

Monsignor Gerald Ward - 12/9/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

CONFIDENTIAL

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IN THE CIRCUIT COURT OF THE TENTH
JUDICIAL CIRCUIT OF ILLINOIS
PEORIA COUNTY

ANDREW WARD,)
)
Plaintiff,)
)
vs.) Case No. 08-L-178
)
THE CATHOLIC DIOCESE OF PEORIA,)
a Religious Corporation, and)
ESTATE OF THOMAS MALONEY,)
Deceased,)
)
Defendants.)

**CERTIFIED
TRANSCRIPT**

THE VIDEOTAPED DISCOVERY DEPOSITION OF
MONSIGNOR GERALD WARD, a witness, called by the
Plaintiff for examination pursuant to notice and
pursuant to the provisions of the Code of Civil
Procedure and the Rules of the Supreme Court thereof
pertaining to the taking of depositions for the
purpose of discovery, taken before me, Brenda L.
Zeitler, CSR-RPR, License No. 084-004062, at St.
Patrick Church of Merna, 1001 North Towanda Barnes
Road, in the city of Bloomington, county of McLean,
and state of Illinois on the 9th day of December,
2010, commencing at 10:00 a.m.

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Appearances:

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1 THE VIDEOGRAPHER: Today is December 9,
2 2010. The time is approximately 10:01 a.m. My name
3 is Garrett Sommer, video specialist, of Area Wide
4 Court Reporting and Video Conferencing. The location
5 today is 1001 North Towanda Barnes Drive in
6 Bloomington, Illinois.

7 This is Case No. 08-L-078 entitled Ward vs.
8 Catholic Diocese of Peoria, and the Deponent is Father
9 Gerald Ward. The video deposition is requested by
10 Michael Finnegan. Counsel and all present will please
11 identify themselves for the record.

12 MR. FINNEGAN: Mike Finnegan for the
13 Plaintiff, Andrew Ward.

14 MR. FEEHAN: Joseph Feehan on behalf of the
15 Defendant, Catholic Diocese of Peoria.

16 THE VIDEOGRAPHER: The deponent may now be
17 administered by oath by Brenda Zeitler of Bridges
18 Court Reporting.

19 (Witness sworn.)

20 MONSIGNOR GERALD WARD,
21 a witness, called by the Plaintiff, after having been
22 first duly sworn to tell the truth, was examined and
23 testified on his oath as follows:

24

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1 EXAMINATION

2 BY MR. FINNEGAN:

3 Q Monsignor, could you please state your full
4 name and spell your last name for the record, please?

5 A Monsignor Gerald Ward, W-a-r-d.

6 Q What's your date of birth, Monsignor?

7 A 02/23/1953.

8 MR. FINNEGAN: Before we get into some of
9 the questions, I just want to go over a couple of
10 ground rules. The first question, I guess, is: Have
11 you had your deposition taken before?

12 THE WITNESS: No.

13 MR. FINNEGAN: Some of the ground rules in
14 the deposition that will make it a lot easier for the
15 court reporter: One of the things that we do all the
16 time in normal conversation -- you'll probably do it
17 today -- I would if I was in your position -- is we
18 nod our heads a lot to answer people. If you do that,
19 I'll say: Monsignor, is that a "yes," or is that a
20 "no"? That's just so the court reporter can get it
21 down. She can't get the head nods down. Does that
22 make sense?

23 THE WITNESS: Yes.

24 MR. FINNEGAN: Another one that we do all

1 the time along those same lines is we'll go "uh-huh"
2 and "huh-uh." Same thing, if you do that, which we
3 all do all the time, I'll say: Monsignor, is that a
4 "yes," or is that a "no"? That's not meant to badger
5 you at all or harass you. It's just so she can get a
6 good record down. Does that make sense?

7 THE WITNESS: I understand.

8 MR. FINNEGAN: The last one that we do in
9 normal conversation all the time that's very hard for
10 the court reporter is we have a tendency to talk over
11 each other.

12 And so there will probably be questions that
13 I ask today where you will know exactly where I'm
14 going with the question. In normal conversation, you
15 jump in and give the answer. But in this process, if
16 you can wait until I am fully done with the question,
17 and I will do the same on your answers and wait until
18 you are fully done. That's for the court reporter's
19 benefit.

20 THE WITNESS: I understand.

21 MR. FINNEGAN: Another thing too is if you
22 don't understand any of my questions, I'm going to
23 want you to tell me that and say I don't understand
24 that. Does that make sense?

1 THE WITNESS: Yes.

2 MR. FINNEGAN: If you answer a question, I'm
3 going to make the assumption that you did understand
4 the question.

5 THE WITNESS: Yes.

6 MR. FINNEGAN: You understand that you are
7 under oath today and your testimony can be used in a
8 court of law?

9 THE WITNESS: Yes, I do.

10 MR. FINNEGAN: Any type of medications that
11 you're taking that impair your memory at all?

12 THE WITNESS: No.

13 MR. FINNEGAN: Any other conditions at all
14 that I should be aware of that would impair your
15 memory?

16 THE WITNESS: No.

17 MR. FINNEGAN: The other ground rule for us
18 too, and I don't think the deposition is going to be
19 too terribly long; but any time you need a break
20 today, you can take it. So it's not a marathon at
21 all. I'm not trying to wear you out. If you need a
22 break ten minutes from now or half hour from now,
23 whatever it is, you just let me know.

24 The only thing I would ask is if I have a

1 question pending, that you answer that question and
2 then say, "I need a break," and we'll take one.

3 THE WITNESS: I understand.

4 BY MR. FINNEGAN:

5 Q You were ordained in 1979; is that correct?

6 A Yes.

7 Q And you were ordained by then Bishop Edward
8 O'Rourke?

9 A Yes.

10 Q At that time, you made a promise of
11 obedience to Bishop O'Rourke and his successors?

12 A Yes.

13 Q What did that promise of obedience mean to
14 you?

15 A That I would obey the Bishop and assignment
16 changes and, if I was asked to serve on any committees
17 or commissions for the Diocese, that I would take that
18 under serious consideration.

19 Q Have you ever, in the over 30 years that
20 you've been a priest of the Diocese, have you ever
21 disobeyed an order from the Bishop?

22 A No.

23 Q How is the retirement handled here? Is that
24 through the Diocese? Can you tell me a little bit

1 about that?

2 MR. FEEHAN: Can I ask how this is relevant
3 to Andrew Ward's sexual abuse case?

4 MR. FINNEGAN: Towards his status as a --

5 MR. FEEHAN: I thought you meant like
6 retirement benefits.

7 Q I just want to know who is running that. Is
8 it something that you have an independent plan? Is it
9 with the individual parish? Is it something that the
10 Diocese is in charge of?

11 MR. FEEHAN: Well, all right. In Illinois,
12 something has to be relevant or lead to the discovery
13 of relevant information or admissible information.
14 Monsignor Maloney is dead; so his retirement benefits
15 can't possibly be relevant.

16 Monsignor Ward's retirement benefits or
17 retirement plan, I can't understand how that would be
18 any more relevant than my own.

19 But subject to that, I'll give you a little
20 bit of leeway. You can go ahead and answer the
21 questions.

22 THE WITNESS: Can you restate the question?

23 Q Sure. The question is: With your
24 retirement plan -- I assume that you have one. I was

1 basically asking how that is structured, if it's
2 something you do independently, something that you
3 have with the parish, or something that the Diocese is
4 in charge of?

5 A We have a society called the Clergy Aid
6 Society, which is a disability retirement fund that
7 the parish contributes to annually.

8 Q Who runs the Clergy Aid Society?

9 A They are elected representatives of the
10 priest.

11 Q All priests of a diocese here?

12 A Yes.

13 Q Does a bishop have any involvement in the
14 Clergy Aid Society?

15 A I'm unaware of that.

16 Q And is your retirement -- when you are
17 transferred from one parish to another, you still have
18 your retirement through the Clergy Aid Society?

19 A Yes.

20 Q What about the health plan, if you have one?
21 Is that similar? Could you explain how that is run?

22 A The diocese health plan is through Humana.
23 And again, the parish pays the premiums for our health
24 plan.

1 Q Then if you're transferred from one parish
2 to another, you're still underneath the diocese in
3 health plan?

4 A Correct.

5 Q Each assignment that you've had in the over
6 30 years that you've been a priest, each of those
7 assignments have been paid by the then serving bishop?

8 A Yes.

9 Q If you can, run down your assignments for
10 me, ballpark, as far as when you're assigned and what
11 years you were there.

12 A 1979 to 1981, I was the assistant pastor at
13 St. Ambrose in Milan, Illinois. 1982 to 1985, I was
14 the assistant pastor at Holy Trinity Parish in
15 Bloomington.

16 I want to go back and correct. I think the
17 first one is 1979 to 1982, I should have said.

18 Then 1985 to 1988, I was the assistant
19 pastor at Saint Matthew Parish in Champaign, Illinois.

20 In 1988 to 1991, I was the pastor of three
21 parishes in Logan County: St. Patrick, Elkhart; St.
22 Thomas Aquinas in Mount Pulaski; and St. John's in
23 Middleton, Illinois.

24 I was also the Catholic chaplain at the

1 Logan and Lincoln Correctional Centers in Lincoln.

2 1981 to the present, I'm the pastor of St.

3 Patrick Church of Merna here in Bloomington.

4 Q You said 1981. You mean 1991?

5 A 1991, excuse me. 1991 to the present, I'm

6 pastor here at St. Patrick Church of Merna here in

7 Bloomington.

8 Q What about with the Diocese, have you had

9 any other positions besides the assistant pastor,

10 pastor, and the prison ministry that you did?

11 A Well, in the Logan County assignment in

12 Lincoln in 1988 to 1991, I was also vicar of the

13 Lincoln vicariate. And I am presently vicar of the

14 Bloomington -- it's now Bloomington-Lincoln vicariate.

15 And I've been Vicar -- I can't recall when my

16 assignment started on that. I can't recall exactly.

17 It's been at least six years, I'm sure.

18 Q Any other positions that you can think of

19 other than the ones that you've named that you've had

20 within the Diocese?

21 A I've served on several committees in the

22 Diocese. I can recall some of them.

23 Q Sure.

24 A I've served on the Priests Council.

1 Actually, I've had four terms on that, not
2 consecutive. I'm presently the president of the
3 Priests' Council in the Diocese in my current term.
4 I've served on the Building Commission. I've served
5 on the Parish and Institutions Committee. That's all
6 I can recall at the present time. I'm trying to
7 think.

8 Q What is the Priests Council? What do they
9 do?

10 A It's an advisory council to the Bishop.
11 It's like a Priests Senate. It's called a Presbyteral
12 Council.

13 Q It's something different from -- or is there
14 a priest personnel board as well in this diocese?

15 A There is a personnel committee, a board,
16 yes, that advises the Bishop on assignments

17 Q So what type of topics or issues does the
18 Priests Council generally handle?

19 A Generally, issues that would be pertinent to
20 -- well, some health benefits for priests -- I'm
21 trying to think of the some of the issues -- maybe
22 closures of parishes, realignment of vicariates, dogs
23 in rectories. The last issue was a priest was
24 bothered by dogs in rectories; so we dealt with that

1 issue last time.

2 We ask the priests for agenda items.

3 Q In the over 30 years that you've been a
4 priest here in the Diocese of Peoria, has there been
5 any type of policy on childhood sexual abuse?

6 MR. FEEHAN: Are you referring to a written
7 policy?

8 MR. FINNEGAN: Either, either a written or
9 an oral policy. We can start with written if you want
10 to break it down.

11 MR. FEEHAN: Discussing reporting of it?

12 MR. FINNEGAN: Anything that had to do with
13 childhood sexual abuse.

14 Q Is there any type of written policy that
15 you're aware of in your 30-plus years that dealt with
16 that topic?

17 A There's currently a policy on if it's been
18 reported to us.

19 Q Is that a -- do you know the name of that
20 policy? Is it part of a bigger policy? Do you know?

21 A I'm going to say I can't recall any name. I
22 think it's just a sexual misconduct policy. I don't
23 have any other name for it than that.

24 Q Is that a written document that you've seen?

1 A Yes.

2 Q Do you know when you first saw a written
3 sexual misconduct policy?

4 A I would say probably 2003, my best memory.

5 Q Have you had any training on dealing with
6 reports of sexual misconduct?

7 A Yes.

8 Q When is the first time that you had any
9 training on reports of sexual misconduct?

10 A If my memory serves me well, I think in that
11 same time frame, around 2003.

12 Q What type of training did you have,
13 Monsignor?

14 A Protecting God's Children.

15 Q Was that a program that everybody working
16 within the Diocese had to go through?

17 A Correct.

18 Q Do you remember what type of training that
19 involved or what you had to do as part of the
20 training?

21 A We watched videos. We had a presentation by
22 a trained presenter, and we had some table discussion
23 processing some of the material that we had been
24 presented with.

1 Q Was that a one-time training session, or
2 have you had it more than once?

3 A Just the one time.

4 Q Before the written policy on sexual
5 misconduct that came into existence somewhere around
6 2003, do you remember any other nonwritten policies
7 that were oral policies, anything that the Bishop or
8 any of his people would have told you before 2003,
9 relating to sexual misconduct?

10 A No, I don't recall that.

11 Q I think I missed this one before; but as the
12 vicar for the vicariate, what are your
13 responsibilities in that position?

14 A My responsibility is to meet with the
15 priests of the area once a year, at least, to chair
16 vicariate meetings however we deem that necessary
17 within our vicariate, to assimilate any information
18 from the Bishop to the priests if he chooses to
19 assimilate that information through the vicars, and to
20 sign the sacramental books in a parish, make sure they
21 are up-to-date, and to -- any other assignments or
22 duties that are given to us by the Bishop.

23 Q Do the vicars meet at some point with the
24 Bishop?

1 A Once a year, we meet as a group, and I try
2 to meet with them once a year one on one.

3 Q As a pastor in this diocese for a number of
4 years, are there any rules or expectations that you
5 have for the people that work within a parish to
6 report any misconduct to you? Is there anything like
7 that here?

8 A There is --

9 MR. FEEHAN: You can go ahead and answer. I
10 just -- are you talking about over and above the
11 Illinois Statutory Mandatory Reporting Law like that
12 applies to teachers and --

13 MR. FINNEGAN: I'm talking on an individual
14 parish level.

15 MR. FEEHAN: When you say "parish," they go
16 to school here.

17 THE WITNESS: The school with Holy Trinity.

18 MR. FEEHAN: So you have teachers -- you
19 have people that under the Illinois statute are
20 included as mandatory reporters. So when you're
21 talking about rules, are you separating it from the
22 Illinois law?

23 MR. FINNEGAN: Yeah, I just want to know
24 what his understanding is. Maybe his understanding is

1 part of that. I don't know.

2 A We have requirements for the Diocese to have
3 our volunteers go through the diocese and requirements
4 to be a volunteer, particularly in the area of
5 children in our parish. We run a background check on
6 them, according to diocese policy, DCFS. And we
7 fingerprint them, send them to the Illinois State
8 Police. And they are to read the sexual misconduct
9 policy and sign off on it each year.

10 MR. FEEHAN: "They," meaning just volunteers
11 or volunteers and teachers?

12 THE WITNESS: Volunteers, teachers, anyone
13 employed by the parish and volunteers.

14 Q Either as part of that policy or as part of
15 your expectation as a pastor, are there requirements
16 for any of the people working at the parish, if they
17 get information that's suspicious of childhood sexual
18 abuse, to report that to you as the pastor?

19 A That's my expectation.

20 Q That's been your expectation since at least
21 1988 when you were a pastor?

22 A Yes.

23 Q Is there a policy within the Diocese for how
24 documents are retained or stored at the parish level?

1 A I'm only aware of documents which would
2 include resolutions that were signed by the parish
3 trustees and the pastor and the Bishop for projects,
4 particularly like building projects or any time that
5 we request a major renovation -- those resolutions
6 must be filed -- and the minutes of our finance
7 council.

8 Q Is there a written policy that you know of
9 that details some of the document retention
10 requirements for each parish?

11 A It's in the Dioceses statutes. I do need to
12 add, also, the fingerprinting and the DCFS records and
13 the signatures of the volunteers must be kept on
14 record.

15 Q What about any type of correspondence that
16 you have as a pastor? Does that normally go into some
17 type of filing system on the parish level?

18 A No.

19 Q The Diocese statutes, that's a written
20 document?

21 A Yes.

22 Q Since the time that you've been a priest
23 here in the Diocese of Peoria, has there been any type
24 of practice that you're aware of among the priests for

1 giving gifts to the Bishop?

2 A The practice that I know would be considered
3 -- when a bishop comes for a confirmation, that you
4 give him -- we use the word stipend. Beyond that, I
5 do not know of any other practice or expectation.

6 Q Is the stipend that a bishop is given under
7 that practice, is that generally a set amount, or is
8 it a discretionary amount by the --

9 A Discretionary.

10 Q How often does the Bishop come, generally,
11 to each parish for confirmations?

12 A It varies on the amount of students that
13 you're going to confirm. For instance, our parish
14 does over 100 a year; so he needs to come every year.
15 Another parish might only have the Bishop come once a
16 year because the size of the class is not enough to
17 have the Bishop come every year. So that varies.

18 Q Are you aware of any practice by the priests
19 in this diocese to give the Bishop any other type of
20 gifts besides money?

21 A No.

22 Q Do you know, is that -- do you know how that
23 stipend, how it's used or what happens with it? Do
24 you know where that goes after you give it to the

1 Bishop?

2 A No, I don't.

3 Q Generally, what type of figures are we
4 talking about? Is it a huge sum of money? Small sum
5 of money?

6 A Again, it depends on the size of the class
7 of the candidates that are being confirmed. It could
8 range from 150 to 500. And that's just off the top of
9 my head, ballpark figure.

10 Q What about during the time that you've been
11 a priest in this diocese, are you aware of any
12 practice where priests travel on vacation with the
13 Bishop?

14 MR. FEEHAN: "Practice," you make it sound
15 like it's a policy of some kind; or it could be
16 interpreted that way.

17 Are you asking him if he is aware of
18 instances or times where a priest happened to go on
19 vacation with a bishop, or are you asking him if
20 there's a policy or practice whereby priests go on
21 vacation with the Bishop once every three years or --
22 you're making it sound like it's a formal statute,
23 almost.

24 MR. FINNEGAN: Do you understand the

1 question? Do you need me to rephrase it?

2 A The word "practice" is confusing to me.

3 Could you restate the question?

4 Q Sure. And define it a little bit more.

5 Are you aware of any policy where priests
6 are invited to travel on vacation with the bishops?

7 MR. FEEHAN: Same objection. Now you're
8 using the word "policy" instead of "practice."

9 MR. FINNEGAN: Joe, I'm not asking you the
10 questions. I'm asking him the questions. If you have
11 an objection, state the legal objection, not a
12 speaking objection; and let's let him answer the
13 question. What is your objection, Joe?

14 MR. FEEHAN: Can I talk?

15 MR. FINNEGAN: Not if it's a speaking
16 objection. That's not proper.

17 MR. FEEHAN: If you don't ask him a proper
18 question, I will not "just let him answer the
19 question." I will tell him not to answer the
20 question.

21 MR. FINNEGAN: Then tell him not to answer
22 the question. I'm fine with that.

23 MR. FEEHAN: I'm not trying to make this
24 difficult. You're using words like "policy" and

1 "practice."

2 Q Do you understand what the word "policy"
3 means?

4 A Yes, I do.

5 MR. FINNEGAN: Do you have a problem with
6 him answering the question now?

7 MR. FEEHAN: My understanding of the word
8 policy -- I want to make sure -- just because the
9 witness says he understands the question, I want to
10 make sure I understand it. That's also important to
11 me.

12 Q What's your understanding of what the word
13 "policy" means?

14 MR. FEEHAN: Before, you were talking about
15 sex abuse policies that are written down. You can
16 read them. Now you are using "policy." There's a
17 potential for confusion by not just the witness, but
18 by me or anybody later reading this deposition as to
19 whether you are talking about a written document or a
20 practice or --

21 MR. FINNEGAN: Now you used the word
22 "practice." You had a problem with that. So we
23 switched it. You said: Why don't you use policy. I
24 switched that. Now you don't like policy.

1 MR. FEEHAN: I don't like policy or
2 practice. Go ahead and ask the question. I think the
3 witness might understand what you mean by policy now,
4 because you used the word policy when you were talking
5 about a written section as policy earlier.

6 Q Monsignor, are you aware of any type of
7 policy within this Diocese where priests are invited
8 to go on vacation with the Bishop?

9 A No.

10 Q Are you aware of any instances where priests
11 have gone on vacation with the Bishop?

12 A Yes.

13 Q How often? How many instances are you aware
14 of?

15 A Can I ask for a clarification of that
16 question? Can I ask: Are you asking me how many
17 times has the Bishop gone on vacation with priests or
18 how many times that I'm aware of?

19 Q Yeah, I can only ask what your knowledge is.
20 So I'm asking what you're aware of. How many
21 instances are you aware of? And I'm not necessarily
22 asking for a specific number.

23 A I'm aware of one time through hearsay.

24 Q So in your 30-plus years as a priest of the

1 Diocese of Peoria, it's correct to say that you're
2 only aware of one instance that you heard through
3 hearsay of a priest going on vacation with the Bishop?

4 A Yes.

5 Q Have you ever went on vacation with the
6 Bishop?

7 A No.

8 Q Have you ever been invited to go on vacation
9 with the Bishop?

10 A No.

11 Q I want to switch and ask you some questions
12 about Monsignor Thomas Maloney. When is the first
13 time that you have a memory of meeting Monsignor
14 Maloney?

15 A In the area of 19-- my first assignment here
16 at Holy Trinity from 1982 to 1985.

17 Q How did you come into contact with then
18 Father Maloney?

19 A I was an assistant at Holy Trinity parish.
20 He was the vicar of the Bloomington-Normal area.

21 Q At any point, did you ever have the same
22 assignment as Father Maloney?

23 A Clarifying that I was in the same parish
24 with him at the same time? No.

1 Q And then the second piece of that, which I
2 think you were going to as well, was there any time
3 that you were assigned to a parish in the same city as
4 Father Maloney?

5 A Well, yes.

6 Q When was that, and what places?

7 A When I was assigned pastor of St. Patrick
8 Church of Merna in Bloomington and when he became
9 pastor of Epiphany parish in Normal.

10 Q Other than that instance, was there any
11 other times that your assignment put you in the same
12 city or same general geographic area as Maloney?

13 A Again, back in 1982 to 1985, he was pastor
14 of Lexington-Chenoa, and I was in Bloomington.

15 Q During some of the years when you were at --
16 when you were here at St. Patrick's of Merna,
17 Monsignor Maloney was the vicar for this vicariate?

18 A Yes.

19 Q Have there been any times that you've lived
20 in the same living facility as Monsignor Maloney?

21 A No.

22 Q Did you ever serve on any of the committees
23 or the council, any of those type of things with the
24 Diocese with Monsignor Maloney?

1 A No.

2 Q Did you consider Monsignor Maloney to be a
3 friend of yours?

4 A I want to ask for a clarification on that,
5 defining what "a friend" means.

6 Q I'll ask a broader question. You can answer
7 it that way. How would you describe your relationship
8 with Monsignor Maloney?

9 A I would keep it basically he was a priest
10 that I was serving with in the area. We had no social
11 time together other than what might have been required
12 to be at with a group of priests. We never went out
13 for lunch together or dinner together, just he and I.

14 I don't even recall -- other than a visit
15 when he was vicar, to come visit me on a one-on-one
16 basis. And that was usually very brief. He would
17 come and sign the books and leave. Very little
18 discussion or interaction about how things were going
19 or anything like that.

20 Bottom line, I would not consider him an
21 enemy, but we weren't buddies or friends.

22 Q What was your perception of Monsignor
23 Maloney's relationship with Bishop Myers?

24 MR. FEEHAN: Based on his own personal

1 observation?

2 MR. FINNEGAN: Yeah, your perception.

3 MR. FEEHAN: Based on his observation of the
4 two together?

5 MR. FINNEGAN: Or if he heard stuff. What's
6 your overall -- a lot of things could go under your
7 perception.

8 MR. FEEHAN: Well, okay. I just want to
9 make sure I understand if you're asking him based on
10 his firsthand knowledge, or are you asking him based
11 on things he's heard.

12 Q Any information that you had, that you saw,
13 that you heard. What was your perception of the
14 relationship between Monsignor Maloney and Bishop
15 Myers?

16 A My perception of the situation is that they
17 were friends.

18 Q That perception of them being friends, was
19 that something that you learned from witnessing them
20 together?

21 A No.

22 Q You tell me, how did you come to that
23 perception?

24 A I would like to recant that. I suppose I

1 saw them at clergy gatherings or other events where
2 they were perhaps together, but other priests would
3 hang with Bishop Myers also.

4 Q Could I ask you to ask the question again?
5 I kind of lost track of where I was trying to go with
6 this.

7 Q I think you answered that for me; but if you
8 need clarification, I can give it to you.

9 A No, that's fine.

10 Q Were there other clergy here that were -- or
11 any clergy here that you're aware of that were close
12 to Monsignor Maloney?

13 A Father Tom Shea was a retired priest of the
14 area. Father Maloney and Father Tom were classmates.
15 So Father Tom was -- checked up on him often when he
16 was sick in the latter years.

17 Q Any other clergy here besides Father Tom
18 Shea that you're aware of that were close to or fairly
19 good friends with Monsignor Maloney?

20 A No.

21 Q At any point in the 30-plus years that you
22 have been a priest, did you ever hear anything
23 negative about Monsignor Maloney and his interactions
24 with children?

1 A I'd ask you to clarify the "negative."

2 MR. FEEHAN: I was going to do that, but I
3 was afraid he'd get mad at me, Monsignor. I didn't
4 want to make him mad.

5 Q Did anyone -- at any point in your 30-plus
6 years as a priest, did you ever hear anyone raise a
7 concern about Monsignor Maloney's interaction with
8 children?

9 MR. FEEHAN: I think what he's struggling
10 with is: Are you talking about sexual misconduct or
11 just what some people may consider inappropriate
12 behavior that has nothing to do with sexual
13 misconduct?

14 MR. FINNEGAN: Anything with children. I'd
15 say it's both of those, so whatever you remember.

16 A Yes.

17 Q When was the first time that you heard any
18 type of concern raised about Monsignor Maloney's
19 interaction with children?

20 MR. FEEHAN: Again, you're including --

21 MR. FINNEGAN: I'm going to ask him what he
22 heard and all that. I'm just trying to get a time
23 frame now.

24 MR. FEEHAN: Okay. You're including sexual

1 misconduct as well as making a bad joke in front of
2 children?

3 MR. FINNEGAN: I'm asking what -- yeah, what
4 he knows.

5 MR. FEEHAN: Just because he's asking the
6 question broadly doesn't mean you have to answer it
7 broadly. If you want to limit your answer to
8 inappropriate conduct as opposed to sexual misconduct,
9 feel free to do so.

10 A I'm going to take his advise. I'm not
11 talking about sexual misconduct. Inappropriate,
12 perhaps, contact with children that seemed to be
13 inappropriate for a priest.

14 But I do not have any reports to me of any
15 sexual misconduct with children.

16 MR. FEEHAN: About Monsignor Maloney?

17 THE WITNESS: About Monsignor Maloney.

18 Q Tell me what -- when is the first time that
19 you got any report or heard from any source about his
20 inappropriate conduct with children, Maloney's
21 inappropriate conduct?

22 A I'm not exactly sure what year it would be,
23 but my first report might go back as far as 1993.

24 Q What report is that that you're thinking

1 about, the first one?

2 A It would be then Father Tom Maloney spending
3 a lengthy period of time at the gym for girls
4 basketball practice, whether it be at -- it would be
5 at Central Catholic High School, which then was
6 located on Center Street in Bloomington.

7 Q Central Catholic?

8 A Central Catholic High School. It was on
9 Center Street in Bloomington, not where it currently
10 is located.

11 Q How did that information come to you about
12 Father Tom Maloney spending a lengthy period of time
13 at the gym for girls relating to basketball practice
14 at Central Catholic?

15 A It was told to me by the principal of the
16 school.

17 Q What was the principal's name?

18 A [REDACTED]

19 Q [REDACTED]

20 A [REDACTED]

21 Q Do you know how to spell her last name?

22 A [REDACTED]

23 Q Is [REDACTED] -- is she still alive?

24 A Yes.

1 Q Do you know where she is now?

2 A She's currently [REDACTED]

3 [REDACTED]

4 Q Was anyone else present when [REDACTED] told
5 you about the concern about Father Tom Maloney
6 spending a lengthy period of time relating to the
7 girls basketball practice?

8 A No.

9 Q Where was this conversation?

10 A I don't remember the exact location. It
11 might have been just in passing after a meeting at the
12 high school or at lunch. [REDACTED] and I would have
13 lunch occasionally.

14 Q At that time, when [REDACTED] raised that
15 concern to you, what if anything did you do responsive
16 to that?

17 A Nothing.

18 Q Do you know if [REDACTED] -- if she took any
19 action at all responsive to that concern that she told
20 you about?

21 A I don't know of any action that she took
22 other than telling me.

23 Q Do you remember, did she say anything else
24 during that conversation that you remember besides

1 Father Maloney spending a lengthy period of time at
2 the gym around the time of girls basketball practice?

3 A First part of your question again, please?

4 Q Yeah, do you remember her saying during that
5 conversation anything else besides that Father Tom
6 Maloney was spending a lengthy period of time at the
7 gym around the time of girls basketball practice?

8 A She did tell me that he would take some
9 girls to ice cream or lunch. I don't recall any of
10 the girls' names or how many girls or how often, but I
11 do recall her telling me about those.

12 MR. FEEHAN: Just a point of clarification.
13 Are you talking about same time frame? Because I
14 think what Mike was asking you was -- I think the
15 point of your question was, when she told you about
16 Monsignor Maloney being at the girls basketball
17 practices, did she tell you anything more about that
18 experience, about him at the basketball practices.
19 Was that what you meant?

20 MR. FINNEGAN: It was not the basketball,
21 not specifically, but I -- well, I'll follow up and
22 see if we can clarify this.

23 MR. FEEHAN: Because he's identified
24 approximately 1993, but he's not sure about -- as the

1 time -- about the information about the girls
2 basketball practice.

3 MR. FINNEGAN: Let me ask another one.

4 MR. FEEHAN: If you could clarify it, that
5 would be great.

6 Q This conversation or this comment by [REDACTED]
7 [REDACTED] to you where she said that Monsignor or then
8 Father Maloney would take some of the girls to ice
9 cream or to lunch, was that part of the same
10 conversation that you had where she told you about
11 Monsignor Maloney spending a lengthy period of time at
12 the gym with the girls?

13 A Yes.

14 Q Was there anything else that you remember
15 [REDACTED] saying in that particular conversation
16 besides spending a lengthy period of time at the gym
17 after girls basketball practice and taking girls to
18 ice cream and lunch, anything else you remember her
19 saying about Maloney within that conversation?

20 A No.

21 Q Did you take any action or do anything
22 responsive to [REDACTED] telling you that Father
23 Maloney took some of the girls to ice cream or to
24 lunch?

1 A No.

2 Q At the time that [REDACTED] told you this
3 information about then Father Maloney, you thought
4 that this conduct was inappropriate; is that correct?

5 A Yes.

6 Q At that time, in approximately 1993, when
7 [REDACTED] told you this information in this
8 conversation, did that raise any concerns in your mind
9 at that time that there might be something sexual
10 going on between Father Maloney and any of the girls?

11 MR. FEEHAN: Actual sexual activity?

12 MR. FINNEGAN: I'm asking what his thoughts
13 were.

14 MR. FEEHAN: I know. I'm asking you to
15 define "sexual." The question could be interpreted as
16 asking him: Did he wonder if Monsignor Maloney, then
17 Father Maloney, had a sexual motive as opposed to:
18 Did he wonder whether Father Maloney and the girls
19 were having any type of sexual contact. That's a
20 clarification I'm making.

21 A I would answer: At the time, I did not.

22 Q At some point after that conversation in
23 1993, approximately 1993, did that thought come into
24 your head that the actions that Maloney was taking or

1 was accused of taking here by [REDACTED] could have led
2 to sexual activity by him with the kids?

3 A It would be a much later date. It was
4 probably when I went through the Protecting God's
5 Children program, thinking back on the stories that I
6 had about Father Maloney, thinking that that's the
7 kind of grooming behavior that would send up a red
8 flag for us today.

9 MR. FEEHAN: That was in 2003?

10 THE WITNESS: Yes, to the best of my --

11 Q At this point, when you got this -- or when
12 you had this conversation with [REDACTED] in
13 approximately 1993, you had not had any training on
14 grooming behavior as it relates to sexual misconduct?

15 A No. No. No.

16 Q I think we may have crossed our negatives on
17 that one. I'll ask you the same question and try and
18 clarify it for you.

19 It's correct to say that, when you had this
20 conversation with [REDACTED] in approximately 1993,
21 that you had not had any training on grooming behavior
22 as it relates to sexual misconduct? That's correct?

23 A That's correct.

24 Q Did you ever have any other conversations

1 with [REDACTED] besides this one in approximately 1993
2 where she raised any concerns about Father Maloney's
3 interactions with children?

4 A I'm going to say yes, but I can't recall
5 when.

6 Q What do you remember out of the other
7 conversation that you're thinking about?

8 A I remember, when the new high school was
9 built on Airport Road, Father Maloney, then Monsignor
10 Maloney, came to the high school again for girls
11 basketball practice; and, in a casual situation, [REDACTED]
12 told me about it again.

13 And I guess I'm recalling it because it was
14 after the Protecting God's Children, the grooming
15 information that I had. But I also know at that time
16 that Monsignor Maloney was older, tired, and sicker.
17 His time at the gym was less time.

18 Q In that first conversation that you had in
19 approximately 1993, did [REDACTED] express to you how
20 much time Father Maloney was spending at the gym
21 around the time of girls basketball practice?

22 A I don't recall that.

23 Q Any other conversations besides the two that
24 you've mentioned between you and [REDACTED] where any

1 concerns were raised about Father Maloney's
2 interactions with children?

3 A Clarify. Between me and [REDACTED]

4 Q Yes.

5 A No.

6 Q And then shifting away from [REDACTED] have
7 there been any times that you've had -- gotten any
8 information from any source, that raised the concern
9 about Father Maloney's interactions with children?

10 A I have one other incident.

11 Q When is the other incident you're talking
12 about?

13 A I'm not able to recall the specific time
14 that I first heard, but this person would tell me
15 about incidents that she knew of. And she told me
16 about those a number of times. I just can't recall
17 each time.

18 Q Who is the person that was telling you
19 about --

20 A Her name is [REDACTED] -- [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED]
22 Q Is [REDACTED] still alive?

23 A Yes.

24 Q What's her current location or position, if

1 you know?

2 A She's the [REDACTED] for this
3 parish. [REDACTED]

4 Q What do you remember about the conversations
5 that you had with [REDACTED] about concerns about
6 Father Maloney's interaction with children?

7 A Mainly taking girls for lunch and ice cream,
8 having them in the car.

9 Q How long has [REDACTED] been working
10 here at the parish with you?

11 A The entire time I've been here.

12 Q Do you know how many times you had a
13 conversation with [REDACTED] about concerns about
14 Father Maloney taking girls for lunch, ice cream, in
15 his car?

16 A I'm not going to be able to recount the
17 exact number of times.

18 Q Do you have a ballpark on how many you
19 think?

20 A Five to ten.

21 Q At the time that you had those conversations
22 with [REDACTED] did you think that the conduct
23 that she was referring to with Father Maloney was
24 inappropriate with children?

1 A Yes.

2 Q On any of -- when you got the information on
3 any of those times from [REDACTED] did you take
4 any action responsive to that?

5 A No.

6 Q Did you talk to [REDACTED] about any of
7 this information recently in preparation for this
8 deposition?

9 A Yes.

10 Q When did you talk to her recently about
11 this?

12 A Yesterday.

13 Q What did that conversation consist of?

14 A I said, "[REDACTED] I suppose that the stories
15 that you shared with me about Tom Maloney, Father Tom,
16 Father Maloney, is probably going to come up
17 tomorrow." And she said, "All right."

18 Q Did you have any more conversations
19 yesterday about the concerns that she had throughout
20 the years with Maloney?

21 A Did I have any more conversations yesterday?

22 Q During that conversation yesterday, did you
23 talk about the substance of her concerns; or is it
24 just the general conversation?

1 **A** The general -- it was general.

2 MR. FEEHAN: We've been going a little more
3 than an hour. Do you want to take a break, or are you
4 okay?

5 THE WITNESS: I'm okay.

6 MR. FEEHAN: Let's go for a little longer
7 then.

8 **Q**: In any of those approximately five to ten
9 conversations that you had with [REDACTED] did
10 she mention to you any other type of conduct between
11 Father Maloney and children besides taking girls to
12 lunch, taking girls for ice cream, or having girls in
13 his car?

14 **A** No.

15 **Q** Do you know if the first time that you had
16 the conversation with [REDACTED] was that before
17 or after the conversation that you had with [REDACTED]
18 in approximately 1993?

19 **A** I would have to answer before and after.

20 **Q** What do you remember about the conversations
21 that you had with [REDACTED]? Is this something
22 that she wanted you to know, something that she wanted
23 you to do something about? Were any of those type of
24 sentiments conveyed in those conversations?

1 A She didn't tell it to me expecting me to go
2 any further with it than just telling me.

3 Q At any point when you had the conversations
4 with [REDACTED], did you create any documents
5 describing what she told you?

6 A No.

7 Q What about the conversations with [REDACTED]?
8 Did you ever document any of those conversations?

9 A No.

10 Q Was it your understanding in the
11 conversations with [REDACTED] that she was
12 talking about girls that were under the age of 18?

13 A Yes.

14 Q And with your conversations with [REDACTED],
15 was it also your understanding that the girls that she
16 was talking about were under the age of 18?

17 A Yes.

18 Q Did you ever talk to Father Maloney about
19 any of the concerns that were raised by either [REDACTED]
20 [REDACTED] or [REDACTED]?

21 A No.

22 Q Did you ever talk to any of your fellow
23 priests about the concerns that were raised by either
24 [REDACTED] or [REDACTED]?

1 A I recall a conversation that I had with
2 Monsignor Jim Campbell, and I don't remember what year
3 it was. He was visiting me about a situation with my
4 assistant pastor. So it probably was in the
5 neighborhood of 1991 to 1993. And I believe I just
6 mentioned it in a casual situation, telling Monsignor
7 Campbell about that, not expressing any more than it
8 just seemed weird.

9 At that time, in 1993, I guess that was the
10 terminology we used, weird or strange, that Tom
11 Maloney would spend that much time at a gym watching
12 girls basketball game -- practice.

13 Q And what did Monsignor Campbell -- did he
14 make any comments to you, or what was his reaction to
15 you telling him that?

16 A The best I can remember, he just listened
17 and dismissed it.

18 Q Monsignor Campbell, he was the Vicar General
19 for the Diocese?

20 A That's correct. Can I retract that?

21 Q Sure.

22 A I'm not absolutely sure he was the Vicar
23 General at that time. I believe he was -- he was
24 acting at that part as kind of a -- I'd have to go

1 back and look, Mike. I don't remember. I think he
2 was acting as kind of an advocate for newly ordained
3 priests in their first assignments. Maybe he was
4 Vicar General at the time also. I don't remember
5 that, specifically.

6 Q Did you have any other conversations with
7 Monsignor Campbell about Monsignor Maloney's or Father
8 Maloney's interactions with children besides the one
9 that you said happened in approximately 1991 to '93?

10 A No.

11 Q Other than the conversation that you had
12 with Monsignor Campbell, did you discuss the concerns
13 raised by [REDACTED] or [REDACTED] with any of
14 your other fellow priests in the diocese?

15 A No.

16 Q Other than the conversations that you had
17 with [REDACTED] about her concerns about Father
18 Maloney's interactions with children and the
19 conversations that you had with [REDACTED] about
20 her concerns, did you have any other conversations
21 with anyone else where concerns were raised about
22 Father Maloney's interactions with children?

23 A No.

24 THE WITNESS: Can I take just a minute?

1 MR. FEEHAN: Sure. Absolutely.

2 MR. FINNEGAN: Let's take a short break
3 here.

4 THE VIDEOGRAPHER: This is the end of tape
5 number one of the deposition of Gerald Ward. We are
6 now going off the record. The time is approximately
7 11:19 a.m.

8 (Recess in proceedings.)

9 THE VIDEOGRAPHER: This is the beginning of
10 recording number two of the video deposition of Father
11 Gerald Ward. The date is December 9, 2010. The time
12 is approximately 11:33 a.m. The videographer is
13 Garrett Sommer.

14 BY MR. FINNEGAN:

15 Q Monsignor, did [REDACTED] did she ever tell
16 you that she raised those concerns that she told you
17 about regarding Father Maloney -- did she tell you
18 that she told anyone else about those?

19 A I'm not aware of any.

20 Q What about [REDACTED]? Did she tell
21 you that she had similar conversations with anyone
22 else where she told another person about the concerns
23 that she had relating to Father Maloney?

24 A I'm not aware of any.

1 Q Other than those two women, [REDACTED] and
2 [REDACTED], your testimony is that you did not
3 have a conversation with anyone else about any
4 inappropriate conduct between Father Maloney and
5 children?

6 A That's correct.

7 Q Did you have any conversations with any of
8 your fellow priests here in the diocese about Father
9 Maloney's actions with kids after the allegations of
10 his sexual misconduct came out?

11 A No.

12 MR. FEEHAN: Just so we're clear, when you
13 say "after the allegations of sexual misconduct came
14 out," you mean the recent stories in the Bloomington
15 Pantagraph?

16 MR. FINNEGAN: Yeah, the recent stuff.

17 A No, I have not had any conversations.

18 Q After the allegations became public in the
19 newspapers -- and we're talking, in general, the last
20 three to four years -- regarding Father Maloney, did
21 anyone from the Diocese interview you after that?

22 A No.

23 Q Any of the type of conduct that either
24 [REDACTED] or [REDACTED] raised to you regarding

1 Father Maloney and girls, did you witness any of that?

2 A No.

3 Q For the deposition today, Monsignor, did you
4 review any documents at all?

5 A Yes.

6 Q What documents did you review?

7 A It was a memo of Monsignor Campbell to the
8 file for Thomas Maloney dated December 6, 1995, an
9 incident report.

10 Q I have it premarked. I'll just ask you if
11 it's the same one that you looked at.

12 A With the exhibit number?

13 MR. FEEHAN: Exhibit No. 29.

14 MR. FINNEGAN: I'll give you a clean copy.

15 Do you need another copy?

16 MR. FEEHAN: No, I've got one. Thanks.

17 Q What I've just put in front of you,
18 Monsignor, has been premarked Exhibit 29 in the bottom
19 right-hand corner. Do you see that?

20 A That's correct.

21 Q Is this the same document that you reviewed
22 before the deposition?

23 A Yes.

24 Q Other than Exhibit 29, did you review any

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1 other documents in preparation for this deposition?

2 A No.

3 Q What was your reaction to reading through
4 Exhibit 29?

5 MR. FEEHAN: What do you mean by his
6 "reaction"?

7 Q When you read it, did you have a reaction,
8 or did you not?

9 MR. FEEHAN: Are you asking him, does he
10 remember --

11 MR. FINNEGAN: I'm asking what his reaction
12 was when he read this.

13 Q When you read it in preparation for the
14 deposition, did you have a reaction?

15 MR. FEEHAN: Just so we're clear, any
16 discussions that he had with me -- if part of his
17 quote/unquote reaction was a question of me or a
18 statement to me, that's privileged and confidential.

19 MR. FINNEGAN: I agree.

20 MR. FEEHAN: So are you talking about a
21 verbal reaction as opposed to -- I guess it's kind of
22 an abstract term, "reaction," but if you can possibly
23 answer that without divulging anything you said to me
24 upon reading that, go ahead. I was the only other

1 person in the room.

2 A My reaction would be: I was surprised. I
3 had a surprise reaction.

4 Q Why were you surprised, Monsignor?

5 A I was surprised that Monsignor Campbell
6 recorded this incident that I reported in this manner.
7 I guess I was surprised at that.

8 Q Do you have a memory of having this
9 conversation that's described here in Exhibit 29 with
10 Monsignor Campbell?

11 A The answer would be: Vaguely.

12 Q What do you remember about -- outside of
13 looking at this document, what do you remember about
14 the conversation that you had with the -- this says a
15 woman who is living in Springfield, Illinois -- that
16 had to do with Father Maloney?

17 A I vaguely remember someone calling me about
18 this incident.

19 Q Do you remember who it was that called you?

20 A No, I do not.

21 Q What do you remember about the -- was the
22 person that called you a woman? Do you remember?

23 A I vaguely remember that, yes.

24 Q What do you remember the woman telling you

1 in that conversation?

2 A My memory would just be served from what I
3 read here, that she told me about her sister being
4 abused my Monsignor Maloney.

5 Q Do you remember, did you have one
6 conversation or more than one conversation with this
7 woman?

8 A I don't remember anything more than one
9 conversation.

10 Q Do you remember calling Monsignor Campbell
11 after the woman reported to you that her sister had
12 been abused by Father Maloney?

13 A I don't remember calling, but I would state
14 that that would be my normal -- that would be how I
15 would have handled the situation.

16 Q Do you remember anything else about the
17 woman that called you other than what's reflected in
18 Exhibit 29?

19 A No, I do not.

20 Q It's correct to say that your general
21 practice has been, during the time that you've been a
22 priest of the diocese, if you got information about
23 another fellow priest who is accused of sexual
24 misconduct, that you would report that to somebody

1 higher up in the chancery?

2 A That's correct.

3 Q Do you remember taking any actions
4 responsive to the call from this woman other than
5 calling Monsignor Campbell?

6 A No. I don't recall any other action I took.

7 Q Do you remember, did you take any type of
8 notes of the conversation that you had with the woman
9 when she called you?

10 A No, I did not.

11 Q You see, at the sixth paragraph down,
12 Monsignor, it starts with "I asked Father Ward." Do
13 you see that paragraph there?

14 A I do.

15 Q It says, "I asked Father Ward to contact the
16 woman in Springfield in order that she might talk with
17 her sister in New York."

18 Do you remember contacting the woman in
19 Springfield after this conversation with Monsignor
20 Campbell?

21 A I don't recall following up on this
22 situation like that. No, I do not remember that at
23 all.

24 Q Do you remember -- in the conversation that

1 you had with the woman, do you remember her indicating
2 that the New York woman wanted Father Maloney
3 confronted and stopped if he is now engaged in sexual
4 activity with children?

5 A Could you repeat the question again?

6 Q Sure. Do you remember, in the conversation
7 that you had with the woman who is living in
8 Springfield, her conveying to you that the New York
9 woman, her sister, wanted Father Maloney confronted
10 and stopped if he was then engaging in sexual activity
11 with children?

12 MR. FEEHAN: As set forth in paragraph 5
13 here?

14 MR. FINNEGAN: Yeah.

15 A I would only say that my memory is only
16 yesterday, and it doesn't go back any further than
17 this. This sparked a vague memory of the situation,
18 and I can't remember specifics.

19 MR. FEEHAN: Do you have any independent
20 memory of this phone conversation with this woman
21 other than information that is contained in the
22 December 6, 1995, incident report?

23 THE WITNESS: No, I do not.

24 MR. FEEHAN: Would it be fair to say that

1 any memory you have of this incident would be
2 reflected in this report?

3 THE WITNESS: Exactly. Yes would be the
4 answer to that question.

5 BY MR. FINNEGAN:

6 Q Do you have any -- did you ever report the
7 information that you were given from this woman to law
8 enforcement?

9 A No, I did not.

10 Q After reading this yesterday, did this bring
11 up any memories of other conversations that you had
12 with other people other than the two people that you
13 told us about earlier as it relates to Maloney's abuse
14 of children?

15 A I had no recollection of any of the
16 conversations.

17 MR. FINNEGAN: I'd like to, if we can -- I'd
18 like to show him the name of the woman that called. I
19 don't particularly want to put it in the record. Is
20 that acceptable to you?

21 MR. FEEHAN: Sure. Well, and just so --

22 MR. FINNEGAN: We can put it on an exhibit
23 if you want and just keep it between us.

24 MR. FEEHAN: That's fine. We can do it

1 either way you want.

2 But I'm not entirely -- I don't know that
3 it's ever been established that the person referred to
4 in the 12/06/95 memo is the same person referred to in
5 some notes and letters that we've exchanged in
6 discovery.

7 MR. FINNEGAN: All right.

8 MR. FEEHAN: I will grant you it seems to be
9 about the same time frame, and it's both a woman; but
10 I don't know that it's been established.

11 And if you want to just say the name, at
12 this point -- the moment this deposition concludes,
13 I'm going to assert that this deposition and the
14 videotape and the audio is covered by the protective
15 order as confidential matter.

16 So even -- it's up to you. If you want to
17 say the name, that's fine. I think when we were in
18 New Jersey, Jeff Anderson would --

19 MR. FINNEGAN: I'll just write it on here.

20 MR. FEEHAN: He would show the name, not say
21 the name. It's up to you how you want to do it from a
22 procedural standpoint.

23 MR. FINNEGAN: Monsignor, what I'm going to
24 do is hand you an exhibit here that's marked

1 Exhibit A down at the bottom. I'm going to ask you
2 about the two names on there, but I don't want to say
3 their names out loud for privacy reasons to them. And
4 then I'll ask you if that brings up any more memories
5 or if you recognize those names.

6 Q Looking at Exhibit A, Monsignor, do you
7 recognize the woman's name that's listed on the Jane
8 Doe list next to Number 1?

9 A The last name is a very familiar name in the
10 parish, the [REDACTED] name, [REDACTED]

11 MR. FEEHAN: It's okay.

12 A So I recognize that name, but I don't
13 recognize the specific person with the name.

14 Q Do you remember whether or not [REDACTED]
15 [REDACTED] -- whether she had ever contacted you with any
16 concerns about Father Maloney?

17 A I'll say it this way. After I saw this
18 yesterday, in my memory, that was the name that kept
19 coming to my mind. But I can't remember -- I don't
20 know [REDACTED] But I kept thinking it was a
21 [REDACTED] because the [REDACTED] name is a very -- oh, I'm
22 saying it out loud. I'm not supposed to say it.

23 MR. FINNEGAN: You already said it. Keep
24 going. We're fine.

1 MR. FEEHAN: We can always redact it.

2 A The name is a familiar name, and I know that
3 name in the community. So that was the name that I
4 was associating with this, but I couldn't go much
5 further than that.

6 Q So when you read Exhibit 29 yesterday, the
7 name that came to mind for you --

8 A After a period of time.

9 Q -- after a period of time was [REDACTED]?

10 A Right.

11 Q What about the second name on there. I'd
12 ask you not to use her name out loud, if you can. Do
13 you recognize that name at all?

14 A I do not.

15 Q I'm going to show you --

16 THE WITNESS: I apologize for saying that
17 name out loud.

18 MR. FEEHAN: This day and age with the high
19 tech we have, we can --

20 MR. FINNEGAN: We can handle that.

21 Q Monsignor, I've now put before you what's
22 been marked Exhibit 48 in the bottom right-hand
23 corner. Looking over this document, is any of this
24 that you can see here your handwriting?

1 A No. This is not my handwriting.

2 Q Do you recognize any of the handwriting on
3 Exhibit 48?

4 A No, I do not.

5 Q It appears to me that there might be two
6 different types of handwritings. If you look at the
7 stuff around the outside, do you recognize -- look at
8 the top, the very top of it, the little notes up
9 there. Do you recognize whose handwriting that is?

10 A No, I do not.

11 Q And then the part that looks different to me
12 is the part that's in the middle, some of the notes.
13 Do you recognize whose handwriting that is?

14 A No, I do not.

15 Q Did you discuss the information that's in
16 Exhibit 29 with [REDACTED] ?

17 MR. FEEHAN: You're asking him if yesterday,
18 after he saw Exhibit 29, did he talk to -- okay.
19 You're asking if he talked to [REDACTED] about
20 the document itself, as opposed to the person in
21 the --

22 A In a vague way, I stated that it seems --
23 because I was confused why this was coming back to me.
24 I said I must have reported on a call that I got about

1 an abuse. So I told her, and I said -- so I told her
2 about that yesterday.

3 Q Do you have any memory -- after reading
4 Exhibit 29, do you have any memory of when the
5 conversation with the woman who had called you, when
6 that took place relative to the call to Monsignor
7 Campbell?

8 A No. I do not remember that.

9 Q Before this time in 1995, had you ever dealt
10 with any allegations of sexual improprieties by a
11 fellow priest of this diocese with children?

12 A No.

13 Q What about since then, since '95; have you
14 dealt with any other allegations of sexual
15 improprieties against priests here in the diocese?

16 A No, I have not.

17 Q Did you ever hear anything from any source
18 about Bishop Myers and Father Maloney having a sexual
19 relationship?

20 A No, I did not.

21 Q What's the process, if there is any, that
22 you go through before you become a Monsignor? What's
23 that entail? Is it a nomination process? Do you
24 know?

1 A I received a call from the Bishop's office
2 to come over and meet with him and was assured that
3 there was nothing wrong, that he wanted to talk to me
4 about something. And he told me that Pope Benedict
5 the 16th had named me a monsignor.

6 Q Before that time when -- it was Bishop Jenky
7 that told you about that?

8 A Right.

9 Q Is that correct?

10 A Yes.

11 Q Before that time, did you have to go through
12 any type of interview process, anything like that that
13 you're aware of?

14 A No.

15 MR. FINNEGAN: Why don't we go off just a
16 short minute and let me look through some of this
17 stuff. We're getting pretty close. We'll definitely
18 be done before 12:30.

19 MR. FEEHAN: Very good.

20 THE VIDEOGRAPHER: We are now going off the
21 record. The time is approximately 12:03 p.m.

22 (Recess in proceedings.)

23 THE VIDEOGRAPHER: We are now going back on
24 the record. The time is approximately 12:08 p.m.

1 MR. FEEHAN: Monsignor Ward, I just have a
2 few questions in follow-up for you.

3 EXAMINATION

4 BY MR. FEEHAN:

5 Q You've testified at some length about
6 various information you received over the years from
7 [REDACTED] [REDACTED] an unidentified person who
8 called you.

9 At any time, did anybody ever provide you
10 with any information of any misconduct of any kind
11 that was displayed by Thomas Maloney relating to young
12 boys?

13 A No.

14 Q At any time, did you receive any information
15 from any source regarding inappropriate conduct or
16 misconduct by Monsignor Maloney relating to males of
17 any kind?

18 A No.

19 Q You have testified about various information
20 that you've received from [REDACTED], [REDACTED]
21 the unidentified caller regarding inappropriate
22 contact between Thomas Maloney and young girls,
23 correct, girls under the age of 18?

24 A Yes.

1 Q At any time, did any of those people or
2 sources of information provide you with allegations or
3 information indicating that Maloney had any type of
4 sexual involvement or sexual contact with any of those
5 girls?

6 A None of the reports from [REDACTED] or
7 [REDACTED] ever indicated any sexual misconduct
8 with those girls.

9 Q Now, at any time, did either [REDACTED]
10 or [REDACTED] ask you to report the information that
11 they told you to any authorities of any kind?

12 A No.

13 Q Did they ever ask you to report that
14 information to the Diocese?

15 A No.

16 Q Did they ever ask you to use that
17 information to get Monsignor Maloney in some type of
18 trouble or disciplinary issues?

19 A No.

20 Q Was it your understanding based on your
21 friendship with [REDACTED] and [REDACTED] that they intended
22 for your conversations to kind of stay between
23 friends?

24 MR. FINNEGAN: Objection, speculation. Go

1 ahead.

2 Q Based on your relationship with [REDACTED] and
3 [REDACTED] at the time that you discussed Monsignor
4 Maloney's behavior, attending basketball games and
5 going out for ice cream and taking the girls out for
6 lunch, that type of thing, at the time you had those
7 conversations with [REDACTED] and [REDACTED] was it your
8 belief that their expectation was for you to keep
9 those confidential?

10 A Yes, that would be my understanding.

11 Q If -- and again, just so I'm clear, during
12 all the conversations you had over the years with
13 [REDACTED] and [REDACTED] they never told you any information
14 or hearsay or rumor that Father Maloney was having any
15 type of sexual interaction or sexual contact with any
16 young girls, correct?

17 A That is correct.

18 Q Now, it's our understanding that in December
19 -- in or about December 1995, you received a phone
20 call from a woman from Springfield, correct?

21 A Yes.

22 Q And you do not recall that woman's name as
23 you sit here today; is that correct?

24 A That's correct.

1 Q Based on the Exhibit 29, the memo of
2 December 6, 1995, from Monsignor Campbell, it's
3 indicated that the woman from Springfield who called
4 you called on behalf of her sister who lived in New
5 York, correct?

6 A That's what the memo states, and that's what
7 I have a vague remembrance of.

8 Q Do you have any recollection whatsoever of
9 any kind of ever talking to the woman who lived in New
10 York, the person who allegedly was abused?

11 A I do not recall that at all.

12 Q So at the time that you're talking on the
13 phone with this woman in or about December 1995,
14 you're talking to a person who represents to you that
15 her sister was abused, correct?

16 A That's what the memo states, and that's what
17 I vaguely remember.

18 Q This person from Springfield, this woman
19 that called you that you have a vague recollection of,
20 did she say anything to you about Monsignor Maloney
21 ever abusing any young males?

22 A No.

23 Q Or males of any age?

24 A No.

1 Q Just so I'm clear, subsequent to this
2 conversation with the sister from Springfield, did you
3 ever have a conversation with the woman from New York,
4 the person who actually allegedly was abused?

5 A No.

6 Q Based on this Exhibit No. 29, it would
7 indicate that, upon receiving even this secondhand
8 information from the sister from Springfield about an
9 alleged abuse incident, you contacted the Diocese, the
10 Vicar General at the time, Monsignor Campbell,
11 correct?

12 A That's correct.

13 Q As I understand your testimony here today,
14 this incident in December 1995 would have been the one
15 and only time in your entire career that you received
16 any report of Thomas Maloney having any sexual contact
17 or sexual interaction with a male or female, correct?

18 A That's correct.

19 MR. FEEHAN: That's all the questions I
20 have. Thank you.

21 FURTHER EXAMINATION

22 BY MR. FINNEGAN:

23 Q Did you ever hear about Monsignor Maloney
24 having a sexual relationship with any adults?

1 A No. No.

2 Q Did you ever hear about Monsignor Maloney
3 having any graphic conversations with boys in the
4 confessional where he detailed sexual matters
5 involving another priest?

6 A No.

7 Q Did you ever hear any concerns from anyone
8 at any point about Monsignor Maloney's interactions
9 with children in the confessional?

10 A No.

11 MR. FINNEGAN: That's all I have.

12 MR. FEEHAN: Okay. As I said before, we're
13 asserting that the audio, the video, and the
14 transcript, the written transcript of this deposition,
15 is confidential information, confidential material
16 under the terms of the protective order by the Court.

17 MR. FINNEGAN: We're not -- I recognize that
18 you're making that assertion, and we're going to abide
19 by the judge's ruling. But I obviously don't agree
20 with that. I have a disagreement with that.

21 MR. FEEHAN: There's provisions of the
22 protective order that, if you disagree, what steps you
23 have to take.

24 MR. FINNEGAN: I just wanted to make sure

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1 there wasn't some agreement that I was thinking this
2 was confidential. I know what the protective order
3 says.

4 MR. FEEHAN: Thank you.

5 THE VIDEOGRAPHER: This concludes the
6 videotaped deposition of Gerald Ward. The time is
7 approximately 12:18.

8

9 (DEPOSITION CONCLUDED AT 12:18 P.M.;
10 BY AGREEMENT, SIGNATURE WAIVED.)

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CERTIFICATE OF REPORTER

I, BRENDA L. ZEITLER, a Certified
Shorthand Reporter and Registered Professional
Reporter within and for the State of Illinois, do
hereby certify that the witness, MONSIGNOR GERALD
WARD, whose testimony appears in the foregoing
deposition was duly sworn by me; that the testimony of
said witness was taken on December 9, 2010, by me to
the best of my ability and thereafter reduced to
typewriting under my direction; that I am neither
counsel for, related to, nor employed by any of the
parties to the action in which this deposition was
taken, and further that I am not a relative or
employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise
interested in the outcome of the action.

Brenda L. Zeitler, CSR-RPR
Illinois License No. 084-004062

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DIocese of Peoria

To: File of Rev. Thomas Maloney

From: Msgr. James F. Campbell JFC

Date: December 6, 1995

Subject: Incident Report

The following information concerning this case came this date from Father Ward:

Father Ward was contacted by a woman, now living in Springfield, Illinois, formerly of Bloomington.

The Springfield woman said she was calling on behalf of her sister, who lives in New York and was formerly of Bloomington.

The New York woman alleges that Father Maloney abused her when he was stationed at Epiphany in Normal.

The New York woman now wants Father Maloney confronted and stopped if he is now engaged in sexual activity with children.

I asked Father Ward to contact the woman in Springfield in order that she might talk with her sister in New York. My request to the New York sister is that she call or write, giving her name, so that Father Maloney may be confronted.

I asked Father Ward to indicate that there would be no way to confront Father Maloney without clear indication of an allegation against him and to indicate, at the same time, that we do not doubt her sincerity. However, Father Maloney has the right to defend himself against any person making allegations touching on his reputation.

The alleged incident involving Father Maloney took place when the alleged victim was 10 years of age. She is now 32 years old.

At this writing I am awaiting a call from Father Ward or from the woman in Springfield.

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Original exhibit A retained by counsel.