COUNTY OF C 0 0 K SS: 2 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - LAW DIVISION 3 JOHN DOE 116, Plaintiff, Vs. No. 07 L 8781 4 THE CIRCAGO PROVINCE OF THE SOCIETY OF JESUS a/k/a THE JESUITS and FATHER Dofendants. 8 9 Dofendants. 9 9 Dofendants. 10 1 TO West Madison Street, Chicago, Illinois, pursuant to notice at 10:04 a.m. 10 Reported by: Shelly S. Rubas, CSR License No.: 16 1 APPEARANCES: 2 1 1 2 THE McGUIRE LAW FIRM 3 16 17 3 BY: MR. KEVIN McGUIRE 4 43460 Ridge Park Drive, Suite 200 5 5 Temecula, California 92590 5 1 6 (951) 719-8416 6 7 7 themcguirelawfirm@yahoo.com 7 8 9 AND 1 1 KERNS FROST & PEARLMAN, LLC 11 11 KERNS FROST & PEARLMAN, LLC 11 11 13 13	 PEARANCES (Continued): QUERREY & HARROW, LTD. BY: MR. ROBERT P. HUEBSCH 175 West Jackson Boulevard, Suite 1600 Chicago, Illinois 60604 (312) 540-7000 rhuebsch@querrey.com AND McCARTHY & TOOMEY BY: MR. TIMOTHY TOOMEY 4433 West Touhy Avenue Lincolnwood, Illinois 60712 (847) 675-9639 Representing The Chicago Province of the Society of Jesus; MR. ROBERT MALONEY P.O. Box 918 Oak Park, Illinois 60303 (312) 700-4959 Representing Father Donald J.
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINDIS COUNTY DEPARTMENT - LAW DIVISION JOHN DOE 116, Plaintiff, VS. THE CHICAGO PROVINCE OF THE SOCIETY OF JSUS a/K/a THE JESUITS and FATHER Defendants. Defendants. The discovery deposition of FATHER RICHARD H. McGURN, taken in the above-entitled cause, be fore Shelly S. Rubas, a Notary public of Cook County, Illinois, on the 24th day of June, 2009, at 70 West Madison Street, Chicago, Illinois, pursuant to notice at 10:04 a.a. Reported by: Shelly S. Rubas, CSR License No.: D84-004298 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	 BY: MR. ROBERT P. HUEBSCH 175 West Jackson Boulevard, Suite 1600 Chicago, Illinois 60604 (312) 540-7000 rhuebsch@querrey.com AND McCARTHY & TOOMEY BY: MR. TIMOTHY TOOMEY 4433 West Touhy Avenue Lincolnwood, Illinois 60712 (847) 675-9639 Representing The Chicago Province of the Society of Jesus; MR. ROBERT MALONEY P.O. Box 918 Oak Park, Illinois 60303 (312) 700-4959
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15 70 West Madison Street, Suite 5350 15 16 Chicago, Illinois 60602 16 17 (312) 261-4550 17 18 mbrooks@kpfplaw.com 18 19 Representing the Plaintiffs: 19	INDEX ISS EXAMINATION FR RICHARD H. McGURN K. McGuire 8 K. McGuire 236 EXHIBITS ER MARKED FOR ID 1 106 2 130 3 137 4 141 5 143 6 153 7 162 6 175 9 176 10 177 11 186 12 189 13 190 14 195 15 196 16 200 17 200 18 202 19 240 20 253 21 226 22 285 23 271 24 272 25 276 26 278 27 282 28 285 29 289 30 293 31 286

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EXHIBIT 30

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1	Society of Jesus at this time?	1	A. It was about ten pages probably.
2.	A. I think it was because in reading the	2	Q. Did you read that psychological
3	file, I discovered there were guidelines for him.	3	evaluation?
4	Q. Is that the first time that you were made	4	A. Yes.
5	aware of restrictions and guidelines being issued	5	Q. And after reading that psychological
6	to Don McGuire?	6	evaluation, did you come to any conclusions?
7	A. As far as I can remember, yes.	7	A. I simply saw that Don had that the
8	Q. Was that the first time to your knowledge	8	psychological evaluation recommended that he have
9	that the provincial knew that there was guidelines	9	residential treatment, and I think Fran Daly's
0	and restrictions on Don McGuire?	10	notes indicated that he had subsequently had that
1	A, I don't know.	11	for a period of about six months.
12	Q. Essentially, can you estimate how many	12	Q. After reading the psychological evaluation
3	documents how thick was Don McGuire's	13	of Don McGuire, did you come to any conclusion that
4	confidential file when you had reviewed it in and	14	he had been diagnosed with a sexual behavioral
15	around January of 2000?	15	disorder?
6	A. An inch or two. I don't know, It's hard	16	A. It stated that, yes.
17	to remember.	17	Q. Does the word frotteurism ring a bell?
18	Q. It's okay. I'm just, again, on a	18	A. Yes,
19	fact-finding mission, whatever you can remember.	19	Q. Did you have an understanding prior to
20	Do you remember seeing documents in	20	this psychological evaluation as to what
21	Don McGuire's confidential file that dated back to	21	frotteurism was?
22	his Loyola Academy days in the 1960s?	22	A. No, it's the first time I heard the term.
23	A. I somehow came to know that Don was fired	23	Q. You previously testified that you had at
		8	
24	from Loyola Academy in 1970. That was probably 117	24	least a BA in psychology, correct?
TABLE DATA		Suttanner	
1	from a document in there or a note.	1	A. Correct.
1 2	from a document in there or a note. Q. Did you have an understanding that he was	1 2	 A. Correct. Q. Did you ever learn about frotteurism in
		8	
2	Q. Did you have an understanding that he was	2	Q. Did you ever learn about frotteurism in
2 3	Q. Did you have an understanding that he was fired from Loyola because of sexual misconduct with	2	Q. Did you ever learn about frotteurism in any of your psychological studies?
2 3 4	Q. Did you have an understanding that he was fired from Loyola because of sexual misconduct with one of the students there?	2 3 4	Q. Did you ever learn about frotteurism in any of your psychological studies?A. Not that I recall.
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2 3 4 5 6	 Q. Did you have an understanding that he was fired from Loyola because of sexual misconduct with one of the students there? A. I didn't know the circumstances. Q. Did you have any kind of an understanding, whether an intuition or whether you were informed 	2 3 4 5 6 7	 Q. Did you ever learn about frotteurism in any of your psychological studies? A. Not that I recall. Q. What is your understanding of frotteurism today? A. It's a person that derives some pleasure
2 3 4 5 6 7	 Q. Did you have an understanding that he was fired from Loyola because of sexual misconduct with one of the students there? A. I didn't know the circumstances. Q. Did you have any kind of an understanding, 	2 3 4 5 6	 Q. Did you ever learn about frotteurism in any of your psychological studies? A. Not that I recall. Q. What is your understanding of frotteurism today? A. It's a person that derives some pleasure from touching another person which may be genital
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2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 5 6 7 8 9 10 11 2 5 6 7 8 9 10 11 2 5 6 7 8 9 10 11 2 5 6 7 8 9 10 11 2 5 6 7 8 9 10 11 2 5 6 7 8 9 10 11 12 5 7 8 9 10 11 12 5 11 12 10 11 12 10 11 11 11 11 11 11 11 11 11 11 11 11	 Q. Did you have an understanding that he was fired from Loyola because of sexual misconduct with one of the students there? A. I didn't know the circumstances. Q. Did you have any kind of an understanding, whether an intuition or whether you were informed by a document in the confidential file, that it was due to sexual misconduct with a minor? A. None of that came to light until the trial in Wisconsin which was after my tenure in office was concluded. Q. If I can have you look at the file, sorry, the document, Exhibit No. 1. Towards the end right before the statement, a brief history, it says you enclosed Bob Wild's guidelines, Fran Daly's revised guidelines and Fran's history of Don and something psych and evaluation of Don? A. Yes. Q. Did you see a psychological evaluation of Don McGuire in the confidential file at this time? 	2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	 Q. Did you ever learn about frotteurism in any of your psychological studies? A. Not that I recall. Q. What is your understanding of frotteurism today? A. It's a person that derives some pleasure from touching another person which may be genital or not and that person derives some degree of erotic satisfaction. Q. So it's associated with a sexual desire or satisfaction, correct? A. Yes. Q. Was there any indication in the psychological evaluation that Don McGuire had resolved any of these psychological issues? A. I don't remember. Q. Was there any indication in this psychological evaluation that Don McGuire had was in need of weekly therapy? A. The conclusion of the evaluation

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1	conversation to be?	1	see if this were true?
2.	A. Yes.	2	A. No.
3	Q. And what was your reaction to this?	3	Q. Did you discount any of this information
4	A. I thought if Don was really trying to do	4	simply because it was from Father Fessio?
5	that, that was crazy.	5	A. No.
6	Q. And did you dismiss this information that	6	Q. Do you know Joe Fessio?
7	you received or did you follow up on it?	7	A. Not personally.
8	A. I didn't follow up on it until the autumn.	8	Q. Other than in dealing with the issues that
9	Q. Until when?	9	surround Father McGuire, have you ever had any
10	A. The autumn, September or early October.	10	dealings with Father Fessio?
11	Q. And why was that?	11	A. Not personally,
12	A. I don't well, let me see.	12	Q. You mention here that Father Fessio was
13	It had to do with the fact that first	13	also involved in the complaint back in '93,
14	of all, I as I said, I thought this was crazy.	[14]	correct?
15	Jesuits aren't going to be having children live	15	A. Yes.
16	with them. My only concern was is Don trying to	16	Q. Did you remember that off the top of your
17	take on some kind of legal obligation without the	17	head or did you have to go back into the
18	provincial's permission.	18	confidential file to remember that issue?
19	Q. So essentially, you just thought the idea	19	A. I don't remember specifically.
20	was crazy?	20	Q. Did you contact Father Fessio at all
21	A. Yeah.	21	regarding this?
22	Q. And it literally sounded really bizarre to	22	A. No.
23	you.	23	Q. Again, is that simply because you believed
24	Is that fair to say?	24	that this was just so bizarre, it couldn't be true?
algerezien den			14 בעריינט בער גער אינט אינט גער אינט גער
1	A. Yeah. Off the wall, yes.		
		1	I'm just wondering if that was your understanding.
2	Q. Did you investigate this further at any	2	If not, that's fine.
2 3	Q. Did you investigate this further at any time?	M	If not, that's fine. A. At the time, I think so.
	Q. Did you investigate this further at any	2	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall?
3	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until 	2 3	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes.
3 4	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? 	2 3 4	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall?
3 4 5	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. 	2 3 4 5	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes.
3 4 5 6	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? 	2 3 4 5 6	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire?
3 4 5 6 7	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. 	234567	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes.
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3 4 5 6 7 8 9	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? 	2 3 4 5 6 7 8 9 10 11	 If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think
3 4 5 6 7 8 9 10	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, 	2 3 4 5 6 7 8 9 10	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he
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3 4 5 6 7 8 9 10 11 12 13	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, take on a legal obligation without his provincial's permission, yes. Q. Did you understand this to be a legal 	2 3 4 5 6 7 8 9 0 11 12 13	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he was not legal guardian and that the were, Q. Okay. And
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3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, take on a legal obligation without his provincial's permission, yes. Q. Did you understand this to be a legal obligation? A. He uses the phrase legal guardian. 	2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 1 5 6 7 8 9 0 1 1 1 2 3 4 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he was not legal guardian and that the were, Q. Okay. And A. I asked him if he could produce any document to that effect and he said he would.
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3 4 5 6 7 8 9 10 11 12 3 14 15 16 17	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, take on a legal obligation without his provincial's permission, yes. Q. Did you understand this to be a legal obligation? A. He uses the phrase legal guardian. Q. And your understanding of that was that he would be undertaking a legal obligation, correct? 	2 3 4 5 6 7 8 9 0 1 1 2 3 4 1 5 6 7 8 9 1 1 1 2 3 4 1 5 6 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he was not legal guardian and that the were, Q. Okay. And A. I asked him if he could produce any document to that effect and he said he would. Q. And, In fact, he did ultimately produce a document, didn't he?
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3 4 5 6 7 8 9 10 11 12 13 14 5 6 7 8 9 10 11 12 13 14 5 6 7 8 9 10 11 20 21	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, take on a legal obligation without his provincial's permission, yes. Q. Did you understand this to be a legal obligation? A. He uses the phrase legal guardian. Q. And your understanding of that was that he would be undertaking a legal obligation, correct? A. Yes. Q. Did you also have an understanding that if this were true, he might be obliging the Jesuits to undertake that legal obligation since he was a 	2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 1 5 6 7 8 9 0 1 1 1 2 3 4 1 5 6 7 8 9 0 1 1 1 2 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he was not legal guardian and that the were, Q. Okay. And A. I asked him if he could produce any document to that effect and he said he would. Q. And, in fact, he did ultimately produce a document, didn't he? A. Yes. Q. Signed by allegedly mother, correct? A. Yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, take on a legal obligation without his provincial's permission, yes. Q. Did you understand this to be a legal obligation? A. He uses the phrase legal guardian. Q. And your understanding of that was that he would be undertaking a legal obligation, correct? A. Yes. Q. Did you also have an understanding that if this were true, he might be obliging the Jesuits to undertake that legal obligation since he was a society member? 	2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he was not legal guardian and that the were, Q. Okay. And A. I asked him if he could produce any document to that effect and he said he would. Q. And, in fact, he did ultimately produce a document, didn't he? A. Yes. Q. Signed by allegedly mother, correct? A. Yes.
3 4 5 6 7 8 9 10 11 12 13 14 5 6 7 8 9 10 11 12 13 14 5 6 7 8 9 10 11 20 21	 Q. Did you investigate this further at any time? A. I talked with Don in October about it. Q. Any particular reason why you waited until the fall? A. I don't remember. Q. Did you if this were true, would you regard this as a serious situation? A. For a Jesuit to make a decision like this, take on a legal obligation without his provincial's permission, yes. Q. Did you understand this to be a legal obligation? A. He uses the phrase legal guardian. Q. And your understanding of that was that he would be undertaking a legal obligation, correct? A. Yes. Q. Did you also have an understanding that if this were true, he might be obliging the Jesuits to undertake that legal obligation since he was a 	2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	If not, that's fine. A. At the time, I think so. Q. You subsequently followed up in the fall? A. Yes. Q. And you followed up with Don McGuire? A. Yes. Q. And what was Don McGuire's reaction? A. I asked Don if this were so, I don't think I mentioned Father Fessio's name, and he said he was not legal guardian and that the were, Q. Okay. And A. I asked him if he could produce any document to that effect and he said he would. Q. And, in fact, he did ultimately produce a document, didn't he? A. Yes. Q. Signed by allegedly mother, correct? A. Yes. Q. And that document was signed in August of

37 (Pages 145 to 148)

1	Q. So that postdated the initial time that	1	Q. Knowing what you knew about Father McGuire
2.	you were contacted about this issue?	2	in December of 2000 after reviewing his
3	A, Yes,	3	confidential file and all the complaints and so
4	Q. At any time after you received the note	4	forth that you were privy to, did this give you
5	from mother that the were the	5	concem?
6	legal guardians and knowing full well that the date	6	A. Once it was established that the
7	of the letter was after the initial contact, did	7	were his legal guardian, we had no further concern
		8	about
8	you ever get back to Father McGuire and ask him,	-	
9	okay, were you ever a legal guardian of ?	9	Q. Did you have any concern that maybe Don
10	A. No, I never asked him that.	10	McGulre might be hanging around him too much and
11	Q. Did that thought occur to you?	11	doing the same kinds of things to him that he was
12	A. I don't think it did, no.	12	accused of doing back in '93, '94, '95 – sorry
13	Q. Were you satisfied with the letter that	13	'91, '93, and '95?
14	had sent to you?	14	No, we never thought of it in terms of
15	A, Yes.	15	sexual abuse.
16	Q. Did you have an understanding that that	16	MR. HUEBSCH: Let's take a break now for
17	note was specifically executed for your benefit?	17	ten minutes and stretch our legs.
18	A. Yes. I asked Don to send it to me.	18	MR. McGUIRE: All right.
19	Q. Right. But you have no idea whether or	19	(Whereupon, recess taken.)
20	not Don had called up and said, all right,	20	MR, McGUIRE: Back on the record.
21	we've got to change this and you got to give this	21	BY MR. McGUIRE:
22	to the You don't know anything about	22	Q. If I can, in the last memo, Exhibit No. 5
23	that?	23	I believe it was, the June 1st, 2000, memo, it
24	A, No.	24	obviously talks about living with
24	149		15
24 			
24 	149 Q. At any time were you aware that Don	1	
90(992900)			15
1	Q. At any time were you aware that Don McGuire had put down as part of a health	1 2	15 Don McGuire? A. Yes.
1 2	Q. At any time were you aware that Don McGuire had put down as part of a health insurance program?	1 2 3	15 Don McGuire? A. Yes. Q. Did that concern you?
1 2 3	Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No.	1 2 3 4	15 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would.
1 2 3 4 5	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding 	1 2 3 4 5	15 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received
1 2 3 4 5 6	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these 	1 2 3 4 5 6	15 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it
1 2 3 4 5 6 7	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal 	1 2 3 4 5 6 7	15 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true?
1 2 3 4 5 6 7 8	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? 	1 2 3 4 5 6 7 8	15 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure.
1 2 3 4 5 6 7 8 9	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. 	1 2 3 4 5 6 7 8 9	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if
1 2 3 4 5 6 7 8 9 10	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. Q. Do you have any awareness that at the 	1 2 3 4 5 6 7 8 9 10	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if that were, in fact, true, that would raise real
1 2 3 4 5 6 7 8 9 10 11	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. Q. Do you have any awareness that at the St. Lawrence Seminary in Wisconsin, that 	1 2 3 4 5 6 7 8 9 10 11	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if that were, in fact, true, that would raise real issues, real concerns for you?
1 2 3 4 5 6 7 8 9 10 11 12	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. Q. Do you have any awareness that at the St. Lawrence Seminary in Wisconsin, that applications were filled out on behalf of statements 	1 2 3 4 5 6 7 8 9 10 11 12	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if that were, in fact, true, that would raise real issues, real concerns for you? A. Yes.
1 2 3 4 5 6 7 8 9 10 11 12 13	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. Q. Do you have any awareness that at the St. Lawrence Seminary in Wisconsin, that applications were filled out on behalf of : indicating that Don McGuire really was his legal 	1 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 11 2 11 2 11 2 11 2 11 2 11 2	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if that were, in fact, true, that would raise real issues, real concerns for you? A. Yes. Q. Did you ever ask Don McGuire whether or
1 2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. Q. Do you have any awareness that at the St. Lawrence Seminary in Wisconsin, that applications were filled out on behalf of sindicating that Don McGuire really was his legal guardian? 	1 2 3 4 5 6 7 8 9 0 11 12 3 4 5 6 7 8 9 0 11 12 3 4 5 6 7 8 9 0 11 12 3 4 5 6 7 8 9 10 11 12 3 4 5 6 7 8 9 10 11 12 3 4 5 6 7 8 9 10 11 12 3 14 5 10 11 11 12 3 10 11 11 11 11 11 11 11 11 11 11 11 11	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if that were, in fact, true, that would raise real issues, real concerns for you? A. Yes. Q. Did you ever ask Don McGuire whether or not was going to live with him?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. At any time were you aware that Don McGuire had put down as part of a health insurance program? A. No. Q. Do you have any awareness or understanding that, in fact, he did represent himself on these insurance documents as being legal guardian? A. No. Q. Do you have any awareness that at the St. Lawrence Seminary in Wisconsin, that applications were filled out on behalf of indicating that Don McGuire really was his legal guardian? A. No, we didn't know that. 	1 2 3 4 5 6 7 8 9 0 1 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 112 3 4 5 6 7 8 9 10 112 3 4 5 6 7 8 9 10 112 3 111 112 3 112 3 111 112 3 111 112 3 111 112 3 111 111	 Don McGuire? A. Yes. Q. Did that concern you? A. If it were true, it would. Q. And at the point in time that you received this information, again, did you dismiss it thinking it's just too bizarre to be true? A. Sure. Q. But given what you know of Don McGuire, if that were, In fact, true, that would raise real issues, real concerns for you? A. Yes. Q. Did you ever ask Don McGuire whether or not was going to live with him? A. No.
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1 BY MR. PEARLMAN: 1 that time, you had known, you know at that time 2 Q. You had a - by the autumn of 2000, you that a history of dealings with McGuire, correct? 4 A. Two previous - well, one previous that there were going to be new restrictions that 6 Q. And you had reviewed his entire file nows f. No, no. That was prior to that. 6 Q. And you had reviewed his entire file nows f. A. No, no. That was prior to that. 7 A. Yes. B. A. Yes. B. A. Yes. 10 A. Yes. B. A. Yes. B. A. Yes. 11 Q. And you had reviewed his subse? H. Mel where was a bad idee 12 over it, you had firmy ostabilished in your mind. He was e difficult to deal with? 13 A. That was my feeling, yes. G. Mel you first heard about in In and for ma to balieve that the could'nt remember having 14 A. Yes. Q. And thory that would as that a bonest? In A. He simply said he couldn't remember having 15 A. How wither he was sping or not. Q. Who was his logal guardian, who was paying 15 A. Med with mode inded thad? In June of that couversation reality focused more optice was a difficult to deal with? 16					
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3 had a history of dealings with McGuire, correct? 3 were going to change the age from 21 to 30, 4 A. Two previous well, one previous correct? 5 correct? 5 conversation. 6 A. No, no. That was prior to that. C. When was McGuire leaving for India as far 7 extreme		2	Q. You had a by the autumn of 2000, you	2	
4 A. Two previous well, one previous correct? 5 conversation. A. No, no. That was prior to that. 6 Q. And you had reviewed his entire file now a A. No, no. That was prior to that. 7 Few times A. No, no. That was prior to that. 8 A. Yes. A. Well, when I talked to him, it was early 9 Q periodically when you would need to? A. Well, when I talked to him, it was early 10 A. Yes. A. Well, when I talked to him, it was early 11 Q. And by that time, without going all back A. Well, when I talked to him, it was early 12 A. Yes. A. Yes. 13 that he had sexual issues? A. Mell, when was the ladge guerdies of 14 A. Yes. Corder, so that was prior to that it. 15 Q. And in your mind, you had established that his history? 16 M. Yes. A. I don't know that i would say that. 17 A. That was my feeling, yes. Q. After you first heard about in 16 A. I don't know that it would say that. I 17 A. He simply said he couldn't remember having Q. And that conversation resally focused more 11				8	
5 conversation. 5 A. No, no. That was prior to that. 6 Q. And you had reviewed his entire file now a few times 7 few times Q. Yes. 9 Q periodically when you would need by? A. Yes. 10 A. Yes. A. Yes. 11 Q. And by that time, without going all back A. Weil, when I talked to him, it was early 12 over it, you had firmly established in your mind, that he had sexual issues? Ho. Core you - regardless 12 over it, you had issues? Ho. A. That was my feeling, yes. Core you file it occur to you that was a bad idea 13 that the had sexual issues? Ho. I chort know that I would asy that. I Ho. A. That was my feeling, yes. 14 A. Yes. I chort know that I would say that. I Just found him difficult to deal with and it was 15 Q. Ishonest? He was a least on one occasion, he had lied I hard for me to believe that ecouldn't remember having 14 A. He simply said he couldn't remember having Co. Yes. Divit wes, that would cearly be a 14 oth know whether he was going to be traveling M. Thefra right. 2 A. Me sing. Q. And when. was going to be traveling <	:			5	
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12 over it, you had firmly established in your mind 13 that he had sexual issues? 14 A. Yes. 15 Q. And in your mind, you had established that 16 he was difficult to deal with? 17 A. That was my feeling, yes. 18 Q. Dishonest? 19 A. Idon't know that i would say that. I 10 Just found him difficult to deal with and it was 11 A. Idon't know that i would say that. I 12 Juse of 2000, I believe you said you had a 12 Juse of 2000, I believe you said you had a 13 Juse of 2000, I believe you said you had a 14 A. Idon't know that i would say that. I 15 Juse of 2000, I believe you said you had a 16 A. Be simply said he couldn't remember having 17 A. He simply said he couldn't remember having 17 A. He simply said he couldn't remember having 18 O. Instead of characterizing it as honest or 19 A. He simply said he couldn't remember having 10 Netsend of characterizing it as honest or 11 G. Instead of characterizing it as honest or 12				8	
13 that he had sexual issues? 13 his age, did it occur to you that it was a bad idea 14 A. Yes. for McGuire to be traveling with him in light of 15 Q. And in your mind, you had established that his history? 16 he was difficult to deal with? his history? 17 A. That was my feeling, yes. 13 his history? 18 Q. Dishonesi? 13 Just found him difficult to deal with and it was 20 Just found him difficult to deal with and it was 20 Ard the relationship, correct? 21 hard for me to believe that he couldn't remember 20 A. Yes. 20 And the relationship, correct? 23 Q. So at least on one occasion, he had lied 20 A. Yes. 221 A. Yes. 231 1 A. He simply said he couldn't remember 222 Q. And when was paying 2 231 1 A. He simply said he couldn't remember having 16 A. That's right. 3 4 Q. Who was his legal guardian, who was paying 2 received them. I thought that was bologna, but i 3 A. That's right. 4 Q. Did you ask him whether he was spending <		1		8	
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230		18 19 20 21 22	 A. Nothing. Q. Why not? A. Didn't I don't know. I think I was simply preoccupied by the other things we were dealing with. 	18 19 20 21 22	My question is didn't you have a concern of whether McGuire was spending time with this 14-year-old boy? A. We had no particular reason to think that
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1	with Don McGuire?	1	A. Well, after a certain point, nobody could
2.	A. That's right.	2	no man could keep track of more that what we've
3	Q. Any particular reason why the provincial	3	got here.
4	wasn't here to lend force and effect to these	4	Q. You said that you revealed these
5	directives?	5	directives to Father Perko?
6	A. No. I think at this point, it was simply	6	A. Yes.
7	a question of presenting them to Don.	7	Q. And what was his response?
8	Q. What was his reaction to these directives?	8	A. I don't remember hearing a response from
9	A. He was initially defensive, but he signed	9	him.
10	them and I was genuinely surprised that he did.	10	Q. He didn't did he ask you how he is
11	Q. Did you inform the later that he had	11	supposed to implement this?
12	been forced to sign new directives restricting his	12	A. I don't recall us talking about it.
13	conduct?	13	Q. Did you give him any guidance as to how he
14	A. I sent the a letter saying that we had	14	might be able to implement these directives for
15	concluded the matter, but I didn't give them any	15	Don McGuire?
16	specifics about how we did that.	16	A, I think I simply mailed them to him.
17	Q. At this point in time, did you feel	17	Q. Did you have a discussion with Father
18	personally that you owed the a greater amount of	18	Perko about these directives and how they impact
19	information, so they could protect themselves and	19	McGuire's life?
20	their son relative to his comment?	20	A. I don't remember.
21	A. As I recall, that letter I sent to him was	21	Q. Did Don McGuire's signing of these
22	Mr. Toomey's advice.	22	directives, was that satisfaction enough for you?
23	Q. Did you have a hand in drafting these	23	A. In the sense that I was that I was
24	directives?	23	generally doubtful ahead of time whether he would.
24	261	24	26
		1	
1	A. Yes.	1	Q. So you were surprised and genuinely
2	Q. And did you draft every single one of	2	appreciative that he signed them?
2 3	Q. And did you draft every single one of them?	2	appreciative that he signed them? A. Yes.
2 3 4	Q. And did you draft every single one of them?A. I think so, yes. Of course, the	2 3 4	appreciative that he signed them?A. Yes.Q. You thought it was going to be a struggle?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 7 8 9 20 21 22	 Q. And did you draft every single one of them? A. I think so, yes. Of course, the provincial had to sign off on them. Q. Right. Did you have a template when putting these directives together? A. A template? Q. Yeah. Did someone say this is what I want or A. This is what should go into a set of directives, no. Q. Did you make these directives up yourself? A. Uh-huh. MR. HUEBSCH: You have to answer yes or no. THE WITNESS: Yes. I'm sorry. BY MR. McGUIRE: Q. And, again, prior to you becoming socius and delegate for misconduct, you didn't receive any formal training on how to deal with the issues that you were going to be dealing with, correct? 	2 3 4 5 6 7 8 9 10 1 12 3 4 5 6 7 8 9 10 1 12 3 4 5 6 7 8 9 21 2 23 4 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	 appreciative that he signed them? A. Yes. Q. You thought it was going to be a struggle? A. Yes. Q. Other than talking to Father Perko, how did you expect to enforce these directives? A. I don't think there were any other means. Q. At this time, did anybody talk about reining Don McGuire in such a way as to, you know, move him out of Canisius House and bring him over to the provincial – to Clark Street? A. In the provincial's meeting in the previous November, November 10th, Baumann said at least the three options he was thinking of is what do I do, do I tighten his guidelines, do I remove him from his ministry, do I dismiss him and initiate his dismissal from the society. Q. Now, I'm curious. I understand the reason to have directives. What I don't understand is why he was not presented with a statement that he had to sign indicating that he was no longer traveling

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66 (Pages 261 to 264)

1	back up and give full force and effect to the other	1	A. I can't remember what the provincial's
2.	directives you gave him?	2	reaction to it was. He simply didn't want to make
3	A. Right. That never occurred to us to do.	3	use of it.
4	Q. Did you believe these new directives were	4	Q. I'll draw your attention to the second
5	going to have any effect on him?	5	page, third paragraph from the bottom beginning
6	A. I could only hope they would. I was	6	with Don.
7	somewhat skeptical.	7	A. Okay.
8	Q. Did you inform the provincial that you	8	Q. Quote, Don, your unwillingness to abide by
9	were skeptical about the new directives?	9	the guidelines imposed by your major superior
10	A. I think so even as they were being	10	cannot continue, end quote.
11	created.	11	A. Right.
12	Q. Do you remember his response to that?	12	Q. Did the provincial believe that this
13	A. No.	13	statement was too strong?
14	MR. McGUIRE: We'll move on to Exhibit 22 Bates	14	A. I don't remember him talking about that
15	stamped No. 1592 to 1593.	15	particular statement. He just didn't want to use
16	(Whereupon, McGurn Deposition	16	the letter, period.
17	Exhibit No, 22 was marked for	17	Q. Did he tell you that he wanted to be more
18	identification.)	18	pastoral?
19	BY MR. McGUIRE:	19	 I don't remember us discussing it.
20	Q. Do you recognize this document?	20	Q. Given that the provincial seems to have
21	A. I do not recognize the top line or the	21	rejected this particular letter and given the fact
22	date of 2007. Other than that, let me see, I do	22	that you had heavy skepticism relative to the new
23	recognize it.	23	directives that were issued to Don McGuire, did you
	• In that a latter that you had drafted	101	do anything other than what's being done as
24	Q. Is that a letter that you had drafted	24	
24	Q. Is that a letter that you had drafted 265	24	
24 ********	265 previously?	24	2 reflected here in this record to protect or
	265		
1	265 previously? A. Yes. Q. What is the purpose of this letter?	1	2 reflected here in this record to protect or from Don McGuire? A, No.
1 2	265 previously? A. Yes. Q. What is the purpose of this letter? A. This was my suggestion for the provincial	1	2 reflected here in this record to protect or from Don McGuire? A, No. Q. You mentioned before that you had
1 2 3	265 previously? A. Yes. Q. What is the purpose of this letter? A. This was my suggestion for the provincial to give to Don either prior to our meeting in	1 2 3	2 reflected here in this record to protect or from Don McGulre? A, No. Q. You mentioned before that you had skepticism that McGuire wouldn't follow the
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