

EXHIBIT "A"
**RULING ON OBJECTIONS BY DEFENDANTS FRANCISCAN
 FRIARS**

Document Number(s)	Objection(s)	Ruling(s)
OFM CABO 1: 0148 0152 0153 0154 0165 0173 0174 0179 0180 0181 OFM CIMM 1: 0395-0400 0417	Post-Date Settlement	Sustained. Paragraph 15(A)(1) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0166-0172 0176-0178 0182-0189 0190-0195 0198-0219 OFM CIMM 1: 0128	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los

		Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Román Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. Moreover, the documents do not convey any significant psychological information. <i>Id.</i> at 455.
OFM CIMM 1: 0234-0241	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the

		<p>psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM CIMM 1: 0292-0302</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Sustained as to OFM CIMM 1: 0292, 0295-0296. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, Defendant Franciscan Friars' objections as to OFM CIMM 1:0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents</p>

		to a psychotherapist does not reclassify the documents as privileged.
OFM CIMM 1: 0327-0329	Psychotherapist-Patient Privilege	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do not convey any significant psychological information. <i>Id.</i> at 455.</p>
OFM CIMM 1: 0330-0331	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on

		<p>behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>[Only part of the communication was submitted for the Court's review.]</p>
<p>OFM CIMM 1: 0334-0357 0358-0373 0374-0382 0383-0394 0418 0420-0470</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that</p>

		<p>were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM JOHN 1: 0067</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do</p>

		not convey any significant psychological information. <i>Id.</i> at 455.
OFM JOHN 1: 0130-0131 0154-0155 0156, 0219 0157, 0220 0158-0159 0168-0169 0215 0217-0218	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4 th 417, 449-456. Also, neither party to OFM JOHN 1: 0156 and 0219 was a psychotherapist or someone being supervised by the treating psychotherapist. <i>Id.</i> at 454.
OFM JOHN 1: 0171	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not

		<p>reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM JOHN 1: 0246-0248 0249-0252</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Sustained as to OFM JOHN 1: 0246-0248. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, Defendant Franciscan Friars' objections to OFM JOHN 1: 0249-0252 are overruled. Merely</p>

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OFM CABO 1: 0148 0152 0153 0154 0165 0173 0174 0179 0180 0181 OFM CIMM 1: 0395-0400 0417	Post-Date Settlement	Sustained. Paragraph 15(A)(1) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0166-0172 0176-0178 0182-0189 0190-0195 0198-0219 OFM CIMM 1: 0128	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los

		Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Román Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. Moreover, the documents do not convey any significant psychological information. <i>Id.</i> at 455.
OFM CIMM 1: 0234-0241	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the

		<p>psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM CIMM 1: 0292-0302</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Sustained as to OFM CIMM 1: 0292, 0295-0296. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, Defendant Franciscan Friars' objections as to OFM CIMM 1:0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents</p>

		to a psychotherapist does not reclassify the documents as privileged.
OFM CIMM 1: 0327-0329	Psychotherapist-Patient Privilege	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do not convey any significant psychological information. <i>Id.</i> at 455.</p>
OFM CIMM 1: 0330-0331	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on

		<p>behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>[Only part of the communication was submitted for the Court's review.]</p>
<p>OFM CIMM 1: 0334-0357 0358-0373 0374-0382 0383-0394 0418 0420-0470</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that</p>

		<p>were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM JOHN 1: 0067</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456. Also, the documents do</p>

		not convey any significant psychological information. <i>Id.</i> at 455.
<p>OFM JOHN 1: 0130-0131 0154-0155 0156, 0219 0157, 0220 0158-0159 0168-0169 0215 0217-0218</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, neither party to OFM JOHN 1: 0156 and 0219 was a psychotherapist or someone being supervised by the treating psychotherapist. <i>Id.</i> at 454.</p>
<p>OFM JOHN 1: 0171</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not</p>

		<p>reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM JOHN 1: 0246-0248 0249-0252</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Sustained as to OFM JOHN 1: 0246-0248. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, Defendant Franciscan Friars' objections to OFM JOHN 1: 0249-0252 are overruled. Merely</p>

		forwarding unprivileged documents to a psychotherapist does not reclassify the documents as privileged.
OFM KRUM 1: 0039	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, it does not appear that the author of the document was a psychotherapist or someone being supervised by a treating psychotherapist. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4 th 417, 449-456.
OFM KRUM 1: 0211-0212	Psychotherapist-Patient Privilege	Sustained. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because

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OFM CIMM 1: 0234-0241	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the

		<p>psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM CIMM 1: 0292-0302</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Sustained as to OFM CIMM 1: 0292, 0295-0296. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, Defendant Franciscan Friars' objections as to OFM CIMM 1:0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents</p>

		to a psychotherapist does not reclassify the documents as privileged.
OFM CIMM 1: 0327-0329	Psychotherapist-Patient Privilege	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist.</p> <p><i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do not convey any significant psychological information. <i>Id.</i> at 455.</p>
OFM CIMM 1: 0330-0331	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on

		<p>behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>[Only part of the communication was submitted for the Court's review.]</p>
<p>OFM CIMM 1: 0334-0357 0358-0373 0374-0382 0383-0394 0418 0420-0470</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that</p>

		<p>were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
OFM JOHN 1: 0067	Psychotherapist-Patient Privilege	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Moreover, the documents and/or communications were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do</p>

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<p>OFM JOHN 1: 0171</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not</p>

		<p>reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM JOHN 1: 0246-0248 0249-0252</p>	<p>Psychotherapist-Patient Privilege</p>	<p>Sustained as to OFM JOHN 1: 0246-0248. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, Defendant Franciscan Friars' objections to OFM JOHN 1: 0249-0252 are overruled. Merely</p>

		forwarding unprivileged documents to a psychotherapist does not reclassify the documents as privileged.
OFM KRUM 1: 0039	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, it does not appear that the author of the document was a psychotherapist or someone being supervised by a treating psychotherapist. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4 th 417, 449-456.
OFM KRUM 1: 0211-0212	Psychotherapist-Patient Privilege	Sustained. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because

		disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 455.
OFM PACH 1: 0005-0007	Physician-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the physician was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering treatment and/or were being supervised by the treating physician. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM VANH 1: 0518-0520	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to

		<p>accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
OFM VANH 1: 0548	Psychotherapist-Patient Privilege	<p>Sustained. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p>
OFM VAN 1: 0549	Psychotherapist-Patient Privilege	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the</p>

		<p>psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the communication was not sent by a psychotherapist or someone being supervised by a treating psychotherapist. <i>Id.</i> at 456.</p>
OFM VAN 1: 0587 0589	Psychotherapist-Patient Privilege	<p>Sustained. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis).</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p>
OFM VAN 1: 0588 0579 0606	Psychotherapist-Patient Privilege	<p>Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on</p>

		<p>behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists.</p> <p>Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM JOHN 1: 0238-0239 0241 0242</p> <p>OFM PACHEO 1: 0280-0285</p> <p>OFM VANH 1: 0657-0714</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p> <p>(Psychotherapist-Patient Privilege – OFM PACHEO 1: 0284-0285)</p>	<p>Objections were withdrawn by counsel for Defendant Franciscan Friars by letter to the Court dated September 18, 2008.</p> <p>*The victim's name and identifying information will be redacted in OFM PACHEO 1: 280-285.</p>
<p>OFM CONN 1: 0392-0397</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p>	<p>Sustained as to OFM CONN 1: 0392, 0394-0397. Defendant Franciscan Friars has standing to raise the objections because disclosure was reasonably necessary for the accomplishment of the purpose for which the attorney was consulted, i.e. preparing a defense</p>

		<p>against charges of sexual abuse. Rudnick v. Superior Court (1974) 11 Cal.3d 924, 932. See also California Evidence Code §952.</p> <p>Moreover, the Court finds that the joint defense/common interest doctrine applies. Defendant Franciscan Friars and the alleged perpetrators share a common interest in defending against the claims of sexual abuse. Also, the documents at issue would otherwise have been protected from disclosure by a claim of privilege (attorney-client and/or work product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest.</p> <p>Overruled as to OFM CONN 1: 0393. Merely forwarding a non-privileged document to an attorney does not automatically change its status to privileged. The document attached to the privileged letter is a matter of public record. As such, the privilege does not apply.</p>
<p>OFM CONN 1: 0497-0500 0503-0508 0501</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p>	<p>Sustained. Defendant Franciscan Friars has standing to raise the objections because</p>

<p>0502 0668 0669</p>		<p>disclosure was reasonably necessary for the accomplishment of the purpose for which the attorneys were consulted, i.e. preparing a defense against charges of sexual abuse. Rudnick v. Superior Court (1974) 11 Cal.3d 924, 932. See also California Evidence Code §952. The fact that Br. Connolly died does not affect Defendant Franciscan Friar's ability to assert the attorney-client privilege. See California Evidence Code §954(b).</p> <p>Moreover, the Court finds that the joint defense/common interest doctrine applies. Defendant Franciscan Friars and the alleged perpetrators share a common interest in defending against the claims of sexual abuse. Also, the documents at issue would otherwise have been protected from disclosure by a claim of privilege (attorney-client and/or work product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest.</p>
<p>OFM VANH 1: 0355-0356 0357 0358</p>	<p>Attorney-Client Privilege & Attorney Work Product Doctrine</p>	<p>Sustained. Defendant Franciscan Friars has standing to raise the objections because</p>

<p>0359 0371-0373 0374 0402-0403 0404 0405 0406 0417-0419 0420 0445-0446 0447 0448 0449 0461-0463 0464 0655-0656</p>		<p>disclosure was reasonably necessary for the accomplishment of the purpose for which the attorneys were consulted, i.e. preparing a defense against charges of sexual abuse. Rudnick v. Superior Court (1974) 11 Cal.3d 924, 932. See also California Evidence Code §952.</p> <p>Moreover, the Court finds that the joint defense/common interest doctrine applies. Defendant Franciscan Friars and the alleged perpetrators share a common interest in defending against the claims of sexual abuse. Also, the documents at issue would otherwise have been protected from disclosure by a claim of privilege (attorney-client and/or work product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest.</p>
<p>OFM VANH 1: 0375-0400 0421-0444 0465-0490</p>	<p>Attorney-Client Privilege & Attorney Work Product Doctrine</p>	<p>Overruled. Defendant Franciscan Friars has standing to raise the objections because disclosure was reasonably necessary for the accomplishment of the purpose for which the attorneys were consulted, i.e. preparing a defense against charges of sexual</p>

		<p>abuse. Rudnick v. Superior Court (1974) 11 Cal.3d 924, 932. See also California Evidence Code §952.</p> <p>However, merely forwarding non-privileged documents to an attorney does not automatically change their status to privileged. The documents consist of public records. As such, the privilege does not apply.</p> <p>*The victims(s) names must be redacted.</p>
OFM VANH 1: 0657-0714	Attorney-Client Privilege & Attorney Work Product Doctrine	Objections were withdrawn by counsel for Defendant Franciscan Friars by letter to the Court dated September 18, 2008.
OFM PACH 1: 0360	Attorney-Client Privilege & Attorney Work Product Doctrine	Overruled. However, the confidential settlement terms must be redacted from the document.
OFM VANH 1: 0363 0364 0410 0453	Attorney -Client Privilege & Attorney Work Product Doctrine	Overruled. Documents that are not authored or received by an attorney are not privileged. Doe 2 v. Superior Court (2005) 132 Cal.App.4 th 1504, 1521-1522.
OFM JOHN 1: 0460-0462 0464 0494 OFM KRUM 1: 0280-0305 0308-0310 0313-0326	Free Exercise Clause of the United States Constitution	Overruled. Pursuant to the Settlement Agreement, production of the documents is governed by California's Civil Discovery Act. (Settlement Agreement ¶¶15 &20). California's Civil Discovery Act is a law that is valid, neutral,

<p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>		<p>and of general applicability. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 431 (citing Church of the Lukumi Babalu Aye, Inc. v. Hialeah (1993) 508 U.S. 520, 531-532). Therefore, Defendant Franciscan Friars cannot invoke the Free Exercise Clause of the United States Constitution to avoid production of the documents at issue (i.e. the laicization files).</p>
<p>OFM JOHN 1: 0460-0462 0464 0494</p> <p>OFM KRUM 1: 0280-0305 0308-0310 0313-0326</p> <p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>	<p>Free Exercise Clause of the California Constitution</p>	<p>Overruled. The appropriate standard of review for a challenge, under California Constitution's guarantee of free exercise of religion, to a state law that is valid, neutral, and of general applicability, has not been determined. North Coast Women's Care Medical Group, Inc. v. San Diego Superior Court (2008) 44 Cal.4th 1145, 1158. However, Defendant Franciscan Friars cannot invoke the Free Exercise Clause of the California Constitution to avoid production of the alleged perpetrator's laicization files even if the strict scrutiny standard is applied. Catholic Charities of Sacramento, Inc. v.</p>

		<p>Superior Court (2004) 32 Cal.4th 527, 562. Even assuming, for the sake of argument, application of California's Discovery Act substantially burdens a religious belief or practice, the law serves compelling state interests (i.e. seeking the truth in court proceedings, ensuring those injured by the actionable conduct of others receive full redress of the injuries, and, as applied in this case, protecting children from sexual abuse) and is narrowly tailored to achieve those interests.</p>
<p>OFM JOHN 1: 0460-0462 0464 0494</p> <p>OFM KRUM 1: 0280-0305 0308-0310 0313-0326</p> <p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>	<p>Establishment Clause of the United States Constitution</p>	<p>Overruled. Defendant Franciscan Friars cannot invoke the Establishment Clause of the United States Constitution to avoid production of the alleged perpetrator's laicization files. Enforcement of the Settlement Agreement, via the California Civil Discovery Act, does not result in any excessive entanglement with religion. The parties in this case have asked the Court to decide whether the asserted privileges have merit. Assessment of the applicability of a privilege does not lead to excessive government entanglement in religion. Moreover, the California Discovery Act is secular</p>

		<p>in purpose and its "principal or primary effect" is not to inhibit a religion. See Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 434-435, and The Society of Jesus of New England v. Commonwealth (2004) 441 Mass. 662, 674-675.</p>
<p>OFM CABO 1: 0009 (Vasquez)</p> <p>Depositions</p>	<p>Third-Party Privacy Rights</p> <p>(Redact Name Only)</p>	<p>Sustained. Defendant Franciscan Friars has standing to raise the privacy objection on behalf of Fr. Vasquez. Fr. Vasquez is not an "alleged perpetrator" under the Settlement Agreement. (Settlement Agreement ¶¶15(A)(1)(a) & 15(A)(2)(c)).</p> <p>Fr. Vasquez' privacy rights are not outweighed by the State's compelling interest in protecting children from sexual abuse. There is no evidence to suggest that any claims of childhood sexual abuse has been made against Fr. Vasquez.</p>
<p>OFM CABO 1: 0143 (Prochnow)</p> <p>Depositions</p>	<p>Third-Party Privacy Rights</p> <p>(Redact Name Only)</p>	<p>Overruled. Defendant Franciscan Friars has standing to raise the privacy objection on behalf of Fr. Prochnow. Fr. Prochnow is not an "alleged perpetrator" under the Settlement Agreement. (Settlement Agreement ¶¶15(A)(1)(a)</p>

		<p>& 15(A)(2)(c)).</p> <p>Fr. Prochnow's privacy rights are outweighed by the State's compelling interest in protecting children from sexual abuse. Fr. Prochnow admitted to having sexually abused a child, therefore, disclosure is necessary.</p>
<p>OFM PACH 1: 0269-0272, 276 278-279 (Michael Harris)</p>	<p>Third-Party Privacy Rights (Redact Name Only)</p>	<p>Objections were withdrawn by counsel for Defendant Franciscan Friars by letter to the Court dated September 18, 2008.</p> <p>*The victim's name will remain redacted.</p>

EXHIBIT "B"
RULING ON OBJECTIONS BY THE ALLEGED PERPETRATORS

Document Number(s)	Objection(s)	Ruling(s)
OFM CABO 1: 0009 0143	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM CABO 1: 0148 0152-0154 0165 0173-0174 0179-0181	Psychotherapist-Patient & Physician-Patient Privileges	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0166-0172 0176-0178 0182-0189 0190-0195 0198-0219	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the

		<p>treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
<p>OFM CIMM 1: 0128</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman</p>

		<p>Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
OFM CIMM 1: 0395-400 0417	Psychotherapist-Patient & Physician-Patient Privileges	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were

		<p>consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do not convey any significant psychological information. <i>Id.</i> at 455.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
OFM CIMM 1: 0234-0241	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish

		<p>the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
OFM CIMM 1: 0292-0302	Psychotherapist-Patient & Physician-Patient Privileges	Sustained as to OFM CIMM 1: 0292, 0295-0296. Disclosure was reasonably necessary to accomplish the purpose

		<p>for which the psychotherapist or physician was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.</p> <p>However, the alleged perpetrators' objections to OFM CIMM 1: 0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents to a psychotherapist or physician does not reclassify the documents as privileged.</p>
<p>OFM CIMM 1: 0327-0329</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>Also, the documents do not convey any</p>

		<p>significant psychological information. <i>Id.</i> at 455.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), <i>Rudnick v. Superior Court of Kern County</i> (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
<p>OFM CIMM 1: 0330-0331 0334-0357 0358-0373 0374-0382 0383-0394 0418 0420-0470*</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4th 417, 449-456.</p>

		<p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p> <p>*OFM CIMM 1: 0420-0470 also indicate that Fr. Cimmarusti authorized release of confidential information.</p>
<p>OFM CONN 1: 0392-0397 0497-0500 0503-0508 0501-0502 0668-0669</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Not applicable. Br. Connolly (deceased) is not one of the named alleged perpetrators raising objections in this case.</p>
<p>OFM JOHN 1: 0067</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy</p>

		<p>or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
<p>OFM JOHN 1: 0130-0131 0154-0155 0156, 0219 0157, 0220 0158-0159 0168-0169 0171 0215 0217-0218</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the</p>

		<p>treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
<p>OFM JOHN 1: 0246-0252</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Sustained as to OFM JOHN 1: 0246-0248. Disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>However, the alleged perpetrator's objection to</p>

		OFM JOHN 1: 0249-0252 are overruled. Merely forwarding unprivileged documents to a psychotherapist does not reclassify the documents as privileged.
OFM JOHN 1: 0238-0239 0241-0242 0460-0462 0464 0494	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM KRUM 1: 0039 0323	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided

		during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM KRUM 1: 0211-0212	Psychotherapist-Patient & Physician-Patient Privileges	Sustained. Disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM KRUM 1: 0280-0305 0308-0310 0313-0322 0324-0326	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM PACH 1: 0005-0007	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals

		<p>that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
OFM PACH 1: 0434-0435	Psychotherapist-Patient & Physician-Patient Privileges	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy</p>

		<p>or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
<p>OFM PACH 1: 0269-0272 0276 0278-0279 0280-0281 0282-0285 0390-0433 0436-0447 0360</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.</p>
<p>OFM VANH 1: 0518-0520 0606</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were</p>

		<p>consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.</p>
<p>OFM VANH 1: 0548 0587 0589</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Sustained. Disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of</p>

		<p>Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p>
<p>OFM VANH 1: 0588 0579 0842-0844 0845-0847</p>	<p>Psychotherapist-Patient & Physician-Patient Privileges</p>	<p>Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.</p> <p>In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and</p>

		Exhibit 2 of the Hale Declaration.
OFM VANH 1: 0355-0359 0363-0364 0371-0400 0402-0406 0410 0417-0449 0453 0461-0490 0549 0655-0714 0805 0813-0841 0848-0872	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM CABO 1: 0148 0152-0154 0165 0173-0174 0179-0181	Attorney Client Privilege & Attorney Work Product Doctrine ¹	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0009 0143 0166-0172 0176-0178 0182-0195 0198-0219	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not

¹ The alleged perpetrators also object to the production and publication of the contested documents pursuant to Evidence Code §§1115-1128 (mediation) and 1152 (settlement offers). However, the only documents that may have been subject to protection on these grounds have already been protected from production on other grounds (i.e. attorney-client privilege and attorney work product doctrine). Therefore, the objections are moot.

		subject to the work product privilege.
OFM CIMM 1: 0395-0400 0417	Attorney Client Privilege & Attorney Work Product Doctrine	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CIMM 1: 0128 0222-0226 0234-0241 0292-0302 0327-0331 0334-0394 0418 0420-0470	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege.
OFM CONN 1: 0392-0397 0497-0500 0503-0508 0501-0502 0668-0669	Attorney Client Privilege & Attorney Work Product Doctrine	Not applicable. Br. Connolly (deceased) is not one of the named alleged perpetrators raising objections in this case.
OFM JOHN 1: 0067 0130-0131 0154-0159 0168-0169 0171 0215 0217-0220 0246-0252 0460-0462 0464	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege.

<p>0494</p> <p>OFM JOHN 1: 0238-0239 0241 0242</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p>	<p>Sustained. Disclosure was reasonably necessary for accomplishment of the purpose for which the attorney was consulted, i.e. preparing a defense against charges of sexual abuse. <i>Rudnick v. Superior</i> Court (1974) 11 Cal.3d 924, 932. See also Evidence Code §§912(d) and 952.</p> <p>Moreover, the Court finds that the joint defense/common interest doctrine applies. The alleged perpetrator and Defendant Franciscan Friars share a common interest in defending against claims of sexual abuse. Also, the documents at issue would otherwise have been protected from disclosure by a claim of privilege (attorney-client and/or work product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest.</p>
<p>OFM KRUM 1: 0039 0211-0212 0280-0305 0308-0310 0313-0326</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p>	<p>Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not</p>

		subject to the work product privilege.
OFM PACH 1: 0005-0007 0269-0272 0276 0278-0279 0390-0447	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege.
OFM PACH 1: 0280-0285	Attorney Client Privilege & Attorney Work Product Doctrine	<p>Moot as to OFM PACH 1: 0280-0281. According to counsel for Defendant Franciscan Friars, by letter to the Court dated September 18, 2008, Plaintiffs have withdrawn their request for these documents.</p> <p>Overruled as to OFM PACH 0282-0285. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege. Moreover, this Court notes that the documents were sent to all counsel in the case, including Plaintiff's counsel.</p> <p>*However, as this Court previously stated, the victim's name and identifying information must be redacted.</p>

<p>OFM PACH 1: 0360</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p>	<p>Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege.</p> <p>*However, as this Court previously noted, the confidential settlement terms are to be redacted from the document.</p>
<p>OFM VANH 1: 0355-0356 0357 0358 0359 0371-0373 0374 0402-0403 0404 0405 0406 0417-0419 0420 0445-0446 0447 0448 0449 0461-0463 0464 0655-0656</p>	<p>Attorney Client Privilege & Attorney Work Product Doctrine</p>	<p>Sustained. Disclosure was reasonably necessary for the accomplishment of the purpose for which the attorneys were consulted, i.e. preparing a defense against charges of sexual abuse. Rudnick v. Superior Court (1974) 11 Cal.3d 924, 932. See also Evidence Code §§912(d) and 952.</p> <p>Moreover, this Court finds that the joint defense/common interest doctrine applies. The alleged perpetrators and Defendant Franciscan Friars share a common interest in defending against the claims of sexual abuse. Also, the documents at issue would otherwise have been protected from disclosure by a claim of</p>

		privilege (attorney-client and/or work-product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest.
OFM VANH 1: 0657-0714	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. Merely forwarding non-privileged documents to a client or an insurance company does not automatically change their status to privileged.
OFM VANH 1: 0375-0400 0421-0444 0465-0490	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. Merely forwarding non-privileged documents to an attorney does not automatically change their status to privileged. The documents consist of public records. As such, the privilege does not apply. *The victims(s) names must be redacted.
OFM VANH 1: 0363 0364 0410 0453	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. Documents that are not authored or received by an attorney are not privileged. <i>Doe 2 v. Superior Court</i> (2005) 132 Cal.App.4 th 1504, 1521-1522.
OFM VANH 1: 0518-0520 0548-0549 0587-0589 0606 0579 0805 0813-0872	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege.

<p>OFM JOHN 1: 0460-0462 0464 0494</p> <p>OFM KRUM 1: 0280-0305 0308-0310 0313-0326</p> <p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>	<p>Clergy-Penitent Privilege</p>	<p>Overruled. The alleged perpetrators failed to meet their burden of establishing the preliminary facts necessary to show that the clergy-penitent privilege applies to the laicization files. See Evidence Code §§1030-1034. See also Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 442-445, and Story v. Superior Court (2003) 109 Cal.App.4th 1007, 1014. Specifically, the alleged perpetrators failed to establish that they are penitents under Evidence Code §1031.</p>
<p>OFM JOHN 1: 0460-0462 0464 0494</p> <p>OFM KRUM 1: 0280-0305 0308-0310 0313-0326</p> <p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>	<p>Free Exercise Clause of the United States Constitution</p>	<p>Overruled. Pursuant to the Settlement Agreement, production of the documents is governed by California's Civil Discovery Act. (Settlement Agreement ¶¶15 & 20). California's Civil Discovery Act is a law that is valid, neutral, and of general applicability. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 431 (citing Church of the Lukumi Babalu Aye, Inc. v. Hialeah (1993) 508 U.S. 520, 531-532). Therefore, the alleged perpetrators cannot</p>

		invoke the Free Exercise Clause of the United States Constitution to avoid production of the documents at issue (i.e. the laicization files).
<p>OFM JOHN 1: 0460-0462 0464 0494</p> <p>OFM KRUM 1: 0280-0305 0308-0310 0313-0326</p> <p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>	Free Exercise Clause of the California Constitution	<p>Overruled. The appropriate standard of review for a challenge, under California Constitution's guarantee of free exercise of religion, to a state law that is valid, neutral, and of general applicability, has not been determined. North Coast Women's Care Medical Group, Inc. v. San Diego Superior Court (2008) 44 Cal.4th 1145, 1158. However, the alleged perpetrators cannot invoke the Free Exercise Clause of the California Constitution to avoid production of their laicization files even if the strict scrutiny standard is applied. Catholic Charities of Sacramento, Inc. v. Superior Court (2004) 32 Cal.4th 527, 562. Even assuming, for the sake of argument, application of California's Discovery Act substantially burdens a religious belief or practice, the law serves compelling state interests (i.e. seeking the truth in court proceedings, ensuring those injured by the actionable conduct of</p>

		others receive full redress of the injuries, and, as applied in this case, protecting children from sexual abuse) and is narrowly tailored to achieve those interests.
<p>OFM JOHN 1: 0460-0462 0464 0494</p> <p>OFM KRUM 1: 0280-0305 0308-0310 0313-0326</p> <p>OFM VANH 1: 0805 0813-0872</p> <p>OFM PACH 1: 0390-0447</p>	Establishment Clause of the United States Constitution	<p>Overruled. The alleged perpetrators cannot invoke the Establishment Clause of the United States Constitution to avoid production of their laicization files. Enforcement of the Settlement Agreement, via the California Civil Discovery Act, does not result in any excessive entanglement with religion. The parties in this case have asked the Court to decide whether the asserted privileges have merit. Assessment of the applicability of a privilege does not lead to excessive government entanglement in religion. Moreover, the California Discovery Act is secular in purpose and its "principal or primary effect" is not to inhibit a religion. See <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4th 417, 434-435, and <i>The Society of Jesus of New England v. Commonwealth</i> (2004) 441 Mass. 662, 674-675.</p>
All Contested Documents	Constitutional Right to Privacy	Overruled. This Court has already determined

		that the alleged perpetrators' rights to privacy are outweighed by the State's compelling interest in protecting its children from sexual abuse. See Judge Lichtman's 6/18/07 Order and this Court's 2/10/09 Minute Order.
<p>All documents created by the alleged perpetrators (except Connolly), including, but not limited to, the following:²</p> <p>OFM CABO 1: 0165-0172</p> <p>OFM CIMM 1: 0234-0241 0418</p> <p>OFM JOHN 1: 0157 0220 0464</p> <p>OFM KRUM 1: 0282 0286 0289-0290 0323</p> <p>OFM PACH 1: 0396 0403-0404 405 0441</p> <p>OFM VANH 1: 0687-0714 0518-0520 0805</p>	<p>Federal Copyright Law of 1976</p> <p>California Civil Code §985</p>	<p>Overruled. Civil Code §985, part of California's common-law copyright, was pre-empted by the Federal Copyright Law of 1976. See 17 U.S.C. §301(a). See also <i>Klekas v. EMI Films, Inc.</i> (1984) 150 Cal.App.3d 1102, 1109, and <i>Salinger v. Random House, Inc.</i> (2nd Cir. 1987) 811 F.2d 90, 95.</p> <p>Even assuming the contested documents fall under the protection of the Federal Copyright Law of 1976, which this Court seriously questions, the alleged perpetrators, as employees, are not the owners of the copyrights. See U.S.C. §201(b) and 17 U.S.C. §101. Specifically, the alleged perpetrators created the contested documents within the course and scope of their employment with Defendant Franciscan Friars.</p>

² The objection is overruled as to the contested documents that were not created by the alleged perpetrators.

<p>0815 0820-0831 0832-0836 0861-0872</p>		<p>Moreover, even if California Civil Code §985 was not preempted by the Federal Copyright Law of 1976, the alleged perpetrators' objection fails for two reasons. First, this Court has already determined that the alleged perpetrators are not owners of the copyrights because the contested documents were created within the course and scope of their employment with Defendant Franciscan Friars. Second, compelled disclosure of the contested documents would not deprive the alleged perpetrators of any property rights. See <i>Carpenter Foundation v. Oakes</i> (1972) 26 Cal.App.3d 784, 794, and <i>United States v. Certain Parcels of Land</i> (1953) 15 F.R.D. 224, 234.</p>
<p>All documents created by Connolly, including, but not limited to, the following:</p> <p>OFM CONN 1:³ 0392 0394-0397 0501 0502</p>	<p>Federal Copyright Law of 1976</p> <p>California Civil Code §985</p>	<p>Not applicable. Br. Connolly (deceased) is not one of the named alleged perpetrators raising objections in this case.</p>

³ The objection is overruled as to the contested documents that were not created by Connolly.

EXHIBIT "C"
RULING ON OBJECTIONS BY THE BYSTANDERS¹

Document Number(s)	Objection(s)	Ruling(s)
<p>All documents created by the bystanders, including, but not limited to, the following:²</p> <p>OFM CABO 1: 0009 0143</p> <p>OFM CIMM 1: 0222-0225 0226 0292 0293-0294 0295-0296</p> <p>OFM JOHN 1: 0067 0130-0131 0171 0215 0246 0247-0248 0249 0250 0252 0460 0461 0462 0494</p> <p>OFM KRUM 1: 0211-0212 0283-0284 0318-0321 0322 0324-0325</p>	<p>Federal Copyright Law of 1976</p> <p>California Civil Code §985</p>	<p>Overruled. Civil Code §985, part of California's common-law copyright, was pre-empted by the Federal Copyright Law of 1976. See 17 U.S.C. §301(a). See also <i>Klekas v. EMI Films, Inc.</i> (1984) 150 Cal.App.3d 1102, 1109, and <i>Salinger v. Random House, Inc.</i> (2nd Cir. 1987) 811 F.2d 90, 95.</p> <p>Even assuming the contested documents fall under the protection of the Federal Copyright Law of 1976, which this Court seriously questions, the bystanders, as employees, are not the owners of the copyrights. See U.S.C. §201(b) and 17 U.S.C. §101. Specifically, the bystanders created the contested documents within the course and scope of their employment with Defendant Franciscan Friars.</p> <p>Moreover, even if California Civil Code</p>

¹ This Court notes that some of the documents are not signed and/or the creators of the documents are unknown. Therefore, for the sake of argument, the Court will consider the bystanders creators of all such documents.

² The objection is overruled as to the contested documents that were not created by the bystanders.

<p>OFM PACH 1: 0393-0394 0397-0398 0401 0402 0419-0420 0439 0440 0446</p> <p>OFM VANH 1: 0364 0548 0549 0587 0589 0816 0819 0848-0849 0852-0853</p>		<p>§985 was not preempted by the Federal Copyright Law of 1976, the bystanders' objection fails for two reasons. First, this Court has already determined that the bystanders are not owners of the copyrights because the contested documents were created in the course and scope of their employment with Defendant Franciscan Friars. Second, compelled disclosure of the contested documents would not deprive the bystanders of any property rights. See <i>Carpenter Foundation v. Oakes</i> (1972) 26 Cal.App.3d 784, 794, and <i>United States v. Certain Parcels of Land</i> (1953) 15 F.R.D. 224, 234.</p>
<p>All Contested Documents</p>	<p>Constitutional Right to Privacy (Redaction of Personal Information)</p>	<p>Sustained. Plaintiffs do not object to the redaction of the bystanders' personal information (i.e. social security numbers, home addresses, and any medical conditions) from the contested documents.</p> <p>However, this Court finds that the bystanders' names must be redacted from all of the contested documents in order to preserve their rights to privacy and narrowly circumscribe the scope of disclosure. <i>Board of</i></p>

		<i>Trustees v. Superior Court of Santa Clara County</i> (1981) 119 Cal.App.3d 516, 526.
<p>All reports and/or evaluations created by the bystanders, including, but not limited to, the following:</p> <p>OFM CABO 1:³ 0009 0143</p> <p>OFM CIMM 1: 0222-0225 0226 0292 0293-0294 0295-0296</p> <p>OFM JOHN 1: 0067 0130-0131 0171 0215 0246 0247-0248 0249 0250 0252 0460 0461 0462 0494</p> <p>OFM KRUM 1: 0211-0212 0283-0284 0318-0321 0322 0324-0325</p> <p>OFM PACH 1:</p>	<p>Constitutional Right to Privacy</p>	<p>Overruled (in part). This Court finds that the bystanders' privacy interests in the reports/evaluations are outweighed by the State's compelling interest in protecting children from sexual abuse. However, as discussed above, the bystanders' names and personal information must be redacted from the contested documents.</p>

³ The objection is overruled as to the contested documents that were not created by the bystanders.

0393-0394 0397-0398 0401 0402 0419-0420 0439 0440 0446 OFM VANH 1: 0364 0548 0549 0587 0589 0816 0819 0848-0849 0852-0853		
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