

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]

01:54:03 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
02:03:25 15 the vicar and the cardinal would want to have some input
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
15 the board in 2000 that involved abuse that allegedly

02:26:43 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
02:35:58 15 right to privacy.
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
02:36:18 20 listed in the first three pages. So where I found a
21 listing, I composed this list.
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 gave to the board or --

3

4

A Yes.

02:38:19

5

Q So was this narrative by Father -- Monsignor Cox?

6

7

A Yes. It was a report. We had asked for information about some of the these cases.

8

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 together we thought we would have a dash 01, dash 02, dash 03 depending upon the number of cases that would come along.

16

17

Q Is that the 20th case or the 20th day or what

18

does that mean?

02:39:31

19

A That was just the number we gave to it

20

because -- I can explain why he's even given a number.

21

Q Sure.

22

A At the very beginning when it very first

02:39:41

23

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
10 issued an invitation."

02:44:44

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
15 retreat."

02:44:53

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