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11:15:22 1 MR. MANLY: Then why don't we find out why --

 2 MR. CALLAHAN: Let me finish, please, John.

 3 Let's not -- let's not play games about the expert leaks

 4 it to the secretary, et cetera, et cetera.

11:15:29 5 MR. MANLY: What, the di- --

 6 MR. CALLAHAN: Let me finish, John.

 7 MR. MANLY: I apologize.

 8 MR. CALLAHAN: Let's at least try just this once

 9 to act in a professional capacity and -- and respect the

11:15:39 10 judicial process and not try to try this case in the

 11 newspaper.

 12 Now, on this -- wait a minute. I'm not done

 13 yet. I'll -- I'll tell you when I'm finished.

 14 When -- the spin now is he's at a pedophile

11:15:50 15 treatment facility. Well, if he were at UCLA, that

 16 would -- or USC, that would be described as a pedophile

 17 treatment facility because they treat pedophiles.

 18 He's at a facility that treats a lot of

 19 different people for a lot of different things. And

11:16:04 20 it's -- it's one which the church has an affiliation

 21 there, so they have confidence in it, the same as they

 22 do St. Luke's or same as they do any other facility.

 23 The inference is -- is being made here that

 24 this is some sort of a -- he's being treated for

11:16:22 25 pedophilia or he's at a pedophile treatment facility,

11:16:25 1 which is just improper.

2 And this business about some policy statement
3 coming out, Mr. Manly asked -- the bishop went to his --
4 his briefcase and pulled something out. I am confident
11:16:35 5 that if that document had been asked for in discovery,
6 it was furnished in discovery. It certainly was --
7 was -- has been discussed in a number of other cases. I
8 imagine there's probably 50 copies of it in different
9 files in Mr. Manly's office.

11:16:48 10 But that's beside the point. I don't want to
11 argue about that. What I want to talk about right now
12 is the pending matter that is -- is a potentially very
13 damaging matter for John Urell's health if he does,
14 indeed, have a mental health problem.

11:17:03 15 You saw him testify. He was very
16 overwrought. If this is something that should come out,
17 fine. Let's have it come out. Not leaked, not in the
18 middle of a deposition, but through a proper proceeding.

19 Now, I've asked my office how fast can we get
11:17:18 20 in front of Judge Andler or yourself, and I would ask
21 you to enter a temporary restraining order subject to
22 our ability to get in front of Judge Andler to rule on
23 it. Will it have any teeth? No. No. Because people
24 can do things that they know are wrong and play games.

11:17:37 25 MR. MANLY: You know what? Judge, that's just

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11:17:39 1 wrong.

2 MR. CALLAHAN: I agree it is.

3 MR. MANLY: He gets to sit here and insult me and
4 insult -- you know, if we want -- how come he can do

11:17:45 5 that and I can't?

6 JUDGE JAMESON: You do very well at it, John.

7 MR. MANLY: Thank you, Judge.

8 MR. CALLAHAN: I think you got the issues
9 before --

11:17:53 10 MR. MANLY: Let me tell you what the diocese
11 wants, Your Honor. The diocese wants a secret trial.
12 And what's very disturbing, again, is nobody here,
13 despite the fact I asked the bishop directly, will tell
14 us why Monsignor Urell is at Southdown.

11:18:05 15 So Mr. Callahan can attack my integrity,
16 attack the fact that, you know what, the press now knows
17 what the diocese was up to, and they don't want people
18 to know this.

19 Let me -- let me just tell you Monsignor
11:18:16 20 Urell was not only a public figure in the diocese.
21 Monsignor Urell was an official of the County of Orange.
22 He was on the human relations committee in charge of
23 funding children's programs. He is a public figure.

24 And if Monsignor Urell is a -- let me just
11:18:33 25 get this straight. I think I just heard the counsel for

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11:18:36 1 the Diocese of Orange compare my alma mater, USC, and
 2 UCLA to well-known pedophile treatment facilities. And
 3 if -- if they're so good, why didn't Monsignor Urell go
 4 there?

11:18:47 5 Any reasonable person who looks at this,
 6 including the Court, will conclude that this is suspect,
 7 and no one can tell us why. And what they want is they
 8 want to use the court to have a secret trial. They want
 9 to buy time to make up an excuse. Okay?

11:19:04 10 Now, I haven't called the press. When I
 11 talked to Ms. Soltan, I specifically told her not to
 12 call the press. Nobody's calling the press. Okay? But
 13 the diocese should not be able to conduct themselves in
 14 secret because that's what got us in trouble in the
11:19:18 15 first place.

 16 And, you know, I'm waiting to hear why he's
 17 there. I've asked. I've asked Mr. Callahan.
 18 Mr. Callahan refuses to tell us why he's there. The
 19 bishop apparently doesn't know why he's there. So --
11:19:31 20 and, you know, they've hired Palmieri, Tyler, and
 21 Palmieri, Tyler specifically told Ms. Soltan, "Oh, he's
 22 sick. He's" -- you know.

 23 Well, you know what, Judge? I want to be
 24 able to find out if -- if he's been accused and you
11:19:44 25 enter a protective order the press can't disclose this,

11:19:47 1 his accuser will never know and never be able to come
2 forward. Other people won't be able to come forward.

3 If you look at these cases and the reason
4 most people came forward and said "This person did this
11:19:56 5 to me" and the reason these men and these women who did
6 this were taken out of ministry and taken out of
7 teaching and taken out of circulation and not able to
8 hurt other kids is because the press disclosed it.

9 And what the diocese wants to do is what
11:20:09 10 they've been doing for a hundred years -- a hundred
11 years or more -- which is hide it, conceal it, and don't
12 let anybody find out. And, Judge, that is not the
13 purpose of the judiciary.

14 Children's safety -- when you balance the
11:20:21 15 privacy interest, children's safety should prevail. And
16 that's what Judge Litman found, and that's what we
17 should do here.

18 MR. DiMARIA: And if I may say one thing, I don't
19 want to take up too much of the record here, but I think
11:20:35 20 John touched on this. This is a children -- a public
21 safety issue. And by law, the diocese is required to
22 report this to a whole slew of authorities, law
23 enforcement, Child Protective Services, and potentially
24 the district attorney's office.

11:20:50 25 And, you know, I think that's a huge -- huge

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11:20:54 1 issue, given that this man was -- meaning Monsignor
 2 Urell -- was the individual who was basically intake
 3 person and who has been pushed off by the officials at
 4 the diocese as being the intake person, including Bishop

11:21:07 5 McFarland, and I think Bishop Tod Brown, as being the
 6 one that gathered all of that information.

 7 I think it is a huge public safety issue,
 8 and, you know, I don't know how you -- how we could
 9 realistically -- not that we're going to go to the
11:21:23 10 press, but how we realistically, with this
 11 information -- I think all of us, including the bishop
 12 and Mr. Callahan -- can refuse to do anything and even
 13 act in a manner that -- that furthers this public safety
 14 issue.

11:21:36 15 MR. CALLAHAN: Mr. DiMaria, you're saying you're
 16 not going to go to the press with this accusation?

 17 MR. DiMARIA: I said that's not necessarily what
 18 we're going to do. But if someone -- it's a public
 19 safety issue.

11:21:47 20 MR. CALLAHAN: What is?

 21 MR. DiMARIA: I think it needs --

 22 MR. CALLAHAN: What's a public safety issue?

 23 MR. DiMARIA: The fact that we have the head of
 24 an organization now not knowing where or what -- what
11:21:57 25 his priest is being treated for when, in fact, we do

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11:22:02 1 know that at least one of the major functions of St.

2 Luke's and Southdown is to treat pedophile priests.

3 MR. CALLAHAN: Okay. Can I respond, Your Honor?

4 JUDGE JAMESON: Sure.

11:22:12 5 MR. CALLAHAN: Now we've got the spin down. It's

6 a public safety issue that the bishop is hiding an
7 accusation against Urell, all untrue, because --

8 MR. DiMARIA: That's --

9 MR. CALLAHAN: Wait a minute. Wait a minute.

11:22:25 10 Let me finish.

11 MR. DiMARIA: Please do not put words in my
12 mouth. I don't want to cut you off, but that's unfair.

13 MR. CALLAHAN: I -- let me finish, and then you
14 can talk. We'll take turns.

11:22:33 15 I agree that it's terribly unfair to -- to do
16 this to Urell and to try this case in the newspapers.

17 There's been absolutely no indication of any accusations
18 by Urell -- against Urell. There's been absolutely no
19 indication that he's being treated for anything other

11:22:52 20 than a, quote, medical problem, which the Court saw, I
21 think, when he was here for his deposition. The man was
22 distraught.

23 And the -- who should -- who should -- who
24 should tell now some sort of a public announcement?

11:23:05 25 I've told -- been told several times here that nobody --

11:23:08 1 these lawyers, nobody in this room -- I include
2 myself -- is going to -- is going to run to the press.
3 Well, we'll see. We'll just have to wait and see what
4 the newspapers say.

11:23:16 5 But -- but what we do know is this. Where is
6 he? Why is he there? Those are matters that -- that
7 you might need to find out, Judge, to make some rulings
8 on some depositions. But that information's going to
9 come from Urell, Urell's lawyer, and Urell's doctor, not
11:23:34 10 inferences to be drawn or insinuations made. That's
11 inappropriate. It's hot stuff for the papers, but it's
12 inappropriate.

13 MR. MANLY: Judge, I'm not saying that John Urell
14 is a pedophile. I hope he's not. From the bottom of my
11:23:48 15 heart, I hope he's not. Because if he is, the
16 devastation to the people he's now apologized to and
17 dealt with who've been abused will be legion.

18 What really disturbs me, again, is we
19 don't -- these men will not tell us what they know.
11:24:08 20 These two men sitting here will not tell us what they
21 know about what's wrong with Monsignor Urell. And --
22 you know, and now they're asking you to keep it a
23 secret.

24 And, Judge, you weren't involved in Clergy I,
11:24:23 25 but a lot of the information we were able to get and

11:24:25 1 able to use are from the press. I'm not going to call
2 the press. And obviously, if the Court orders us not to
3 talk to the press, we won't.

4 Mr. Callahan and the bishop have access to a
11:24:34 5 huge press machine. But one of the things that sticks
6 in my mind that I think is appropriate for the court to
7 consider is that thing on the bishop's lapel, Your
8 Honor. The covenant with the faith. What the diocese
9 said and the bishop specifically promised in 2004 when

11:24:48 10 he nailed those to the Holy Family door, that they will
11 be open and transparent. And I got to tell you what's
12 happening today is neither open nor transparent. It's
13 just more of the same. And --

14 THE WITNESS: May I speak, Your Honor?

11:25:03 15 JUDGE JAMESON: No, please don't.

16 MR. MANLY: And -- and -- and, you know, if they
17 know why he's there, fine. But the fact that we're
18 sitting here and no one, including the head of this
19 organization, who is his direct supervisor, he's one of
11:25:16 20 his priests, who Catholics believe is a successor to the
21 apostles of Jesus Christ, cannot sit here and tell me
22 why his priest is at a facility that is most well-known
23 for treating pedophiles. And that is, indeed, very
24 disturbing. I'm done.

11:25:34 25 MR. CALLAHAN: I'm ready to -- to respond.

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11:25:35 1 JUDGE JAMESON: Well, I -- I'm ready to resume
2 this deposition. And first thing is there will be a
3 temporary order that disclosures made up till now and
4 what may be in the next few minutes concerning Monsignor
11:25:54 5 Urell will be for litigation purposes only, and there
6 will be no public disbursement of that.

7 I say "temporary" because, one, there may be
8 reason to release that information later, and it may be
9 subject to review by -- by Judge Andler. But it
11:26:16 10 wouldn't -- if it were appropriate not to reveal that
11 information, the barn door -- barn door would
12 have been -- wouldn't open, and that would moot that
13 issue.

14 So for now and in the next couple days, we
11:26:31 15 will not release any information about Monsignor Urell's
16 location or medical condition.

17 As I recall, I even took some information
18 from his counsel out of the presence of everyone else
19 the other day.

11:26:49 20 MR. MANLY: You did, sir.

21 JUDGE JAMESON: But I also recall advising them
22 that -- that we needed a declaration and a written
23 correspondence from the doctor and -- and the like, and
24 I don't think that has changed. So I assume that where
11:27:12 25 he is and what he's being treated for will soon come to

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11:27:16 1 light anyway.

2 MR. CALLAHAN: Perhaps we should take -- thank
3 you, Your Honor. May I suggest we take a brief recess?
4 I'll call my office and speak to the person I said and

11:27:25 5 say -- tell him your order. I would ask that
6 plaintiff's counsel do the same.

7 MR. MANLY: Before we do that, Judge, I would
8 like to make a request.

9 JUDGE JAMESON: All right.

11:27:31 10 MR. MANLY: Given this development, it is
11 manifestly unfair to throw us headlong into trial in
12 eight days. I mean this is a huge development in the
13 case. And -- and --

14 JUDGE JAMESON: John, Urell is very important to
11:27:43 15 the case. His production at the trial is important, the
16 finishing of his deposition is important, and I would
17 guess it's a slam-dunk continuance for you.

18 MR. MANLY: Okay. Thank you, Your Honor.

19 JUDGE JAMESON: But that's -- but that's not my
11:27:55 20 decision.

21 MR. MANLY: Would that be your recom- --

22 JUDGE JAMESON: But you don't need -- but you
23 don't need to address me on that.

24 MR. MANLY: Okay. Would you -- would that be
11:27:59 25 your recommendation, Your Honor, if asked?

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11:28:01 1 JUDGE JAMESON: If asked.
2 MR. MANLY: Okay.
3 JUDGE JAMESON: But there's other issues in the
4 case, not just --
11:28:07 5 MR. MANLY: No. I understand, Your Honor.
6 JUDGE JAMESON: -- Urell, but --
7 MR. MANLY: That's fine, Judge. So let me -- let
8 me get this straight because I want to be clear. If I
9 intend to file a motion on this, do I have to do that
11:28:16 10 under seal?
11 JUDGE JAMESON: If -- yes. If -- and I would
12 assume that if you're going -- if you are applying for a
13 continuance and you want to have a declaration directed
14 at the unavailability of Monsignor Urell, if you're
11:28:38 15 going to include anything about South whatever and what
16 Southdown -- Southdown, is it?
17 MR. CALLAHAN: Yes. Southdown.
18 JUDGE JAMESON: Whatever -- and whatever
19 Southdown might be known for, it initially should be
11:28:54 20 under seal. If the judge wants to release it, then --
21 then that's fine. And in the meantime, we may learn
22 differently because we don't have all the details that
23 we would want to know under seal or not about.
24 MR. MANLY: Well, I mean the other thing I would
11:29:12 25 request is to be allowed to depose the person -- the

11:29:14 1 people at Southdown, if appropriate. I don't know that
2 we're there yet, but I mean I'm just telling you.

3 JUDGE JAMESON: Is Southdown in Toronto?

4 MR. MANLY: Toronto, I believe. Is that correct?

11:29:25 5 THE WITNESS: It's outside Toronto.

6 MR. MANLY: Yeah.

7 MR. CALLAHAN: I'm at a loss, Your Honor, to know
8 why Urell's medical condition is relevant other than for
9 you to consider his availability to continue the
11:29:36 10 deposition. Now -- now we're going to somehow indict
11 Southdown with depositions? I mean --

12 JUDGE JAMESON: Well, that's -- that's
13 another issue. I'm not going there.

14 MR. CALLAHAN: All right. Shall we each call our
11:29:47 15 offices and -- so at least we can say that we've called
16 and told them that --

17 MR. MANLY: Can I ask one more thing? I need to
18 be able to convey this matter to experts.

19 JUDGE JAMESON: It can be -- it can be used in a
11:29:58 20 litigation sense, but it needs to be used with a caveat
21 that -- like any other witness or related party, when
22 the information is given, they're told that they're to
23 use it for their own --

24 MR. MANLY: Purposes.

11:30:11 25 JUDGE JAMESON: -- purposes in pursuing their

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11:30:14 1 task within the litigation framework and not make it
2 public.

3 MR. CALLAHAN: So if we're called by some
4 newspaper for who knows what reason and asked that
11:30:23 5 specific question, we would say "I'm sorry. I'm not
6 allowed to" --

7 JUDGE JAMESON: Yeah. "No comment."

8 MR. CALLAHAN: Well, then why don't we all call
9 so that --

11:30:32 10 JUDGE JAMESON: I'm going to go Google Southdown,
11 anyway, just to see what --

12 MR. MANLY: All right. What's it called?

13 MR. WALL: Southdown Institute.

14 THE VIDEOGRAPHER: The time is 11:30, and we're
11:30:42 15 going off the record.

16 (Recess taken from 11:30 a.m. until
17 11:46 a.m.)

18 THE VIDEOGRAPHER: The time is 11:46, and we're
19 back on the record.

11:46:34 20 MR. CALLAHAN: Your Honor, I called Judge
21 Andler's court, or actually somebody in my office did,
22 and we're giving notice of an ex parte for Thursday,
23 September 13th, at 9:00 a.m.

24 Judge Andler is not in today or tomorrow.

11:46:45 25 However, her clerk said -- this is double hearsay --

11:46:49 1 "Isn't that something that Judge Jameson would rule on?"
2 And I said, "I'll pass that on."
3 But the ex parte is scheduled for
4 September 13th at 9 o'clock.
11:47:02 5 MR. MANLY: For what?
6 MR. CALLAHAN: On -- for an order to seal this
7 transcript and to -- the exact same thing I just talked
8 about. So --
9 MR. MANLY: You want to seal the entire
11:47:12 10 transcript?
11 MR. CALLAHAN: No. I want to seal what --
12 exactly -- I want to follow Judge And- -- Judge
13 Jameson's exact words, and I'll quote those for you.
14 MR. MANLY: You're just taking my time. Do you
11:47:21 15 want to seal the whole transcript or not?
16 MR. CALLAHAN: I want to seal what has transpired
17 up to this point regarding Urell and what --
18 MR. MANLY: I heard the judge's words. You don't
19 have to requote it for me.
11:47:32 20 MR. CALLAHAN: Well, that's what I want to do.
21 MR. MANLY: So you do not want to seal the whole
22 transcript; is that right?
23 MR. CALLAHAN: If you want to seal the whole
24 transcript, that's fine.
11:47:35 25 MR. MANLY: No. I'm asking what you're going to

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11:47:37 1 move for. Are you going to move to seal the whole
2 transcript or not?

3 MR. CALLAHAN: Not at this point in time. I'm
4 going to follow the -- the suggestions of Judge Jameson.

11:47:43 5 Now, whatever you're going to do next, I may make
6 another motion.

7 MR. MANLY: Anybody want to lay odds on what he's
8 going to do? Okay.

9 JUDGE JAMESON: No. Let's just go.

11:47:52 10 MR. MANLY: All right. Let's go back on the
11 record.

12 BY MR. MANLY:

13 Q Who -- are we on?

14 THE VIDEOGRAPHER: Yeah.

11:47:58 15 BY MR. MANLY:

16 Q Who made the decision to transfer Monsignor
17 Urell to Southdown?

18 A Monsignor's doctor and his attorney and the
19 vicar for priests for the Diocese of Orange recommended
11:48:12 20 that to me. Ultimately, I had to make the decision.

21 Q When did you make that decision, Bishop?

22 A I made that decision at the latter part of
23 last week.

24 Q When did he go there?

11:48:26 25 A He went there the same day that -- I believe

11:48:29 1 he left -- he left Thursday of last week.

2 Q Why was his attorney involved -- his attorney
3 involved in the decision?

4 A I do not know why his attorney was involved
11:48:41 5 in the decision.

6 Q Is the diocese paying his attorneys?

7 A I do not know the answer to that -- that
8 question.

9 MR. CALLAHAN: I would think it would be
11:48:50 10 irrelevant, your Honor.

11 BY MR. MANLY:

12 Q Who would -- who would know the answer to
13 that?

14 MR. CALLAHAN: I'm going to object on the grounds
11:48:55 15 of relevancy and not calculated to lead to the
16 discoverable evidence and also may well involve
17 attorney-client issues.

18 JUDGE JAMESON: The issue for Monsignor Urell is
19 his availability and whether or not his sufficiency of
11:49:14 20 his medical condition warrants his unavailability to us.
21 Whether he's got an attorney or not and the fact that
22 we've even talked to the attorney, I don't -- I don't
23 see where that goes.

24 MR. MANLY: Well, I'll tell you, Judge, because
11:49:26 25 the diocese previously hired Mr. McKnight an attorney to

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11:49:30 1 threaten to sue a newspaper, and we didn't know that,
2 either, and now that came out.

3 So, you know, and I think there is a -- it is
4 our contention, Your Honor, that there is an intentional
11:49:41 5 effort by the diocese to prevent Monsignor Urell from
6 giving further deposition testimony or at trial. And if
7 they're paying a lawyer to achieve that goal, I think
8 I'm entitled to it.

9 MR. CALLAHAN: Your Honor, I would --

11:49:52 10 JUDGE JAMESON: Let's assume he's getting -- so
11 what? So he's getting paid. The point is he shouldn't
12 have Mr. Callahan's firm. Otherwise, you'd be jumping
13 up and down about that. He's got somebody independent.
14 I don't even remember who they are now.

11:50:10 15 MR. MANLY: It's Palmieri, Tyler, Your Honor.

16 JUDGE JAMESON: And that's -- it's appropriate if
17 his attendance is being sought at court and he thinks he
18 has a reason or that he would be made unavailable, it's
19 appropriate for him to have counsel.

11:50:27 20 MR. MANLY: Well, that may be, Your Honor, but
21 the diocese has no obligation to pay for it. And if
22 they are paying for it, effectively, I should be able to
23 argue to the jury that not only did they want him not to
24 testify, they paid for a lawyer to prevent him to
11:50:40 25 testify.

11:50:42 1 JUDGE JAMESON: Well, that's -- if that becomes
2 relevant, you'll -- you'll learn that down the road.

3 MR. MANLY: Okay. Thank you, Your Honor.

4 BY MR. MANLY:

11:50:47 5 Q Now, Bishop, do you know -- I'm sorry. Who
6 is the vicar for priests for the diocese?

7 A The vicar of priests is Christopher Smith,
8 Father Christopher Smith.

9 Q And does he have a parish assignment?

11:51:02 10 A No. His full-time work is providing pastoral
11 care to the priests of the diocese.

12 Q Do you know why Southdown was selected?

13 A I don't know specifically why Southdown was
14 selected. I just know it's a very good facility.

11:51:16 15 Q And how do you know that?

16 A I have had dealings with Southdown over
17 some -- in the past -- past years.

18 Q Did anybody interview Monsignor Urell as to
19 whether or not he had abused a child prior to his
11:51:31 20 leaving?

21 A Not to my knowledge.

22 Q Do you know whether Southdown has an
23 obligation to report as a mandated reporter to the state
24 of California if they found that a priest was abusing?

11:51:50 25 A I do not know the answer to that question

11:51:53 1 regarding reporting from Southdown as a possibility.

2 Q Was there a meeting on this between you and
3 the vicar for priests and/or others?

4 A No. There was simply telephone

11:52:08 5 conversations.

6 Q Was there a conference call?

7 A No, there was not a conference call. Father
8 Smith coordinated the matter and reported to me.

9 Q When was this set in motion, you say?

11:52:21 10 A Last Thursday, I believe.

11 Q Okay. And was there an event that
12 precipitated this?

13 A Monsignor Urell was obviously not well. He
14 was very emotionally and psychologically distraught by
11:52:39 15 those who worked with him and knew him, and that's what
16 I think brought this about.

17 Q So how was this matter brought to your
18 attention?

19 A It was brought to my attention primarily
11:52:49 20 through Father Smith.

21 Q Did Monsignor Urell contact Father Smith?

22 A I do not know whether he did or whether
23 Father Smith contacted him.

24 Q Was the diocesan attorney in any way, shape,

11:53:06 25 or form involved in this or Mr. Callahan's firm?

11:53:10 1 A Not that -- not that I'm aware of.

2 Q So your sworn testimony is Ms. Schinderle had
3 no involvement in this; is that correct?

4 A To my -- as I sit here today, I'm not aware
11:53:19 5 of any involvement.

6 Q Bishop, did you know when you sent him to
7 Canada that my client was trying to depose him?

8 A Yes. I know that Monsignor Urell was going
9 to be -- had given a deposition and was going to be
11:53:33 10 called back for a further deposition.

11 Q Did you know that he was going to be asked to
12 testify at trial in this matter on the 18th of
13 September?

14 A No, I did not know that, that he was going to
11:53:46 15 be asked to testify at trial on the 18th.

16 Q Who suggested Southdown to you?

17 A Father Christopher Smith suggested Southdown
18 to me.

19 Q Did you ask him why?

11:54:03 20 A No, I did not ask him why other than the fact
21 that I knew it was a very good facility, and it was
22 apparent that Monsignor Urell needed some kind of
23 residential care.

24 Q Now, do you know Sister Donna Markham?

11:54:20 25 A Yes, I know Sister Donna Markham.

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11:54:23 1 Q And does Sister Donna Markham have any
2 affiliation with Southdown?

3 A She was the director of Southdown. She's no
4 longer there.

11:54:30 5 Q And have you ever read anything Sister Donna
6 Markham has written on the treatment of pedophile
7 offenders?

8 A No, I have not read anything that Sister
9 Donna Markham may have written.

11:54:40 10 Q When do you expect Monsignor Urell back from
11 Canada?

12 A I do not know when he'll come back. I
13 presume it will be after his evaluation is complete and
14 they know what his problem is, and then they will
11:54:50 15 suggest a treatment plan.

16 Q Okay. Do you expect him back in two weeks?

17 A I have no idea when he will get back.

18 Q Two months?

19 A I don't know the answer to that question.

11:55:00 20 Q A year?

21 A I'm sorry. I cannot answer that question.

22 Q What did Chris Smith tell you was wrong with
23 Monsignor Urell?

24 A Father Smith --

11:55:12 25 MR. CALLAHAN: Your Honor, again, I'm concerned

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11:55:14 1 here that we're -- we're getting into materials that
2 are -- are, I think, privileged and -- and shouldn't
3 come out of a personnel file and then shouldn't come out
4 of a -- the mouth of a supervisor for somebody who's not
11:55:29 5 here and his lawyer's not here.

6 Now, maybe I'm wrong on that. I'm not an
7 employment lawyer. But it doesn't sound right to me
8 that this kind of information should come out.

9 Now, if you say it should, then fine. But I
11:55:41 10 think this information should be coming from the
11 employee and the employee's doctor and --

12 MR. MANLY: Well, let's make him available.

13 MR. CALLAHAN: -- and the employee's lawyer.

14 MR. MANLY: Let's go to Canada tomorrow and take
11:55:51 15 his deposition. I'll go. Let's suspend the -- let's
16 move the depositions, and let's go to Canada tomorrow.

17 JUDGE JAMESON: Come on, guys. If that was an
18 objection, Mr. Callahan, it's overruled.

19 MR. CALLAHAN: Okay.

11:56:01 20 JUDGE JAMESON: Just answer the question, Bishop.

21 MR. MANLY: All right.

22 THE WITNESS: Would you please repeat the
23 question for me?

24 THE REPORTER: "Question: What did Chris Smith
11:56:06 25 tell you was wrong with Monsignor Urell?"

11:56:19 1 THE WITNESS: Father Smith told me Monsenior
2 Urell was very upset, was not really able to continue on
3 with his normal pastor duties, that he was not well, in
4 Father Smith's opinion, and that there was a
11:56:32 5 consultation after that with Father -- Monsignor Urell's
6 doctor and with his attorney.
7 BY MR. MANLY:
8 Q Who's his doctor?
9 A I'm not sure who his doctor is. He has -- I
11:56:42 10 think he has more than one doctor.
11 Q Was it a psychiatrist?
12 A I think one of his doctors is a psychiatrist.
13 Q Is -- was Dr. Fineman consulted?
14 A Not to my knowledge.
11:56:58 15 Q Now, you announced to the entire priesthood
16 in the Diocese of Orange, you sent an e-mail or somebody
17 sent an e-mail saying that he's gone to be evaluated,
18 correct?
19 A I didn't see the e-mail. To my knowledge,
11:57:11 20 the e-mail was that he was on medical leave.
21 Q Okay. Well, have you ever seen e-mails or
22 communications from the Diocese of Orange about priests
23 when they're going to be evaluated?
24 A No, I have not seen that -- pardon me. I'm
11:57:26 25 not quite sure what the question is.

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11:57:29 1 Q Okay. Let me -- it's a poor question. Let
2 me rephrase it.

3 Have you ever -- is there a process where
4 priests are customarily evaluated at places like
11:57:36 5 Southdown, to your knowledge?

6 MR. CALLAHAN: I'm going to object to the form of
7 "places like Southdown."

8 JUDGE JAMESON: Sustained.

9 BY MR. MANLY:

11:57:44 10 Q Well, are you -- what are -- what pedophile
11 treatment facilities run by the Roman Catholic church
12 are you aware of, Bishop Brown, in the United States or
13 Canada?

14 MR. CALLAHAN: I'm going to object to that
11:57:56 15 question unless it is only pedophile treatment because,
16 as I said before, UCLA --

17 JUDGE JAMESON: Just a minute. Let him finish
18 the question.

19 MR. CALLAHAN: Okay. I'm sorry. I thought --

11:58:03 20 MR. MANLY: Last time I looked, UCLA wasn't run
21 by the Roman Catholic church, but maybe I missed
22 something.

23 MR. CALLAHAN: Let's take -- let's take --

24 JUDGE JAMESON: Hey.

11:58:10 25 MR. CALLAHAN: Okay.

11:58:11 1 JUDGE JAMESON: Just wait for the question. If
2 you have an objection, make it, and we've got to move on
3 here.

4 MR. CALLAHAN: Okay. Shall we have the question
11:58:22 5 read back?

6 JUDGE JAMESON: He hasn't finished it yet. I'd
7 like to hear it in its entirety.

8 MR. CALLAHAN: Okay.

9 BY MR. MANLY:

11:58:27 10 Q What pedophile treatment Roman Catholic --
11 well, actually, what facilities are you aware run by
12 and/or affiliated with the Roman Catholic church that
13 treat pedophilia either of children and/or adolescents
14 in the United States and/or Canada, Bishop Brown?

11:58:44 15 A To my knowledge, there are no facilities
16 under church auspices that treat people afflicted with
17 pedophilia or phedophelia exclusively. There are
18 several treatment centers in this country and the one in
19 Canada that was mentioned earlier that treatment a
11:59:00 20 variety of illnesses.

21 Q Okay. I didn't ask exclusively, so let me
22 ask it again. What facilities run by and/or affiliated
23 with the Roman Catholic church are you aware of, Bishop
24 Brown, that treat pedophiles, people who molest either
11:59:18 25 children or adolescents, that are located in the United

11:59:21 1 States and/or Canada?

 2 A I think there are four or five.

 3 Q Would you name them for me, please?

 4 A There is Southdown and -- outside of Toronto,

11:59:32 5 Canada. There is Saint John Vianney, which I think is

 6 in Pennsylvania. There is a facility in St. Louis, a

 7 facility in Maryland. That's all I can recall at the

 8 moment.

 9 Q Okay. So there is Southdown, Saint John

11:59:51 10 Vianney. Is St. Lewis run by the Servants of the

 11 Paraclete?

 12 A I believe so.

 13 Q And is Maryland run by -- is the Maryland

 14 facility called St. Luke's?

12:00:00 15 A Maryland facility is called St. Luke's.

 16 Q Have you personally ever been to any of these

 17 facilities?

 18 A The only facility I've been to is the one in

 19 Toronto, outside Toronto.

12:00:10 20 Q Why were you there?

 21 A I was there because there was a priest from

 22 Idaho receiving treatment there.

 23 Q Which one?

 24 A Pardon me?

12:00:17 25 Q Which one?

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12:00:19 1 MR. CALLAHAN: Your Honor, I would object.

2 JUDGE JAMESON: Sustained.

3 BY MR. MANLY:

4 Q Was he being treated for sexual abuse?

12:00:25 5 A No, he's not being treated for sexual abuse.

6 Q Was he being treated for child pornography?

7 A He was not being treated for child

8 pornography.

9 Q Have you ever --

12:00:33 10 A Pardon me. No. Southdown, no. That's not
11 to my knowledge.

12 Q Did you have some other priest from Idaho
13 treated for child pornography?

14 A I'm not aware of any priest -- I am aware of
12:00:54 15 a priest who was from vistise, working in Idaho, who
16 was, I think, accused of child -- watching child
17 pornography.

18 Q Now, have you ever -- are you familiar with
19 other priests -- are you familiar with priests from any
12:01:16 20 diocese you have served in that have been sent to
21 Southdown to be treated for sexual misconduct with
22 minors of any type or sort, including child pornography?

23 A I'm not aware of any priests that I know in
24 Boise or Idaho -- or Orange County who went to Southdown
12:01:32 25 for any sexual disorder regarding minors.

12:01:42 1 Q Do you know George Gonzales?

 2 A Yes, I know -- I knew George Gonzales.

 3 Q Is he still a priest?

 4 A George Gonzales passed away some years ago.

12:01:52 5 Q Okay. Was George Gonzales ever accused of

 6 sexual misconduct with a minor?

 7 A I'm not aware of any accusation against

 8 George Gonzales.

 9 Q How about with child pornography?

12:02:02 10 A I'm not aware of any charge against him for

 11 child pornography.

 12 Q Did you transfer Father Gonzales to Boise,

 13 Idaho?

 14 A No. I was the bishop of Boise, Idaho. And

12:02:11 15 George Gonzales applied to work there, and Bishop

 16 McFarland released him to do so.

 17 Q And why did he do that?

 18 A My understanding was that Father Gonzales was

 19 not happy in Orange and was looking for some kind of a

12:02:27 20 new start.

 21 Q Now --

 22 MR. CALLAHAN: I don't believe this is relevant,

 23 Your Honor, and --

 24 MR. MANLY: Well, I'm moving on to a different

12:02:35 25 topic, so --

12:02:36 1 BY MR. MANLY:

2 Q Now, when you were appointed by the Holy See
3 or the Holy Father to be bishop of Orange, was there a
4 period of time where you were coadjutor?

12:02:51 5 A No. I was never the coadjutor bishop.

6 Q Okay. So basically, you came to Orange, and
7 you were already appointed the bishop; is that accurate?

8 A That's correct.

9 Q Okay. And, now, I take it when you got here,
12:03:04 10 there was a period of time where you transitioned?

11 A When I first got here, there was certainly a
12 transition period, yes.

13 Q Okay. Had Bishop McFarland already moved out
14 of his office when you arrived?

12:03:15 15 A When I arrived, Bishop McFarland had left his
16 office.

17 Q And did you sit down prior to your arrival or
18 concurrent with your arrival and meet with Bishop
19 McFarland to have an orderly transition?

12:03:29 20 A Yes. I did meet with Bishop McFarland both
21 before and after my arrival.

22 Q Okay. Now, had you -- by the time you
23 arrived here in 1998, did you consider childhood sexual
24 abuse in any way a problem in the Roman Catholic church?

12:03:48 25 A I knew that there were members of the Roman