of the parishes where Baker served  
16 when he was removed in 2000?

17 A I have no information about that. I don't know  
18 that he did.

19 Q Assuming that's true --

12:06:07 20 A Did not.

21 Q I'm asking you to accept that it is. Assuming  
22 that's true, would you be critical of him for that?

23 A That's a hypothetical question. I'm not --  
24 what I would have done at the time if I had known

12:06:19 25 something.

12:06:19 1 Q How about now? If you learned that -- I'll  
2 still represent to you what Monsignor Loomis says that  
3 he had communications with the cardinal and asked the  
4 cardinal if he could proceed with notifying the parishes  
12:06:36 5 in complaints with the archdiocese policy and the  
6 cardinal told him no. If that representation is true,  
7 are you critical of the cardinal for that?  
8 MR. WOODS: Object to the form of the question  
9 as assuming facts -- as assuming facts not in evidence.  
12:06:51 10 It's totally a hypothetical and there is no foundation  
11 that the witness has ever dealt with that particular  
12 issue.  
13 BY MR. MANLY:  
14 Q You can answer.  
12:07:02 15 A Well, you're asking me to speculate.  
16 Q I'm asking you to answer my question.  
17 A I'm not going to speculate.  
18 Q Okay. So you refuse to answer the question?  
19 A Yes, I'm not going to speculate.  
12:07:14 20 MR. MANLY: Would you mark the transcript,  
21 Ms. Reporter?  
22 BY MR. MANLY:  
23 Q If Monsignor Loomis says he told the board that  
24 the cardinal refused to report Michael Baker to the  
12:07:30 25 police and refused to notify parishes of complaints with

12:07:35 1 the policy and that the board was upset, do you take  
2 issue with that testimony?

3 MR. WOODS: I object to the form of the  
4 question as compound, calling for speculation, calling  
12:07:49 5 for the state of mind of other persons.

6 MR. STEIER: Join objection.

7 MR. WOODS: I think I better hear it back again  
8 because it was so convoluted, it's unintelligible.

9 THE WITNESS: Stepping out of roles here.

12:08:24 10 (Record read)

11 MR. STEIER: I would say that's an incomplete  
12 hypothetical, also.

13 BY MR. MANLY:

14 Q You can answer.

12:08:33 15 A You know, we're off in the area of speculation,  
16 and if I were the one that was ruling on this, I would  
17 say that it's an inappropriate question.

18 Q Well, you're not ruling on it, so why don't you  
19 answer it, Your Honor?

12:08:44 20 A I'm not going to answer it. You can mark that  
21 portion, too.

22 Q We will.

23 A Okay.

24 Q Did you ever get the feeling that -- let me ask  
12:08:58 25 it a different way. Did -- did Monsignor Loomis ever

12:09:05 1 tell the board to your knowledge that the cardinal  
2 refused to notify law enforcement about Michael Baker?  
3 A You're talking about the SAAB?  
4 Q I'm talking about any board, Judge, you served  
12:09:20 5 on at the archdiocese that dealt with child molestation.  
6 Okay?  
7 A You're talking about Monsignor Loomis saying  
8 something?  
9 Q Right.  
12:09:27 10 A That would be the SAAB.  
11 Q Whatever.  
12 A Monsignor Loomis never came before the CMOB.  
13 Q Judge, I'm just being overly broad because I  
14 want to make sure I get my answer and it's accurate.  
12:09:37 15 Okay. So did that ever happen?  
16 A Would you state -- ask the question --  
17 Q Sure.  
18 A -- and I'll give you an answer.  
19 Q Sure. Did Monsignor Loomis to your knowledge  
12:09:47 20 ever tell the board, any board you served on that dealt  
21 with child molestation by priests that the cardinal  
22 refused to call the priests on Michael Baker?  
23 A No.  
24 Q That never happened?  
12:10:05 25 MR. WOODS: Asked and answered. Argumentative.

12:10:07 1 THE WITNESS: The -- I don't believe so. I  
2 think I would remember something like that if it  
3 happened.  
4 BY MR. MANLY:  
12:10:16 5 Q Did he ever tell the board to your knowledge --  
6 A He, being Monsignor Loomis?  
7 Q Yes, sir. Did he ever tell the board that the  
8 cardinal would not notify the parishes?  
9 A Not to my recollection.  
12:10:30 10 Q Okay. Judge, you know, when you look back at  
11 your time on the SAAB Board have you ever thought about  
12 why nobody on the board discussed notifying law  
13 enforcement?  
14 A No.  
12:10:56 15 Q Do you know how many victim -- do you know how  
16 many children were victimized by priests in the  
17 archdiocese between 1992 and 2000?  
18 A No.  
19 Q Do you know how many priests were victimized --  
12:11:11 20 I'm sorry. Do you know how many children were  
21 victimized by molesting priests that came before the  
22 board between 1992 and 2002?  
23 MR. WOODS: Argumentative.  
24 THE WITNESS: No.  
12:11:21 25 MR. MANLY: Why is that argumentative?

12:11:24 1 MR. WOODS: I don't want to get into it.  
2 MR. MANLY: You made an objection. I want to  
3 know --  
4 THE WITNESS: I answered the question.  
12:11:30 5 MR. MANLY: No. I understand.  
6 MR. WOODS: It's argumentative.  
7 MR. MANLY: Please explain.  
8 MR. WOODS: No, I'm not going to explain.  
9 MR. MANLY: That's what I figured.  
12:11:37 10 BY MR. MANLY:  
11 Q Okay. So did -- Judge, while you were serving  
12 on the SAAB Board did you not think law enforcement had  
13 a role in holding priests accountable who had sexually  
14 molested children?  
12:11:55 15 MR. WOODS: Object.  
16 THE WITNESS: It did not occur to me.  
17 BY MR. MANLY:  
18 Q You had been the presiding judge of Los Angeles  
19 County Superior Court prior to that time; correct?  
12:12:05 20 A Yes.  
21 MR. WOODS: Argumentative. Asked and answered.  
22 MR. MANLY: Well, I never asked that question.  
23 BY MR. MANLY:  
24 Q You had been a district attorney; yes?  
12:12:11 25 A Yes.

12:12:12 1 Q Okay. And your testimony here today is just so  
2 I'm clear that at no time while you were serving on the  
3 SAAB Board did it ever occur to you that the police  
4 should be called on molesting priests. Is that your  
12:12:24 5 testimony?

6 A Yes.

7 MR. MANLY: Let's take a short break.

8 THE VIDEOGRAPHER: Videotape deposition --

9 MR. MANLY: Let's take lunch.

12:12:31 10 MR. WOODS: Let's go off the record.

11 THE VIDEOGRAPHER: Videotape deposition is off  
12 record at 12:12 p.m. This concludes Tape Number One in  
13 today's deposition.

14 (Recess)

01:25:04 15 THE VIDEOGRAPHER: Videotape deposition is back  
16 on record at 1:25 p.m. This begins Tape Number Two in  
17 today's deposition.

18 BY MR. MANLY:

19 Q Good afternoon, Your Honor.

01:25:14 20 A Afternoon.

21 Q You realize you're still under oath?

22 A Yes.

23 Q Okay. Judge, when you -- they were talking  
24 about Father Fred when Monsignor Loomis or Monsignor

01:25:28 25 Curry --

01:25:29        1            A        Curry never presented.

                  2            Q        Okay. Whoever the vicar for clergy was, I

                  3            think -- I think it's Loomis and Cox primarily that were

                  4            talked about between '92 and 2002.

01:25:42        5            A        It was Dire and Loomis and possibly Cox in the

                  6            2002. I'm not quite certain when the transition took

                  7            place between Dire and Cox as vicar for clergy.

                  8            Q        Primarily those three, probably Dire and

                  9            Loomis.

01:26:01        10          A        Yes.

                  11          Q        Did they actually talk to you about what the

                  12          alleged conduct was?

                  13          A        It was a hypothetical, yes.

                  14          Q        So they said, "Hypothetically Father Fred had

01:26:10        15          sodomized alter boy Jim" or how did that work?

                  16          A        I don't recall that, but there would be setting

                  17          forth a series of facts.

                  18          Q        Okay. Well, among the facts did they include

                  19          that the alleged conduct that the victim had endured,

01:26:26        20          allegedly endured?

                  21          A        Yes.

                  22          Q        So did that include sodomy?

                  23          A        It may have. I have no recollection.

                  24          Q        Did it include oral copulation?

01:26:36        25          A        Again, I have no recollection.



01:26:37 1 Q Did it include fondling?

2 A I would assume so, but I don't have a  
3 recollection about any of these cases.

4 Q You don't ever remember Monsignor Loomis or  
01:26:51 5 Dire or Cox telling you that Father Fred or Father X had  
6 sodomized a child?

7 A No. I don't recall.

8 Q Did that matter to you, what the priest  
9 allegedly did?

01:27:02 10 MR. WOODS: Argumentative.

11 THE WITNESS: Yes, what the priest did mattered  
12 to me.

13 BY MR. MANLY:

14 Q Well, the -- I mean, is -- do you have a -- do  
01:27:11 15 you believe at some point that one of these hypothetical  
16 cases involving Father Fred involved allegations of  
17 sodomy that was presented to the board between '92 and  
18 2002?

19 A I have no recollection of that.

01:27:24 20 Q You knew that an adult sodomizing a little boy  
21 or a little girl was a criminal act?

22 A Yes.

23 Q So -- and you knew that an adult orally  
24 copulating a little boy or a little girl was a criminal

01:27:37 25 act; right?

01:27:38 1 A Right.

2 Q So Judge, do you have any insight on why at no  
3 point during '92 to 2002 nobody on that board talked  
4 about calling the police?

01:27:48 5 A I don't recall if those cases were ever  
6 mentioned in that way.

7 Q Well, did you understand that any of the cases  
8 involved priests allegedly performing sexual acts on  
9 children?

01:28:01 10 A Did you finish the question?

11 Q Let me rephrase it. I'm not sure is the  
12 answer. Do you recall that some of the hypotheticals  
13 you were presented between '92 and 2002 on this board  
14 involved allegations of priests performing sex acts on  
01:28:16 15 little boys and little girls?

16 A I don't recall one way or the other, that's  
17 what that is.

18 Q Well, okay.

19 A Let me simply say this: As a judge and after  
01:28:35 20 my retirement as a arbitrator I've heard literally  
21 thousands and thousands of cases. I don't remember many  
22 of them at all. The only ones that would stand out are  
23 just a few.

24 Q But you -- what you do remember is that no time  
01:28:57 25 during '92 to 2002 at any moment anyone at that board

01:29:01 1 including you talked about calling the police on one of  
2 these Father Freds?

3 A Yes. I have no recollection of that.

4 Q I mean, did that ever even cross your mind?

01:29:13 5 A No.

6 Q Okay. Can I see the --

7 A But I did assume that whatever needed to be  
8 done was being done. I had that belief in the  
9 archdiocese and the system.

01:29:27 10 Q Do you still hold that belief?

11 A That it was? By large, I do.

12 Q I see. Okay. Thank you. Can I have the ones  
13 I downloaded?

14 A But I do think in order to complete the answer  
01:29:39 15 that this, as I think I mentioned before, is a work in  
16 progress that as time went by more things were learned,  
17 more steps were taken and that the system that we have  
18 now is a greatly improved system over what it was when I  
19 first became involved in it.

01:30:03 20 Q Why?

21 A Because of some of the safeguards that we've  
22 talked about, the differences between the SAAB and the  
23 CMOB.

24 Q Well, when you said you assumed that what  
01:30:17 25 needed to be done was being done by the archdiocese, do

01:30:21 1 you mean to suggest that the archdiocese was calling the  
2 police?

3 A If there was a requirement that the archdiocese  
4 advised the police, I assumed that they were abiding by  
01:30:32 5 the law.

6 Q Did you know in 1997 that priests became  
7 mandated reporters?


8 A That priests became what?

9 Q Mandated reporters.

01:30:41 10 A At some point I did, yes.

11 Q How many of the priests on the committee to  
12 your knowledge called the police?

13 A I don't know of any.

14 Q Did you know that in -- when you joined the  
01:30:49 15 board that 

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01:31:02 20

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MR. WOODS: I'm going to object to the form of  
the question as argumentative.

14

01:31:58

15

BY MR. MANLY:

16

Q You can answer.

17

MR. WOODS: Including all kinds of facts that  
have nothing to do with the actual question. You can  
answer.

18

19

01:32:04

20

BY MR. MANLY:

21

Q You can answer.

22

MR. STEIER: Calls for a legal conclusion.

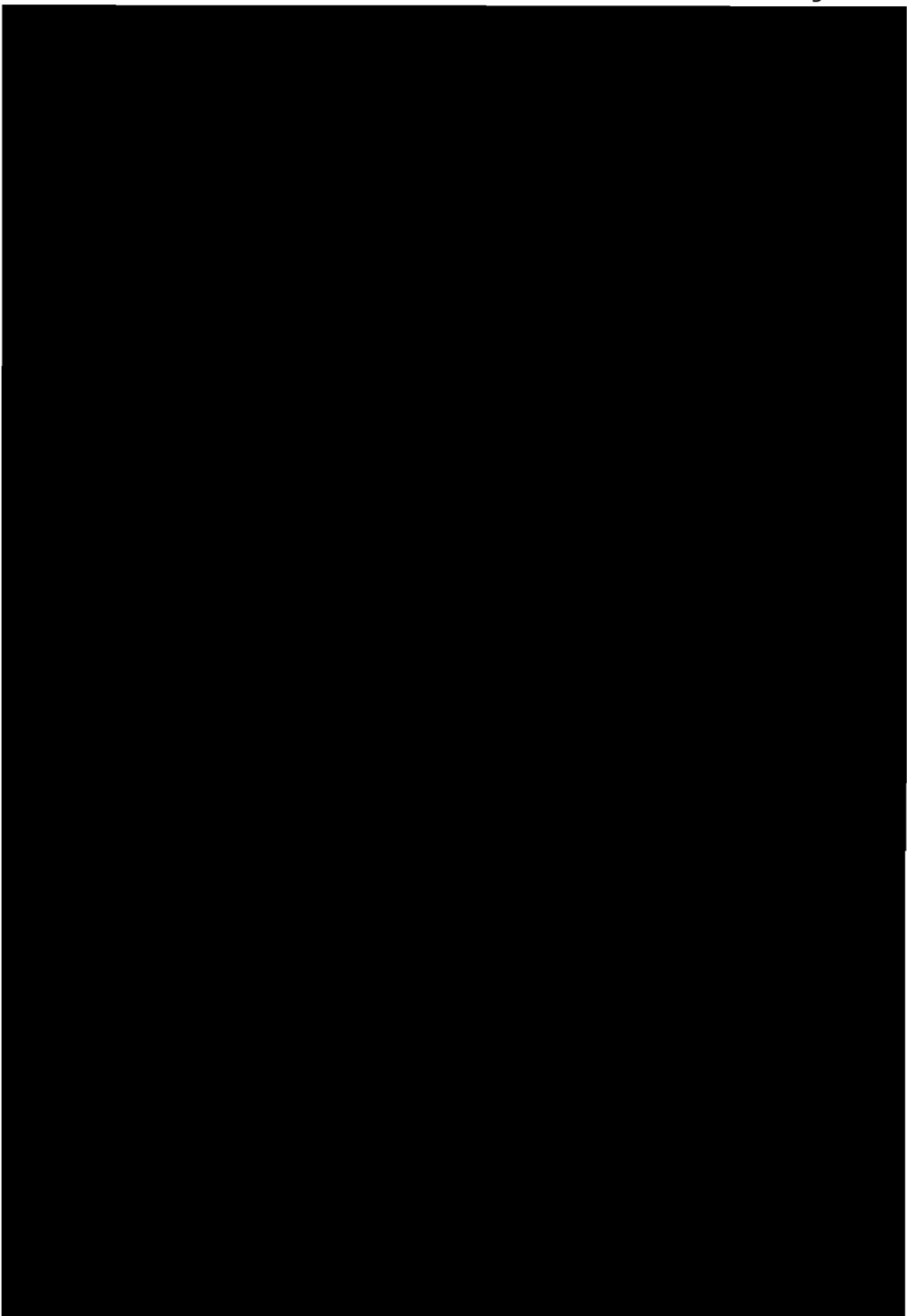
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Q You know, you looked at Exhibit 2, and it talks about you're the former -- you're a retired L.A. County Superior Court judge. Do you think that when you read that and you saw that that was publicized, do you think that they were -- do you -- did you discuss with

01:34:17

15

 or others of the archdiocese they were going to put your name out there?

16

17

MR. WOODS: Okay. Hold on.

18

MR. MANLY: Let me start over.

19


MR. WOODS: Yeah. Thank you.

01:34:26

20

BY MR. MANLY:

21

Q Did you ever discuss with  or other officials of the archdiocese that your name was going to be publicized as chairman or vice chairman of the board?

22

23

24

A Yes.

01:34:37

25

Q And did you know that they -- you saw they put

01:34:40 1 out that you were a retired judge; correct?

2 A Yes.

3 Q Do you -- do you have an opinion as you sit  
4 here whether they were trying to use your status as a  
01:34:50 5 retired judge to give the board credibility?

6 A I would assume that that would be one of the  
7 reasons that they would advertise that.

8 Q I think generally people respect judges and  
9 people think that a retired judge would act according to  
01:35:09 10 the law, wouldn't you agree?

11 A You're talking again about the Clergy  
12 Misconduct Oversight Board?

13 Q Well, when you were on the SAAB Board did  
14 people know that you were involved with that?

01:35:18 15 A No.

16 Q Is that secret, that board?

17 A I believe so.

18 Q So did the topic of priests' obligation to  
19 report between 2002 -- '92 to 2002 ever come up at the  
01:35:45 20 SAAB Board?

21 A I don't recall.

22 Q Was there ever a discussion about mandated  
23 reporters between '92 and 2002 while you served on the  
24 SAAB Board at those meetings?

01:35:54 25 A I can't recall.



01:35:55 1 Q Did [REDACTED] attend those meetings?

2 A No.

3 Q Did you ever discuss the issue of -- well,  
4 clergy abuse within the Los Angeles archdiocese with

01:36:05 5 [REDACTED] at any time?

6 MR. WOODS: You can answer that one.

7 THE WITNESS: Well, I may have in casual  
8 conversation.

9 BY MR. MANLY:

01:36:14 10 Q Did [REDACTED] know that what SAAB was  
11 doing?

12 A I don't know.

13 Q Well, he was the one who introduced you to do  
14 it; right?

01:36:23 15 A I don't know if that's the case.

16 Q You don't know if [REDACTED] brought you  
17 to the archdiocese to serve on that board?

18 A Correct, and that was my answer earlier today.

19 Q Did -- during the pendency -- during the time  
01:36:44 20 you were on the board between '92 and 2002 did the vicar  
21 for clergy discuss with the members of the board  
22 including yourself where they are going to place  
23 individuals in the ministry?

24 MR. WOODS: Okay. I'm going to object to all  
01:37:00 25 the preamble assuming facts not in evidence. I'll let

01:37:04 1 you answer.

2 MR. MANLY: Okay. Maybe I missed something, so  
3 let me start over. What did I miss?

4 MR. WOODS: You keep saying from 1992. I'm not  
01:37:12 5 sure the SAAB Board was officially constituted as of  
6 1992. I think the committee that he mentioned may have  
7 gotten started around that time, but you kind of made  
8 that the life of the SAAB. I'm not sure that's  
9 accurate.

01:37:28 10 THE WITNESS: I think the committee started in  
11 1994, actually.

12 MR. MANLY: The evolution started in '92 so --

13 MR. WOODS: You don't need any of that. Just  
14 ask him the question. That's my objection.

01:37:37 15 MR. MANLY: Don -- okay. I'll ask the  
16 questions I think are appropriate. I understand what  
17 you're saying. I'll try to be accurate.

18 MR. WOODS: I object it summarizes the facts  
19 incorrectly and doesn't ask him to confirm them either  
01:37:50 20 because it goes on to ask a separate question, so it's  
21 kind of a confusing question to answer.

22 BY MR. MANLY:

23 Q Okay. So while you were on the board in the  
24 '90s between whenever it started and whenever 2002 it

01:38:06 25 ended, did the topic of where priests were going to be

01:38:10 1 placed in ministry come up with board members who had  
2 allegedly offended?  
3 A I don't recall.  
4 Q What did they tell you? I mean, they give you  
01:38:20 5 these father -- they -- what kind of facts did they give  
6 you? What kind of facts did you ask for?  
7 MR. WOODS: So you're asking for an example?  
8 MR. MANLY: No. I'm asking what the -- what  
9 the procedure was.  
01:38:32 10 MR. WOODS: I think he's explained it to you.  
11 MR. MANLY: If you have an objection, make an  
12 objection. I'm trying to understand --  
13 MR. WOODS: Asked and answered.  
14 Unintelligible.  
01:38:40 15 BY MR. MANLY:  
16 Q Okay.  
17 A I think I've already explained it. The vicar  
18 for clergy would say -- would give a summation of what  
19 was presented as a hypothetical situation and then ask  
01:38:54 20 for comment.  
21 Q Did they give you detail like this happened at  
22 a parish, this happened at a hospital?  
23 A Yes, I think so, most of the time.  
24 Q Did he tell you what the priest had allegedly  
01:39:07 25 done?

01:39:07 1 A Yes.

2 Q Did he tell you what the victim said?

3 A What they said, I'm not sure.

4 Q Well, did -- like, for example, did they tell

01:39:15 5 you whether they had tried to find the victim or other

6 victims, things like that?

7 A I can't recall. I think the information that

8 they had was presented, I had the feeling that it was

9 fully presented.

01:39:30 10 Q When you got to, like, case number 10 of Father

11 Freds who had allegedly involved kids or case number 20

12 or 15, did you begin to pick -- get the picture, Your

13 Honor, between '92 and 2002 that there was a big problem

14 brewing in the archdiocese with priests molesting kids?

01:39:46 15 MR. WOODS: I'm going to object that the

16 question is confusing in that do you mean 10, 15

17 allegations, separate allegations again, the same Father

18 Fred or are you talking about the 15th but separate

19 Father Freds?

01:40:00 20 MR. MANLY: All of the above, you know, if you

21 had -- I don't know what the answer is.

22 MR. FINALDI: I don't know if they can

23 determine the difference.

24 BY MR. MANLY:

01:40:08 25 Q Yeah. Did you know if Father Fred had been the

01:40:11 1 Father Fred before or was it --

2 A No.

3 Q So it could have been the same father -- it  
4 could have been the same priest the whole time, you had  
01:40:17 5 no way to know; right?

6 A Well, the facts were different, so the  
7 hypothetical that was presented was different. It  
8 sounded -- but it could be like it was the same person.

9 Q But you're not sure as you sit here today?

01:40:29 10 A Not today.

11 Q So --

12 A Let me just clarify one point.

13 Q Sure.

14 A The matters that came before not only involved  
01:40:36 15 children, but involved misconduct with adults.

16 Q I understand, but I mean, after you got to the  
17 10th priest involving kids, did you wonder yourself what  
18 in the world's going on in the Los Angeles archdiocese  
19 that this is -- excuse me.

01:40:49 20 MR. WOODS: Sorry.

21 MR. MANLY: That's okay.

22 BY MR. MANLY:

23 Q -- that I've got a number of priests coming  
24 before this board and we're talking about it?

01:40:56 25 MR. WOODS: I'm going to object to the form of

01:40:58 1 the question in that it assumes there were 10 child  
2 abuse cases brought before the committee.

3 BY MR. MANLY:

4 Q You can answer, Judge.

01:41:06 5 A At no point did I -- was I concerned about the  
6 number.

7 Q Have you ever asked the cardinal about -- or  
8 any of the members of the -- any official in the  
9 archdiocese if they ever brought all the allegations to  
10 you?

01:41:22 11 A No. When you say -- you're again talking about  
12 the period of inception of the SAAB to 2002; right?

13 Q Yes, sir.

14 A Yeah. My answer is no.

01:41:35 15 Q Okay. Were you allowed to ask questions?

16 A You mean during the meetings?

17 Q Yeah, from the period '92 to 2002.

18 A Oh, yes. That was part of the discussion.

01:41:50 19 Q Did anybody ever ask if anybody -- if the  
20 archdiocese had looked for other victims?

21 A I can't recall.

22 Q You have no recollection as you sit here today  
23 of anybody on that board asking about other victims, do  
24 you?

01:42:02 25 A Correct.

01:42:08 1 Q Let me show you a document, Your -- I almost  
2 called you at Your Excellency, Judge. Sorry. I've been  
3 deposing a lot of bishops. I meant Your Honor.

4 A That's all right. I'm happy for the --

01:42:18 5 Q The promotion?

6 A The promotion.

7 Q Okay. This is a document, it's an article I  
8 downloaded off The Tidings Web site dated Friday,  
9 April 11th, 2008, entitled "nights, commanders, dawns of  
01:42:35 10 Saint Gregory the great honor, "and I'd like you to take  
11 a look at that.

12 A Do you want to mark this as Number 3?

13 Q If you would, Your Honor, please.

14 (Plaintiff's Exhibit 3 was  
01:42:43 15 marked for identification.)

16 MR. MANLY: You know what, guys, I didn't make  
17 enough copies.

18 MR. GASPARI: That's okay. We'll share.

19 MR. MANLY: I take that back. I do have an  
01:42:53 20 extra copy. Sorry. Did I give you a different one?

21 MR. GASPARI: Yeah. Want this back?

22 MR. MANLY: The one I'm looking at is February  
23 11th, 2008, Friday, April 11th 2008.

24 MR. STEIER: It's different. It's different.

01:43:09 25 MR. GASPARI: This is Friday, February 11th.

01:43:11 1 MR. STEIER: And I've got Judge Byrne's -- I've  
2 got Judge Byrne's profile.  
3 MR. MANLY: I gave you the wrong document.  
4 MR. STEIER: Sorry. What I've got I've got.  
01:43:22 5 MR. MANLY: You can keep it if you want.  
6 MR. STEIER: I keep forgetting we're recorded  
7 all this time. I hate this God-damn thing. Go ahead.  
8 MR. MANLY: I'm going to let him finish reading  
9 it.  
01:43:42 10 BY MR. MANLY:  
11 Q And I heard Mr. Dire say "gosh," just for the  
12 record.  
13 A I read it.  
14 Q Okay. Do you remember seeing this in The  
01:43:54 15 Tidings?  
16 A No.  
17 Q Okay.  
18 A I don't always read The Tidings.  
19 Q Okay. Does this appear to be a photograph of  
01:44:05 20 your investiture in the Knights commanders of Saint  
21 Gregory the Great?  
22 A You mean this little one here?  
23 Q Yeah, if you can tell.  
24 A Well, frankly, that may be me. I'm not sure.  
01:44:20 25 Q Judge, I can't tell, and if you can't tell,



01:44:22 1 it's fine.

2 A I can't tell either. All -- these kind of  
3 photographs with the cardinals standing there with his  
4 staff and hat all look alike to me.

01:44:33 5 MR. WOODS: I don't see your name mentioned.  
6 THE WITNESS: It's down here.  
7 MR. MANLY: I didn't see it either. It's under  
8 Knight Commanders, Don. It's the second name in on,  
9 Honorable Richard Byrne.

01:44:43 10 MR. WOODS: Knight Commanders, Ahmanson,  
11 Alders, Brown.  
12 MR. MANLY: I gave you the wrong document.  
13 THE WITNESS: You looking at the right one?  
14 MR. WOODS: This is a different one.

01:44:56 15 MR. MANLY: I gave you the wrong one. I'm  
16 sorry. I knew I'd done that.  
17 THE WITNESS: Do I have the right one?  
18 MR. MANLY: You do, Your Honor. Don, here you  
19 go. Okay. Can we give that to the reporter and have  
01:45:15 20 her mark it?  
21 BY MR. MANLY:  
22 Q And is [REDACTED] also installed with you in  
23 that class?  
24 A I believe so. Yes.

01:45:30 25 Q Do you know [REDACTED]?

01:45:32 1 A Yes.

2 Q Who is he?

3 A He was [REDACTED]

4 [REDACTED]

01:45:42 5 [REDACTED]

6 MR. MANLY: Let me show you another document  
7 we'll mark as Exhibit 4, and this is a -- Mr. Woods had  
8 a preview of this one. It's the Friday, March 24th,  
9 2006, article entitled "Investiture Celebrated for  
10 Knights and Dames of Saint Gregory." I'm sorry, Judge.

11 (Plaintiff's Exhibit 4 was  
12 marked for identification.)

13 MR. WOODS: That's a different one.

14 MR. GASPARI: This is the one you just had?

01:46:24 15 MR. MANLY: March 24th. You know what, this is  
16 my fault. Sorry. Here.

17 BY MR. MANLY:

18 Q Do you see -- have you had a chance to read  
19 that, Your Honor?

01:46:41 20 A I think I read it enough. If I don't know the  
21 answer to your question, you can direct me --

22 Q Do you see Mr. Hennigan's name on there?

23 A I do.

24 Q Who is Michael Hennigan?

01:46:53 25 A Michael Hennigan is a lawyer.

01:46:56 1 Q And he's Mr. Woods' partner?  
2 A I believe so.  
3 Q Okay. Thank you.  
4 MR. STEIER: I'd stipulate to that.  
01:47:05 5 BY MR. MANLY:  
6 Q All right. Have you ever had a conversation  
7 with Mr. Hennigan while you were a board member either  
8 in '92 to 2002 or to the present about the Baker case?  
9 A No.  
01:47:22 10 Q And how about Mr. Woods?  
11 A Well --  
12 MR. WOODS: You can answer whether we've had a  
13 discussion.  
14 THE WITNESS: Yes.  
01:47:32 15 MR. WOODS: But the content is privileged.  
16 THE WITNESS: But only in connection with this  
17 deposition.  
18 BY MR. MANLY:  
19 Q Okay. Has anybody from the Hennigan firm or  
01:47:41 20 any other lawyers attended board meetings for the Clergy  
21 Oversight Board since 2002?  
22 A Clergy Misconduct Oversight Board?  
23 Q Yes, sir.  
24 A You know, there may have been -- I'm not  
01:47:56 25 certain of this. There may have been one meeting when

01:48:00 1 Mr. Hennigan was present to explain what was going on in  
2 the civil cases. I'm not certain of that. We may -- I  
3 should say we made an effort -- conscious effort not to  
4 get involved in any of the litigation.

01:48:18 5 Q Do you know [REDACTED] with District Attorney  
6 Cooly's office?

7 A Yes.

8 Q Have you ever had a discussion with him about  
9 sexual abuse and sexual abuse allegations against the  
10 archdiocese?

11 A No.

12 Q How do you know [REDACTED]?

13 A His father was [REDACTED], friends of my  
14 family. He had two sons and a daughter. [REDACTED]

01:48:49 15 [REDACTED] I had known [REDACTED] who became a  
16 priest and [REDACTED] who I think went to law school and  
17 then I'm not certain whether he finished or not, but he  
18 went into public relations and political consulting.

19 Q And that's who I'm referring to.

01:49:11 20 A Yes.

21 Q Right. Did you -- which -- did the daughter  
22 you referred to, is that Pat Zeeman's mother? That  
23 can't be right.

24 A Whose mother?

01:49:23 25 Q Bishop Zeeman's mother.

01:49:25        1            A     No.  No.

                 2            Q     That doesn't compute.  Sorry.

                 3            A     I may be looking older, but I'm not that old.

                 4            Q     Sorry, Your Honor.  If you were on the bench,

01:49:37        5            you have every right to hold me in contempt for that

                 6            one.  That's not what I meant.  Who was Pat Zeeman's --

                 7            you know Bishop Zeeman who just passed?

                 8            A     There's some relationship, I'm not sure what it

                 9            was.

01:49:54        10           Q     Did you know Pat Zeeman when he was at the

                 11           archdiocese?

                 12           A     Yes.

                 13           Q     Do you know Steve Cooly?

                 14           A     Yes.

01:50:00        15           Q     Have you spoken to District Attorney Cooly

                 16           regarding the allegations of sexual abuse involving

                 17           archdiocese priests at any time?

                 18           A     When it first came up I may have said something

                 19           to Steve Cooly.  I can't recall what it was.  That was

01:50:18        20           the only conversation that I've had with him concerning

                 21           that.

                 22           Q     Tell me where that took place, please.

                 23           A     I'm not sure where it took place.

                 24           Q     Did you call him on the phone?

01:50:27        25           A     No.  No.  It may have been at a -- a lunch of

01:50:32 1 the Chancery Club. My best recollection it would have  
2 been following a lunch at the Chancery Club.

3 Q What's the Chancery Club?

4 A Chancery Club is a group of lawyers. It was  
01:50:45 5 formed back in the 1920s. They meet between September  
6 and June roughly twice a month for lunch.

7 Q Who's in that organization? How do I find out  
8 about it if I wanted to?

9 A Who is --

01:51:00 10 Q Somehow I don't think I'm going to get invited.

11 A 200 or some members over a period of time it  
12 varies taken five or six members a year. This last year  
13 I think they took in more.

14 Q Do you know Judge Farmholds?

01:51:13 15 A Yes.

16 Q Did you ever speak to Judge Farmholds about the  
17 allegations against the archdiocese?

18 A Not substantively. He's a member of the  
19 Chancery Club as well. Their conversation would have

01:51:26 20 been something like, "I see you've got an interesting  
21 case on your hands," and he said, "Yes," and that's  
22 about as far as it went because judges unless -- unless  
23 they are involved in the decision-making process of a  
24 particular case don't really press other judges for

01:51:48 25 cases that they are -- they're hearing.

01:51:50 1 Q Is Mr. Hennigan a member of the Chancery Club?  
2 A Yes, he is.  
3 Q Is Mr. Woods?  
4 A I don't believe so.  
01:51:58 5 Q How about Mr. Bushay?  
6 A No, I don't believe so.  
7 Q So -- and where does this club meet?  
8 A Well, now it's meeting at the California Club,  
9 but it has met at different places. They didn't meet at  
01:52:10 10 the California Club until several years after they  
11 dropped their discriminatory practices and the Chancery  
12 Club needed a place to go. It had it at the Stock  
13 Exchange Club and the University Club and a few other  
14 places downtown.  
01:52:30 15 Q So did you ever E-mail with Judge Farmholds  
16 about the Los Angeles archdiocese cases?  
17 A No.  
18 Q And you only spoke to him about it once?  
19 A My recollection, yes.  
01:52:43 20 Q Did you ever speak with Judge Burrow about the  
21 cases?  
22 A Judge who?  
23 Q Elliot Burrow.  
24 A No.  
01:52:51 25 Q How about Judge Lagger?

01:52:54 1 A I'm sorry.

2 Q Judge Marvin Lager, did you ever speak to him  
3 about the cases?

4 A No. I don't know him.

01:53:00 5 Q Did you ever -- do you know the chief justice  
6 of the California Supreme Court?

7 A Ron George?

8 Q Yes.

9 A Yes.

01:53:07 10 Q Did you ever talk to Chief Justice George about  
11 the case?

12 A No.

13 Q Did you ever talk to anybody in the police  
14 department about allegations against archdiocese priests  
15 or the cardinal?

01:53:26 16 A Not that I can recall. When you talk about  
17 somebody who is -- who is in the police department at  
18 the time?

19 Q Yes, sir. That's what I mean.

01:53:44 20 A The current chair of the Clergy Misconduct  
21 Oversight Board is [REDACTED]

22 Q Who is that?

23 A His name is [REDACTED]

24 Q Okay. And was [REDACTED]  
25 [REDACTED]?



01:54:06 1 A I believe so.

2 Q And when did he leave [REDACTED], do you  
3 know, Judge?

4 A May have been about then or a year or two  
01:54:15 5 later. I'm not really certain. I didn't meet him until  
6 maybe three years ago, four years ago.

7 Q I apologize, Your Honor. I didn't mean to  
8 interrupt you. Did you ever speak to Chief Parks about  
9 the scandal?

01:54:33 10 MR. STEIER: Parks.

11 MR. MANLY: Bernard Parks.

12 MR. STEIER: Okay.

13 THE WITNESS: No.

14 BY MR. MANLY:

01:55:08 15 Q Have you ever been interviewed by any  
16 investigator from Los Angeles County district attorney's  
17 office investigating allegations of abuse against  
18 individual priests or misconduct by the cardinal or a  
19 member of the staff?

01:55:22 20 A No.

21 Q How about the U.S. attorney's office?

22 A No.

23 Q Have you ever been called before the grand jury  
24 to testify to the state of federal proceedings involving

01:55:30 25 this matter?

01:55:31 1 A No.

2 Q Have you ever discussed with the cardinal, Your  
3 Honor, the investigation involving U.S. attorney's  
4 offices underway right now?

01:55:51 5 A No.

6 Q Have you heard anything about that in the  
7 media?

8 A I believe so. I think I read something in the  
9 paper.

01:56:02 10 Q Did you ever meet -- did you meet Governor  
11 Keating or any member of the NCCB, National Conference  
12 of Catholic Bishops Review Board when they came to Los  
13 Angeles?

14 A If it's the same board, he did not come, but  
01:56:20 15 I'm trying to think of the name of the -- Bob Bennett.

16 Q Bennett?

17 A Bennett, yes.

18 Q Did Mr. Bennett ask you about the proceedings  
19 that were in place prior to 2002?

01:56:33 20 A I don't believe so.

21 Q Okay. Did he talk about what was the purpose  
22 of your meeting with Mr. Bennett?

23 A This was after the national bishops had  
24 established a review policy, and I believe that

01:57:00 25 Mr. Bennett and other members of whatever the group was

01:57:05 1 were visiting different diocese throughout the country  
2 and among those that they visited was Los Angeles.

3 Q Okay. Did he ask you about the review board?

4 A About the Clergy Misconduct Review Board or  
01:57:23 5 Oversight Board he did, yes.

6 Q Has the Baker case --

7 A This was a meeting at which all of our board  
8 members I think all of them were invited at least a  
9 number of them and then there was Mr. Bennett, and I  
01:57:40 10 think a few other people who were with his team that  
11 came and we discussed with the Clergy Misconduct  
12 Oversight Board was and what the requirements were and  
13 that type of thing.

14 Q Did you -- do you recall a time where it was  
01:58:00 15 reported in the press that Governor Keating made a mafia  
16 reference to Cardinal Mahony's handling of --

17 A I recall that.

18 Q -- childhood sexual abuse?

19 A I recall that there was some kind of reference  
01:58:14 20 like that.

21 Q Did that surprise you?

22 A Yes.

23 Q Why?

24 A Because I didn't think it was true.

01:58:22 25 Q Did you speak out on that publicly?

01:58:25 1 A No.

2 Q Did you ever have a conversation with cardinal  
3 about it?

4 A No.

01:58:30 5 Q Have you ever had a conversation with the  
6 cardinal about Michael Baker?

7 A No. I don't talk and haven't talked with the  
8 cardinal very much.

9 Q Well, the reason I ask is that according to the  
01:58:45 10 report in The Tidings your role is to advise the  
11 cardinal, and so I mean, have you ever talked to the  
12 cardinal about sexual abuse?

13 A Oh, yes.

14 Q Does the cardinal come to the board meetings  
01:59:02 15 now?

16 A From time to time.

17 Q How many different conversations have you had  
18 with him regarding sexual abuse and sexual abuse of  
19 children?

01:59:13 20 A It would be hard to say over the years. It  
21 would be pretty difficult to say. I would say maybe 20  
22 to 25, 30, could be more.

23 Q Has anybody told you what happened to my client  
24 in this case, Judge?

01:59:28 25 A I don't know who your client is.

01:59:31 1 Q Has anybody told you what happened with the  
2 little boy in this case?

3 A No.

4 Q Do you have any idea what Michael Baker did to  
01:59:39 5 his victims?

6 A Very -- no. Specifically I don't. Yeah. No.

7 Q If you had learned that -- strike that.

8 Judge, do you remember a time where a case was  
9 presented to you involving the Father Fred between '92  
02:00:15 10 and 2002 where you learned that father -- this

11 hypothetical priest had previously admitted to molesting  
12 children, had gone to treatment and been placed back in  
13 ministry and then had boundary violations where he was  
14 found alone with children? Do you ever remember a case  
02:00:34 15 like that coming in front of you?

16 A No.

17 Q Can you -- can you think of an instance as you  
18 sit here today, Judge, where it would be appropriate for  
19 the archbishop -- excuse me. Can you think of a  
02:00:52 20 situation, Your Honor, given what you know about child  
21 abuse and your career as a judge and a DA where it would  
22 be appropriate to let somebody who had admitted  
23 molesting little boys or little girls to have access to  
24 children again?

02:01:11 25 MR. WOODS: I'm going to object to the form of

02:01:13 1 the question as kind of wandering set with a lot of  
2 facts without any anchor. It's a hypothetical. Calls  
3 for an opinion. Not tied to a specific time period.  
4 I'll let him answer.

02:01:31 5 BY MR. MANLY:

6 Q Go ahead.

7 A Can I have it read back?

8 MR. MANLY: Sure. Please.

9 (Record read)

02:01:56 10 THE WITNESS: It's hard for me to answer that  
11 question because you have a lot of things like child  
12 abuse, what was it? You'd have to know factually what  
13 occurred and what you mean by "access to children  
14 again."

02:02:08 15 BY MR. MANLY:

16 Q Let me be a little more specific. Say you have  
17 a situation where a priest has previously sodomized a  
18 little boy or little girl. Can you think of an instance  
19 where it would be appropriate to ever place that priest  
02:02:21 20 in a parish setting?

21 MR. WOODS: Calls for a hypothetical set of  
22 facts. Calls for an opinion for the designation of  
23 experts. Calls for speculation.

24 THE WITNESS: Well, it is speculation based  
02:02:32 25 upon a hypothetical. I can't think of a situation.

02:02:35 1 BY MR. MANLY:

2 Q Did you know that was occurring in '92 -- did  
3 you know whether that was occurring between '92 and 2002  
4 when you were on the SAAB Board?

02:02:45 5 A No.

6 Q Would you expect if that was occurring as a  
7 member of the board you would have been told?

8 A If that was one of the Father Freds, I would  
9 think so.

02:02:57 10 Q And why would you believe that?

11 A Well, we were -- well, how the cases were  
12 selected that were presented to us we had no knowledge  
13 of. We didn't know what the universe was that existed.  
14 If a case came before us I assumed it was something that  
15 the vicar and the cardinal would want to have some input

02:03:25 16 on from the board. So if a case was really very clear  
17 cut as to what to do, I don't know that would even  
18 come -- it would surprise me if it would even come  
19 before the board. Our role was to advise, and I would

02:03:52 20 think on very clear-cut cases there would be no need for  
21 advice.

22 Q In other words, if somebody previously molested  
23 a child, you wouldn't need advice on not putting him  
24 back in a parish; right?

02:04:05 25 MR. WOODS: If somebody something --

02:04:06 1 BY MR. MANLY:

2 Q If a priest had previously molested a child, it  
3 would be common sense you don't put him back in a  
4 parish; correct?

02:04:12 5 MR. WOODS: Argumentative. Calls for an  
6 opinion for designation opinions.

7 THE WITNESS: Calls for an opinion. If I were  
8 the one making decisions it might be a different thing  
9 but I'm --

02:04:23 10 BY MR. MANLY:

11 Q Judge, can you imagine a situation where a  
12 bishop should place a priest who previously sodomized a  
13 little boy or a little girl back in a parish after they  
14 knew he did it?

02:04:35 15 MR. WOODS: Argumentative. Calls -- it's a  
16 hypothetical situation. Calls for speculation. Not  
17 limited to a specific time period. No statement of  
18 facts upon which to make any kind of judgment or  
19 rational judgment.

02:04:47 20 THE WITNESS: It is hypothetical, but my answer  
21 would be no.

22 MR. MANLY: Let's take a short break. Thank  
23 you.

24 THE VIDEOGRAPHER: Videotape deposition's off  
02:04:54 25 record at 2:05 p.m.



02:04:56 1 (Pause in the proceedings.)  
2 THE VIDEOGRAPHER: Videotape deposition's back  
3 on record at 2:17 p.m.  
4 MR. STEIER: Are you able to rotate that thing  
02:16:54 5 a little bit so I can see the screen setup? Your  
6 monitor, can you just flip it? I can get up.  
7 THE VIDEOGRAPHER: No. No. I can flip it. I  
8 just got to get the picture on it for it. Everybody  
9 happy? Everybody like that?  
02:17:08 10 MR. STEIER: I just want to see what the judge  
11 looks like.  
12 MR. WOODS: Your colleague when we were here  
13 the other day had it set up so we could always kind of  
14 take a look over there.  
02:17:16 15 THE WITNESS: I prefer not to look at it.  
16 MR. WOODS: Okay. Turn it the other way.  
17 THE VIDEOGRAPHER: I can do that. I can set it  
18 up.  
19 MR. WOODS: Witnesses, they don't like to see  
02:17:23 20 themselves.  
21 THE WITNESS: Let them look.  
22 MR. STEIER: That's all right.  
23 THE WITNESS: I have a vision of myself that's  
24 a little bit different than that one.  
02:17:33 25 MR. MANLY: Let's go back on the record.

02:17:35 1 THE VIDEOGRAPHER: We're on the record.  
2 MR. MANLY: Your Honor, I've placed in front of  
3 you what I believe what we'll mark as Exhibit 5, what is  
4 the report to the People of God dated February 17th,  
02:17:48 5 2004. The reporter will mark it.  
6 (Plaintiff's Exhibit 5 was  
7 marked for identification.)  
8 MR. STEIER: Exhibit what is it? 5.  
9 BY MR. MANLY:  
02:18:03 10 Q Have you seen this before, Your Honor?  
11 A Not this particular one. I have seen the  
12 document bearing this title, so I assume it's the same  
13 one.  
14 Q Okay. And did -- at the end did you see the  
02:18:27 15 number of names of the priest accused?  
16 A The end being the last page?  
17 Q Yeah. I'm sorry. Page 1 of 7 and it's in the  
18 appendix I think that's the page 23. It's not marked as  
19 23, but that's what it is.  
02:18:58 20 A All right. What is it you want me to look at?  
21 Q Have you seen this document before; in other  
22 words, the names of priests accused sort of spelled out?  
23 A I have seen the overall document. I don't know  
24 that I focused on this particular page or these pages.  
02:19:23 25 Q Okay. When you read this the first time were

02:19:27 1 you surprised at the number of names on it?

2 A As I say, I'm not sure I looked at this  
3 particular page, but I know there was a lot of talk  
4 about the number and 600 is a number that was in the  
5 press a lot. I was surprised by that.

02:19:41

6 MR. MANLY: Okay. Let me show you another  
7 document we'll mark as Exhibit 6, which is the addendum  
8 to the People of God report.

9 (Plaintiff's Exhibit 6 was  
10 marked for identification.)

02:20:06

11 MR. WOODS: By the way, for clarity the 600 in  
12 the newspaper reports I think usually refer to victims,  
13 not offenders.

14 MR. MANLY: You don't expect me to respond to  
15 that, do you?

02:20:30

16 MR. WOODS: No.

17 MR. MANLY: Okay.

18 BY MR. MANLY:

19 Q Judge, can I direct your attention in that  
20 document to page 12, please?

02:20:39

21 MR. GASPARI: I'm sorry?

22 BY MR. MANLY:

23 Q The addendum, it's page 12, and I'm going to  
24 ask you about page 12 and 13.

02:21:07

25 A All right.

02:21:09 1 Q Just let me know when you've had an opportunity  
2 to take a look at this.  
3 MR. STEIER: When I objected that's what those  
4 are, the ones you published after.  
02:21:22 5 MR. WOODS: This is the published one, yeah.  
6 MR. MANLY: This is not the one from mediation.  
7 MR. STEIER: That's what I wanted to make sure.  
8 MR. WOODS: It's the published one.  
9 MR. MANLY: The other one is too; correct?  
02:21:33 10 MR. WOODS: Yeah. This one there is only one  
11 version.  
12 MR. MANLY: Okay. Thank you, Mr. Steier.  
13 MR. STEIER: I'm just curious.  
14 THE WITNESS: I see what it is. If you have  
02:22:04 15 some questions that I can go to that particular portion.  
16 BY MR. MANLY:  
17 Q I'd like to direct your attention to page 13  
18 and specifically date -- the date is November 1st, 1994.  
19 Do you see that, 11/01/94?  
02:22:23 20 A Yes.  
21 Q It says, "Assigned to St. Columbkille Parish as  
22 administrator Pro-Tem." Do you see that?  
23 A Yes.  
24 Q Have you ever been St. Columbkille, Your Honor?  
02:22:32 25 A I don't believe so.

02:22:36 1 Q Would you -- based on the way you knew the  
2 committee should work, if they were going to assign  
3 somebody like Father Baker with his history as is  
4 outlined in page 12 and 13, would you expect -- have  
02:22:51 5 expected that to be cleared with the board?

6 A I have no opinion on that. I don't know if  
7 that would be -- the -- the vicar and maybe others made  
8 the decision as to what was to be brought before the  
9 board, so I wasn't trying to second-guess that. We  
02:23:16 10 weren't involved in saying every case has to come before  
11 the board.

12 Q Looking at the entry dated 6/12/95 it says  
13 "Note re a breach of restrictions by contact," paren,  
14 "nonsexual with minors observed by pastor." If that was  
02:23:41 15 a -- Father Baker was found alone with a little boy  
16 alone in the rectory, is that something that you would  
17 expect that it would have been brought to the board  
18 given his history based on what you know, how the vicar  
19 for clergy operated?

02:23:57 20 A Not necessarily.

21 Q Looking below that, 7/22/96, "Report to vicar  
22 of clergy re a breach of restrictions by contact  
23 (nonsexual) with a minor." Would you have expected that  
24 would be brought to the board?

02:24:13 25 A Not necessarily.

02:24:17 1 Q Looking at 8/8/96 do you see it says "Sexual  
2 abuse advisory board recommendations re Baker"?  
3 A Which one is this now?  
4 Q I'm sorry. It's August 8th, 1996.  
02:24:29 5 A Yes.  
6 Q Do you recall what the recommendations were  
7 regarding Father Baker?  
8 A No.  
9 Q Did the board use -- have access to the -- to  
02:24:41 10 summaries of or the actual reports regarding the priest  
11 in question, psychological reports?  
12 A The SAAB members?  
13 Q Yes.  
14 A No.  
02:24:51 15 Q Well, how did you know whether -- what a priest  
16 had done and what his prognosis was?  
17 A We were told.  
18 Q Okay. So you -- so the vicar would summarize  
19 the treatment recommendations?  
02:25:11 20 A I can't recall our -- becoming involved in  
21 assessing what was done with priests. So whether the  
22 recommendations -- what the recommendations were, if  
23 there were recommendations.  
24 Q Yes.  
02:25:35 25 A We don't know what happened. We met, we talked

02:25:38 1 about cases, we tried to come to some kind of consensus.  
2 We gave our opinions, and that was it.

3 Q Did you know, Your Honor, that between '92 and  
4 2002 the archdiocese would periodically send priests  
02:25:53 5 that had offended with minors sexually for treatment at  
6 various facilities?

7 A I don't recall that.

8 Q You were never told -- do you have any  
9 recollection of being told by the vicar for clergy that  
02:26:07 10 the cardinal would periodically send people like Father  
11 Baker to a treatment facility to be treated for  
12 pedophilia or ephebophilia?

13 A I have no recollection of that.

14 Q Okay. Do you recall a case that came before  
02:26:43 15 the board in 2000 that involved abuse that allegedly  
16 occurred in Tucson, Arizona and Mexico involving a  
17 priest?

18 A No.

19 Q Do you now -- have you now heard that there was  
02:26:57 20 a case against Father Baker that came forward in 2000?

21 MR. WOODS: Other than from your attorney, some  
22 source than any attorney/client privilege communication.

23 BY MR. MANLY:

24 Q You read in the paper a case against Father  
02:27:13 25 Baker that came forward in 2000?

02:27:15 1 A I believe so.

2 Q Do you remember that case coming before the  
3 board, Your Honor?

4 A No. We're talking now about the year 2000;  
02:27:22 5 right?

6 Q Yes, sir.

7 A No, I have no recollection of that.

8 Q Did -- is [REDACTED] a member of the  
9 Chancery Club?

02:27:44 10 A Yes.

11 MR. STEIER: You know a lot of these people.

12 BY MR. MANLY:

13 Q And is [REDACTED] a member of the Chancery Club?

14 A I don't believe so. There are over 200  
02:27:58 15 members. They do publish a yearly membership directory.

16 Q Have you ever attended a party at  
17 Mr. Hennigan's house?

18 A Yes.

19 Q Was -- were any other judges present besides  
02:28:11 20 yourself?

21 A Can't recall.

22 Q Judge, have you ever interviewed seminarians?

23 MR. WOODS: Have you ever heard?

24 MR. STEIER: Interviewed.

25



02:28:35 1 BY MR. MANLY:

2 Q Have you ever interviewed seminarians or people  
3 leading the seminary at Saint John's?

4 A No.

02:28:45 5 Q Did you know that you were selected by the  
6 archdiocese in 2001 to interview seminarians that left  
7 Saint John's in connection with a case called De Maria?

8 A I understood that I was available to do that if  
9 requested to do so.

02:29:02 10 Q But the request never came?

11 A The request came in three or four cases, maybe  
12 five from the seminary indicating that a particular  
13 seminarian was leaving and that they had been given my  
14 telephone number and contact information and that they  
02:29:26 15 may be calling me. I never received a call from any of  
16 them. I didn't think it was my responsibility to follow  
17 up and try to contact them.

18 Q Did you know the name of any priest who had  
19 sexually abused a child in the archdiocese prior to  
02:30:03 20 2002?

21 A I don't believe so with one possible exception,  
22 though I don't recall and the --

23

24

02:30:34 25

02:30:37

1

2

Q Who was that priest?

3

A [REDACTED], and he was convicted and I

4

believe he was sentenced to prison, and his name may

02:30:48

5

have come up.

6

Q Okay.

7

A There was another one I'm not sure when his --

8

the name came up. Is it Llanos Long Beach?

9

Q Ted Llanos?

02:31:02

10

A Yes. That name may have come up too, but that

11

was in the press and I don't know -- I don't believe it

12

was ever brought up in the context of an SAAB meeting.

13

Not quite certain what it was that I heard about that.

14

Q All right. Let me -- can I have the documents

02:31:27

15

that the -- can I see the documents that the judge

16

produced today?

17

A This is Number 1?

18

Q Yes, please.

19

A All right.

02:31:36

20

(Plaintiff's Exhibit 1 was

21

marked for identification.)

22

MR. MANLY: Don, do you have copies of this?

23

MR. WOODS: Uh-huh. Everyone has them.

24

BY MR. MANLY:

02:31:42

25

Q Does the judge have a copy?

02:31:44 1 A Not in front of me.

2 Q Do I have an extra copy? Okay. Let me give  
3 this back to you, Your Honor. Judge, can you tell me  
4 what these documents are?

02:31:58 5 A This -- there are several different categories  
6 of documents here. Until you get to the -- almost the  
7 end and there's a production number beginning with  
8 ADLALC 000644.

9 Q I don't have that one. Oh, okay. It's split  
02:32:37 10 up. Sorry.

11 A Up until -- up until that number so let me  
12 state what the numbers are here. Production number  
13 ADLALC 00056.

14 MR. WOODS: There's another number there it's  
02:32:53 15 562. It's not copied clearly.

16 THE WITNESS: It wasn't --

17 MR. WOODS: It should be 562.

18 THE WITNESS: 562. All right. That's the  
19 first page. And it goes -- and it goes through  
02:33:12 20 production number ADLALC 000643. Okay. The first few  
21 pages are a listing of dates in my calendar book that  
22 refer to the Sexual Abuse Advisory Board. I went  
23 through my calendar books in response to the subpoena or  
24 the listing of records that you wanted me to produce for  
02:33:49 25 references to SAAB. So starting in 1993 and going --

02:33:58 1 the first three pages going to June 19 of 2002 are the  
2 references to SAAB in my calendar books and then the  
3 following starting with production number ending 565 and  
4 going through production number ending in 643 are the  
02:34:24 5 copies, redacted copies of those calendar books, they're  
6 pocket calendar books that I obtain from Brooks  
7 Brothers, and I made notations of what my calendar is.  
8 BY MR. MANLY:  
9 Q And the things you redacted are other personal  
02:34:42 10 items having nothing to do with this?  
11 A Correct.  
12 Q Now, did you redact the minutes of the Clergy  
13 Misconduct Oversight Board that are attached here?  
14 A No.  
02:34:54 15 Q Who did?  
16 A I assume my lawyer did.  
17 Q And that is Mr. Woods?  
18 A Yes.  
19 MR. MANLY: Don?  
02:35:02 20 MR. WOODS: They refer to other matters, other  
21 cases other than Baker.  
22 MR. MANLY: I just -- like, I don't need it  
23 today, but I'd like a privilege log if you would.  
24 BY MR. MANLY:  
02:35:21 25 Q It says --

02:35:31 1 MR. WOODS: It's not a matter of privilege,  
2 it's a matter of they're not called for by the subpoena.  
3 MR. MANLY: Well, I'd still like something in  
4 writing.

02:35:39 5 MR. FINALDI: What's not called for? The part  
6 of the document that's redacted is not privileged?  
7 MR. WOODS: Well, parts that are redacted have  
8 nothing to do with Father Baker.  
9 MR. FINALDI: Is because it's privileged?

02:35:52 10 MR. WOODS: Okay. Fine.  
11 MR. STEIER: The constitutional right of  
12 privacy.  
13 MR. WOODS: Privacy.  
14 MR. FINALDI: I'm just asking a question. It's  
15 right to privacy.

02:35:58 16 THE WITNESS: As I went through and I don't  
17 have the -- the list of things you wanted me to produce  
18 in front of me, but it specifically stated references to  
19 SAAB or I'm not quite certain, and that's what I have  
20 listed in the first three pages. So where I found a  
21 listing, I composed this list.

02:36:18 22 BY MR. MANLY:  
23 Q Judge, I'm not talking about your calendar,  
24 we're talking about the minutes. You had nothing to do  
02:36:33 25 with that, and I get why you'd want to redact your

02:36:37 1 calendar. That's none of my business.

2 A I didn't understand what you're talking about.

3 Q We're just talking about the minutes.

4 A The minutes start with production number ending

02:36:47 5 in 644.

6 Q Okay. That's what I'm looking at now, Your

7 Honor. We'll deal with this at a different time, so we

8 don't have to delay the judge. Okay. Now, looking

9 at -- can you look at page 644, Your Honor?

02:37:03 10 A Yes, I have that.

11 Q It says the large portion of it's redacted and

12 then it says CMOB -- I'll wait for you and go to page 2

13 of that document. So it's 645 and it says CMOB 02 --

14 A I got it.

02:37:28 15 Q -- dash 02-01 colon. What is that?

16 A That was the number we gave to the Michael

17 Baker case.

18 Q And do you know who -- who gave that number to

19 it?


02:37:40 20 A I probably did.

21 Q Okay. Then there's a -- what I'll call the

22 narrative at page 2 Bates-labeled 000645 and page 3

23 000646. Do you know who wrote this?

24 A The minutes at that time. Let's see. 3,003 --

02:38:06 25 2003 were prepared by the administrator 

02:38:11 1 [REDACTED]

2 Q Is she reflecting a narrative that somebody  
3 gave to the board or --

4 A Yes.

02:38:19 5 Q So was this narrative by Father -- Monsignor  
6 Cox?

7 A Yes. It was a report. We had asked for  
8 information about some of the these cases.

9 Q What does CMOB mean?

02:38:57 10 A Clergy Misconduct Oversight Board.

11 Q And dash 020, what does that denote?

12 A That was the case number that was given to  
13 Michael Baker.

14 Q And dash 01?

02:39:10 15 A At the time we were trying to put this thing  
16 together we thought we would have a dash 01, dash 02,  
17 dash 03 depending upon the number of cases that would  
18 come along.

19 Q Is that the 20th case or the 20th day or what  
02:39:31 20 does that mean?

21 A That was just the number we gave to it  
22 because -- I can explain why he's even given a number.

23 Q Sure.

24 A At the very beginning when it very first  
02:39:41 25 started and this was within the first year of operation,

02:39:47 1 I don't know what number we had gotten up to by  
2 February 12th, 2003, but we decided that we would like  
3 to be dealing with the universe of cases, and so those  
4 that had been identified in the Los Angeles Times  
02:40:02 5 article we gave numbers to, although in many cases such  
6 as in Michael Baker's case there was no action that was  
7 ever taken by the CMOB, but we got a report.

8 Q All right. So in this narrative it says,  
9 "Monsignor Cox discussed the possibility of going back  
02:40:36 10 to the parishes after a conviction or guilty plea and  
11 making announcements regarding the status to make sure  
12 there's closure in the community. It was suggested this  
13 type of closure announcement be made in The Tidings or  
14 Los Angeles Times to show the church actively following  
02:40:52 15 through." Do you remember that occurring, that  
16 discussion?

17 A Well, I see it here. I remember that that -- I  
18 assume that that's what was happening. I have no  
19 independent recollection of who said what, Monsignor Cox  
02:41:08 20 or others or who may have made the suggestion.

21 Q If Monsignor Cox was aware that there was more  
22 to the Baker case than he gave you here, in other words  
23 there were other pertinent facts, would you have  
24 expected him to disclose those?

02:41:25 25 A Not necessarily. I think at that point Father



02:41:30 1 Baker had been removed from ministry, he had been  
2 laicized and the only thing that we would be concerned  
3 with as suggested there or stated here is that people be  
4 made aware of the fact that he was an abusive priest so  
02:41:53 5 they could make a claim.

6 Q Well, did -- did anybody -- did any -- did  
7 Monsignor Cox tell you that the cardinal had decided to  
8 conceal Baker's identity from the police at any point?

9 A No.

02:42:14 10 Q If that was true, was that something the board  
11 wanted to know?

12 A At this point in this case I don't think the  
13 board was really attempting to exercise any kind of  
14 oversight function.

02:42:27 15 Q Well, one of the things you were trying to do  
16 is keep children safe; correct?

17 A Correct.

18 Q And if the cardinal had instructed his staff  
19 not to call the police on Father Baker, isn't that  
02:42:38 20 something you'd want to know, sir?

21 A Not necessarily.

22 Q Okay.

23 A Not in the context of this report.

24 Q Okay. "It was also suggested" -- I'm reading  
02:42:51 25 again from the document, Your Honor. "It was also

02:42:53        1        suggested the archdiocese explore the possibility of  
                 2        taking legal action against Michael Baker.  Monsignor  
                 3        Cox will [REDACTED] " Do you  
                 4        remember that discussion occurring?

02:43:04        5            A        No.

                 6            Q        And it says, "Recommendation, it was the  
                 7        consensus of the board that based upon the information  
                 8        presented there is no need to take further action.  The  
                 9        board suggests that the archdiocese explore the  
02:43:16       10       possibility of taking legal action against Michael  
                 11       Baker."  Do you recall that?

                 12        A        It's written here.  I don't recall it apart  
                 13        from the minutes.

                 14        Q        Did anybody at that meeting of the board  
02:43:27       15       suggest that it might be a good idea to go try to find  
                 16       other victims of Father Baker to see if they could be  
                 17       helped?

                 18        A        I think that's why the suggestion was made  
                 19        about making announcements.

02:43:40       20        Q        Did you ever wonder why the cardinal didn't do  
                 21       that in 1986 when Baker first reported to him that he  
                 22       orally copulated a little boy or a little girl?

                 23            MR. WOODS:  I'm going to object to the form of  
                 24       the question as assuming facts not in evidence.

02:43:53       25            THE WITNESS:  If you could rephrase.

02:43:54 1 BY MR. MANLY:

2 Q Well, it says -- let's look at page 645. It  
3 says "Five months later Michael Baker came forward and  
4 admitted involvement with two young men that were then  
02:44:07 5 in Mexico." And then it continues down at the bottom  
6 "Later in 2000 pastor reported Michael Baker had" -- I'm  
7 sorry. Why did I read that? Let me start over.  
8 Beginning at page 645 it says at the second sentence  
9 "During a priest retreat in June of 1986 Cardinal Mahony  
02:44:44 10 issued an invitation."

11 A Let me see if I am with you here.

12 Q It's the second sentence here, Your Honor.

13 A 645?

14 Q Yeah. Sorry. Beginning "during a priest  
02:44:53 15 retreat."

16 A Yes.

17 Q "During a priest retreat in June of 1986  
18 Cardinal Mahony issued a invitation to anyone struggling  
19 with sexual misconduct issues could come forward and  
02:45:04 20 obtain help. Five months later Michael Baker came  
21 forward and admitted involvement with two young men who  
22 were then in Mexico." It says, "The archdiocese had no  
23 pastoral outreach at that time." Do you know what that  
24 means?

02:45:22 25 A No, not specifically.

02:45:27 1 Q It says, "After Father Baker was assessed and  
2 treated it was recommended he be allowed to return to  
3 ministry with the restriction he have no regular contact  
4 with minors." When you -- when this was presented to

02:45:38 5 you by Monsignor Cox, did you know what assessment and  
6 treatment meant in 2003 when this was presented to you?

7 MR. WOODS: I'm sorry. Could I hear -- better  
8 read the question back.

9 BY MR. MANLY:

02:45:55 10 Q Let me ask it again. When this was presented  
11 to you, this information was given to you in December --  
12 in 2003, did you understand what assessment and  
13 treatment was referring to?

14 A Yes.

02:46:07 15 Q Okay.

16 A I believe I did.

17 Q All right.

18 MR. WOODS: Generically or specifically?

19 MR. MANLY: Specifically regarding Father

02:46:12 20 Baker.

21 THE WITNESS: No, not specifically.

22 BY MR. MANLY:

23 Q Do you know what it is?

24 A I'm not really entirely sure, but I believe it

02:46:20 25 has something to do with the psychologists and

02:46:26 1 psychiatrists working with the person in order to help  
2 them resolve their problem.

3 Q Are you of the belief now or have you been in  
4 the past, Your Honor, that pedophilia can be cured?

02:46:38 5 A There was a point when I thought it could be.

6 Q When was that, sir?

7 A I think I alluded earlier to the fact that my  
8 father's involvement when he was a parole officer for  
9 the California youth authority.

02:46:51 10 Q When you were on the board from '92 to 2002 did  
11 you believe pedophilia could be cured?

12 A I don't believe I had a fixed opinion one way  
13 or the other at that time. I still don't have a fixed  
14 opinion, "however, I think the reality of the situation  
02:47:13 15 is that you can't take a chance, but that's something  
16 that has evolved in my own thinking as well.

17 Q Given Father Baker's admitted history of  
18 molesting children if he was alone with children in  
19 violation of his stated agreement not to be after 1987,  
02:47:43 20 would you have as a board member expected that to be  
21 reported to you?

22 A The SAAB?

23 Q Yes.

24 A Not necessarily.

02:47:54 25 Q Let's look at page 064. I think it's six

02:48:00 1 and --  
2 A Maybe eight.  
3 Q Oh, eight. Okay. It's eight, it's eight, Your  
4 Honor. Thanks.  
02:48:13 5 A You want me to write eight on here?  
6 Q Do you mind? Is that okay with your counsel?  
7 MR. WOODS: Yeah.  
8 THE WITNESS: I'll put an eight after the four.  
9 BY MR. MANLY:  
02:48:22 10 Q Thank you, Your Honor. What is this document,  
11 Your Honor?  
12 A This is a log that is maintained by the CMOB to  
13 keep track of cases that are both active and inactive,  
14 and it doesn't say at the top it has been -- this --  
02:48:47 15 okay. The next page is a similar thing, so this is most  
16 likely the -- well, the production date is March 21,  
17 2003, the lower left-hand corner of the document ending  
18 in 648. So it was most likely inactive, but when a  
19 case -- we have nothing further to do on a case, we'll  
02:49:20 20 move it over from the active to the inactive file.  
21 Q Looking at page 648 do you see where it says  
22 "cardinal approved" at the top right here, Your Honor?  
23 A Yes.  
24 Q Is that a spot where the cardinal would initial  
02:49:39 25 or sign?

02:49:40 1 A I'm sorry?

2 Q Is that a box where the cardinal was to initial  
3 or sign his approval?

4 A No. No.

02:49:47 5 Q What does that denote, "cardinal approved"?

6 A It would be a check I think to indicate that  
7 the recommendation had gone to the cardinal which  
8 were -- they were made in writing and that he had the  
9 approved recommendation, and we'd put in the date.

02:50:06 10 MR. MANLY: I'm looking now at November 10th,  
11 2004 and I've got 650, 651, 652 and 653 and there -- the  
12 entire document redacted with the exception of the  
13 members present. Don, can you give me some insight as  
14 to why that is?

02:50:32 15 MR. WOODS: Doesn't relate to Baker.

16 MR. MANLY: But the -- at 649 there's a date  
17 November 10th, 2004, and there is an agreement regarding  
18 Baker so I'm --

19 MR. WOODS: Well, Baker's mentioned at the end.

02:50:54 20 THE WITNESS: That was the only reference.

21 MR. WOODS: At 654.

22 MR. MANLY: Oh, I see. 654 is --

23 MR. WOODS: And then 649 just is a reference to  
24 what is discussed.

02:51:09 25 MR. MANLY: I must be missing something. Do

02:51:11 1 you have 645 or 654 rather?  
2 MR. WOODS: 564, yeah.  
3 THE WITNESS: It's that one.  
4 MR. WOODS: It's the reference to Baker.  
02:51:24 5 MR. MANLY: Okay. I got it. Got it.  
6 MR. STEIER: Where does it reference? Oh, a  
7 reference. I see.  
8 MR. MANLY: I got it right here.  
9 MR. WOODS: Four priests involved in criminal  
02:51:47 10 investigations.  
11 BY MR. MANLY:  
12 Q So Your Honor, you did not search your E-mail  
13 on your computer in connection with the production  
14 request?  
02:52:16 15 A Correct.  
16 Q In -- between '92 and 2002, did any victim --  
17 was any victim ever interviewed by the board?  
18 A Not to my knowledge. I did not. I don't know  
19 whether other board members may have.  
02:52:38 20 Q Did the board ever receive any training or  
21 insight on what happens to children who are molested by  
22 adults, specifically priests?  
23 A I don't believe so.  
24 Q Judge, in retrospect do you wish you'd called  
02:52:56 25 the police?



02:52:57 1 MR. WOODS: About what?  
2 MR. MANLY: About learning about  
3 child-molesting priests.  
4 MR. WOODS: I'm going to object that the  
02:53:04 5 question is vague and ambiguous.  
6 MR. STEIER: Calls for speculation.  
7 BY MR. MANLY:  
8 Q You can answer, sir.  
9 A What was -- short answer would be no simply  
02:53:22 10 because I didn't feel it was my role to do that, and I  
11 felt it was whatever was required was being done.  
12 Q At any time were you made aware as a member of  
13 the board there was a grand jury inquiry underway  
14 involving the archdiocese and specifically the  
02:54:03 15 cardinal's conduct?  
16 A No.  
17 Q And just to be clear, no member of the board  
18 not once ever discussed the possibility of calling child  
19 protective services or law enforcement when a priest  
02:54:20 20 molestation case of a child was presented; is that  
21 correct?  
22 A As far as I can recall, yes.  
23 Q Did anybody ever ask Monsignor Loomis or  
24 Monsignor Cox or Monsignor Dire if they'd called the  
02:54:36 25 police?

02:54:37 1 A I don't recall.

2 Q Did anybody on the board from '92 to 2002 take  
3 any steps to insure that a victim was receiving  
4 counseling or is getting help that had been molested by  
5 a priest?

02:54:49

6 A I don't know about any members. I did not.

7 MR. MANLY: I'm sorry. Can I have that read  
8 back?

9 (Record read)

02:55:00

10 BY MR. MANLY:

11 Q And Your Honor, did that ever occur to you that  
12 that might be a good idea to help these children?

13 A No.

14 MR. MANLY: Thank you, Your Honor. No further  
15 questions.

02:55:08

16 MR. WOODS: Thank you.

17 MR. STEIER: I'm not going to ask any  
18 questions.

19 MR. WOODS: This is your chance.

02:55:19

20 THE VIDEOGRAPHER: Do you want to put a stip on  
21 the record?

22 MR. MANLY: Stipulate to relieve the court  
23 reporter of her duties under the Code. If the  
24 original -- Chris, do you have any questions?

02:55:28

25 MR. DWYER: No questions.

02:55:29 1 MR. MANLY: The original be forwarded to the  
2 judge or you, Don?  
3 MR. WOODS: To me.  
4 MR. MANLY: To Mr. Woods who will arrange for  
02:55:37 5 the judge to read and sign within 30 days of receipt;  
6 that if the original -- the original be forwarded to our  
7 office. We'll hold it. If the original is lost, stolen  
8 or otherwise misplaced that a -- I propose that a  
9 certified copy can be used as if it were a signed  
02:55:58 10 original; that if the judge makes his changes to his  
11 testimony at the time he reads and signs that Mr. Woods  
12 will provide notice within 15 days of receipt of any  
13 changes to all counsel; that if -- and then I'll produce  
14 the original upon reasonable request for any and all  
02:56:20 15 purposes in connection with the litigation.  
16 MR. WOODS: So stipulated.  
17 MR. MANLY: So stipulated.  
18 MR. STEIER: So stipulated.  
19 THE VIDEOGRAPHER: Videotape deposition of  
02:56:26 20 October 29th, 2009 is now being completed at 2:56 p.m.  
21 This concludes Tape Two of two in today's deposition.  
22 Thank you all very much.  
23 (Deposition concluded at 2:56 p.m.)  
24  
25