MAYER, BROWN, ROWE & MAW LLP
MICHAEL L. CYPERS (SBN 100641)
EVAN M. WOOTEN (SBN 247340)
350 South Grand Avenue, 25th Floor
Los Angeles, CA 90071-1503
Telephone: (213) 229-9500
Facsimile: (213) 625-0248

MAYER, BROWN, ROWE & MAW LLP
STEVEN R. SELSBERG (*PRO HAC VICE*)
700 Louisiana Street
Suite 3600
Houston, TX 77002-2730
Telephone: (713) 221-1651
Facsimile: (713) 224-6410

Attorneys for Defendants Appearing Specially
CARDINAL NORBERTO RIVERA AND THE
DIOCESE OF TEHUACAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JOAQUIN AGUILAR MENDEZ,

Plaintiff,

v.

CARDINAL ROGER MAHONY, THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A CORPORATION SOLE, CARDINAL NORBERTO RIVERA, THE DIOCESE OF TEHUACAN, FATHER NICHOLAS AGUILAR DOES 1-100,

Defendants.

Case No. BC358718

DECLARATION OF DEFENDANT CARDINAL NORBERTO RIVERA CARRERA IN SUPPORT OF MEXICAN DEFENDANTS' MOTION TO QUASH SERVICE OF SUMMONS FOR LACK OF JURISDICTION

Date: March 26, 2007
Time: 8:30 a.m.
Dept: 42
Judge: Elihu M. Berle

I, Cardinal Norberto Rivera Carrera, declare:

1. I am one of the defendants in this action and make this declaration in support of the Motion to Quash Service of Summons for Lack of Jurisdiction. I have personal knowledge of the facts set forth below, and, if called upon, could and would testify competently thereto.

2. I provide this declaration as a special appearance for the sole purpose of challenging this Court's jurisdiction over my person. I have not consented and do not consent to

jurisdiction in the State of California.

3. I reside in and am a citizen of the Republic of Mexico. Other than the four years during which I took a course in theology at Pontifical Gregorian University in Rome, I have resided in Mexico my entire life. I have never resided in the State of California, and do not own any real or personal property in California.

4. I was born in La Purisima in the Archdiocese of Durango, Mexico. In 1966, I was ordained a priest of the Roman Catholic Church (the "Church") in that same Archdiocese. Following my ordination, I served briefly as Associate Pastor and Curate in Rio Grande. Subsequently, I joined the theology faculty at the Durango Seminary in Durango, Mexico, where I taught for eighteen years. From 1982 to 1985, I served as a professor of ecclesiology at the Pontifical University of Mexico.

5. In 1985, I was ordained and made Bishop of Defendant the Diocese of Tehuacan (the "Diocese") a position I held until my appointment as Archbishop of Mexico in 1995. In 1998 I was created and proclaimed Cardinal by Pope John Paul II, a position I hold to this day. I hold the official title of Cardinal Priest of San Francisco in Arripa Grande. In my capacity as Cardinal of Mexico, I preside over the largest Archdiocese in the world and care for more than eight million Mexican Catholics.

6. I have served my entire career for the Church in Mexico. I do not now nor ever have I done any business or maintained an office in the State of California. My office address is Durango No. 90, Piso 5, Col. Roma, Mexico, D.F., 06700, Mexico. I have no agents or employees in California. I do not maintain any books, accounts or records in California.

7. I have no authority whatsoever over the business of the Church conducted in California, nor have I ever been to California on business for the Church. In fact, the few trips I have taken to California were all personal vacations.

8. My duties as Archbishop of Mexico are numerous and require my persistent and near constant attention. If I am forced to defend a lawsuit in California, the performance of my duties and, as a consequence, the Church in Mexico will be severely disrupted.

9. In 1986, in my capacity as Bishop of the Diocese of Tehuacan, I learned that

Defendant Father Nicholas Aguilar ("Fr. Aguilar"), then parish priest at the parish of San Sebastian Martir, Cuacnopalan in the Diocese of Tehuacan, had been assaulted at his parish residence on August 7, 1986. Because there were rumors that grown men stayed overnight at the Church where Fr. Aguilar lived, I suspected that a homosexual incident had precipitated the assault on Fr. Aguilar. At the same time, Fr. Aguilar's performance at the parish had caused controversy and some resentment in some members of the community because he had removed some persons that were selling goods in the church entrance and courtyard. Thus, I was not sure if the rumors were true or were instead motivated by resentment. There was no evidence to suggest that the incident involved any minor children, nor was the involvement of minor children ever alleged. The police did not file charges against any person in relation to this incident.

10. Subsequent to his assault, I verbally reprimanded Fr. Aguilar and ordered him to seek rest and psychiatric help. Fr. Aguilar stated that he might go to Los Angeles, California, where he had family. In addition, I informed Fr. Aguilar that I planned to replace him as parish priest at San Sebastian Martir. I obtained a replacement for Fr. Aguilar in January of 1987.

11. After I obtained a replacement priest, on January 27, 1987, Fr. Aguilar tendered to me his irrevocable resignation from the San Sebastian Martir Parish and indicated his intention to move to Los Angeles, California. That same day, at Fr. Aguilar's request and as was customary in the Church, I wrote a letter introducing him to Defendant Cardinal Roger Mahony, then Archbishop of the Los Angeles Archdiocese. In that letter, I explained that Fr. Aguilar planned to travel to Los Angeles. Because I did not know whether the rumors of Fr. Aguilar's homosexuality were true or instead motivated by resentment within the community, I was uncertain as to whether Fr. Aguilar was fit to continue in service as a priest. As such, I did not grant a license to Fr. Aguilar to take up priestly duties in Los Angeles (granting such licensure was beyond my authority as Bishop of the Diocese in any event), nor did I recommend him for such duties. Rather, I left the decision as to whether to allow Fr. Aguilar to work in the Los Angeles Archdiocese to Cardinal Mahony. However, because I suspected that Fr. Aguilar might be homosexual, I cautioned that the motivation for Fr. Aguilar's trip to Los Angeles was "family and health reasons." The phrase "family and health reasons" was used within the Church to

warn that a priest suffers from some sort of problem. I anticipated that Cardinal Mahony would request a more detailed account of Fr. Aguilar's history and problems if he decided to consider Fr. Aguilar as an employee of the Los Angeles Archdiocese.

12. On March 12, 1987, Fr. Aguilar wrote to me from Venice, California, explaining that he had interviewed with Msgr. Thomas Curry of the Los Angeles Archdiocese. On Msgr. Curry's behalf, Fr. Aguilar requested that I correspond confidentially with then-Archbishop Mahony in order to (a) evaluate Fr. Aguilar as a priest; (b) indicate my understanding of the reasons for Fr. Aguilar's trip to Los Angeles; and (c) recommend Fr. Aguilar for pastoral work in Los Angeles. It was my understanding at that time that Msgr. Curry sought to uncover the facts that had prompted me to describe Fr. Aguilar's visit as for "family and health reasons." On March 23, 1987, I wrote then-Archbishop Mahony a confidential letter, with a copy to Msgr. Curry, stating that (a) Fr. Aguilar was held in esteem by his colleagues and his parishioners; and (b) Fr. Aguilar requested to leave the Diocese in order to work in the Los Angeles Archdiocese. In addition, I referenced Fr. Aguilar's assault in 1986 and stated that "it is suspected that the underlying cause that provoked this assault was due to homosexuality problems." This was the only potentially homosexual incident involving Fr. Aguilar of which I was aware and to which I made mention, and I cautioned that "everything had remained at the accusation and suspicion level." I was not aware of, and in my letter did not refer to, any alleged homosexual activity with minor children. Nonetheless, I never recommended Fr. Aguilar for pastoral work in the Los Angeles Archdiocese in that letter, as Fr. Aguilar had requested, as I was uncertain whether he was fit for such work. Also on March 23, 1987 I wrote Fr. Aguilar to inform him of the confidential letter I sent to Cardinal Mahony and Msgr. Curry.

13. On December 20, 1987 Fr. Aguilar wrote me to request permission to serve indefinitely in the Los Angeles Archdiocese, but I never answered his letter.

14. Never did I "transfer" Fr. Aguilar to the Los Angeles Archdiocese. As Bishop of the Diocese, under the Code of Canonical Law, I did not have the authority to transfer Fr. Aguilar, or any other priest, outside of the Tehuacan Diocese. Rather, I granted Fr. Aguilar permission to serve in Los Angeles on the condition that Cardinal Mahony first accept him for

said service, and I warned Cardinal Mahony of my suspicion that Fr. Aguilar suffered from homosexual problems.

15. The Diocese of Tehuacan did not pay for Fr. Aguilar's travel to the United States. Following Fr. Aguilar's departure for Los Angeles, the Diocese maintained no control over Fr. Aguilar. The Diocese did not direct, nor was it aware of, Fr. Aguilar's activities while he was in California. The Diocese did not pay anything to Fr. Aguilar while he was in California. Apart from Fr. Aguilar's letter of March 12, 1987, my response on March 23, 1987, and Fr. Aguilar's letter of December 20, 1987 (to which I did not respond), I did not have any other communication with Fr. Aguilar while he was in California.

16. On January 11, 1988, two days after Fr. Aguilar fled California for Mexico, Msgr. Curry wrote to inform me that the Los Angeles police was looking for Fr. Aguilar in order to arrest him on suspicion of child sexual abuse. Until this point, I was unaware of any alleged misconduct on the part of Fr. Aguilar while he was in California. On February 23, 1988, Msgr. Curry wrote to request information on Fr. Aguilar's whereabouts. Cardinal Mahony sent a similar request on March 4, 1988. By letter dated March 17, 1988, I responded that I was unaware of Fr. Aguilar's location, but I provided Cardinal Mahony with information regarding Fr. Aguilar's family and employment history in the hope that such information would facilitate the location of Fr. Aguilar. In addition, I referred Cardinal Mahony to the confidential letter of March 23, 1987, in which I summarized my suspicion that Fr. Aguilar suffered from homosexual problems.

17. I did not attempt to facilitate Fr. Aguilar's return to Mexico. Even if I had desired Fr. Aguilar's return, I did not have the authority to force him to return. When Fr. Aguilar fled from California to Mexico, I had no knowledge of that event. Nor did I have the ability to force Fr. Aguilar to return to California. To my knowledge, Fr. Aguilar remains in Mexico.

18. Upon arriving in Mexico in 1988, Fr. Aguilar did not return to the Diocese of Tehuacan where I was then serving. Since his return to Mexico, I have had no contact with Fr. Aguilar and he has not served under my control in any capacity. I am not now harboring Fr. Aguilar from justice, nor ever have I done so. I have never concealed Fr. Aguilar's whereabouts

from law enforcement or church officials in either Mexico or California.

19. In November 1994, Plaintiff Joaquin Aguilar Mendez filed a criminal complaint in Mexico alleging that Fr. Aguilar sexually molested Plaintiff during mass at the San Antonio de Padua parish in Mexico in October of 1994.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 12, 2007

By: (signature)_____

Cardinal Norberto Rivera Carrera