

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

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.