

SEALED UNTIL FURTHER ORDER OF THE COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

JANE C.R. DOE, an individual,	)	Case No. 05CC00148
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
THE ROMAN CATHOLIC BISHOP OF	)	
ORANGE, a corporation sole;	)	
MATER DEI HIGH SCHOOL, a business	)	
entity of form unknown; et al.,	)	
	)	
Defendants.	)	
	)	
Full Caption on Page 3.	)	
	)	

VIDEOTAPED DEPOSITION OF BISHOP TOD D. BROWN

Santa Ana, California

Monday, September 10, 2007

(Pages 1 through 173)

Reported by:  
Janet M. Taylor, RMR, CSR No. 9463  
Certified Realtime Reporter

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 2

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF ORANGE - CENTRAL JUSTICE CENTER  
3

4 JANE C.R. DOE, an individual, ) Case No. 05CC00148  
5 )  
6 Plaintiff, )  
7 vs. )  
8 THE ROMAN CATHOLIC BISHOP OF )  
9 ORANGE, a corporation sole; )  
10 MATER DEI HIGH SCHOOL, a business )  
11 entity of form unknown; et al., )  
12 Defendants. )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
Full Caption on Page 3.

15 Videotaped deposition of BISHOP TOD D. BROWN,  
16 taken on behalf of plaintiff, at Judicate West, 1851  
17 East 1st Street, Suite 1450, Santa Ana, California,  
18 beginning at 10:42 a.m. and ending at 3:13 p.m., on  
19 Monday, September 10, 2007, before Janet M. Taylor,  
20 Certified Shorthand Reporter No. 9463.

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 3

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF ORANGE - CENTRAL JUSTICE CENTER  
3

4 JANE C.R. DOE, an individual, ) Case No. 05CC00148  
5 )  
6 Plaintiff, )  
7 )  
8 vs. )  
9 )  
10 THE ROMAN CATHOLIC BISHOP OF )  
11 ORANGE, a corporation sole; )  
12 MATER DEI HIGH SCHOOL, a business )  
13 entity of form unknown; JEFFREY )  
14 ANDRADE, an individual; and DOES )  
15 1 through 100, inclusive, )  
16 )  
17 Defendants. )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

1 APPEARANCES OF COUNSEL:

2

3 For the Plaintiff:

4

MANLY, MCGUIRE & STEWART

BY: JOHN C. MANLY, ESQ.

5

VINCE WILLIAM FINALDI, ESQ.

M. RYAN DIMARIA, ESQ.

6

PATRICK J. WALL, SENIOR CONSULTANT

4220 Von Karman Avenue

7

Suite 200

Newport Beach, California 92660

8

(949) 252-9990

(949) 252-9991 Fax

9

10

For the Defendants The Roman Catholic Bishop of Orange,  
11 a corporation sole, and Mater Dei High School, a  
12 business entity of form unknown:

13

CALLAHAN McCUNE & WILLIS

14

BY: PETER M. CALLAHAN, ESQ.

111 Fashion Lane

15

Tustin, California 92780

(714) 730-5700

16

(714) 730-1642 Fax

17

The Referee:

18

HON. C. ROBERT JAMESON (Ret.)

Judicate West

19

1851 East 1st Street

Suite 1450

20

Santa Ana, California 92705

(714) 834-1340

21

22

Also Present:

23

Julio Pena, Legal Videographer

24

Hahn & Bowersock Corporation

25

1 I N D E X

2

3 WITNESS

EXAMINATION

4 BISHOP TOD D. BROWN

5

PAGE

6

By Mr. Manly

7

7

8

9

10

E X H I B I T S

11

12

EXHIBITS

DESCRIPTION

PAGE  
INTRODUCED

PAGE  
MARKED

13

14

Exhibit 1 Documents re allegations  
against Bishop Brown

90

171

15

16

17

18

19

20

21

22

23

24

25

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 6

1 Santa Ana, California; Monday, September 10, 2007

2 10:42 a.m. - 3:13 p.m.

3

4 P R O C E E D I N G S

5

6 THE VIDEOGRAPHER: The date is September 10th,  
7 2007. The time is 10:42. We're taking volume 1 of the  
8 deposition of Bishop Tod Brown in the matter of Jane  
9 C.R. Doe versus the Roman Catholic Bishop of Orange for  
10 the Superior Court for the State of California, case  
11 number 05CC00148.

10:42:54

12 My name is Julio Pena. I represent Hahn &  
13 Bowersock, which is located in Costa Mesa, California.  
14 This deposition is being taken at Judicate West, located  
15 in Santa Ana, California.

10:43:09

16 At this time, could all parties please  
17 introduce themselves, starting with the witness.

18 MR. CALLAHAN: Give us your name.

19 THE WITNESS: Tod Brown.

10:43:18

20 MR. CALLAHAN: My name is Peter Callahan. I  
21 represent the witness in this case.

22 JUDGE JAMESON: I am Judge C. Robert Jameson,  
23 Retired, sitting as a court-appointed referee monitoring  
24 these depositions.

10:43:30

25 MR. FINALDI: Vince Finaldi for Manly, McGuire &

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 7

10:43:30 1 Stewart for the plaintiff.

2 MR. MANLY: John Manly for the plaintiff. Also  
3 appearing, Patrick J. Wall as a consultant.

4 THE VIDEOGRAPHER: Would the court reporter  
10:43:38 5 please swear in the witness.  
6

7 BISHOP TOD D. BROWN,  
8 called as a witness, having been first duly administered  
9 an affirmation to tell the truth by the Certified  
10:43:39 10 Shorthand Reporter, was examined and testified as  
11 follows:  
12

13 - EXAMINATION -  
14

10:43:50 15 BY MR. MANLY:

16 Q Good morning, Bishop.

17 A Good morning, Mr. Manly.

18 Q Before you -- we came on the record, you  
19 asked me not to address you as Your Excellency and said  
10:43:59 20 you would prefer to be addressed at Bishop. Is that  
21 okay with you?

22 A That's correct. Thank you.

23 Q Okay. Bishop, have you ever been deposed  
24 before?

10:44:06 25 A I was deposed many years ago for an accident

10:44:08 1 case.

2 Q Okay. When did that occur?

3 A In the middle 1960s, I think.

4 Q Okay. Where?

10:44:17 5 A It was in Bakersfield, California.

6 Q Okay.

7 MR. CALLAHAN: Bishop, try to talk slowly --

8 THE WITNESS: Oh, okay.

9 MR. CALLAHAN: -- and wait until he finishes

10:44:24 10 because of the -- although it's being taped on video,  
11 you can see this other young lady is taking it down word  
12 for word. And she needs to --

13 THE WITNESS: Thank you.

14 MR. CALLAHAN: -- have a pause between. Thank

10:44:34 15 you.

16 BY MR. MANLY:

17 Q Okay. Were you living in Bakersfield at the  
18 time?

19 A I was living in Bakersfield at the time, yes.

10:44:38 20 Q Okay. Now, it's probably -- the '60s is a  
21 long time ago, so you may not remember what they said  
22 and not even know what they did in the '60s in  
23 depositions, so I'll go through the rules again.

24 Have you had an opportunity to speak with

10:44:54 25 your counsel about today?



10:44:55 1 A I was able to speak to my counsel  
2 yesterday --

3 Q Okay. And --

4 A -- and today.

10:45:01 5 Q I'm sorry. I didn't mean to interrupt you.  
6 You spoke to him yesterday and today?

7 A That's correct.

8 Q Okay. My guess is he probably explained to  
9 you what a deposition is about, but I want to go through  
10:45:09 10 a few of the ground rules so we're clear. All right?

11 A That will be fine. Thank you.

12 Q All right. First of all, the -- anything you  
13 say while the court reporter is on the record will be  
14 taken down whether the video takes it down or not. Do  
10:45:22 15 you understand that?

16 A I do understand that. Thank you.

17 Q Okay. And so it's very important that you  
18 give your best and most accurate testimony here today.  
19 Okay?

10:45:31 20 A Yes. I understand.

21 Q All right. And further, in the event that  
22 you remember something or forget something later, you're  
23 going to be given an opportunity after the deposition --  
24 well, let me rephrase that.

10:45:48 25 After the deposition is over, the court

10:45:49        1        reporter is going to transcribe her notes into the form  
                 2        of a booklet. And at that time, you're going to be  
                 3        given an opportunity to make changes to your deposition  
                 4        before you sign it. I want to caution you from the

10:46:03        5        outset of your deposition that if you make changes that  
                 6        are substantive in nature, that myself or the other  
                 7        lawyers in the case will be entitled to comment upon  
                 8        that at time of trial. Do you understand?

                 9                A        I do understand.

10:46:15        10              Q        Okay. And do you also understand that you're  
                 11              under oath here today?

                 12             A        I do understand I'm under oath today.

                 13             Q        And by virtue of that, you understand you're  
                 14             bound to tell the truth?

10:46:27        15             A        I'm bound to tell the truth, yes.

                 16             Q        Okay. Have you ever heard of something  
                 17             called mental reservation?

                 18             A        Yes, I have heard of mental reservation.

                 19             Q        Okay. What do you understand that to be,

10:46:35        20             Bishop?

                 21             A        My understanding of mental reservation is  
                 22             that if someone's asked a question, the response might  
                 23             be evasive.

                 24             Q        Okay. My understanding of it is, and it was

10:46:49        25             explained to me by a Jesuit, so maybe it's automatically

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 11

10:46:52        1        suspect, is that -- is that there are times when for the  
                 2        greater moral good as perceived by that person it's okay  
                 3        to be untruthful. And the example that I was told about  
                 4        was --

10:47:08        5                        (Whereupon, Mr. DiMaria entered the  
                 6        proceedings.)

7        BY MR. MANLY:

                 8                        Q        -- when a -- in 1945 or '44, if an SS officer  
                 9        came up and asked somebody who was Jewish in Poland "Are  
10:47:18       10       you Jewish" and they said "No" because they knew if they  
                 11       were -- they said "Yes," they'd be killed, that was not  
                 12       an immoral act, and that was a just use of mental  
                 13       reservation.

                 14                        Is that a good summary of something that  
10:47:32       15       would apply?

16                        A        Yes, that could be an example of mental  
17        reservation.

18                        Q        Okay. Will you commit not to employ that  
19        doctrine today?

10:47:40       20                        A        I commit not to use any mental reservation in  
21        my testimony.

22                        Q        Okay. Okay. Now, tell me what -- outside of  
23        what you learned from your lawyer, tell me what you know  
24        about the allegations in the [REDACTED] case?

10:48:05       25                        A        I know nothing other than what my lawyers

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 12

10:48:06 1 have told me.

2 Q So you've done no independent investigation  
3 or made any inquiry of any employee who works for you  
4 about what they know about it?

10:48:15 5 A I have made no personal investigation of this  
6 particular case.

7 Q So just so the record's clear, you -- do you  
8 understand just from reading a paper that this young  
9 girl is alleging that she was sexually abused while at  
10:48:32 10 Mater Dei?

11 A Yes. I understand that from a paper and also  
12 from what my -- the diocesan attorneys have told me.

13 Q Well, I -- Bishop, I don't want to know what  
14 your lawyers have told you. It's not ethical for me to  
10:48:43 15 ask, and I don't want -- I don't want you to divulge it  
16 accidentally. Okay?

17 A Thank you.

18 Q So what I want to know is have you -- have  
19 you heard whether or not the alleged perpetrator has  
10:48:54 20 admitted or denied the allegation?

21 MR. CALLAHAN: Other than from his lawyers.

22 MR. MANLY: Right.

23 THE WITNESS: No.

24 BY MR. MANLY:

10:49:00 25 Q So as you sit here today as the head of the

10:49:03 1 Diocese of Orange, you don't have any information other  
2 than what your lawyers have told you as to whether or  
3 not Mr. Andrade has admitted sexually abusing [REDACTED]

4 A I know no other information about the case  
10:49:14 5 other than what my -- the diocesan attorneys have told  
6 me.

7 Q Okay. Do you read the papers?

8 A Sometimes I read the papers.

9 Q Is it -- have you ever come to the conclusion  
10:49:29 10 that in the past, at least during the 1990s, there was a  
11 problem in the Diocese of Orange with sexual abuse?

12 A I came to the Diocese of Orange in September  
13 of 1998, and I was not aware of problems that preceded  
14 me.

10:49:46 15 Q Okay.

16 MR. CALLAHAN: I would draw that limited  
17 question, Your Honor, but I don't think that's one of  
18 the four areas that were allowed under your order, but I  
19 assume its preliminary to what it is.

10:49:57 20 JUDGE JAMESON: Well, it's on the border, and  
21 we'll assume that it's -- it will take us in the other  
22 direction.

23 MR. CALLAHAN: Thank you. I just didn't want to  
24 waive anything.

10:50:03 25 JUDGE JAMESON: No. I understand.

10:50:03 1 BY MR. MANLY:

2 Q Have you ever gained information that leads  
3 you to believe that from 1988 -- let me strike that.

4 Have you gathered or obtained any information  
10:50:11 5 from any source other than your lawyers that from 1988  
6 to 2002, the beginning of 2002, there was a significant  
7 problem with persons who were sexual abusers working in  
8 the Diocese of Orange?

9 A I had no information of difficulties  
10:50:36 10 regarding sexual abuse at Mater Dei other than what I've  
11 learned from my attorneys.

12 Q Okay. Well, respectfully, that's not my  
13 question. It's broader than that. So let me ask it  
14 again.

10:50:46 15 Did you -- have you, Bishop Tod Brown, at any  
16 time come to any conclusions or learned from any source  
17 that there were significant problems with child  
18 molesters working in the Diocese of Orange from 1988 to  
19 2002?

10:51:00 20 MR. CALLAHAN: Other than your lawyers. I  
21 hate --

22 MR. MANLY: Right.

23 MR. CALLAHAN: He doesn't want to repeat that  
24 each time, but --

10:51:04 25 MR. MANLY: Right.

10:51:04 1 MR. CALLAHAN: -- but we have to have it  
2 understood that anything you learned from your lawyers  
3 you're not supposed to talk about. Other than your  
4 lawyers.

10:51:11 5 THE WITNESS: No. I'm not aware of a -- of a  
6 problem of that order at Mater Dei or anywhere else.

7 BY MR. MANLY:

8 Q I'm not asking about Mater Dei.

9 A Oh, I'm sorry.

10:51:22 10 Q I'm asking -- my question includes Mater Dei,  
11 but it's broader about the Diocese of Orange. Would you  
12 like the court reporter to read it back, Bishop?

13 A I would appreciate that, please.

14 Q Sure.

10:51:32 15 And I should have said, Bishop, at any point  
16 if you need a break, you stop me, and we will stop.

17 A Thank you.

18 Q Okay. Just if I have a question pending,  
19 just answer it, and I want you to be as comfortable as  
10:51:41 20 you possibly can today.

21 A Thank you.

22 Q Okay. And also -- sorry -- if I -- if you  
23 don't understand one of my questions, stop me, and I'll  
24 be happy to rephrase it. Okay?

10:51:50 25 A Thank you.

10:51:50 1 Q Okay.

2 THE REPORTER: "Question: Have you, Bishop Tod  
3 Brown, at any time come to any conclusions or learned  
4 from any source that there were significant problems  
10:51:51 5 with child molesters working in the Diocese of Orange  
6 from 1988 to 2002?"

7 THE WITNESS: No, I did not.

8 BY MR. MANLY:

9 Q So at no time has that come to your attention  
10:52:27 10 outside of your lawyers; is that correct?

11 A Not of the -- I have learned about the  
12 difficulties in the -- in the diocese almost exclusively  
13 by means of various suits that have been filed against  
14 the diocese by the alleged victims.

10:52:47 15 Q How many suits have been filed against the  
16 diocese?

17 A I am aware at the moment of the 90 suits that  
18 we settled in December of this year -- last year.

19 Q Okay. When did you first become aware of a  
10:52:58 20 lawsuit filed against the Diocese of Orange alleging  
21 sexual abuse?

22 A I first learned of a lawsuit when I first  
23 came to the Diocese of Orange in 1998.

24 Q And what suit was that?

10:53:10 25 A I believe that was the Ryan DiMaria/Harris



10:53:15 1 suit.

2 Q And you know Mr. DiMaria, sitting in the room  
3 today?

4 A No, I do not.

10:53:22 5 Q Now, this is not the first diocese you have  
6 been a bishop of; is that correct?

7 A The Diocese of Orange is the second diocese  
8 I've been the bishop of.

9 Q Okay. Were you an auxiliary before you  
10:53:35 10 became a bishop of a diocese?

11 A No, I was not an auxiliary bishop.

12 Q All right. So sometimes a -- in the Roman  
13 Catholic world, is a bishop also known as an Ordinary,  
14 with a capital O?

10:53:50 15 A In the Roman Catholic world, there are  
16 several Ordinaries. The bishop charge is referred to as  
17 the diocesan bishop.

18 Q Okay.

19 A There may be other Ordinaries in the diocese  
10:54:01 20 besides him.

21 Q Okay. The other Ordinaries would be for  
22 provincials or other heads of religious orders, correct?

23 A No. For the diocese, it would be like the  
24 vicar general or auxiliary bishops.

10:54:12 25 Q I see. Who was the auxiliary bishop or

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 18

10:54:16 1 auxiliary bishops when you arrived in the Diocese of  
2 Orange?

3 A When I came to the Diocese of Orange, the  
4 auxiliary bishop was Bishop Michael J. Driscoll.

10:54:26 5 Q Okay. And who was -- was Bishop Soto  
6 ordained by that time?

7 A No. Bishop Soto was ordained later.

8 Q Ordained as a bishop, not as a priest, right?

9 A As a bishop, correct.

10:54:37 10 Q All right. And who was the vicar general  
11 when you arrived here?

12 A When I first came to the Diocese of Orange --  
13 right now I don't recall who the vicar general is. The  
14 vicar general, I think, was Bishop Driscoll.

10:54:56 15 Q Okay. At some point, did that change,  
16 Bishop?

17 A Yes, that changed. Bishop Driscoll was  
18 transferred to Boise, Idaho, and they -- I then named  
19 Monsignor John Urell as vicar general of the diocese.

10:55:09 20 Q Okay. So what happened is you came from the  
21 Diocese of Boise where you had been the bishop. You  
22 succeed Bishop McFarland. And then sometime later,  
23 Bishop Driscoll went to Boise?

24 A That's correct.

10:55:21 25 Q Okay. How much time elapsed between the time

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 19

10:55:24        1        you arrived in the diocese and the time Bishop Driscoll  
                 2        went to Boise?

                 3                A     I came to Orange in early September of 1998,  
                 4        and I believe Bishop Driscoll went to Boise March of the  
10:55:37        5        following year.

                 6                Q     So you came in September of '98?

                 7                A     That's correct. I came in September of '98.

                 8                Q     And he left in March?

                 9                A     Of '99 he left.

10:55:52        10              Q     Okay. Okay. So you had six or seven months  
                 11        where you worked together?

                 12              A     That is correct. We worked together during  
                 13        that time period.

                 14              Q     And who was the chancellor of the Diocese of  
10:56:03        15        Orange when you arrived here?

                 16              A     When I arrived in the Diocese of Orange, the  
                 17        chancellor was Monsignor John Urell.

                 18              Q     And both of those men had been previously  
                 19        named by Bishop McFarland?

10:56:16        20              A     Both of those men were previously appointed  
                 21        by Bishop McFarland.

                 22              Q     And -- and where is Monsignor Urell today?

                 23              A     Monsignor Urell is the pastor of St. Nich- --  
                 24        St. Norbert's church in Orange.

10:56:30        25              Q     Was there an e-mail sent out over the weekend

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 20

10:56:32 1 regarding Monsignor Urell's status by the diocese?

2 A I think there was an e-mail sent out. I did  
3 not see it.

4 Q What did it say? Do you know?

10:56:40 5 MR. CALLAHAN: I think we're getting beyond the  
6 scope of the questions. If this is preliminary, fine.  
7 But it doesn't seem to fall within one of the four  
8 categories about which the witness is going to speak.

9 JUDGE JAMESON: Well, I've -- given more recent  
10:56:55 10 discussions about Monsignor Urell's situation, I'll  
11 allow it.

12 MR. CALLAHAN: Okay.

13 THE WITNESS: I believe the e-mail which was sent  
14 to the priests notified them that Monsignor Urell was on  
10:57:09 15 a medical leave of absence.

16 BY MR. MANLY:

17 Q Did it say he was being evaluated?

18 A I don't recall. I didn't see the e-mail.

19 Q Where is Monsignor Urell today?

10:57:17 20 A I think you would have to talk to his  
21 physician for the answer to that question.

22 Q Okay. Is he at St. Luke's?

23 MR. CALLAHAN: You can answer if you know.

24 THE WITNESS: I -- yes, he is not at St. Luke's.

10:57:33 25 BY MR. MANLY:

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 21

10:57:33 1 Q Is he at a Roman Catholic facility?

2 MR. CALLAHAN: I think, Your Honor, we're beyond  
3 the scope of what this witness was called to --

4 JUDGE JAMESON: Well, we're making it more  
10:57:46 5 complicated than it needs to be.

6 Do you know where Monsignor Urell is -- is --  
7 not where he is every second, but where he slept last  
8 night, where you think he'll sleep tonight, where  
9 he's --

10:58:01 10 THE WITNESS: Yes, I do, Your Honor.

11 JUDGE JAMESON: Would you tell us, please.

12 THE WITNESS: He's at a facility called  
13 Southdown, which is outside Toronto.

14 BY MR. MANLY:

10:58:08 15 Q Now, is Southdown a pedophile treatment  
16 facility?

17 A Southdown is a treatment facility for clergy  
18 and religious who have emotional and psychological  
19 difficulties.

10:58:18 20 Q And it treats pedophile, does it not?

21 A It treats many conditions.

22 Q And it has treated pedophiles over the years,  
23 has it not?

24 A It -- the treatment there has been varied,  
10:58:28 25 depending upon a particular situation. Among others, I

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 22

10:58:30 1 believe they have -- it's possible, I don't know that  
2 they have, but it's possible they have dealt with  
3 pedophile priests. I think they -- I'm sure they have.

4 MR. CALLAHAN: I'm going to object to this, Your  
10:58:42 5 Honor. Because what we're going to see now is a  
6 newspaper article headline before the day is over,  
7 "Urell Being Treated for Pedophilia." And I think that  
8 is just so wrong and so improper.

9 JUDGE JAMESON: Well, that would be, but I'm  
10:58:55 10 hoping that that won't occur, and I'm also hoping that  
11 we'll move on back to --

12 MR. MANLY: Well, Judge --

13 JUDGE JAMESON: -- the bishop's knowledge of this  
14 case.

10:59:09 15 MR. MANLY: Can I -- can I make a record on this  
16 Urell thing? Because I want to do it -- thank you, Your  
17 Honor.

18 For the first time yesterday after -- after  
19 two years of litigation, eight depositions of my client,  
10:59:18 20 and numerous production requests, I had Bishop McFarland  
21 whip out a policy on sexual abuse that no one previously  
22 said existed with Mr. Callahan's fax number on it.

23 There have been various misrepre- --  
24 representations made to us about Bishop -- about  
10:59:35 25 Monsignor Urell, I believe none of which were true. And

10:59:40 1 he's being evaluated at a treatment facility for a  
2 condition unknown run by the bishops of -- of Canada.  
3 That's what Southdown is run by. And I can tell you  
4 from doing these cases for ten years, Southdown does  
10:59:55 5 evaluate pedophiles.

6 Now, I hope Monsignor Urell isn't being  
7 evaluated for that. But if he is, I'm entitled to know  
8 it, and that gives me the absolute right, in my opinion,  
9 under the law to inquire as to what he is being  
11:00:08 10 evaluated for. And if it's alcoholism or -- or stress  
11 or something else, fine. And I don't think anybody  
12 should draw any conclusion as to why he is there, and  
13 I'll say that on the record.

14 But I have to tell you it is very suspicious  
11:00:20 15 given the history of that place. There are four or five  
16 treatment facilities that people all over this country  
17 have been sent to. One is St. Luke's, one is the  
18 Servants of the Paraclete, both in New Mexico and in  
19 St. Louis. There is the -- there's Fall River and  
11:00:36 20 there's Southdown and there's several others.

21 What's that?

22 MR. FINALDI: Vianney.

23 MR. MANLY: Saint John Vianney in Philadelphia.

24 And -- and on the eve of trial, Mr. Urell has  
11:00:46 25 been sent to a facility outside the United States. And

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 24

11:00:49       1       if he had psychological problems, there are some of the  
                 2       best psychiatrists in the country within driving  
                 3       distance of here.

                 4               So why he is sent to a facility -- a  
11:01:00       5       lock-down facility run by the bishops of Canada is  
                 6       beyond me.

                 7               MR. CALLAHAN: Well, I will address that to say  
                 8       this. I'm not his doctor. I'm not his lawyer. But  
                 9       his -- the decisions on his health were made by his  
11:01:15       10       doctor and himself. And my understanding of Southdown  
                 11       is it's a very reputable institution that treats a lot  
                 12       of different problems, medical and psychological.

                 13               And -- and this isn't about discovery. This  
                 14       is about sound bites. This is about newspaper  
11:01:32       15       publicity. And I think it's -- it's not only wrong, it  
                 16       borders on immoral to use this vehicle to find out  
                 17       confidential information of what ordinarily would be  
                 18       revealed -- this might be funny to you, Mr. Finaldi.  
                 19       It's not funny to me.

11:01:47       20               MR. MANLY: You know what? If you want to talk  
                 21       about morality, I'll be happy to engage you.

                 22               JUDGE JAMESON: Hey, we're not going to do that  
                 23       here.

                 24               MR. FINALDI: For the record, I didn't make a  
11:01:55       25       sound.



11:01:56 1 JUDGE JAMESON: Well, look, folks. Monsignor  
2 Urell's medical condition is put in play. We even had  
3 his attorney on the phone the other day. It was left  
4 open that it's Monsignor's burden to establish his  
11:02:17 5 inability to attend deposition and ultimately attend  
6 trial. Conceivably, if it's important, there could even  
7 be an independent review of that.

8 So what Bishop Brown knows generally about  
9 where he is, if he has some unique information about the  
11:02:45 10 medical condition or why, fine. If he doesn't, we know  
11 where he is. We know that's a pending issue. But what  
12 contributions the bishop can make to that may be  
13 minimal. So let's -- let's go forward.  
14 BY MR. MANLY:

11:02:59 15 Q Okay. Bishop, is he being evaluated for  
16 childhood sexual abuse?

17 A I do not know that.

18 Q Do you know one way or the other?

19 A I presume he -- I don't know for sure.

11:03:14 20 Anyone who goes to a facility like Southdown is  
21 evaluated to see exactly what their condition is.

22 MR. MANLY: Let's take a break.

23 THE VIDEOGRAPHER: The time is 11:03, and we're  
24 going off the record.

11:03:27 25 (Recess taken from 11:03 a.m. until

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 26

11:03:33 1 11:10 a.m.)

2 THE VIDEOGRAPHER: The time is 11:10, and we're  
3 back on the record.

4 MR. CALLAHAN: Your Honor, I just made a phone  
11:10:30 5 call to my office to ask what the procedure was to have  
6 this portion of this transcript sealed and any  
7 references to John Urell not told to the press pending a  
8 decision by either yourself or Judge Andler.

9 What we have come across here now is  
11:10:48 10 information that ordinarily would be privileged  
11 information in a personnel file about somebody's medical  
12 condition. And the last time --

13 MR. MANLY: Where they are?

14 MR. CALLAHAN: The last time --

11:10:58 15 MR. MANLY: Where they are is privileged; is that  
16 correct?

17 MR. CALLAHAN: The last time --

18 JUDGE JAMESON: Just let him finish, Mr. Manly.

19 MR. CALLAHAN: The last time this came up in the  
11:11:04 20 framework of this particular case, confidential  
21 information was mentioned from a personnel file of  
22 Andrade. We were challenged why don't we tell people  
23 who are accused, et cetera. And then Andrade sued us,  
24 and it cost us a hundred thousand dollars.

11:11:18 25 JUDGE JAMESON: I don't use apples and oranges,

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 27

11:11:20 1 Mr. Callahan.

2 MR. CALLAHAN: Okay. This is the same kind of --  
3 same kind of a deal, Your Honor. We've got confidential  
4 information from a personnel file. That it is

11:11:27 5 confidential information, the inferences that can be  
6 spun or drawn on this would be very harmful medically  
7 for somebody who was under emotional stress, if that's,  
8 indeed, what the problem is. I don't know what the  
9 problem is. I don't have any information on that.

11:11:41 10 But I do know this, that this is not going to  
11 be something, in my opinion, that should immediately be  
12 leaked to the newspapers before we leave today.

13 Now, there was a break. I don't know who  
14 called, but I think -- right now I believe no one except  
11:11:52 15 the people in this room have been --

16 MR. MANLY: No. I called Ms. Soltan and told her  
17 she should tell her expert who's being deposed at the  
18 present time. I mean am I not allowed to call my  
19 co-counsel, either?

11:12:04 20 MR. CALLAHAN: Then, Your Honor, I am very, very  
21 suspicious that somehow --

22 MR. MANLY: Did you call your office?

23 MR. CALLAHAN: I called my office and asked about  
24 sealing records.

11:12:14 25 MR. MANLY: I'll bet you did.

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 28

11:12:15        1                MR. CALLAHAN: Yeah. And I can virtually  
                 2                guarantee Your Honor that the person I spoke to is not  
                 3                going to call the newspapers and leak this information.

                 4                MR. MANLY: Judge, nobody's calling the  
11:12:23        5                newspapers.

                 6                JUDGE JAMESON: John, the other day when I got a  
                 7                call and they got a call while we were sitting here, you  
                 8                said nobody's called the papers, and the papers quoted  
                 9                Venus.

11:12:32        10              MR. MANLY: Well, maybe Venus called -- maybe the  
                 11              "Register" called and said "What happened at the  
                 12              deposition?"

                 13              There's no gag order. He's entitled to  
                 14              discuss it.

11:12:40        15              JUDGE JAMESON: I would like -- no. I'm -- I'm  
                 16              not --

                 17              MR. FINALDI: The press was at the hearing  
                 18              prior -- three days prior.

                 19              MR. MANLY: But -- yeah. The press knew the  
11:12:44        20              deposition was taking place. I mean in the Arch- -- in  
                 21              the case of the deposition of Cardinal Mahoney, the  
                 22              Archdiocese released it. I mean -- so, you know, Judge,  
                 23              let me -- let me --

                 24              MR. CALLAHAN: That's apples and oranges.

11:12:54        25              MR. MANLY: Well, I --

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 29

11:12:55           1           JUDGE JAMESON: Just a minute.

2           MR. MANLY: Let me -- let me just say that here's

3           what we have here. You have John Urell, who has been

4           the person who's -- who's the right-hand man of the

11:13:07          5           bishop, who's been the person who's handled these cases

6           for 20 years, including mr. DiMaria's case. And you

7           have an undisclosed illness, and they've gone out and

8           hired one of the largest law firms in the state to keep

9           it unknown.

11:13:23         10           They've never disclosed it. They act like

11           it's some kind of stress or something like that. And

12           then I ask where he is, and he's at a pedophile

13           treatment facility. And then I ask "Is he being treated

14           for childhood sexual abuse?" I asked the chief

11:13:36         15           executive of the organization, and I get "I don't know."

16           Now, you know, it seems to me that I'm

17           entitled to put this in records, to put this in -- into

18           evidence, and to deal with it. And the other thing is I

19           believe that I -- there has been unethical conduct here,

11:13:52         20           and I'm not going to say by who. But for a bishop to

21           pull out a document in the middle of a deposition on the

22           eve of trial that absolutely sinks the defendant's case,

23           in my opinion, that everyone either didn't know about or

24           lied about, and I think it's the latter -- what's that?

11:14:09         25           And with the counsel's fax number on it, and I've never

HAHN & BOWERSOCK (800) 660-3187 FAX: (714) 662-1398  
151 KALMUS DRIVE, SUITE L1, COSTA MESA CA 92626

698321e0-2b27-4577-8d67-fdce15741b40

SEALED UNTIL FURTHER ORDER OF THE COURT

Page 30

11:14:14 1 seen it.

2 This does not look good. And you know what,  
3 Judge? I'm upset. I'm upset because I think the  
4 process has been perverted. And -- you know, and now we  
11:14:23 5 have the key witness, the person who knows the most  
6 about this topic apparently in a pedophile treatment  
7 facility, so -- outside the United States, outside the  
8 jurisdiction of the federal courts, outside the  
9 jurisdiction of the state courts.

11:14:38 10 And with a -- with a clear -- and I don't  
11 think the Court can disagree with this -- with a clear  
12 record of the defendants trying to conceal it.

13 Now, you know, I'm not going to call the  
14 press. Am I going to -- if the press calls me and asks  
11:14:52 15 me, should I lie to them? What should I say? Maybe we  
16 should agree -- can we agree to release this together?

17 MR. CALLAHAN: Here's what I'll agree to, Your  
18 Honor. I'll agree that we should immediately call  
19 Ms. Soltan and tell her this matter is now being  
11:15:07 20 considered by the Court and ask her as an officer of the  
21 court not to tell anyone about it. If she's already  
22 told her expert, fine. Then call the expert and tell  
23 him "This is a matter that's currently being reviewed by  
24 the Court. You can talk about it in your deposition,"  
11:15:21 25 but let's not play games about --