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<p>STATE OF ILLINOIS } COUNTY OF COOK } SS: IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - LAW DIVISION</p> <p>JOHN DOE 116,) Plaintiff,) vs.) No. 07 L 08781</p> <p>THE CHICAGO PROVINCE OF THE SOCIETY OF JESUS a/k/a THE JESUITS and FATHER DONALD J. MCGUIRE, S.J.,) Defendants.</p> <p>The discovery deposition of FATHER CHARLES SCHLAX, taken in the above-entitled cause, before ANNA MARIA CASTLE, C.S.R. and a Notary Public of Will County, Illinois, on the 22nd day of April, 2009, at the hour of 1:30 p.m., at Three First National Plaza, 70 West Madison, Suite 5350, Chicago, Illinois, pursuant to Subpoena.</p> <p>REPORTED BY: ANNA MARIA CASTLE, CSR LICENSE NO.: 054-004148</p>	<p style="text-align: center;">INDEX</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1</td> <td style="width: 50%;">WITNESS EXAMINATION</td> </tr> <tr> <td>2</td> <td>FATHER CHARLES SCHLAX</td> </tr> <tr> <td>3</td> <td>By Mr. Brooks 4</td> </tr> <tr> <td>4</td> <td>By Mr. Huebsch 42</td> </tr> <tr> <td>5</td> <td>By Mr. Toomey 49</td> </tr> <tr> <td>6</td> <td>By Mr. Brooks (Further) 53</td> </tr> <tr> <td>7</td> <td>By Mr. Toomey (Further) 58</td> </tr> <tr> <td>8</td> <td></td> </tr> <tr> <td>9</td> <td></td> </tr> </table> <p style="text-align: center;">EXHIBITS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">10</td> <td style="width: 50%;">NUMBER MARKED FOR ID</td> </tr> <tr> <td>11</td> <td>Schlax Deposition Exhibit</td> </tr> <tr> <td>12</td> <td></td> </tr> <tr> <td>13</td> <td>No. 1 28</td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> </table>	1	WITNESS EXAMINATION	2	FATHER CHARLES SCHLAX	3	By Mr. Brooks 4	4	By Mr. Huebsch 42	5	By Mr. Toomey 49	6	By Mr. Brooks (Further) 53	7	By Mr. Toomey (Further) 58	8		9		10	NUMBER MARKED FOR ID	11	Schlax Deposition Exhibit	12		13	No. 1 28	14		15		16		17		18		19		20		21		22		23		24	
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<p>1 APPEARANCES:</p> <p>2 KERN, FROST & PEARLMAN, LLC, BY: MR. MICHAEL L. BROOKS Three First National Plaza 70 West Madison Street, Suite 5350 Chicago, Illinois 60602 (312) 281-4550 mbrooks@kfpplaw.com Representing the Plaintiff;</p> <p>6 QUERREY & HARROW, LTD., BY: MR. ROBERT P. HUEBSCH 175 West Jackson Boulevard, Suite 1600 Chicago, Illinois 60604 (312) 540-7000 rhuebsch@querrey.com Representing the Defendant;</p> <p>10 MCCARTHY & TOOMEY, BY: MR. TIMOTHY TOOMEY 4433 West Touhy Avenue Lincolnwood, Illinois 60712 (847) 675-9639 Representing the Defendant;</p> <p>14 BURKE, WARREN, MACKAY & SERRITELLA, P.C., BY: MS. SUSAN M. HORNER 330 North Wabash Avenue, 22nd Floor Chicago, Illinois 60611 (312) 840-7082 shomer@burkelaw.com Representing the Deponent.</p>	<p>1 (Witness sworn.)</p> <p>2 FATHER CHARLES SCHLAX,</p> <p>3 called as a witness herein, having been first duly</p> <p>4 sworn, was examined and testified as follows:</p> <p style="text-align: center;">5 EXAMINATION</p> <p>6 BY MR. BROOKS:</p> <p>7 Q. Could you state your name for the record</p> <p>8 please, sir.</p> <p>9 A. Charles Schlax.</p> <p>10 Q. Would you spell the last name.</p> <p>11 A. "S," as in Sam, c-h-l-a-x.</p> <p>12 Q. Thank you, Father Schlax.</p> <p>13 My name is Michael Brooks. I represent</p> <p>14 the plaintiffs in a lawsuit currently pending in</p> <p>15 the Circuit Court of Cook County entitled, John Doe</p> <p>16 116 versus The Society of Jesus, also known as the</p> <p>17 Jesuits and Donald McGuire.</p> <p>18 You are here today pursuant to a Subpoena</p> <p>19 issued in that case and accepted by your counsel on</p> <p>20 your behalf.</p> <p>21 During the course of this deposition, I'll</p> <p>22 ask you a series of questions. All I'm asking for</p> <p>23 you to do in return is to answer to the best of</p> <p>24 your ability and to the best of your memory my</p>																																																



1 things, sir.
 2 A. Okay.
 3 Q. Was he more specific other than using the
 4 term "pervert" to describe Father McGuire?
 5 A. When he used that word, I tried to focus
 6 in. He said, yes, he had sexually mistreated him.
 7 I forgot -- that's not the correct word, but that's
 8 what it came down to.
 9 Q. And did he describe to you any of the
 10 specific instances of sexual mistreatment?
 11 A. No.
 12 Q. Do you recall anything else about this
 13 conversation with about anything else having
 14 been said during it, for example?
 15 A. He was very -- things said?
 16 Q. Right.
 17 A. He was very -- nothing he said
 18 specifically. That was part of the problem. He
 19 was trying to get it out. He couldn't do it.
 20 Q. Did he strike you as being afraid to talk
 21 to you?
 22 A. Can you rephrase that a little?
 23 Q. Sure. Let me back up a bit.
 24 Do you know why it is that came to

17

1 talk to you at this time?
 2 A. Because he was having this problem.
 3 Q. Did he tell you whether he had spoken to
 4 anybody else about it?
 5 A. I don't recall him saying specifically.
 6 Q. Do you remember how old was at this
 7 time?
 8 A. I would guess 15, but that's a guess. He
 9 was in sophomore year, if I remember correctly. So
 10 I'm guessing 15.
 11 Q. And other than what you've already
 12 described, what else did he tell you about his
 13 relationship with Father McGuire?
 14 A. He used that word "pervert."
 15 Q. All right. Did indicate to you that
 16 he had spoken to any Jesuit officials about the
 17 abuse?
 18 A. Not that I recall.
 19 Q. Did tell you anything about spending
 20 the night in Father McGuire's room at Loyola?
 21 A. Again, I'm not sure -- it's vague. I
 22 don't want to say yes or no.
 23 Q. Do you have a vague memory of --
 24 A. Vague memory of saying something to that

18

1 effect, but I can't remember the words he used.
 2 Q. Okay. Is there anything else about that
 3 conversation with that you remember?
 4 A. He was very nervous, very hesitant to say
 5 thens, not quite sure what he wanted to say.
 6 Q. Did you believe
 7 A. I believed something was wrong.
 8 Q. And why did you come to that conclusion?
 9 A. Just by his manner. He wasn't a kid in
 10 school that got in any trouble.
 11 Q. What, if anything, did you do after
 12 speaking to about Father McGuire's?
 13 A. I left him in the office where we were
 14 talking, and I went and made a phone call to the
 15 Jesuits at Loyola Academy.
 16 Q. And I realize it's an event that took
 17 place almost 40 years ago, but that being said, do
 18 you remember who at Loyola Academy you spoke with?
 19 A. I asked to speak to the rector or whoever
 20 was in charge. I didn't have any names. The
 21 person I got at the time -- first it was a phone
 22 call. It was somebody who said he was vice
 23 whatever position he had. Second in command my
 24 impression was.

19

1 Q. Does vice chancellor sound right?
 2 A. No. The rector or superior or something
 3 like that, but I don't remember.
 4 Q. I take it you don't remember that
 5 gentleman's name?
 6 A. No, I do not.
 7 Q. Do you remember anything that was said in
 8 that conversation?
 9 A. I explained the situation to this person,
 10 and I was told that the president or whatever his
 11 office was would get back to me, the head man.
 12 Q. Do you remember if anything else was said
 13 in that conversation?
 14 A. Not much. No, nothing of any substance.
 15 Q. All right. What did you do after having
 16 that conversation?
 17 A. Went back and talked to told him to
 18 make sure that his father knew what was going on.
 19 I already knew his mother was deceased. His father
 20 knew what was going on. And when I heard from the
 21 Jesuits, I would be in touch with him.
 22 Q. And did you hear from the Jesuits?
 23 A. Yes, that same day.
 24 Q. Do you remember who contacted you?

20

1 A. The only time I did, there was a meeting
 2 at Loyola Academy in the spring of '70. He was
 3 there.
 4 Q. Between November of 1969 and this meeting
 5 in the spring of 1970, did you have any other
 6 conversation with
 7 A. No.
 8 Q. Do you remember more specifically when
 9 this meeting at Loyola Academy took place?
 10 A. Date and month, no.
 11 Q. And how is it that you went to Loyola
 12 Academy for this meeting?
 13 A. If I remember correctly, the Jesuits
 14 called me and said there was a meeting, come on
 15 out.
 16 Q. Do you remember who from the Jesuits --
 17 A. No.
 18 Q. -- called you?
 19 Was this the third phone call that you had
 20 with the Jesuits regarding Father McGuire or had
 21 there been other phone calls in between your second
 22 phone call with Father Reinke and this one?
 23 A. Those were the only phone calls.
 24 Q. So as we sit here today, you remember

25

1 A. I don't remember.
 2 Q. Did the Jesuits ask you to do anything
 3 during this meeting of spring of 1970 with regard
 4 to the McGuire situation?
 5 A. No.
 6 Q. And did you do anything after this meeting
 7 with the Jesuits?
 8 A. No.
 9 Q. Did you have any other conversation with
 10 any Loyola Academy or other Jesuit official
 11 regarding or Father McGuire after the spring
 12 of 1970 meeting?
 13 A. No.
 14 Q. Did you maintain any relationship of any
 15 kind with moving forward from 1970?
 16 A. No.
 17 Q. Did continue to come to your church
 18 until 1972?
 19 A. No.
 20 Q. Did you ever speak to Donald McGuire again
 21 after that first -- strike that.
 22 Did you speak to Father McGuire after the
 23 in-person conversation that took place that you've
 24 already described?

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1 three phone calls with the Jesuits; is that right?
 2 A. Correct.
 3 Q. And you described them all to us now?
 4 A. Yes.
 5 Q. Tell me what you remember about that
 6 meeting with the Jesuits in the spring of 1970.
 7 A. Not much. I remember it being said that
 8 they were working on the situation, and that's
 9 about all I remember hearing in the meeting, that I
 10 can recall.
 11 Q. You don't recall what they told you in
 12 terms of how they were working on the situation?
 13 A. I don't remember any details being given.
 14 Q. Do you remember being told at that meeting
 15 or somehow learning at that meeting that
 16 Father McGuire was no longer teaching at Loyola?
 17 A. I can't say for sure.
 18 Q. Did you take any notes at this meeting?
 19 A. No.
 20 Q. Do you remember which Jesuit officials or
 21 Loyola officials were at this meeting?
 22 A. No.
 23 Q. Do you remember if anyone else was taking
 24 notes?

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1 A. No. Pardon me, no.
 2 Q. At some point many years later, you were
 3 contacted by somebody regarding the Father McGuire
 4 situation; is that right?
 5 A. That's correct.
 6 Q. Do you remember when that contact was made
 7 and who made it?
 8 A. It's been since I've been at St. Mary's.
 9 And the first contact was Tim Toomey. I don't
 10 remember the exact when.
 11 Q. All right. Before we get into that, I'm
 12 going to mark an exhibit.
 13 (Whereupon, Schlax Deposition
 14 Exhibit No. 1 was marked for
 15 identification.)
 16 BY MR. BROOKS:
 17 Q. Father, the reporter marked a two-page
 18 document dated November 29, 1969, as Schlax
 19 Deposition Exhibit 1. I'd ask that you review
 20 that, and I'm going to ask you a few questions
 21 about it.
 22 A. Okay.
 23 Q. Before I ask you specific questions about
 24 that, let me just ask a couple preliminary

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1 Q. Have you received any phone calls from
2 anyone else associated with the Jesuits since 1994?
3 A. No.
4 Q. Have you received any documents from
5 anyone affiliated with the Jesuits since 2004?
6 A. No.
7 Q. Other than conversations that you've had
8 with your attorneys in the recent past, have you
9 had any conversations with anyone from the

10 Archdiocese of Chicago regarding Donald McGuire?
11 MS. HORNER: Just to make it clear for the
12 record, if I can interrupt for a moment, I ask you
13 to exclude from your answer, Father, any
14 conversations that were between you and your
15 attorneys.
16 THE WITNESS: Okay.
17 When the letter came out in the press, I
18 did talk to the priest just so he knew about it.
19 BY MR. BROOKS:
20 Q. Who was that?
21 A. Vincent Costello, Father Costello.
22 Q. Other than Father Costello, is there
23 anyone else you had spoken to at the archdiocese?
24 A. No.

1 A. I believe I asked him.
2 Q. And what did he say?
3 A. I don't remember the answer exactly.
4 Again, he was just not at ease talking.
5 Q. When you say you don't remember the answer
6 exactly, does that mean you remember it generally
7 or you don't remember it at all?
8 A. I don't remember how he answered it at
9 all.

10 Q. Fair enough, fair enough.
11 You then wrote a -- made a telephone call
12 right then and there to Loyola Academy?
13 A. Correct.
14 Q. And you spoke with someone who said that
15 they would have the head master, for a better term,
16 of the school get back in touch with you?
17 A. Correct.
18 Q. And that occurred that same day, that
19 occurred that same day, that telephone call, he
20 called you back that same day?
21 A. Yes.
22 Q. Was still there or had he left?
23 A. He already left.
24 Q. I understand.

1 MR. BROOKS: Why don't I stop and tell you I
2 have no other questions. And turn it over to the
3 other attorneys here who may have some questions
4 for you.
5 EXAMINATION
6 BY MR. HUEBSCH:
7 Q. Father, I just have a few questions for
8 you really, kind of things I probably may not have
9 heard accurately.
10 First of all, my name is Bob Huebsch. I
11 represent the Jesuit order in this case, and I'm
12 just here to ask you a few questions as well.
13 When came to talk to you, that
14 conversation took place at the rectory?
15 A. Correct.
16 Q. And I believe you said it was you and
17 alone in the room?
18 A. Correct.
19 Q. Now, did you ask during this
20 conversation after he relayed and you had told us
21 he was hesitant to talk about this but after he
22 relayed the word "pervert" and the like, did you
23 ask him if he had told his dad about this
24 situation?

1 And the head master or the person who
2 called you you think is this Father Reinke; is that
3 correct?
4 A. Yes.
5 Q. All right. You explained to Father Reinke
6 generally what: . told you in summary fashion,
7 true?
8 A. Correct.
9 Q. Did you ask Father Reinke at that time to
10 keep your name out of this in any way, say, gee, I
11 don't want to get involved, I'm just a messenger
12 here, anything like that?
13 A. No.
14 Q. Father Reinke said to you in response when
15 you were explaining this about that, gee, we
16 knew something was wrong, something to that effect;
17 is that right?
18 A. Something to that effect. It's not exact
19 wording.
20 Q. Fair enough. But it gave you the
21 indication that what, they were aware of this, the
22 Jesuits were aware of this situation with ?
23 A. Well, it gave me the impression they knew
24 something was out of kilter. What exactly, I don't