

02:45:15 1 example, clergy, who if they learn about -- have a
 2 reasonable concern about the sexual abuse of a minor,
 3 then that needs to be reported to Child Protection
 4 Services and/or the police.

02:45:34 5 Q So is the Diocese of Orange policy that if
 6 you have a reasonable concern, you must report?

 7 A Oh, yes. I believe that's correct.

 8 Q And when was that policy first adopted?

 9 A I presume it was adopted at the same time
02:45:56 10 that the state legislation regarding mandated reporters
 11 came into law.

 12 Q Okay. And has the diocese on your watch
 13 always followed that?

 14 A To my knowledge, they have.

02:46:28 15 MR. CALLAHAN: Your Honor, it's -- I think this
 16 was a four-hour deposition. We're into four hours and
 17 20 minutes. Are we about to light up --

 18 JUDGE JAMESON: Well, we've had lunch and several
 19 breaks. We're in -- Mr. Manly said he was about to wind
02:46:42 20 up, so --

 21 MR. MANLY: Yeah. I'm getting there.

 22 JUDGE JAMESON: So we'll -- we'll go for a few
 23 more minutes before we get the stopwatch out.

 24 BY MR. MANLY:

02:46:55 25 Q Bishop, was there ever a policy -- have you

02:47:01 1 ever had a discussion with your superintendent of
2 schools as to when parents should be called and when
3 not?

4 A No, I have not.

02:47:13 5 Q Do you believe if a school under your
6 jurisdiction is investigating a student -- is
7 investigating whether or not a teacher is molesting a
8 student, it would at all times be proper for the school
9 to contact the parents?

02:47:27 10 A Are we talking about an elementary school or
11 a high school?

12 Q Does it matter?

13 A It could matter in terms of how it's dealt
14 with at the local level. The --

02:47:38 15 Q Can you --

16 A I would leave that decision about contacting
17 the parents to the principal because he or she would be
18 familiar with the context and the circumstances, which I
19 am not.

02:47:53 20 Q You would expect that if a school was
21 investigating an allegation of sexual abuse by a teacher
22 against a student, that the first person that would be
23 notified was the school's president and/or principal,
24 correct?

02:48:05 25 A Would you --

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02:48:06 1 MR. CALLAHAN: Objection; calls for speculation,
2 which would vary on the specific facts of any particular
3 case.

4 JUDGE JAMESON: May I have the question back,
02:48:15 5 please? Maybe the one before that, also.

6 THE REPORTER: "Question: Do you believe if a
7 school under your jurisdiction is investigating a
8 student -- is investigating whether or not a teacher is
9 molesting a student, it would at all times be proper for
02:47:25 10 the school to contact the parents?

11 Answer: Are we talking about an elementary
12 school or a high school?

13 "Question: Does it matter?

14 "Answer: It could matter in terms of how
02:47:35 15 it's dealt with at the local level. The --

16 "Question: Can you --

17 "Answer: I would leave that decision about
18 contacting the parents to the principal because he or
19 she would be familiar with the context and the
02:47:51 20 circumstances, which I am not.

21 "Question: You would expect that if a school
22 was investigating an allegation of sexual abuse by a
23 teacher against a student, that the first person that
24 would be notified was the school's president and/or
02:48:03 25 principal, correct?"

02:49:17 1 MR. CALLAHAN: And my objection is that doesn't
2 fit any of the four categories. We're into school
3 affairs now and school procedures. I've allowed him to
4 give preliminary --

02:49:26 5 JUDGE JAMESON: Well, we've left what was a
6 pivotable question in the middle there. Was -- is there
7 a difference between grammar school and high school. I
8 heard something about the circumstances being left to
9 the principal, but I didn't hear that there was a
02:49:44 10 difference.

11 So I guess, going back to the center of that
12 question, is there a different protocol for grammar
13 school and high school, or -- or your answer dealt with
14 the discretion of the principal?

02:50:01 15 THE WITNESS: Well, I think, Your Honor, the
16 answer left the discretion of the principal. I don't
17 think it would be a difference in the sense of what
18 should be done. But -- but how it's done and what
19 process is used can be different at the school, whether
02:50:17 20 it's at an elementary school or high school.

21 BY MR. MANLY:

22 Q Okay. And my next question is do you -- you
23 would think it appropriate that at all times when a
24 school is investigating whether a teacher had sex with a
02:50:31 25 child, that the principal and/or president of the school

02:50:35 1 would be notified?

2 MR. CALLAHAN: Objection. It's argumentative, it
3 calls for speculation, and most importantly, it has way
4 too many variables. It's -- it lacks foundation and

02:50:46 5 most -- and it doesn't fit into one of the four
6 categories that this witness was called to address.

7 JUDGE JAMESON: May I have the question back
8 again? I'm sorry.

9 THE REPORTER: "Question: And my next question
02:50:55 10 is do you -- you would think it appropriate that at all
11 times when a school is investigating whether a teacher
12 had sex with a child, that the principal and/or
13 president of the school would be notified?"

14 JUDGE JAMESON: You may answer that.

02:51:19 15 THE WITNESS: Yes. I would expect the principal
16 and/or president would be notified.

17 BY MR. MANLY:

18 Q Bishop, can you tell me the current corporate
19 entities that you are affiliated with in your capacity
02:51:33 20 as bishop of Orange?

21 A The Roman Catholic Bishop of Orange.

22 Q Are they a corporation sole?

23 A A corporation sole.

24 The Education and Welfare Corporation, the
02:51:54 25 Orange Catholic Foundation, and the Christ Our Savior

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02:52:00 1 Cathedral.

2 Q And what type of entity is that?

3 A Of which entity?

4 Q I'm sorry. Christ Our Savior Cathedral?

02:52:10 5 A It's a parish which is incorporated.

6 Q Okay. And what about Catholic Charities?

7 A Pardon me. I -- I forgot Catholic Charities.

8 Q Okay. Are you the sole officer of the Roman
9 Catholic Bishop of Orange, a corporation sole?

02:52:25 10 A Yes, I am.

11 Q What portions do you hold in the Education
12 and Welfare Corporation?

13 MR. CALLAHAN: Your Honor, I think we're beyond
14 the scope of the permissible inquiry.

02:52:33 15 JUDGE JAMESON: No.

16 MR. CALLAHAN: Okay.

17 JUDGE JAMESON: No. That -- if that wasn't
18 clear, the -- that was one of the bases for the
19 inquiry --

02:52:42 20 MR. CALLAHAN: Okay.

21 JUDGE JAMESON: -- of the bishop was because we
22 have multiple defendants, and the delineation of the
23 boundaries and structure of those corporations is
24 relevant.

02:52:55 25 So go ahead. Is there a question on the

02:52:58 1 floor, or do you have it in mind?

2 BY MR. MANLY:

3 Q Do you want me to repeat it, Bishop?

4 A I think -- I think I'm the chairman.

02:53:03 5 Q Okay. Who else is on it?

6 A I'm not quite sure of the membership. I'd
7 have to look that up.

8 Q Okay. And the Orange Catholic Foundation,
9 what is your relationship with that entity?

02:53:17 10 A I'm simply a member.

11 Q Okay. When was that entity founded?

12 A I believe that was founded three or four
13 years ago.

14 Q After you became bishop?

02:53:27 15 A Yes.

16 Q Okay. And was that founded in response to
17 the cases filed against the diocese?

18 A No. It was respond -- it was filed --
19 rather, it was incorporated to set up a separate entity
02:53:41 20 to fund various activities in the diocese. I -- pardon
21 me.

22 MR. MANLY: Okay. And --

23 MR. CALLAHAN: Objection. Move to strike. I
24 couldn't get a word in there fast enough. His answer

02:53:51 25 came too fast. But that's not a defendant in this case,

02:53:53 1 and it's not relevant to any --

2 MR. MANLY: Well, there are alter ego
3 allegations, Judge, and they very well may be a doe.
4 So --

02:54:01 5 JUDGE JAMESON: It also helps distinguish what is
6 and what isn't. So let's go forward.

7 BY MR. MANLY:

8 Q Okay. And does the Diocese of Orange own
9 Mater Dei High School?

02:54:12 10 A Yes, it does.

11 Q Okay. And does the Diocese of Orange own its
12 parishes?

13 A Yes, it does.

14 Q And it owns the schools not owned by
02:54:25 15 religious orders, correct?

16 A Yes. In civil laws, yes.

17 Q Correct? Sorry, Judge. Sorry, Bishop.

18 A All of that is in civil law.

19 Q Okay. And except it does not -- it does not
02:54:36 20 own Junipero Serra; is that correct?

21 A Junipero Serra is a private Catholic high
22 school.

23 Q Okay. Not owned by the diocese, correct?

24 A That is correct.

02:54:44 25 Q Okay. And it owns Christ Our Savior

02:54:50 1 Cathedral, the land and improvements?

 2 A There is no improvements, but it owns the

 3 land.

 4 Q Well, I haven't been to mass in a while. I'm

02:54:57 5 sorry.

 6 MR. CALLAHAN: You are forgiven.

 7 BY MR. MANLY:

 8 Q Okay. Who is the most knowledgeable person

 9 at the diocese regarding its financial affairs besides

02:55:12 10 yourself?

 11 A Mr. Phil Ries.

 12 Q And does Randy Redwitz have any relationship

 13 to the diocese?

 14 A Randy Redwitz, I think, is on our school

02:55:24 15 board, and I think his GDR company provides us with

 16 computer services.

 17 Q How -- so he's a vendor for the diocese?

 18 A Could be a vendor for the diocese.

 19 Q Now, has it come to your attention, Bishop,

02:55:44 20 that he remains in business -- do you know whether or

 21 not he remains in business with Michael Harris?

 22 A I do not know.

 23 Q During the transition period, did Bishop

 24 McFarland give you his personal files?

02:56:05 25 MR. CALLAHAN: Objection; lack of foundation,

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02:56:06 1 indicates that there are such things.

2 MR. MANLY: You know what? That's fair.

3 BY MR. MANLY:

4 Q Did Bishop McFarland leave his personal --
02:56:12 5 did Bishop McFarland have personal papers like every
6 other bishop?

7 MR. CALLAHAN: Objection; assumes a fact not in
8 evidence, lacks foundation.

9 JUDGE JAMESON: Sustained.

02:56:21 10 BY MR. MANLY:

11 Q Did Bishop McFarland have personal papers?

12 A I don't know. I presume so.

13 Q Okay. It's normal for bishops to keep
14 personal papers, correct?

02:56:31 15 A I would think it's normal for bishops to keep
16 personal papers, but I wouldn't know what those papers
17 are.

18 Q Okay. Do you have any information from any
19 source that Bishop McFarland took documents with him
02:56:42 20 from the diocese when he left?

21 A No, I do not.

22 Q As far as you know, Bishop, he left them --
23 left what he had there?

24 A I don't know what he took with him when he
02:56:53 25 left.

02:56:54 1 Q Okay. Have you heard from any source that
2 Patrick Murphy says he was not informed -- let me strike
3 that.

4 Have you heard from any source that Patrick
02:57:10 5 Murphy -- actually, let me -- who is Patrick Murphy?

6 A Patrick Murphy is the president of Mater Dei
7 High School.

8 Q Okay. Have you heard from any source other
9 than your lawyers that Patrick Murphy claims that when
02:57:24 10 the allegations involving Mr. Andrade first came to the
11 attention of Mater Dei and then there was an
12 investigation of March -- in March 1996, that he was not
13 informed of such an investigation?

14 MR. CALLAHAN: Objection, Your Honor. That
02:57:41 15 assumes facts without foundation that there was -- March
16 '96 involving an investigation as opposed to looking
17 into an analysis of these allegations, this rumor.

18 JUDGE JAMESON: Overruled.

19 You may answer, sir.

02:57:57 20 THE WITNESS: No, I do not.

21 BY MR. MANLY:

22 Q Would you have expected if Mater Dei had an
23 allegation involving sexual misconduct that they were
24 investigating involving a teacher, that Mr. Murphy would
02:58:11 25 have been informed?

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02:58:12 1 MR. CALLAHAN: Objection.

2 JUDGE JAMESON: Sustained.

3 BY MR. MANLY:

4 Q Did the Diocese of Orange under your -- has

02:58:33 5 the Diocese of Orange under your direction ever prepared

6 a report about the sexual abuse of priests and laypeople

7 that includes the period 199- -- I'm sorry -- 1988 to

8 January 1st, 2001?

9 A Would you repeat that question, please?

02:59:00 10 Q I'm sorry. 2002.

11 THE REPORTER: "Question: Did the Diocese of

12 Orange under your -- has the Diocese of Orange under

13 your direction ever prepared a report about the sexual

14 abuse of priests and laypeople that includes the period

02:59:01 15 199- -- I'm sorry -- 1988 to January 1st, 2001?"

16 MR. CALLAHAN: Objection. This -- the -- your

17 order is that this witness can be inquired of with

18 respect to lay employees. But since he arrived after

19 the fact, there's no questions of Bishop Brown regarding

02:59:38 20 clerics or priests in this diocese or anywhere else. I

21 think we're mixing --

22 JUDGE JAMESON: We'll deal with that after we get

23 the answer.

24 MR. CALLAHAN: Okay.

02:59:45 25 JUDGE JAMESON: Please answer, and then we'll

02:59:46 1 break it down, if necessary.

2 THE WITNESS: What kind of report?

3 BY MR. MANLY:

4 Q Any report.

02:59:50 5 A Well, I think the diocese released the names
6 of clergy against whom there were credible accusations.

7 Q And did it release the names of laypeople, as
8 well?

9 A I don't recall.

03:00:06 10 Q So you have no knowledge whether the diocese
11 has released the names of laypersons allegedly accused
12 of sexual abuse during the time period specified; is
13 that correct?

14 A That is correct. I don't recall anything.

03:00:20 15 Q Have you prepared -- has the diocese prepared
16 any report to the John Jay School of Criminal Law
17 regarding this matter?

18 A We provided the John Jay Criminal Law entity
19 with all of the information that we were asked to
03:00:39 20 provide by them.

21 JUDGE JAMESON: What was the nature of that?

22 THE WITNESS: Your Honor, they -- the Bishops --
23 Catholic Bishops Conference contracted with the John Jay
24 College to study, first of all, how did this whole thing
03:00:59 25 of sexual abuse happen in our country, our Catholic

03:01:04 1 priests. Then there's been a second study about the
2 causes of the -- of the abuse. And I think now there's
3 a third study under way, which the results of the first
4 study, I think, are a matter of public record.

03:01:26 5 It's interesting to me -- I think it was a
6 surprise to a lot of bishops -- that the John Jay study
7 indicated that most of the priests who offended minors
8 with sexual -- by sexual abuse, they were just one
9 person.

03:01:47 10 JUDGE JAMESON: Well, let me -- the thrust of
11 this question, and I think what is possibly relevant
12 here, is what was the nature of the information given
13 over? Was it lawsuit depositions and declarations? Was
14 it a summary from someone in the front office of -- of
03:02:13 15 your office? What -- what did John Jay have to review
16 from Orange County to help with their study?

17 THE WITNESS: Well, first, I know that they --
18 they had information in terms of numbers of alleged
19 perpetrators, the age of -- I think ages of victims,
03:02:37 20 ages of the perpetrators. That was information
21 provided. There may be some others, but that's what
22 comes to mind to me now.

23 JUDGE JAMESON: And when would this have been
24 provided?

03:02:49 25 THE WITNESS: Oh, I would think in -- I'm not

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03:02:53 1 sure. Maybe around 2003, 2004, somewhere in there.

2 JUDGE JAMESON: You can have the floor back,
3 Mr. Manly.

4 MR. MANLY: Thank you, Judge. I was just ready
03:03:06 5 to sit back and listen. Okay.

6 BY MR. MANLY:

7 Q Now, who was in charge of providing that --
8 gathering that data for the John Jay school?

9 A I believe that was handled by our chancellor,
03:03:23 10 Cheryl Giacomi.

11 MR. CALLAHAN: G-i-a-c-o-m-i.

12 BY MR. MANLY:

13 Q Did you review during the transition period
14 the report prepared by Bishop McFarland and sent to the
03:03:35 15 Holy See?

16 A I believe I did.

17 Q Do you have a copy of that?

18 A There is -- would be a copy in the file.

19 Q Do you remember anything about sexual abuse
03:03:46 20 in that report?

21 A No, I do not.

22 Q If Bishop McFarland had knowledge of abusers
23 working in the diocese based on your knowledge of the
24 workings of transition from bishop to bishop, should
03:04:00 25 that have been included in the report?

03:04:05 1 A I don't know. It depends on the questions
 2 that were asked by the Holy See, and I don't -- I don't
 3 know. I would -- I don't know that it would.

 4 Q Do you know where that document is today?

03:04:21 5 A I presume -- I think the document you're
 6 referring to is the Quinquennial Report given every five
 7 years. Is that what you're talking about?

 8 Q No, sir. I appreciate you mentioning that.
 9 Bishop McFarland said -- when he left the diocese, he
03:04:37 10 told us this Saturday he prepared a detailed report and
 11 sent it to the Holy See. And I believe he said,
 12 although I can't swear to it, he gave you a copy.

 13 MR. CALLAHAN: Just to clarify, he was talking
 14 about the Quin- -- whatever it is, the five-year report.
03:04:50 15 That's what he was talking about.

 16 MR. MANLY: Well, that's not what he -- that's
 17 not what he --

 18 JUDGE JAMESON: At least I remember that
 19 discussion, and I don't remember any -- there was
03:05:01 20 something left behind as a reference for the bishop --

 21 MR. MANLY: Maybe -- all right. Maybe I've got
 22 it wrong. So if I do, my apologies.

 23 BY MR. MANLY:

 24 Q Did you ever see anything in the Quinquennial
03:05:15 25 Report -- I'm sorry. How many Quinquennial Reports have

03:05:17 1 you prepared, Bishop?

2 A In the Diocese of Orange, I've prepared, I
3 believe, one.

4 Q Have you read the prior -- did you read the
03:05:26 5 prior one?

6 A I think I looked at it. I'm not sure. I
7 don't think I studied it.

8 Q Did the Quin- -- does the Quinquennial Report
9 you prepared touch on the issue of sexual abuse and
03:05:37 10 claims of sexual abuse in this diocese?

11 A No, it did not.

12 Q Never mentioned it?

13 A I don't believe it did.

14 MR. MANLY: Anything else?

03:05:48 15 Okay. I'm done. Thank you, Bishop.

16 MR. CALLAHAN: Why don't we enter into a
17 stipulation that -- we have been saying that --

18 MR. MANLY: Oh, you know, there's one thing I
19 want to say.

03:05:59 20 MR. CALLAHAN: What?

21 MR. MANLY: I've mentioned a number of victims'
22 names in this deposition and the others, and I'd like a
23 protective order -- some of them are public, some of
24 them are not -- to keep those names private.

03:06:10 25 MR. CALLAHAN: I would join in that and suggest

03:06:11 1 that this entire -- you asked me before. You want the
2 entire transcript -- and I said we'll have to wait to
3 the end to see. And I think now you've raised a very
4 good point that there is a lot of stuff in here that
03:06:23 5 would be and should be kept confidential.

6 MR. MANLY: Judge --

7 MR. CALLAHAN: That's all.

8 JUDGE JAMESON: Well, I think the simplest thing
9 is since I've already made a preliminary ruling as to
03:06:33 10 some of it, that it -- it be temporarily sealed,
11 especially since its use might be just days from now,
12 except for litigation, in the context of the court
13 proceedings.

14 MR. MANLY: Judge, I have no problem with that
03:06:55 15 order. I just want to tell you that in all the cases
16 I've been involved with, this is -- entering the
17 confidentiality of victims is standard procedure. And
18 it's very simple. The victims' names is simply redacted
19 before portions of deposition are on file. I have no
03:07:11 20 problem with the short stay so we can work this out,
21 but --

22 JUDGE JAMESON: Yeah. Because I guess my --
23 there have been a lot of names, and many of them were
24 familiar to me because I've heard them before --

03:07:26 25 MR. MANLY: Yeah.

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03:07:26 1 JUDGE JAMESON: -- through other depositions in
2 this case. So it's hard for me to separate in my mind
3 which might be confidential and which shouldn't.

4 So to be on the safe side, I'd say they all
03:07:41 5 are until there's reason that you either agree or
6 there's a reason for them to be -- become public.

7 MR. MANLY: Could I have go off the record for a
8 minute?

9 MR. CALLAHAN: No. Let me state this for this --
03:07:50 10 and I think the easiest way to avoid this whole problem
11 is to seal the whole record. We're talking about a
12 matter of days. And that way, it's not "Oh, I didn't
13 know I couldn't leak that" or "I didn't know that was
14 supposed to be privileged" or wasn't.

03:08:01 15 MR. MANLY: As far as I'm concerned, I can't
16 discuss the deposition. I think that's his order. I --
17 that he --

18 JUDGE JAMESON: Yeah. And I --

19 MR. MANLY: -- you know, for the next few days.

03:08:06 20 JUDGE JAMESON: Yeah. That was the earlier --
21 the earlier order, so --

22 MR. MANLY: If anybody asks me, I'm going to tell
23 them the Court's entered an order at your request.

24 So --

03:08:17 25 MR. CALLAHAN: Do we want to do a stipulation on

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03:08:18 1 the record or not?

 2 MR. MANLY: Well, I want to say something off the

 3 record before I do a stipulation. I don't want to put

 4 this on the record.

03:08:24 5 THE VIDEOGRAPHER: The time is 3:08, and we're

 6 off the record.

 7 (Discussion held off the record from

 8 3:08 p.m. until 3:12 p.m.)

 9 THE VIDEOGRAPHER: The time is 3:12, and we're

03:12:23 10 back on the record.

 11 MR. CALLAHAN: I'm going to suggest that we agree

 12 to the basic same stipulation we've agreed on the

 13 others, and that is that the transcript will be prepared

 14 as soon as possible, the witness will read it as soon as

03:12:33 15 possible. If he makes any changes, he will Xerox the

 16 page of the change and then get it to me by either fax

 17 or e-mail or some -- some method. And then as soon as I

 18 get it, I'll pass it on to you.

 19 But in the event that we are not notified of

03:12:48 20 any changes -- in the event that you are not notified of

 21 any changes, within 24 hours or 48 hours of when he goes

 22 on the stand, we tell you whether -- what the status is.

 23 MR. MANLY: Okay. And that a certified can be

 24 used as an original if its lost, stolen, or otherwise

03:13:03 25 misplaced.

03:13:05 1 MR. CALLAHAN: Right.

 2 MR. MANLY: Okay. Fine.

 3 THE WITNESS: Thank you.

 4 THE REPORTER: And where do I send the original?

03:13:12 5 MR. CALLAHAN: Probably me, and that's probably

 6 the easiest way to do it. And we're going to need an

 7 expedite. That's different about this one.

 8 THE VIDEOGRAPHER: The time is 3:13, and this is

 9 the end of today's deposition.

03:13:25 10 (Whereupon, Exhibit 1 was marked for

 11 identification by the Certified Shorthand Reporter, a

 12 copy of which is attached hereto.)

 13

 14 (End of videotaped deposition at 3:13 p.m.

 15 Declaration under penalty of perjury attached hereto.)

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I do solemnly declare under penalty of perjury
that the foregoing is my deposition under oath; that
these are the questions asked of me and my answers
thereto; that I have read same and have made the
necessary corrections, additions, or changes to my
answers that I deem necessary.

12

13

In witness thereof, I hereby subscribe my name
this _____ day of _____, 20__.

14

15

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WITNESS SIGNATURE

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Janet M. Taylor
Certified Shorthand Reporter
Certificate Number 9463