

A50A471
DAVID CLOHESSY JANUARY 2, 2012

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IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF MISSOURI

CASE NO. 1016-CV-29995

JOHN DOE, B. P.

Plaintiff

vs.

FATHER MICHAEL TIERNEY, et al.

Defendants

_____ /

Crowne Plaza Hotel
7750 Carondelet Avenue
Clayton, Missouri
January 2, 2012
9:00 A.M. to 4:00 P.M.

VIDEOTAPED DEPOSITION OF DAVID CLOHESSY

Taken before Sandra L. Ragsdale, Certified
Court Reporter by the State of Missouri, pursuant
to Notice for:

Atkinson-Baker, Inc. Court Reporters
500 North Brand Boulevard, Third Floor
Glendale, California 91203
800-288-3376, www.depo.com
File A50A471

A50A471
DAVID CLOHESSY **JANUARY 2, 2012**

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DAVID CLOHESSY **JANUARY 2, 2012**

1 (VIDEOTAPE NUMBER 1)
2 VIDEOGRAPHER: This is the videotaped
3 deposition of David Clohessy. I'm Chris O'Brien,
4 your videographer, and I represent Atkinson-Baker,
5 Inc. in Glendale, California. I am not
6 financially interested in this action nor am I a
7 relative or employee of any of the attorneys or
8 any of the parties.
9 The date is January 2, 2012. The time
10 is approximately 9:54 A.M. This deposition is
11 taking place at the Crowne Plaza Hotel, 7750
12 Carondelet in Clayton, Missouri. This is case
13 number 1016CV29995 entitled John Doe, B.P. versus
14 Father Michael Tierney, et al.
15 The deponent is David Clohessy. This
16 deposition is being taken on behalf of the
17 defendants. The court reporter is Sandra
18 Ragsdale.
19 Will the attorneys please introduce
20 themselves?
21 MR. MADDEN: Brian Madden for Father
22 Michael Tierney.
23 MS. COHARA: Mara Cohara for the
24 Diocese.
25 MR. MEYERS: I'm Martin Meyers -- can

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1 you hear me -- and I represent Father Mark Honhart
2 in cases filed by John Doe, J.D., Case No.
3 1116CV07048, and John Doe, M.F., Case No.
4 1116CV23198.
5 MR. MCGONAGLE: My name is Gerald
6 McGonagle and I am here representing Monsignor
7 Thomas J. O'Brien specific to my cross deposition
8 notice in the case of John Doe, M.S. v. O'Brien,
9 et al., Jackson County Circuit Court, Division 13,
10 in front of the Honorable Ann Mesle, Case No.
11 116-CV04798.
12 MR. WYRSCH: My name is James Wyrsh.
13 I represent Father Francis McGlynn in a case
14 pending in the Circuit Court of Jackson County,
15 Missouri, Case No. 1116-CV29252, now pending in
16 front of Judge Del Muro.
17 In addition I represent Father Thomas
18 Cronin who is a defendant in the Circuit Court of
19 Clinton County, Missouri, Case No. 11CL-CV00078,
20 that's pending in front of Judge Chapman.
21 MS. RANGLES: My name is Rebecca
22 Randles. I'm the attorney on behalf of plaintiff
23 John Doe, B.P., plaintiff John Doe, J.D.,
24 plaintiff John Doe, M.F., plaintiff [REDACTED]
25 plaintiff John Doe, M.S., plaintiff Jane Doe, I.P.

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1 and plaintiff Jane Doe, W.R.
2 MR. DIEHR: Matthew Diehr here on
3 behalf of the deponent.
4 MR. JENSEN: Jeff Jensen here on
5 behalf of David Clohessy.
6 REPORTER: Sir, if you'd raise your 9:56A
7 right hand I'll swear you in. Do you swear the
8 testimony you're about to give will be the truth,
9 the whole truth and nothing but the truth so help
10 you God?
11 THE WITNESS: I do.
12 DAVID CLOHESSY,
13 of lawful age, being produced, sworn and examined,
14 testified as follows:
15 EXAMINATION
16 QUESTIONS BY MR. MADDEN:
17 **Q. Please state your name.**
18 A. David Clohessy, C-L-O-H-E-S-S-Y.
19 **Q. Mr. Clohessy, my name is Brian Madden**
20 **and I represent Father Michael Tierney. Have you**
21 **ever given a deposition before today?**
22 A. No, sir.
23 **Q. If I ask you a question today that you**
24 **do not understand, will you tell me so?**
25 A. Yes, sir.

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1 **Q. Thank you. What is your business**
2 **address?**
3 A. Business address, -- I work out of my
4 home. SNAP is headquartered in Chicago. We have
5 a post office box, 6416. I don't know the zip
6 code, I'm sorry.
7 **Q. What is your home address then that**
8 **you work out of?**
9 MR. JENSEN: Objection to giving out
10 his home address. Mr. Clohessy has been the
11 subject of numerous death threats over the years
12 and there's no relevance to that information and
13 I'll instruct the witness not to answer the
14 question.
15 BY MR. MADDEN:
16 **Q. Is the home out of which you work**
17 **located in the St. Louis area?**
18 A. Yes.
19 **Q. Okay. Who represents you in today's**
20 **deposition?**
21 A. Mr. Diehr and Mr. Jensen. 9:57A
22 **Q. Has Ms. Randles ever represented you?**
23 A. No -- well, excuse me. Hold on.
24 (DISCUSSION WAS HAD OFF THE RECORD)
25 A. So when I filed my own lawsuit against

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1 Father John Whitely in the Diocese of Jefferson
2 City -- because, by the way, he molested me and [REDACTED]
3 [REDACTED] Ms. Randles either helped to prepare
4 or formally filed, I'm not sure which, an amicus
5 brief on behalf of organizations that supported me
6 in my civil litigation.
7 **Q. All right. With regard to today's** 9:58A
8 **deposition and this action, are you represented by**
9 **Ms. Randles?**
10 A. No, sir.
11 **Q. Have you discussed today's deposition**
12 **with Ms. Randles prior to today?**
13 **(DISCUSSION WAS HAD OFF THE RECORD)**
14 MR. JENSEN: Object to that question
15 and any conversations Mr. Clohessy may have had
16 with Rebecca Randles, the basis being the Missouri
17 Rape Crisis Center Statute, at R.S.MO 455.03 which
18 prohibits the release of confidentiality of any
19 information that would identify individuals served
20 by SNAP and any information or records that are
21 directly related to the advocacy services provided
22 to such individuals.
23 BY MR. MADDEN: 9:59A
24 **Q. Mr. Clohessy, that brings up --**
25 MR. JENSEN: In addition, I'd like to

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1 object based on NAACP versus Alabama in that
2 answers to those questions would trespass upon
3 fundamental freedoms protected by the due process
4 clause of the 14th Amendment because the effect of
5 compelled disclosure of such information will be
6 to abridge the rights of its members and
7 supporters to engage in lawful association in
8 support of their common beliefs.
9 BY MR. MADDEN:
10 **Q. Mr. Clohessy, do you refuse to answer**
11 **based on that objection?**
12 A. I do.
13 **Q. Let me state at the beginning of this**
14 **deposition, I do not want the names of any victims**
15 **that have contacted you other than those people**
16 **who have contacted you and have filed suit against**
17 **either Father Michael Tierney or the Diocese in**
18 **Kansas City-St. Joseph. Do you understand what**
19 **I'm saying? I don't want the names -- I don't**
20 **want you to reveal to me the names of any victims**
21 **other than those who have put their names forward**
22 **in lawsuits. Do you understand that?**
23 A. I've heard what you said. 10:00A
24 **Q. Okay.**
25 MR. RANGLES: And I have to object

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1 that just the mere fact that someone has filed a
2 lawsuit doesn't necessarily indicate a right for
3 you to learn the name of that individual unless
4 they're specific to either the lawsuit that you're
5 representing or a lawsuit against [REDACTED]
6 MR. JENSEN: We would also object for
7 any questions that get to the -- even the initials
8 of people involved or necessary contacts that Mr.
9 Clohessy has had with those individuals under the
10 Rape Crisis Center Statute as he does not have
11 their written consent to testify about those
12 matters. And under the same NAACP v. Alabama case
13 I discussed earlier.
14 BY MR. MADDEN:
15 **Q. Now when Ms. Randles and you talked**
16 **about this deposition before today's deposition,**
17 **was she contacting you in the context of needing**
18 **SNAP services?**
19 MS. RANGLES: Objection.
20 MR. JENSEN: Same objection.
21 MS. RANGLES: And I object to the form
22 of the question as it includes facts that are not
23 yet in evidence. No foundation.
24 MR. JENSEN: And I'll instruct the 10:01A
25 witness not to answer the question.

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1 BY MR. MADDEN:
2 **Q. Who is your current employer?**
3 A. SNAP, the Survivors Network of those
4 Abused by Priests.
5 **Q. How long have you been employed by**
6 **SNAP?**
7 A. Since roughly June of 2002.
8 **Q. What is the business of SNAP?**
9 A. Our mission is to protect the
10 vulnerable and heal the wounded. We are a
11 confidential, independent, non-profit, support and
12 advocacy group for men, women and children who are
13 sexually violated as both children and adults by
14 clergy and others in a position of power, Catholic
15 and non-Catholic. Increasingly, we have helped
16 many people who were abused in other institutional
17 settings, schools, summer camps, daycare centers,
18 scouting programs.
19 **Q. Who are the other employees or members** 10:03A
20 **of SNAP other than yourself**
21 MR. JENSEN: Excuse me. You said --
22 if I could ask for clarification?
23 BY MR. MADDEN:
24 **Q. Okay. Who are the other employees of**
25 **SNAP besides yourself?**

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1 A. Barbara Blaine, B-L-A-I-N-E, of
2 Chicago. [REDACTED] of St. Louis.
3 Do I go on to sort of the nonprofessional staff
4 or --
5 MR. JENSEN: Just the employees is the
6 question.
7 A. Okay. We have an administrative
8 person who is new whose name is [REDACTED] And I
9 apologize, I don't know her name, her last name.
10 She works in Chicago. We have another -- excuse
11 me -- another administrative person who works in
12 Chicago named [REDACTED]
13 **Q. Anyone else?** 10:04A
14 A. No. We've had -- oh, we've had a fund
15 raising person [REDACTED] And I
16 apologize, I don't know the spelling of her last
17 name.
18 **Q. All right. What about [REDACTED]**
19 **[REDACTED] what's her role with SNAP?**
20 **(DISCUSSION WAS HAD OFF THE RECORD)**
21 MR. JENSEN: We'll object to that
22 question based on the Missouri Rape Crisis Center
23 Statute, R.S.MO 455.003 which prohibits the
24 release of the confidentiality of any information
25 that would identify individuals served by SNAP and

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1 any information or records that are directly
2 related to the advocacy services provided to such
3 individuals, as well as objecting based on the
4 freedom of association afforded through NAACP
5 versus Alabama in that such information --
6 answers -- information and answers are privileged
7 pursuant to the First Amendment of the United
8 States Constitution through the 14th Amendment as
9 they will trespass upon fundamental freedoms
10 protected by the due process clause of the 14th
11 Amendment because the effect of compelled
12 disclosure of this information will be to abridge
13 the rights of its members -- of SNAP's members
14 that is -- and supporters to engage in lawful
15 association in support of their common beliefs.
16 BY MR. MADDEN: 10:05A
17 **Q. Mr. Clohessy, let me hand you -- do**
18 **you refuse to answer based on that objection?**
19 A. I do.
20 (DEFENDANT'S EXHIBIT NO. 1 MARKED FOR
21 IDENTIFICATION)
22 **Q. Let me hand what you I've marked as**
23 **Exhibit 1. Exhibit 1 is the publicly filed tax**
24 **return for SNAP dated 2010. And if you'll turn --**
25 **the page numbers are up at the top right-hand**

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1 **corner. If you'll turn to page 7 of this Exhibit**
2 **1.**
3 MS. RANGLES: Do you have additional
4 copies?
5 MR. MADDEN: I don't. I just gave
6 counsel a copy.
7 **Q. On page 7 of Exhibit 1 --**
8 A. Right.
9 **Q. -- you see your name listed as**
10 **executive director?**
11 A. I do.
12 **Q. All right. And then Barbara Blaine is**
13 **listed as president; do you see that?**
14 A. Yes, sir.
15 **Q. And then your salaries appear in those**
16 **columns --**
17 A. Yes, sir.
18 **Q. -- correct?**
19 A. Yes.
20 **Q. Is that an accurate report of your**
21 **salary?**
22 A. I suspect it is.
23 **Q. All right. And then we have the names**
24 **of [REDACTED] director, [REDACTED]**
25 **director, [REDACTED] as chairman, [REDACTED]**

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1 **as director, and [REDACTED] as treasurer.**
2 **Are those people paid employees of**
3 **SNAP?**
4 A. I'm not -- 10:07A
5 (DISCUSSION WAS HAD OFF THE RECORD)
6 MR. JENSEN: Same objection. I'll
7 instruct the witness not to answer the question.
8 BY MR. MADDEN:
9 **Q. All right. And do you follow your**
10 **counsel's instruction?**
11 A. I do.
12 **Q. Who is your supervisor at SNAP?**
13 A. You know, Barbara Blaine and I
14 essentially -- I don't have one.
15 **Q. All right. So the title executive**
16 **director means that -- are you at the top of the**
17 **chain as far as the chain of command at SNAP?**
18 A. You know, in essence Barbara and I are
19 peers, [REDACTED] -- Blaine, excuse me.
20 **Q. And does Barbara office out of** 10:08A
21 **Chicago?**
22 A. Yes.
23 **Q. Does SNAP have a physical building**
24 **location either in St. Louis or Chicago or**
25 **anywhere else?**

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1 A. We rent a small office in Chicago.
2 **Q. Do you have any employment other than**
3 **SNAP?**
4 A. No.
5 **Q. Has SNAP ever advertised itself as a**
6 **rape crisis counseling center?**
7 A. We don't advertise.
8 **Q. All right. What rape crisis**
9 **counseling training do either you or Ms. Blaine or**
10 **anybody else associated with SNAP have?**
11 MR. JENSEN: Object to the form of the
12 question.
13 A. I'm obviously not going to answer
14 about anyone else associated with SNAP.
15 BY MR. MADDEN:
16 **Q. All right. Let's --**
17 A. And you started the whole thing by
18 saying you're not asking about who our members
19 are, right? And then --
20 **Q. No, I said -- no, victims, sir. I**
21 **said I wasn't going to ask about victims. The**
22 **reason I --**
23 **(DISCUSSION WAS HAD OFF THE RECORD)** 10:09A
24 A. Barbara Blaine has a Master's degree
25 in social work.

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1 **Q. All right. And what is your --**
2 A. And in -- well, never mind.
3 **Q. What is your experience or training**
4 **with regard to rape crisis counseling?**
5 A. You know, I've done -- I've provided
6 support to victims of sexual assault for 20 --
7 roughly 23 or 24 years. I do not have a -- no.
8 **Q. All right. I guess the better**
9 **question is do you have any formal education or**
10 **training with regard to rape crisis counseling?**
11 A. I do not.
12 **Q. And what formal education, if any,**
13 **does Barbara Blaine have with regard to rape**
14 **crisis counseling?**
15 A. I don't know. She ran a homeless
16 shelter in a poor Chicago neighborhood for well
17 over a decade. And she may have had training
18 because presumably a lot of the people that came
19 to the shelter -- it was a women's shelter. So
20 she may have had training.
21 **Q. Does SNAP have any licensed counselors** 10:10A
22 **in the State of Missouri?**
23 A. We are a -- as I said at the
24 beginning, we're a self-help group. We are not --
25 we don't hold ourselves out to be formal licensed

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1 counselors.
2 **Q. So is the answer no?**
3 **(DISCUSSION WAS HAD OFF THE RECORD)**
4 **BY MR. MADDEN:**
5 **Q. The question is does SNAP have any**
6 **licensed counselors in the State of Missouri?**
7 A. We have support groups in Missouri
8 that meet on a regular basis and offer support and
9 comfort and consolation and guidance to people who
10 have been sexually victimized by priests, nuns,
11 camp counselors.
12 **Q. Are there any licensed social workers**
13 **or counselors on the staff of SNAP at any of those**
14 **meetings in the State of Missouri?**
15 A. Barbara Blaine sometimes comes. 10:11A
16 Barbara Blaine is a licensed -- as I said, she has
17 a Master's degree in social work.
18 **Q. Is Barbara Blaine licensed as a**
19 **counselor or social worker in the State of**
20 **Missouri or the State of Illinois?**
21 A. I don't know.
22 **Q. How many licensed counselors -- by**
23 **whatever state the person resides in, how many**
24 **licensed counselors does SNAP employ?**
25 A. One that I know of.

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1 **Q. And who would that be?**
2 A. That would be Barbara Blaine.
3 **Q. So you do believe she's licensed?**
4 A. Again, I mean she has a Master's
5 degree in social work. I don't know whether she's
6 an LCSW or -- you know, don't know that. 10:12A
7 **Q. Okay. What --**
8 A. She too has been for as long --
9 actually for longer than I have, she's been
10 listening to and supporting and consoling and
11 guiding clergy sex abuse victims and victims of
12 other kinds of sexual violence.
13 **Q. What I'm trying to get an**
14 **understanding of, is there a location in the State**
15 **of Missouri that a victim would go to to receive**
16 **counseling services from SNAP, is there such a**
17 **location?**
18 A. You know, --
19 **(DISCUSSION WAS HAD OFF THE RECORD)**
20 MR. JENSEN: We can step out. Any
21 objections to that?
22 MR. MADDEN: No.
23 **(DISCUSSION WAS HAD OFF THE RECORD)**
24 MR. MADDEN: Would you read back the 10:16A
25 last question?

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1 (REPORTER READ FROM THE RECORD AS
2 FOLLOWS:
3 QUESTION: What I'm trying to get an
4 understanding of, is there a location
5 in the State of Missouri that a victim
6 would go to to receive counseling
7 services from SNAP, is there such a
8 location?)
9 A. We have held support group meetings
10 in, you know, St. Louis, Kansas City, probably
11 Springfield, the Columbia area. We have regular
12 scheduled support group meetings every month in
13 Kansas City for the most part for years and years.
14 And in St. Louis for the most part since 1991. We
15 also meet with people -- you know, much of the
16 work that we do is over the phone.
17 **Q. All right.**
18 A. People are -- many, many times frankly
19 it takes months before somebody is even
20 comfortable sitting down face to face with someone
21 from SNAP. We meet people wherever they want to
22 meet, in Starbuck's, at, you know, -- wherever
23 people feel comfortable, that's where we meet.
24 **Q. How much money does SNAP expend 10:17A**
25 **annually for counseling services for victims of**

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1 **sexual abuse?**
2 A. You know, the overwhelming bulk of our
3 work is talking to, listening to, supporting sex
4 abuse victims. The overwhelming majority of our
5 work. I couldn't begin to put a dollar figure on
6 that.
7 And remember too, I mean, you know,
8 you keep asking about SNAP, SNAP has three
9 professional employees. But, you know, we're an
10 international network that is largely composed of
11 volunteers. So, you know, the vast, vast majority
12 of what, you know, you would call or I would call
13 SNAP's work is conducted by volunteers.
14 **Q. And those three paid professionals are**
15 **you, Barbara Blaine and ██████████ correct?**
16 A. Right.
17 **Q. Am I correct then that SNAP does not 10:18A**
18 **spend any money on victim counseling?**
19 MR. JENSEN: Objection.
20 MS. RANGLES: Objection.
21 MR. JENSEN: Form of the question,
22 misstates the earlier answer.
23 MS. RANGLES: Join.
24 BY MR. MADDEN:
25 **Q. In other words, -- let me go about it**

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1 **this way, first of all, does SNAP ever charge**
2 **counseling fees to victims of sexual abuse?**
3 A. No.
4 **Q. Okay. Does SNAP pay for counseling**
5 **for victims of sexual abuse?**
6 MR. JENSEN: Object to the form of the
7 question.
8 BY MR. MADDEN:
9 **Q. Do you understand my question?**
10 A. I think I do.
11 **Q. All right. Does SNAP expend money to**
12 **pay counselors to counsel victims of sexual abuse?**
13 MR. JENSEN: I believe that's a
14 different question. Could you read back the
15 earlier question?
16 (REPORTER READ FROM THE RECORD AS 10:19A
17 FOLLOWS:
18 QUESTION: Does SNAP ever charge
19 counseling fees to victims of sexual
20 abuse?)
21 BY MR. MADDEN:
22 **Q. The answer was no as I understood it?**
23 A. That's right.
24 MR. MADDEN: And the next question
25 was? I'm sorry.

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1 (REPORTER READ FROM THE RECORD AS
2 FOLLOWS:
3 QUESTION: Does SNAP pay for
4 counseling for victims of sexual
5 abuse?
6 REPORTER: And the next one: Does
7 SNAP expend money to pay counselors to
8 counsel victims of sexual abuse?)
9 A. I'm sorry. Try it one more time.
10 MS. RANGLES: Which --
11 BY MR. MADDEN:
12 **Q. Okay. Let's strike those prior two**
13 **questions and start over. Does SNAP with the**
14 **money it has from fund raising spend any of that**
15 **money to provide counseling for victims of sexual**
16 **abuse, individual counseling?**
17 MS. RANGLES: Do you mean by a paid
18 therapist, is that what you're asking? You're
19 asking about support groups.
20 MR. MADDEN: I assume they have to be
21 paid if they're spending money.
22 MS. RANGLES: Well, no, they don't,
23 Brian. That's the problem with the question is
24 that it's vague and confusing.
25 MR. MADDEN: Let's start again.

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1 Strike the question.
2 MR. WYRSCH: Just a minute. I object
3 to speaking objections.
4 MS. RANGLES: But, Jim, sometimes it
5 helps to let Mr. Madden know what the concern is.
6 MR. MADDEN: I'll strike my question
7 and start over.
8 BY MR. MADDEN:
9 **Q. Does SNAP spend any money that it**
10 **raises through fund raising on counseling for**
11 **individuals in individual therapy sessions?**
12 A. I don't -- I mean -- yes. 10:20A
13 **Q. All right. How much annually does**
14 **SNAP spend for individuals in individual therapy**
15 **sessions?**
16 A. I have no idea.
17 **Q. Where would that be recorded within**
18 **SNAP?**
19 A. I mean I don't know how -- you know, I
20 can't begin to tell you how we could possibly
21 quantify that. Individuals call me and they share
22 their pain with me. And I console them and I may
23 be on the phone with them for an hour. We don't
24 charge anybody for that. I don't have a time log
25 where I say, you know, 9 A.M. to 10 A.M., you

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1 know, I spent talking with victim X.
2 **Q. Mr. Clohessy, I understand that. I** 10:22A
3 **understood your answer to my question was that**
4 **SNAP doesn't charge for its time with regard to**
5 **counseling. I think we got that understood.**
6 **My question is if a victim calls in**
7 **and says I'm in Kansas City and I really need to**
8 **go talk to somebody, a licensed therapist, a**
9 **professional, does SNAP expend money to help that**
10 **person go get counseling from a licensed**
11 **professional?**
12 MR. JENSEN: Object to the form of the
13 question. Subject to the objection you can
14 answer.
15 A. I mean, you know, we certainly spend
16 staff time.
17 BY MR. MADDEN:
18 **Q. Not my question. Are checks ever**
19 **written from SNAP to a third party counselor for a**
20 **victim of sexual abuse? Has that ever happened?**
21 **If, so how much annually is spent for victims of**
22 **sexual abuse where you've directly paid third**
23 **party counselors?**
24 MR. JENSEN: Object to the form of the 10:23A
25 question. Subject to that you may answer the

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1 question.
2 A. I don't know.
3 BY MR. MADDEN:
4 **Q. Has it happened?**
5 A. That's the question you just asked me.
6 **Q. Yes.**
7 A. Has it happened.
8 **Q. You don't know? You don't know?**
9 A. And the answer is I don't know if it's
10 happened.
11 **Q. All right. Who would know, if you**
12 **don't know as the executive director who in SNAP**
13 **would know whether there's happened or not?**
14 A. You know, you would probably have to
15 ask every person in this country and several other
16 foreign countries who has been a local SNAP
17 leader -- that's my phone, sorry. Because, you
18 know, we have chapters all over this country and
19 all over the world -- not all over the world.
20 But, you know, and different chapters operate in
21 different ways, you know. Has -- yes, I'm -- you
22 know, when you ask me has it ever happened --
23 **Q. Has it ever been reported on the tax** 10:24A
24 **return for SNAP?**
25 A. I don't know.

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1 **Q. Going back to Exhibit 1, Exhibit 1**
2 **compiles the years -- if you look at this line**
3 **right here in Exhibit 1 on page -- it's page 3,**
4 **and you have total support numbers. Do you see**
5 **those? In 2006 it's 929,000. 2007 467,000. We**
6 **go over to 2010, 352,000. And then you have a**
7 **total for years '06 through '10 of almost 3**
8 **million dollars.**
9 A. Uh-huh.
10 (DISCUSSION WAS HAD OFF THE RECORD)
11 **Q. Mr. Clohessy, where is that money kept**
12 **that's reported in SNAP's tax return for 2010?**
13 A. Where is the money kept?
14 **Q. Yes, where is the bank account?** 10:25A
15 A. I'm assuming it's in Chicago.
16 **Q. All right. And do you know whether**
17 **any money that's reported in this tax return**
18 **marked as Exhibit 1, whether any of that money**
19 **which is almost 3 million dollars, has been**
20 **expended to provide individual counseling for**
21 **individuals who may have been sexually abused?**
22 A. Has any of that money?
23 **Q. Yes.**
24 A. Yes, a huge chunk of that money. I
25 have no idea how to -- you know, our money pays --

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1 **Q. No, my question is has any of that**
2 **money to your knowledge been paid to an individual**
3 **counselor on behalf of another person?**
4 MR. JENSEN: Object to the form of the
5 question. It's a different question.
6 BY MR. MADDEN:
7 **Q. That's my question now.**
8 A. Okay. Has SNAP ever -- has SNAP ever
9 paid money to an individual counselor for an
10 individual victim?
11 **Q. Correct, out of that 3 million dollars** 10:26A
12 **that's in the tax return?**
13 A. Don't know.
14 **Q. You don't know. Would Ms. Blaine be**
15 **the person who could best answer that question?**
16 A. She would probably -- yes, she'd
17 probably be -- be better than I.
18 **Q. What are SNAP's sources of funding?**
19 **Not -- I'm not asking for names. But generically**
20 **what are its sources of funding?**
21 MR. JENSEN: Object to the question
22 based on the Missouri Rape Crisis Center Statute
23 that prohibits release of information directly
24 related to the advocacy services provided by SNAP.
25 MS. RANGLES: And I object to the

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1 question as impinging upon free association for
2 those who donate to SNAP.
3 BY MR. MADDEN:
4 **Q. Are you refusing to answer based on**
5 **those objections?**
6 A. Yes.
7 **Q. What records are kept regarding**
8 **funding of SNAP? The tax return references a**
9 **Schedule O. Have you seen Schedule O which lists**
10 **all the donors to SNAP?**
11 A. I don't -- is it in this document? 10:27A
12 **Q. No, it's not. Have you seen that**
13 **Schedule O?**
14 A. For 2010 or --
15 **Q. For any year?**
16 A. I'm sure I've seen lists of donors,
17 yes, absolutely.
18 **Q. And where are those lists of donors**
19 **kept?**
20 A. I assume in Chicago.
21 **Q. Who keeps those records?**
22 A. I assume that our administrative staff
23 does -- ██████████ -- I shouldn't be speculating. I
24 don't know, I don't know who keeps them.
25 **Q. All right. What percentage of SNAP's**

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1 **funding comes from attorneys?**
2 MR. JENSEN: Objection based on the
3 Missouri Rape Crisis Center Statute that prohibits
4 the release of any information or records that are
5 directly related to the advocacy services provided
6 to SNAP -- or by SNAP, excuse me. Also objection
7 based on NAACP versus Alabama.
8 MS. RANGLES: I join the objection.
9 BY MR. MADDEN: 10:28A
10 **Q. Are you refusing to answer based on**
11 **those objections?**
12 A. Uh-huh.
13 **Q. Is that a yes?**
14 A. Yes.
15 **Q. Thank you. Does SNAP have any**
16 **agreements with attorneys regarding referral of**
17 **victims to those attorneys?**
18 A. Can I say I'm offended at the
19 question?
20 MR. JENSEN: You just answer it.
21 A. No, we don't.
22 BY MR. MADDEN:
23 **Q. Okay. How does SNAP keep its**
24 **records -- where does SNAP keep its records?**
25 MS. RANGLES: Object to the form of

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1 the question. It doesn't define the types of
2 records you're talking about.
3 BY MR. MADDEN:
4 **Q. ██████████**
5 ██████████
6 ██████████
7 ██████████
8 MR. JENSEN: I'll object to the
9 question based on the Missouri Rape Crisis Center
10 Statute and based on NAACP versus Alabama and I'll
11 instruct the witness not to answer the question.
12 BY MR. MADDEN: 10:29A
13 **Q. Are you refusing to answer?**
14 A. I am refusing.
15 **Q. Your tax return indicates that SNAP**
16 **has a record retention policy. Do you know what**
17 **the record retention policy is?**
18 **(DISCUSSION WAS HAD OFF THE RECORD)**
19 A. Yes, I don't know.
20 **Q. Is SNAP a mandatory reporter?**
21 A. I don't know.
22 **Q. Do you believe you're a mandatory**
23 **reporter of sexual abuse?**
24 A. I don't know what the law considers.
25 I consider myself a mandatory reporter.

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1 **Q. And when you receive a call working**
2 **for SNAP by a victim of sexual abuse, do you**
3 **report that abuse to governmental authorities?**
4 MR. JENSEN: Objection based on the
5 Missouri Rape Crisis Center Statute in that the
6 answer would contain information that is directly
7 related to the advocacy services provided by SNAP.
8 MS. RANGLES: And I object to the form
9 of the question in that it includes legal
10 information that is not appropriate. It's not the
11 law. You know that.
12 MR. MADDEN: I'm asking for his 10:31A
13 understanding.
14 BY MR. MADDEN:
15 **Q. Do you refuse to answer based on those**
16 **objections?**
17 A. I do.
18 **Q. Does SNAP keep files regarding accused**
19 **priests? In other words, is there a Father**
20 **Michael Tierney file at SNAP?**
21 MR. JENSEN: Objection based on the
22 Missouri Rape Crisis Center Statute in that the
23 answer calls for information directly related to
24 the advocacy services provided by SNAP.
25 BY MR. MADDEN:

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1 **Q. Do you refuse to answer?**
2 A. Yes, I refuse.
3 **Q. What counseling or information does**
4 **SNAP provide sexual abuse victims, if any,**
5 **regarding the issue of repressed memory?**
6 A. Repeat the question please.
7 **Q. Right. What counseling or**
8 **instructions does SNAP provide to sexual abuse**
9 **victims, if any, regarding the issue of repressed**
10 **memory?**
11 A. Let me take a minute please. One more 10:32A
12 time, what counseling do we provide --
13 **Q. If any, counseling or instructions, if**
14 **any, regarding the issue of repressed memory?**
15 **(AT THIS POINT A BRIEF RECESS WAS**
16 **TAKEN)**
17 A. Okay.
18 MR. MADDEN: Could you please read 10:38A
19 back the last question?
20 (REPORTER READ FROM THE RECORD AS
21 FOLLOWS:
22 QUESTION: What counseling or
23 instructions does SNAP provide to
24 sexual abuse victims, if any,
25 regarding the issue of repressed

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1 memory?)
2 MS. RANGLES: I object to the form of
3 the question as being compound.
4 BY MR. MADDEN:
5 **Q. You can answer.**
6 A. Okay. I am -- I'm going to be as
7 polite as I can but I am deeply offended.
8 **Q. Do you understand the question doesn't** 10:39A
9 **assume that you do give such counseling?**
10 A. I do.
11 **Q. Okay. So what is the answer to the**
12 **question?**
13 A. The answer -- let's just play this
14 safe. One more time please. I'm sorry.
15 (REPORTER READ FROM THE RECORD AS
16 FOLLOWS:
17 QUESTION: What counseling or
18 instructions does SNAP provide to
19 sexual abuse victims, if any,
20 regarding the issue of repressed
21 memory?)
22 A. We provide no instructions to anybody
23 about repressed memory.
24 **Q. Okay. Is there anything in writing**
25 **that SNAP provides to people who call that**

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1 **mentions or discusses the issue of repressed**
2 **memory?**
3 A. No.
4 **Q. If SNAP issues a press release that**
5 **names an individual victim, what is the process**
6 **for getting that victim's consent before that**
7 **press release is issued?**
8 MR. JENSEN: Objection based on the 10:41A
9 Rape Crisis Center Statute in that the answer
10 would require information or records that are
11 directly related to the advocacy services provided
12 by SNAP. Also the same NAACP versus Alabama
13 objection we've been making.
14 Further, pursuant to Nebraska Press
15 Association versus Stuart. Such a compelled
16 answer would function as a prior restraint on Mr.
17 Clohessy and SNAP's ability to function as an
18 advocacy service for future victims of sexual
19 abuse and others who rely upon SNAP. Subject to
20 that I'll instruct the witness not to answer the
21 question.
22 BY MR. MADDEN:
23 **Q. Are you refusing to answer based on**
24 **that instruction?**
25 A. I am.

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1 **Q. Does SNAP get permission in writing**
2 **from a sexual abuse victim before SNAP issues a**
3 **press release that names that person?**
4 MR. JENSEN: Same objection. And I'll
5 instruct the witness not to answer the question.
6 BY MR. MADDEN:
7 **Q. Do you refuse to answer?**
8 A. I do. 10:42A
9 **Q. Does SNAP post any information via**
10 **social media, Twitter, Facebook, anything like**
11 **that?**
12 A. Yes.
13 **Q. And what social media does SNAP use?**
14 A. Twitter I believe. And I'm sure some
15 of our members have Facebook accounts.
16 **Q. With regard to you personally, do you**
17 **post on either Twitter or Facebook?**
18 A. I think I have. I have a Facebook
19 account. I have done some tweets if that's the
20 correct terminology, obviously not often.
21 **Q. And I'm not asking about anything you**
22 **do in your personal life.**
23 A. Understood.
24 **Q. I'm talking about in your role for**
25 **SNAP. Do you use Twitter and Facebook in your**

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1 **role for SNAP?**
2 A. I have.
3 **Q. All right. Has SNAP to your knowledge**
4 **ever issued a press release that contained false**
5 **information?**
6 A. Sure. 10:43A
7 **Q. All right. Has SNAP ever issued a**
8 **press release regarding a person who claimed**
9 **sexual abuse who later retracted that claim?**
10 A. I don't know.
11 **Q. Are you aware of any situation where**
12 **SNAP issued a press release regarding claimed**
13 **sexual abuse that turned out to be unfounded**
14 **later?**
15 MR. JENSEN: Objection to the form of
16 the question. It's vague.
17 BY MR. MADDEN:
18 **Q. Are you aware of any such**
19 **situations --**
20 MR. JENSEN: Subject to the objection
21 you can answer the question.
22 A. Oh, I'm sorry. 10:44A
23 BY MR. MADDEN:
24 **Q. The question is are you aware of a**
25 **press release issued by SNAP regarding sexual**

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1 **abuse that later turned out to be unfounded?**
2 MR. JENSEN: Same objection. You may
3 answer the question.
4 A. We have certainly issued press
5 releases about credibly accused child predators
6 whom church officials have later claimed were
7 unsubstantiated or not founded.
8 BY MR. MADDEN:
9 **Q. Let me hand you, Mr. Clohessy, what we**
10 **marked as Exhibit 2.**
11 **(DEFENDANT'S EXHIBIT NO. 2 MARKED FOR**
12 **IDENTIFICATION)**
13 **Q. Which was the subpoena that was served**
14 **upon you for today -- well, for a deposition and**
15 **we moved it to today.**
16 MS. RANGLES: Can we take just a quick
17 break before you get into that?
18 MR. MADDEN: Sure.
19 (AT THIS POINT A BRIEF RECESS WAS 10:45A
20 TAKEN)
21 BY MR. MADDEN: 10:48A
22 **Q. Mr. Clohessy, going back to Deposition**
23 **Exhibit 2, this is the subpoena with the notice**
24 **and the exhibit of items that we asked you to**
25 **bring to today's deposition. And you'll see on**

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1 **Exhibit A to Exhibit 2 there are eight categories**
2 **of documents. Did you perform a search for those**
3 **eight categories of documents?**
4 A. Yes, sir.
5 **Q. All right. With regard to the first**
6 **category of documents, which is any documents or**
7 **correspondence included but not limited to**
8 **electronic mail that mention or refer to Father**
9 **Michael Tierney or the Diocese of Kansas City-St.**
10 **Joseph, where did you look for those documents?**
11 A. Three places. In my hard copy files.
12 On my hard drive computer. And e-mails on my
13 computer.
14 **Q. All right. And did you find any**
15 **responsive documents? With regard to that**
16 **category?**
17 A. Yes.
18 **Q. All right. And have you brought those**
19 **documents with you today?**
20 A. No. 10:49A
21 **Q. Where are those documents?**
22 A. At my house.
23 **Q. Why have you not brought those**
24 **documents today?**
25 A. It's our firm belief that, you know,

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1 the victims who contact us and the whistle-blowers
2 who contact us and the witnesses who contact us
3 and the law enforcement professionals who contact
4 us and the journalists who contact us with the
5 expectation that those communications are private,
6 will be kept private, and we think it's a horrific
7 betrayal of trust and privacy.
8 I mean I've given a speech. But, you
9 know, it's a gross violation of their
10 constitutional rights and our constitutional
11 rights and freedom of speech and freedom of
12 assembly and privacy.
13 Right. So we have given those -- 10:50A
14 sorry -- we've given those documents to our
15 attorneys and they've prepared a privileged log.
16 **Q. Okay. So did you that search for**
17 **those documents?**
18 A. Yes, sir.
19 **Q. You gave those documents or copies**
20 **thereof to your attorneys and they have prepared a**
21 **log; is that true?**
22 A. Yes, sir.
23 **Q. All right. Let's go to category 2 on**
24 **Exhibit 2 which is any press releases or drafts of**
25 **press releases that mention Father Michael Tierney**

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1 **or the Diocese of Kansas City-St. Joseph. Did you**
2 **also do a search for those?**
3 A. Yes, sir.
4 **Q. In the same places?**
5 A. Yes, sir.
6 **Q. Did you provide those to your**
7 **attorneys?**
8 A. Yes, sir.
9 **Q. Category number 3 is any**
10 **correspondence to or from members of the press**
11 **that mentions or refers to Father Michael Tierney**
12 **or the Diocese of Kansas City-St. Joseph. Did you**
13 **do a search for those documents?**
14 A. Yes, sir.
15 **Q. And did you provide those to your**
16 **attorneys?**
17 A. Yes, sir.
18 **Q. Do you know whether either category 2**
19 **or category 3 has been produced at today's**
20 **deposition? Or should I ask your attorney about**
21 **that?**
22 A. My understanding is that we are 10:51A
23 producing category 2 and that we're not producing
24 category 3.
25 **Q. All right. So category 2 is the press**

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1 **releases or drafts of press releases; correct?**
2 A. Correct.
3 **Q. Category 3 is correspondence to and**
4 **from the press?**
5 A. Correct.
6 **Q. And those are being withheld as**
7 **privileged; is that your understanding?**
8 A. Category 3 is.
9 **Q. Okay. Category 4 is any**
10 **correspondence --**
11 **(DISCUSSION WAS HAD OFF THE RECORD)**
12 A. Right. So category 2 is what, you
13 know, we consider to be public communications. In
14 other words, material that we have sent to the
15 press. And so that's being provided today. The
16 third category is private correspondence.
17 **Q. So you deem correspondence between**
18 **SNAP and the press as privileged and those are not**
19 **being produced, correct? Is that correct?**
20 A. Let's be clear. There's two kinds of
21 correspondence with the press.
22 **Q. Fair enough.** 10:52A
23 A. There's when a member of the news
24 media e-mails me or I e-mail him, we consider that
25 to be private and privileged. Where we write a

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1 press release and send it out by fax and e-mail to
2 multiple reporters, we don't consider that to be
3 privileged.
4 **Q. All right. Thanks for that**
5 **clarification.**
6 A. You're welcome.
7 **Q. All right. Category 4 on Exhibit 2**
8 **asks for any correspondence to or from Rebecca**
9 **Randles that mentions or refers to Father Michael**
10 **Tierney or the Diocese of Kansas City-St. Joseph.**
11 **Did you do a search for that material?**
12 A. We did.
13 **Q. And did you find any responsive**
14 **documents?**
15 A. I believe we did.
16 **Q. Did you provide those documents to Mr.**
17 **Jensen, your attorney?**
18 A. Yes, sir, we did.
19 **Q. And are those documents being produced**
20 **in today's deposition or are they being withheld**
21 **as privileged?**
22 A. My understanding is they're being
23 withheld as privileged.
24 **Q. All right. The fifth category on** 10:53A
25 **Exhibit 2 is any correspondence including but not**

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1 **limited to electronic mail to or from members of**
2 **the public, including plaintiffs in any litigation**
3 **that mentions or refers to Father Michael Tierney**
4 **or the Diocese of Kansas City-St. Joseph. Did you**
5 **do a search for those documents?**
6 A. We did.
7 **Q. Did you find responsive documents?**
8 A. We did.
9 **Q. And have those been produced to Mr.**
10 **Jensen, your attorney?**
11 A. They have.
12 **Q. Are those being withheld as**
13 **privileged?**
14 A. They are.
15 **Q. Okay. Category 6 on Exhibit 2 is any**
16 **documents or correspondence including but not**
17 **limited to electronic mail that mention or refer**
18 **to any priests currently or formerly associated**
19 **with the Diocese of Kansas City-St. Joseph?**
20 A. We did.
21 **Q. You did do a search for that; correct?**
22 A. Yes, sir.
23 **Q. And did you find responsive documents?**
24 A. We did.
25 **Q. And those have been produced to your**

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1 **attorney?**
2 A. Yes.
3 **Q. And are those being withheld as**
4 **privileged?**
5 A. Yes, sir. 10:54A
6 **Q. All right. The seventh category is**
7 **any correspondence including but not limited to**
8 **electronic mail to or from -- and then I've whited**
9 **out the name as John Doe, B.P. of Kansas City,**
10 **Missouri who is the plaintiff in the case where I**
11 **represent Father Michael Tierney. Do you know**
12 **who -- do you know the real name of John Doe,**
13 **B.P.?**
14 A. I do not.
15 **Q. All right. When you did your search**
16 **pursuant to the subpoena the name appeared in the**
17 **subpoena, the name of John Doe, B.P. appeared in**
18 **the subpoena. Did you do a search for that**
19 **person's name?**
20 A. I don't believe that we did.
21 **Q. All right. Were you instructed not to**
22 **do a search for that person's name or do you know**
23 **why that didn't happen?**
24 A. No, we were given a list of -- you
25 know, I took the subpoena to our lawyer, we

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1 discussed it. He then prepared a list of terms
2 for us to use. And we searched by those terms.
3 And I am -- yes, those terms were -- his name was
4 not in that list of terms.
5 **Q. Okay. Category 8 is any** 10:56A
6 **correspondence including but not limited to**
7 **electronic mail to or from members of the public**
8 **that discusses or relates to repressed memory.**
9 **Did you do a search --**
10 A. We did.
11 **Q. -- on that category?**
12 A. We did.
13 **Q. Did you find responsive documents?**
14 A. Yes, we did.
15 **Q. And were those produced to your**
16 **attorney, Mr. Jensen?**
17 A. Yes, sir.
18 **Q. Are those being withheld as privileged**
19 **today?**
20 A. Yes, sir.
21 **Q. With regard to category 2 which is the**
22 **press release category, are drafts of those press**
23 **releases also being produced today to your**
24 **knowledge?**
25 A. I don't think we -- to my knowledge we

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1 don't -- we didn't find any drafts. Let me --
2 hold on. I don't know, I don't know. That's the
3 real answer. I don't -- yes.
4 (DEFENDANT'S EXHIBIT NO. 3 MARKED FOR
5 IDENTIFICATION)
6 **Q. Mr. Clohessy, I hand you Exhibit 3**
7 **which you see at the top is an e-mail string first**
8 **from Judy Thomas at the Kansas City Star to Becky**
9 **Summers at the Diocese of Kansas City-St. Joseph.**
10 **And below that is an e-mail from SNAP Chicago**
11 **dated Thursday, October 20, 2011 at 8:14 A.M.; do**
12 **you see that?**
13 A. I do. 10:57A
14 **Q. Do you recognize Exhibit 3 as a SNAP**
15 **press release?**
16 A. Yes, the term -- yes, sure. The term
17 we use for these are media advisories. But --
18 **Q. That's fine.**
19 A. But that's semantics.
20 **Q. I can call it a media advisory. With**
21 **regard to Exhibit 3, did you have any role with**
22 **preparing Exhibit 3?**
23 MR. JENSEN: Objection based on the
24 Rape Crisis Center Statute that prohibits the
25 release of any information or records that are

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1 directly related to the advocacy services provided
2 by SNAP.
3 Also objecting based on NAACP versus
4 Alabama, the same objection that's been stated
5 earlier.
6 In addition, objecting based on
7 Nebraska Press Association versus Stuart in that
8 answering the questions would serve as a prior
9 restraint on Mr. Clohessy and SNAP's ability to
10 function as an advocacy service for future victims
11 of sexual abuse and others who rely upon SNAP.
12 And I'll instruct the witness not to
13 answer the question.
14 BY MR. MADDEN: 10:58A

15 **Q. Do you refuse to answer based on your**
16 **lawyer's instruction?**
17 A. I do.
18 **Q. You'll see in Exhibit 3 if we go to**
19 **page 2 of that Exhibit, under the heading "Why" it**
20 **says:**
21 **A new civil child sex abuse and cover-up**
22 **lawsuit filed today in Jackson County Court**
23 **charges that Father Michael Tierney**
24 **molested a then 12 year old boy at two**
25 **locations, the priest's mother's house**

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1 **in KC MO and a local YMCA around 1971.**
2 **What is the source if you know for the**
3 **information that's contained in Exhibit 3?**
4 MR. JENSEN: Same objections. And
5 I'll instruct the witness not to answer the
6 question.
7 BY MR. MADDEN:
8 **Q. Do you refuse to answer based on your**
9 **lawyer's advice?**
10 A. I'm sorry. On my lawyer's advice?
11 **Q. Yes.**
12 A. I'm sorry. I thought I heard you say
13 employer's advice.
14 **Q. No.**
15 A. I refuse.
16 **Q. Your name appears at the bottom of**
17 **this -- what did you call it, a press advisory?**
18 A. Media advisory. 10:59A
19 **Q. Media advisory. Your name and contact**
20 **information appears; correct?**
21 A. Yes, sir.
22 **Q. Along with [REDACTED] You**
23 **indicated she's a SNAP employee; correct?**
24 A. Yes, sir.
25 **Q. And then the name [REDACTED] appears.**

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1 **Is he also employed by SNAP?**
2 A. He's not.
3 **Q. What is Mr. [REDACTED] reason for being**
4 **on this press release, do you know?**
5 A. Yes, he's the SNAP volunteer leader
6 for the Kansas City area.
7 (DEFENDANT'S EXHIBIT NO. 4 MARKED FOR
8 IDENTIFICATION)
9 **Q. Sir, I hand you Exhibit 4. I'm**
10 **looking for another copy. I think I got shorted a**
11 **copy. Here you go.**
12 MR. JENSEN: Thank you. 11:01A
13 **Q. Exhibit 4 is a lawsuit entitled John**
14 **Doe, S.B.2 versus Father Michael Tierney and the**
15 **Catholic Diocese of Kansas City-St. Joseph. And**
16 **you'll see it has a file stamp of October 20, 2011**
17 **which is the same date as the press release we**
18 **marked as Exhibit 3; do you see that?**
19 A. I do.
20 **Q. Okay. How is it -- and you'll see the**
21 **file stamp of Exhibit 4 is 2:44 P.M. on October**
22 **20th; do you see that?**
23 A. I do.
24 **Q. How is it that SNAP had the**
25 **information in the lawsuit we've marked as Exhibit**

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1 **4 before it was filed with the court?**
2 MR. JENSEN: Again objection based on
3 the Missouri Rape Crisis Center Statute, on SNAP's
4 right to freedom of speech and freedom of
5 association and freedom of assembly, based on
6 NAACP versus Alabama and based on Nebraska Press
7 Association versus Stuart.
8 And I'll instruct the witness not to
9 answer the question.
10 BY MR. MADDEN: 11:02A
11 **Q. Do you refuse to answer, sir?**
12 A. Yes.
13 MR. WYRSCH: Is it clear that you're
14 instructing the witness not to answer when you
15 make that objection?
16 MR. MADDEN: He did.
17 MR. JENSEN: I thought it was clear.
18 MR. MADDEN: He did say that, Jim.
19 MR. JENSEN: But I can do it again.
20 MR. MADDEN: No, he said it. I don't
21 want to hear it again.
22 **Q. Exhibit -- let me ask you this for the**
23 **record, was Exhibit 4, the lawsuit regarding**
24 **Father Michael Tierney, communicated to you or**
25 **anyone else at SNAP before the press release that**

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1 **we've marked as Exhibit 3?**
 2 MR. JENSEN: Same objections. I'll
 3 instruct the witness not to answer the question.
 4 BY MR. MADDEN:
 5 **Q. And do you follow your lawyer's**
 6 **advice, sir?**
 7 A. Yes.
 8 **Q. Have you been made aware of what's**
 9 **been referred to as a gag order with regard to**
 10 **this case against Father Michael Tierney?**
 11 A. Yes.
 12 **Q. And how were you made aware of that?** 11:03A
 13 A. Rebecca Randles told me.
 14 **Q. And were you made aware of the gag**
 15 **order in this case before the press release was**
 16 **issued that's marked as Exhibit 3?**
 17 A. Don't know.
 18 **Q. Do you recall when you were made aware**
 19 **of the gag order in this case?**
 20 MR. JENSEN: Objection, asked and
 21 answered to the extent that he just said he
 22 doesn't know.
 23 BY MR. MADDEN:
 24 **Q. And I'm asking when. Do you recall**
 25 **when you were made aware of that?**

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1 A. I don't.
 2 **Q. All right. We've got to break for the**
 3 **tape.**
 4 A. All right.
 5 (AT THIS POINT A BRIEF RECESS WAS
 6 TAKEN)
 7 (VIDEOTAPE NUMBER 2) 11:12A
 8 **Q. Mr. Clohessy, Exhibit 2 was the**
 9 **subpoena that had the Exhibit with items we wanted**
 10 **you to bring?**
 11 A. Right.
 12 **Q. And I believe you indicated that the**
 13 **only items brought to the deposition were category**
 14 **2 which is press releases and a privileged log.**
 15 **Is that accurate?**
 16 A. No, we also -- you know, we also --
 17 I'm sorry -- we're also producing today some from
 18 category 8.
 19 **Q. Which is the repressed memory?**
 20 A. Right, we are producing some number of
 21 lawsuits that we found in our files that
 22 specifically mention the repressed memory.
 23 **Q. All right.**
 24 A. Sorry about that.
 25 **Q. That's fine. And where are those**

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1 **physically here, those things that you're**
 2 **producing? Are they in a box?**
 3 A. Yes, my apologies for misspeaking. 11:13A
 4 It's been a --
 5 **Q. That's all right.**
 6 MS. RANGLES: What was the limits on
 7 production that you laid down early in the
 8 deposition?
 9 MR. JENSEN: Well, we didn't -- Mr.
 10 Wyrsh didn't want me to lay those down. I mean I
 11 can if anybody would like. Brian, I can explain
 12 what we provided and didn't provide any time you
 13 want.
 14 MR. MADDEN: Sure. Let me mark this
 15 first.
 16 (DEFENDANT'S EXHIBIT NO. 5 MARKED FOR
 17 IDENTIFICATION)
 18 **Q. Mr. Clohessy, I've marked a binder --**
 19 **not a binder -- a folder that contains documents.**
 20 **Is it your understanding that Exhibit 5 is the**
 21 **documents that are being produced pursuant to the**
 22 **subpoena?**
 23 A. Are these lawsuits in the back?
 24 **Q. I'm just asking for your**
 25 **understanding, sir. If you don't know that's just**

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1 --
 2 A. Yes, no. These are the documents.
 3 And it also looks like a copy of our website is in
 4 here too. So yes, we spent, I'm guessing, you
 5 know, 300 man hours and that's the stuff that we
 6 are producing today
 7 MR. JENSEN: Brian, just to be clear, 11:15A
 8 you said before we started that you weren't going
 9 to take those until we had a protective order.
 10 I'm fine taking your word for it but --
 11 MR. MADDEN: I just wanted to mark
 12 them.
 13 MR. JENSEN: Right.
 14 MR. MADDEN: I'll let the court
 15 reporter take them.
 16 MR. JENSEN: Okay. But we're fine on
 17 that. I'll obviously take your word for it. Just
 18 so we know it's clear that they're subject to a
 19 protective order where you won't be turning them
 20 over to the cross-noticed defendants.
 21 MR. MADDEN: Well, I think -- I mean
 22 you and I can work out a protective order. I
 23 think it's a different deal with them.
 24 MR. JENSEN: Right. And we're not
 25 providing them to them. We're providing them to

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1 you and the Diocese.
 2 BY MR. MADDEN:
 3 **Q. All right. Mr. Clohessy, you**
 4 **mentioned a privileged log too. Is that contained**
 5 **in Exhibit 5, the privileged log here?**
 6 A. I don't know.
 7 MR. MADDEN: Mr. Jensen, is the
 8 privileged log in Exhibit 5?
 9 MR. JENSEN: I believe that's a
 10 separate document. It's actually two different
 11 documents. One is general documents. One is
 12 attorney-client privileged log. So it's really
 13 two logs.
 14 BY MR. MADDEN: 11:16A
 15 (DEFENDANT'S EXHIBIT NOS. 6 and 7
 16 MARKED FOR IDENTIFICATION)
 17 **Q. Mr. Clohessy, I've marked as Exhibit 6**
 18 **and 7 two logs produced by your counsel. Did you**
 19 **review those after they were prepared?**
 20 A. I did not.
 21 **Q. All right. You relied on your counsel**
 22 **to prepare the logs that are marked as Exhibit 6**
 23 **and 7; is that true?**
 24 A. Yes, yes. We've had long discussions
 25 about -- yes. And it's been a long time.

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1 **Q. Mr. Clohessy, let me mark and hand you**
 2 **Exhibit 8.**
 3 (DEFENDANT'S EXHIBIT NO. 8 MARKED FOR
 4 IDENTIFICATION)
 5 A. Okay.
 6 **Q. All right. Exhibit 8 appears to be --**
 7 **if you look at the date at the top, this was**
 8 **forwarded by e-mail from Becky Summers at the**
 9 **Diocese regarding another lawsuit filed against**
 10 **Father Tierney dated November 8, 2011. And if we**
 11 **go below that on the first page you see a row of**
 12 **pictures and then the headline is: For first time**
 13 **ever victims assistance coordinator speaks out.**
 14 **And then it says: Posted by David Clohessy on**
 15 **November 8, 2011.**
 16 **Is this a website posting for SNAP?**
 17 A. Yes, it appears to be. 11:18A
 18 **Q. All right. And is the press or media**
 19 **communicated with via this vehicle that something**
 20 **is posted on the website like this?**
 21 A. I'm sure the press can find our
 22 website and read it.
 23 **Q. In other words, is this posting by you**
 24 **forwarded to members of the press such as the**
 25 **e-mail that we looked at?**

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1 MR. JENSEN: Objection, based on the
 2 Missouri Rape Crisis Center Statute in that the
 3 answer would call for the provision of information
 4 or records that are directly related to the
 5 advocacy services by SNAP.
 6 In addition, we make the same freedom
 7 of speech and freedom of association and freedom
 8 of assembly arguments.
 9 Objection based on NAACP versus
 10 Alabama. Objection based on -- the same objection
 11 I spoke of earlier, the same objection I spoke of
 12 earlier with respect also to Nebraska Press
 13 Association versus Stuart.
 14 Also object to the form of the
 15 question and relevance.
 16 And I'll instruct the witness not to
 17 answer the question.
 18 BY MR. MADDEN: 11:19A
 19 **Q. Will you follow your attorney's**
 20 **instructions?**
 21 A. I do.
 22 VIDEOGRAPHER: Off the record.
 23 (AT THIS POINT A BRIEF RECESS WAS
 24 TAKEN DUE TO TECHNICAL DIFFICULTIES)
 25 BY MR. MADDEN:

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1 **Q. Mr. Clohessy, going back to Exhibit 8,**
 2 **the photographs that appear on page 1 of Exhibit**
 3 **8, do you know who those -- who is depicted in**
 4 **those photographs?**
 5 A. Pretty hard to see that small but I
 6 certainly know some of them.
 7 **Q. All right. And are these people who**
 8 **consented to have their photographs appear on the**
 9 **website, what was the --**
 10 MR. JENSEN: Objection, the same 11:20A
 11 objections based on Rape Crisis Center Statute,
 12 freedom of association, freedom of assembly,
 13 freedom of speech, NAACP versus Alabama and
 14 Nebraska Press Association versus Stuart. And as
 15 to relevance.
 16 And I'll instruct the witness not to
 17 answer the question.
 18 BY MR. MADDEN:
 19 **Q. Do you follow your attorney's advice?**
 20 A. I do.
 21 **Q. All right. If we look at the e-mail**
 22 **that appears on the -- at the top of page 1 of**
 23 **Exhibit 8, do you see a time stamp on the e-mail**
 24 **of 11:12 A.M.?**
 25 A. I do.

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1 **Q. And this document that we've marked as**
2 **Exhibit 8 announces a lawsuit against Father**
3 **Michael Tierney; correct?**
4 A. I'll have to read it and see.
5 **Q. I'll see if I can help you out.**
6 A. Yes.
7 MR. JENSEN: Hold on for a second.
8 **Q. Bottom of page 2, do you see that?**
9 A. Yes, yes, I see that.
10 (DEFENDANT'S EXHIBIT NO. 9 MARKED FOR
11 IDENTIFICATION)
12 **Q. Sir, I hand you Exhibit 9 which is a**
13 **lawsuit naming Father Michael Tierney and do you**
14 **see that it has a file stamp of November 8th, 2011**
15 **at 1:28 P.M.?**
16 A. I do. 11:22A
17 **Q. How is it that you were able to post**
18 **information from this lawsuit before it was filed**
19 **with the court?**
20 MR. JENSEN: The same objections that
21 were stated earlier to the last objection based on
22 the Rape Crisis Center Statute, the First
23 Amendment rights of freedom of speech, association
24 and assembly, NAACP versus Alabama as well as
25 Nebraska Press Association versus Stuart. And to

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1 relevance.
2 And I'll instruct the witness not to
3 answer the question.
4 BY MR. MADDEN:
5 **Q. Do you accept your attorney's advice,**
6 **sir?**
7 A. I do.
8 (DEFENDANT'S EXHIBIT NO. 10 MARKED FOR
9 IDENTIFICATION)
10 **Q. Sir, I hand you Exhibit 10.**
11 A. Thank you.
12 **Q. And do you see that Exhibit 10 is an**
13 **e-mail on page 1 from [REDACTED] She works**
14 **for SNAP; correct?**
15 A. She does.
16 **Q. And the date is July 28, 2011,**
17 **correct?**
18 A. Yes, sir. 11:23A
19 **Q. And it's issued at 7:08 A.M., true?**
20 A. That's true.
21 **Q. And if you turn to the third page,**
22 **sir, there's reference to a lawsuit against Father**
23 **Michael Tierney; do you see that on page 3?**
24 A. I do.
25 **Q. And it references that it's the fourth**

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1 **lawsuit being filed, correct, if you look at the**
2 **top?**
3 A. Yes, sir, uh-huh.
4 **Q. All right. Here in the second**
5 **paragraph on page 3 of this exhibit it mentions**
6 **the plaintiff or the person making the allegations**
7 **is [REDACTED] do you see that?**
8 A. I do.
9 **Q. Have you spoken with Mr. [REDACTED] about**
10 **his allegations against Father Michael Tierney?**
11 MR. JENSEN: Objection based on the 11:24A
12 Missouri Rape Crisis Center Statute that's been
13 discussed earlier, as well as SNAP's rights of
14 free speech and association and assembly, NAACP
15 versus Alabama and Nebraska Press Association
16 versus Stuart, as well as the relevance of the
17 question.
18 And I'll instruct the witness not to
19 answer the question.
20 BY MR. MADDEN:
21 **Q. Do you refuse to answer based on your**
22 **attorney's advice?**
23 A. Yes.
24 **Q. Do you have written consent from**
25 **Mr. [REDACTED] to have issued this press release?**

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1 MR. JENSEN: Same objections.
2 Instruct the witness not to answer the question.
3 BY MR. MADDEN:
4 **Q. Do you follow your attorney's advice?**
5 A. I do.
6 **Q. On this same exhibit, page 3, sir, it**
7 **lists Rebecca Randles's cell phone number; do you**
8 **see that?**
9 A. I do. 11:25A
10 **Q. And then there's also a telephone**
11 **number if you look higher up for Father Tierney**
12 **and an e-mail for Father Tierney; do you see that?**
13 A. I do.
14 **Q. From what source did you get the**
15 **e-mail for Father Tierney and the cell phone**
16 **number for Ms. Randles?**
17 MR. JENSEN: The same objections based
18 on the Missouri Rape Crisis Center Statute, SNAP's
19 rights of freedom of assembly and freedom of
20 speech, NAACP versus Alabama, Nebraska Press
21 Association versus Stuart, and relevance.
22 And I'll instruct the witness not to
23 answer the question.
24 BY MR. MADDEN:
25 **Q. Do you follow your attorney's advice,**

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1 **sir?**
2 A. Can we take a break? Can I take this
3 out with me?
4 **Q. Yes.**
5 **(AT THIS POINT A BRIEF RECESS WAS** 11:26A
6 **TAKEN)**
7 **BY MR. MADDEN:**
8 **Q. Mr. Clohessy, before we took that last**
9 **break I asked you a question about the source of**
10 **information --**
11 A. Right.
12 **Q. -- for Ms. Randles's cell phone and**
13 **the e-mail for Father Tierney?**
14 A. Right. 11:27A
15 **Q. Did you now wish to answer or --**
16 A. No.
17 **Q. -- or are you refusing to answer**
18 **still?**
19 A. Still refusing.
20 **Q. All right.**
21 MR. MADDEN: I believe I'll pass the
22 witness. I think Mr. Wyrsh is going to have some
23 questions for you.
24 EXAMINATION 11:30A
25 QUESTIONS BY MR. WYRSCH:

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1 **Q. Mr. Clohessy, my name is Jim Wyrsh.**
2 **I represent Father Francis McGlynn and Father**
3 **Thomas Cronin. These are both priests that you**
4 **have issued press releases about; isn't that**
5 **correct?**
6 A. Yes, sir. 11:31A
7 **Q. Have you ever met either one of them?**
8 A. No, sir.
9 **Q. Have you ever talked to either one of**
10 **them?**
11 A. No, sir.
12 **Q. Before you issued any press releases**
13 **about them, did you ever call them on the phone**
14 **and ask them what their version of the events**
15 **were?**
16 A. No, sir. I just said I didn't talk to
17 them. So if I didn't talk to them then I probably
18 didn't call them on the phone.
19 (DEFENDANT'S EXHIBIT NO. 11 MARKED FOR
20 IDENTIFICATION)
21 **Q. Exhibit 11 is the notice of taking**
22 **deposition in the Cronin matter. You're aware**
23 **that you've also been cross-noticed to appear in**
24 **that deposition; is that correct?**
25 A. Yes.

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1 (DEFENDANT'S EXHIBIT NO. 12 MARKED FOR
2 IDENTIFICATION)
3 **Q. Exhibit 12 is the cross notice of the**
4 **deposition in Father McGlynn's case?**
5 A. Yes.
6 **Q. And in McGlynn's case you understand**
7 **you're appearing pursuant to notice; right?**
8 A. Yes. I'd welcome a call from either 11:32A
9 of your clients if they'd like to talk to me.
10 **Q. Okay. But just so we're clear, before**
11 **you issued press releases you didn't call them and**
12 **ask them what their version of events was; is that**
13 **correct?**
14 A. That's the same question you answered
15 (sic). And yes, I did not call either of them.
16 **Q. Just a few follow-up questions from**
17 **the earlier questioning. Can you tell me what is**
18 **the extent of your education?**
19 A. Yes, I have a Bachelor's degree.
20 **Q. And what is that in?**
21 A. Philosophy and political science.
22 **Q. And from what institution?**
23 A. Drury College, now Drury University,
24 in Springfield, Missouri.
25 **Q. Okay. Have you had any postgraduate**

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1 **education?**
2 A. No, sir, I have not.
3 **Q. Can you tell me what the definition of**
4 **rape trauma syndrome is?**
5 A. I cannot.
6 **Q. Can you tell me what is a safe exam?**
7 A. I cannot. 11:34A
8 **Q. Is part of the function of SNAP to**
9 **publicize lawsuits against Catholic priests?**
10 A. Part of our function is to expose
11 proven, admitted and credibly accused child
12 molesters and to protect children and to warn
13 parents and to encourage victims and witnesses and
14 whistle-blowers to come forward to police and
15 prosecutors and to get help for the trauma that
16 they've suffered.
17 **Q. So is part of that function of SNAP to**
18 **publicize lawsuits against priests?**
19 A. Our interest is in warning people
20 about dangerous and potentially dangerous men and
21 women --
22 **Q. Is that --**
23 A. -- including priests and others.
24 **Q. Didn't mean to interrupt. But part of** 11:35A
25 **what you do is to publicize lawsuits against**

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1 **priests; isn't that correct?**
2 A. Yes, sir.
3 **Q. And part of the function of SNAP is to**
4 **hold press conferences about lawsuits against**
5 **priests, isn't that correct, Catholic priests?**
6 A. We certainly do hold news conferences.
7 Our function --
8 **Q. News conferences about lawsuits**
9 **against Catholic priests; isn't that correct?**
10 A. Right, right. Our -- I'm struggling
11 with the word "function." I mean, you know --
12 yes, that's something that we do.
13 **Q. Something you do?**
14 A. Yes, sir.
15 **Q. Would that be fair?**
16 A. Yes.
17 **Q. Okay. Is part of your something that**
18 **you do is to coordinate with lawyers that file**
19 **lawsuits against Catholic priests?**
20 MS. RANDES: Object to the form of
21 the question, vague.
22 BY MR. WYRSCH:
23 **Q. You can answer.**
24 A. Repeat the question.
25 **Q. Yes. Is part of what you do, and that**

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1 **is SNAP, is to coordinate with lawyers that**
2 **publicize -- I'm sorry -- that file lawsuits**
3 **against Catholic priests?**
4 MS. RANDES: Same objection. 11:36A
5 A. We certainly talk to lawyers who file
6 lawsuits.
7 BY MR. WYRSCH:
8 **Q. Yes. And do you receive information**
9 **from those lawyers before you hold press**
10 **conferences --**
11 MR. JENSEN: Objection based on the
12 Missouri --
13 MR. WYRSCH: I've not finished my
14 question. I understand --
15 MR. JENSEN: I thought you were done.
16 I'm sorry.
17 MR. WYRSCH: No problem.
18 BY MR. WYRSCH:
19 **Q. Is part of what you do, that is SNAP,**
20 **is to receive information from lawyers about**
21 **lawsuits before you hold press conferences about**
22 **those lawsuits?**
23 MR. JENSEN: Objection in that based
24 on the Missouri Rape Crisis Center Statute, SNAP's
25 First Amendment rights to freedom of speech,

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1 freedom of assembly and freedom of association.
2 Objection based on NAACP versus
3 Alabama and on Nebraska Press Association versus
4 Stuart.
5 Also object based on relevance and the
6 form of the question. And I'll instruct the
7 witness not to answer the question.
8 MS. RANDES: I join the objection.
9 BY MR. WYRSCH: 11:37A
10 **Q. Mr. Clohessy, I assume -- you are**
11 **following the instruction of your lawyer; is that**
12 **correct?**
13 A. Yes.
14 **Q. How many times since you've been**
15 **associated with SNAP have you coordinated press**
16 **conferences with lawyers filing lawsuits against**
17 **Catholic priests?**
18 MR. JENSEN: Same objection. Same
19 instruction.
20 BY MR. WYRSCH:
21 **Q. What is the clinical definition --**
22 MR. MEYERS: Jim, the witness hasn't
23 affirmed that he's following the instruction.
24 A. I'm sorry. I'm following the
25 instruction of my attorney.

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1 **Q. Okay. I think we need to have you say**
2 **that, but I'm assuming even if we don't you will**
3 **always follow the instruction of your lawyer; is**
4 **that correct?**
5 MR. JENSEN: Unless we get to the
6 point where he doesn't want to. So far. Maybe
7 you have better clients than I do.
8 MR. WYRSCH: Then we'll have him go
9 ahead and do it every time.
10 BY MR. WYRSCH:
11 **Q. What is the clinical definition of**
12 **repressed memory?**
13 A. The clinical definition -- I don't 11:38A
14 know. I'm not a clinician and don't pretend to
15 be.
16 MR. WYRSCH: Is there a privilege log
17 that's been produced so we can have that marked as
18 an exhibit?
19 MR. DIEHR: It's already been marked.
20 MR. WYRSCH: May I see that then
21 please?
22 MR. JENSEN: Actually 6 and 7.
23 MS. RANDES: Just for the record with
24 respect to the notice, the notice did not specify
25 subpoena duces tecum on the notice on Jane Doe

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1 W.R. or on the notice for Jane Doe I.P.
2 MR. WYRSCH: Do what now?
3 MS. RANGLES: There's been no request
4 for documents pursuant to the notice of the
5 deposition of Jane Doe W.R. and Jane Doe I.P.
6 MR. WYRSCH: I agree with that. Why
7 can't I ask questions? Are you saying I can't ask
8 questions?
9 MS. RANGLES: No, I'm just saying --
10 MR. WYRSCH: You're absolutely right, 11:39A
11 we did not do a subpoena.
12 BY MR. WYRSCH:
13 **Q. Let me ask you just in Exhibit 6, I**
14 **don't see that there are any Bate stamp numbers**
15 **that are reflected on Exhibit 6. First of all,**
16 **let me ask you on Bate stamps -- or I'm sorry --**
17 **documents identified with Bate stamps, are you**
18 **familiar with what a Bate stamp is?**
19 A. It's this -- is that it or --
20 **Q. No, that's the exhibit number. Well,**
21 **let me ask you this, on the documents that are**
22 **reflected on Exhibit 6, how many -- are any of**
23 **those pages marked in the sense that they have a**
24 **number on them so that we know -- we can identify**
25 **those documents by number?**

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1 A. I don't know.
2 **Q. You don't know one way or the other?**
3 A. Well, let me try again. Ask the
4 question again? I'm sorry.
5 **Q. Do you know whether any of the**
6 **documents that are reflected on Exhibit 6 have a**
7 **number on them so that we know how many pages of**
8 **documents -- so that we can identify what**
9 **documents that you are asserting privilege on on**
10 **Exhibit 6?**
11 A. I don't know that. 11:40A
12 **Q. Okay. On Exhibit 7, there are appears**
13 **to be some Bates label on those; do you see that?**
14 A. Right, left-hand column.
15 **Q. All right. And so does that refresh**
16 **your recollection that at least those documents**
17 **bear a Bate stamp number?**
18 A. I assume that they do, yes.
19 **Q. Okay. And do you know why on Exhibit**
20 **7 there's a Bate stamp number but there's not on**
21 **Exhibit 6?**
22 A. I do not.
23 **Q. Did you speak to the press about this**
24 **deposition?**
25 MR. JENSEN: Objection based on the

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1 same objections as before, the Missouri Rape
2 Crisis Center Statute, SNAP's First Amendment
3 rights to freedom of association and freedom of
4 assembly and freedom of speech, NAACP versus
5 Alabama, as well as Nebraska Press Association
6 versus Stuart, relevance and the form of the
7 question.
8 And I'll instruct the witness not to
9 answer the question.
10 A. And I'm following his advice.
11 BY MR. WYRSCH: 11:41A
12 **Q. Okay. At any of the press conferences**
13 **that you have held about lawsuits being filed**
14 **by -- against -- I'm sorry -- Catholic priests,**
15 **has the public been excluded from attending those**
16 **press conferences?**
17 A. I don't know.
18 **Q. Well, the ones that you have been**
19 **there at those press conferences, have you said**
20 **that the public is not invited to attend the press**
21 **conference?**
22 MR. JENSEN: Object to the form of the
23 question. Subject to the objection you can
24 answer.
25 A. Have -- ever, have I ever been a part

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1 of a new conference where members of the public
2 have been told not to attend?
3 BY MR. WYRSCH:
4 **Q. Right.**
5 A. Ever, I don't know.
6 **Q. When you say you don't know, you don't**
7 **remember?**
8 A. Correct. I've done hundreds and 11:42A
9 hundreds of them.
10 **Q. All right. Well, let's just take the**
11 **last five years, have there been any press**
12 **conferences that you have attended that you've --**
13 **publicizing lawsuits against Catholic priests**
14 **where you said the public wasn't invited?**
15 MR. JENSEN: Objection, asked and
16 answered.
17 A. I don't know.
18 BY MR. WYRSCH:
19 **Q. You don't know the answer to that?**
20 MR. JENSEN: Objection, asked and
21 answered.
22 A. I mean can I -- okay.
23 BY MR. WYRSCH:
24 **Q. Have you held press conferences**
25 **publicizing lawsuits against Catholic priests that**

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1 **have been held in public places?**
2 A. Certainly. Most of them are.
3 **Q. What are some of those public places?**
4 A. Outside of churches, chancery offices,
5 courthouses, police stations. Any number of
6 places.
7 **Q And are you asserting a privilege as**
8 **to what you said in those press conferences in**
9 **public places?**
10 **(DISCUSSION WAS HAD OFF THE RECORD) 11:43A**
11 A. No, not asserting a privilege of
12 anything that we've said publicly at news
13 conferences.
14 **Q. All right. Do you serve on the board**
15 **of directors of SNAP?**
16 A. Yes, sir.
17 **Q. And have you done so since 2006?**
18 A. I believe I have.
19 **Q. Are you an officer of SNAP?**
20 A. I'm on the board. Does that make me
21 an officer? I don't know. I have a title. I'm
22 executive director.
23 **Q. Okay. That's your title?**
24 A. Yes, sir.
25 **Q. Okay. Are you a president or been**

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1 **president or vice president or secretary or**
2 **treasurer?**
3 A. Of the board?
4 **Q. Of the SNAP -- let me back up. Do you**
5 **understand that SNAP is a corporation?**
6 A. Yes, sir.
7 **Q. Do you know it has to function by**
8 **reason of a board of directors; isn't that**
9 **correct?**
10 A. Yes, sir.
11 **Q. And you know it has officers; isn't**
12 **that correct?**
13 **Time 11:44AM 1/2/12**
14 A. Yes, the board has officers. Okay,
15 I'm sorry.
16 **Q. You've identified -- you've said that**
17 **you're an executive director?**
18 A. Yes.
19 **Q. Have you been a president, a vice**
20 **president, a secretary or treasurer of SNAP?**
21 A. I don't believe I ever have. I may
22 have but I don't know for sure. We've been around
23 a long time.
24 **Q. Who is paying your attorney fees in**
25 **connection with this deposition?**

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1 MR. JENSEN: Objection. Objection
2 based on the Missouri Rape Crisis Center Statute,
3 freedom of association, freedom of assembly,
4 freedom of speech, NAACP versus Alabama, Nebraska
5 Press Association versus Stuart and relevance.
6 And I'll instruct the witness not to
7 answer the question.
8 BY MR. WYRSCH:
9 **Q. You're refusing to answer that**
10 **question?**
11 A. Yes, sir.
12 **Q. I'm sorry. I was doing something 11:45A**
13 **else. If I'm getting this right, is that Exhibit**
14 **13?**
15 **(DEFENDANT'S EXHIBIT NO. 13 MARKED FOR**
16 **IDENTIFICATION)**
17 **Q. Mr. Clohessy, let me hand you what's**
18 **been marked for identification as Deposition**
19 **Exhibit 13.**
20 A. Okay.
21 **Q. Mr. Clohessy, this is a -- well, let**
22 **me ask you this, do you recognize this as a**
23 **publicly filed tax return of SNAP for the year**
24 **2006?**
25 A. I do. 11:47A

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1 **Q. And let me also represent to you that**
2 **in statements to the press Ms. Randles has**
3 **indicated what she contributed to this**
4 **organization. I believe Jeff Anderson has also**
5 **stated what he has contributed to SNAP.**
6 **My question is how much money did**
7 **Rebecca Randles contribute to SNAP in the year**
8 **2006?**
9 MR. JENSEN: Objection based on the
10 same Missouri Rape Crisis Center Statute, SNAP's
11 rights to freedom of speech, freedom of assembly
12 and freedom of association, NAACP versus Alabama,
13 National (sic) Press Association versus Stuart,
14 relevance and the form of the question.
15 And I'll instruct the witness not to
16 answer the question.
17 BY MR. WYRSCH:
18 **Q. Mr. Clohessy, are you following that**
19 **instruction?**
20 A. I am.
21 **Q. You're following that instruction even**
22 **though they publicly said what they contributed to**
23 **SNAP?**
24 A. I'm not a lawyer. I'm going to follow 11:48A
25 the lawyer's --

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1 **Q. You've got to follow your lawyer --**
2 A. Sorry.
3 **Q. Okay. As a director of SNAP, do you**
4 **understand that SNAP is required by federal law to**
5 **contribute so much of their assets every year for**
6 **charitable purposes?**
7 A. I'm not aware of that.
8 **Q. Can you tell me looking at the tax**
9 **return of 2006, how much did SNAP contribute to a**
10 **charitable organization in that year?**
11 A. I can't. If -- I can't. If you want
12 me to -- if you want to direct me to a page or
13 something I can --
14 **Q. I'm not sure I can direct you to a**
15 **page because I don't see it myself but I thought**
16 **maybe I ought to ask you about it.**
17 A. I don't know the answer to that
18 question.
19 **Q. Okay. So far as you know, there is no**
20 **policy or understanding by SNAP to contribute so**
21 **much of their assets every year to a charitable**
22 **purpose; is that correct?**
23 A. I simply don't know. 11:49A
24 **Q. Okay. What were the amounts of cash**
25 **on hand for SNAP for the year 2006?**

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1 A. According to this tax return?
2 **Q. Yes.**
3 A. Cash on hand, if you want to direct me
4 to a number or a page I could -- I mean, you know,
5 I don't --
6 **Q. In other words, I need to direct you,**
7 **you're not certain yourself or have a memory of**
8 **what -- of how much money they had on hand?**
9 A. It's 2012 and I don't have a
10 recollection as to how much money we had on file
11 on the day that we filed this in 2006, I do not
12 know.
13 **Q. Let's look on page 4 under item 45,**
14 **cash; do you see that?**
15 A. At the top, cash, nonbearing interest, 11:50A
16 correct?
17 **Q. Cash on hand was \$454,606; isn't that**
18 **correct?**
19 A. Apparently.
20 **Q. Okay. If you look down on line 66,**
21 **the total liability, is \$27,614; isn't that**
22 **correct?**
23 A. That's what it says, yes, sir.
24 **Q. In item -- looks like item 67 it shows**
25 **temporarily restricted assets; do you see that?**

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1 A. Item 67, unrestricted?
2 **Q. Yes, do you see that?**
3 A. Yes, I do.
4 **Q. Is there a figure of \$437,234?**
5 A. Yes, sir.
6 **Q. Is that -- it's not -- okay. In what**
7 **way are those funds restricted, do you know?**
8 A. This says unrestricted. So 11:51A
9 apparently --
10 **Q. You're reading -- unrestricted, okay.**
11 **So they're not restricted; is that correct?**
12 A. That's what this says.
13 **Q. So SNAP is free to use those funds so**
14 **long as they go to a charitable purpose for**
15 **anything they desire as far as you know; is that**
16 **correct?**
17 MR. JENSEN: Object to the form of the
18 question. The document speaks for itself. The
19 witness has testified he doesn't have knowledge.
20 You may answer the question.
21 A. I don't know..
22 BY MR. WYRSCH:
23 **Q. If you look on page 5 it shows total**
24 **revenue of \$928,129; do you see that?**
25 A. I do.

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1 **Q. And your expenses are \$695,730; do you**
2 **see that?**
3 A. I do.
4 **Q. So roughly there was about \$230,000**
5 **received over and above expenses in that year;**
6 **isn't that correct?**
7 A. That's what this seems to indicate.
8 **Q. And I understand based on an earlier** 11:52A
9 **question you're not going to -- you won't tell us**
10 **the sources of your funding; isn't that correct?**
11 A. That's correct.
12 **Q. Okay. Now will you answer the**
13 **question though, when you -- you send out**
14 **literature to various possible donors indicating**
15 **what the function of SNAP is?**
16 A. Sometimes, yes.
17 **Q. Did you do so in 2006?**
18 A. No idea.
19 **Q. In any of that literature did you tell**
20 **them that you were functioning as a Rape Crisis**
21 **Center under the Missouri statute?**
22 MS. RANGLES: Object to foundation.
23 MR. WYRSCH: Foundation from this
24 witness?
25 MS. RANGLES: There was no foundation

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1 for the question. He already indicated he didn't
2 know if they'd sent out anything --
3 MR. WYRSCH: Well, I don't want you to
4 suggest -- go ahead. I'm sorry.
5 MS. RANGLES: -- in 2006. And then
6 your question was -- it's just a form question --
7 then your question was well, in that information.
8 Well, he'd already indicated he didn't know. So
9 there's no foundation for the question that you're
10 asking. It's a form question.
11 BY MR. WYRSCH: 11:54A
12 **Q. You can answer the question.**
13 MS. RANGLES: Easily corrected.
14 A. I'm sure that if we sent out a fund
15 appeal or any sort of information to donors, I'm
16 sure we did not make reference to any Missouri
17 statute.
18 BY MR. WYRSCH:
19 **Q. Or to being a rape crisis center; is**
20 **that correct?**
21 A. I'm sorry?
22 **Q. Or to being a rape crisis center;**
23 **isn't that correct?**
24 MR. JENSEN: Same objection, form of
25 the question. He doesn't know what materials were

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1 sent out. You may answer the question.
2 A. I don't know.
3 BY MR. WYRSCH:
4 **Q. Do you have a memory of any -- do you**
5 **ever look over the literature that's sent out to**
6 **donors?**
7 A. I sometimes do.
8 **Q. Did you ever recall any reference to**
9 **being a rape crisis center under Missouri**
10 **statutes?**
11 A. No. Again, we -- it's -- we would
12 never put a name of a Missouri statute or the
13 phrase Missouri statute in any kind of fund
14 appeal.
15 **Q. Eliminate the words "Missouri**
16 **statute." Did you identify yourself as a rape**
17 **crisis center?**
18 A. I don't know.
19 **Q. On page 2 -- I'm sorry -- page 2 of**
20 **the --**
21 MR. JENSEN: I think it's 18 -- it's 11:55A
22 13.
23 **Q. -- organization -- it's under Schedule**
24 A. I'm sorry. There's a reference to an
25 expenditure for lobbying activities of \$7,888; do

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1 you see that?
2 A. I don't. On page 2?
3 **Q. Page 2 of Schedule A.**
4 A. Okay. Let me find Schedule A please.
5 A page number might be helpful but -- oh, here we
6 go.
7 **Q. I'm sorry. I should have numbered**
8 **these pages.**
9 A. I'm on Schedule A. Page 2 of Schedule
10 A, I don't see any figures at all -- oh, here it
11 is at the top. I see the figure \$7,888, lobbying.
12 **Q. What were the -- how was this money**
13 **used, this \$7,888 in connection with lobbying**
14 **activities?**
15 A. I certainly don't know how every bit 11:56A
16 of it was spent. 2006, I'm pretty sure it was
17 used to try to help educate and persuade
18 legislators in some state capital or states'
19 capital to reform the statute of limitations so
20 that victims could expose child predators and
21 protects kids and --
22 **Q. Did that include any lobbying in the**
23 **State of Missouri?**
24 A. I don't know. I don't believe so.
25 **Q. If you will look back on -- it says**

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1 **federal statements. This is the page here. It**
2 **says federal statements.**
3 A. Okay. Let me get there.
4 **Q. If you look at the bottom of the page**
5 **under statement 4, is there any item in terms of**
6 **other expenses listed there for counseling**
7 **services?**
8 A. I don't see the phrase counseling 11:57A
9 services listed there.
10 **Q. Do you know of any other place on this**
11 **return where there may be a listing of**
12 **expenditures for counseling services?**
13 A. I'm not conversant --
14 **Q. In 2006 --**
15 MR. JENSEN: I'd ask that the witness
16 be allowed to answer the question.
17 A. I'm not intimately familiar with this
18 five year old document. If you want me to page
19 through and look for those phrases, I will but I
20 don't --
21 BY MR. WYRSCH:
22 **Q. Well, I understand what you're saying**
23 **but this is -- you were director of this**
24 **organization and you knew that this organization**
25 **had filed this return; isn't that correct?**

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1 A. Yes, sir.
2 **Q. You knew this return was public**
3 **information; isn't that correct?**
4 A. Yes, sir.
5 **Q. Okay. On page 3 of this document**
6 **there's a listing of officers, directors, trustee**
7 **and key employees, and you're one of those; is**
8 **that correct?**
9 A. I am certainly an employee. On my 11:59A
10 page 3 --
11 MR. JENSEN: He means page 3 of --
12 A. Oh, of the Schedule A thing, okay.
13 MR. WYRSCH: Let's go off the record a
14 minute.
15 (DISCUSSION WAS HAD OFF THE RECORD)
16 BY MR. WYRSCH: 12:00P
17 [REDACTED] ?
18 MR. JENSEN: Objection based on the
19 fact that people from SNAP have had their lives
20 threatened, objection based on the Missouri Rape
21 Crisis Center Statute as potential identifying
22 information. Objection based on SNAP's First
23 Amendment rights to freedom of speech, freedom of
24 association, freedom of assembly. Objection based
25

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1 on NAACP versus Alabama. Objection based on
2 Nebraska Press Association versus Stuart. Object
3 to the relevance of the question. Object to the
4 form of the question.
5 And I'll instruct the witness not to
6 answer the question.
7 A. I'm not going to answer. Nothing in
8 the world more important to us than the privacy of
9 our members and our supporters.
10 BY MR. WYRSCH:
11 **Q. You indicated that you operate out of**
12 **your house; is that correct?**
13 A. Yes, sir. 12:01P
14 **Q. Would you like a break? I mean you**
15 **look like you're --**
16 A. Yes, I'll take a break. Thanks.
17 Appreciate it.
18 (AT THIS POINT A BRIEF RECESS WAS
19 TAKEN)
20 BY MR. WYRSCH: 12:07P
21 **Q. Mr. Clohessy, 2006 -- and if it's too**
22 **much for you to answer this I'll go on to**
23 **something else -- but what did [REDACTED] do**
24 **for the SNAP organization?**
25 MR. JENSEN: Objection based on the

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1 same objections, the Missouri Rape Crisis Center
2 Statute, SNAP's freedom of assembly, freedom of
3 speech, freedom of association, NAACP versus
4 Alabama, Nebraska Press Association versus Stuart.
5 Object to the relevance. Object to the form of
6 the question.
7 And I'll instruct the witness not to
8 answer the question.
9 BY MR. WYRSCH:
10 **Q. Can you tell me why -- and if it's the**
11 **same objection, fine -- can you tell me why [REDACTED]**
12 **[REDACTED] is listed as a director of SNAP for the**
13 **year 2006?**
14 MR. JENSEN: Same objection.
15 BY MR. WYRSCH:
16 **Q. If we will turn to page 2 of the**
17 **document that says federal statements, okay.**
18 **You'll see up in statement 5, the statement of the**
19 **organization's primary exempt purpose; do you see**
20 **that?**
21 A. I do. 12:08P
22 **Q. And down in statement 6 do you see a**
23 **statement of the program service accomplishments;**
24 **do you see that?**
25 A. I do.

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1 **Q. Do you see any reference in any of**
2 **those -- in either statement 5 or statement 6**
3 **concerning the fact that SNAP is a rape crisis**
4 **counseling group?**
5 A. Well, sexually victimized. It would
6 include people who are raped --
7 **Q. Pardon?**
8 A. The phrase sexually victimized appears
9 in both sections and that phrase from our
10 perspective includes rape, sodomy, oral
11 copulation, all of those terms. Do I see the word
12 "rape" in each, I don't see the word "rape" in
13 either of the two boxes.
14 **Q. All right. Do you see anything about**
15 **counseling in here, counseling rape victims in**
16 **here?**
17 A. Provide support for men and women who
18 have been sexually victimized is in statement 5.
19 **Q. It says moral support, does it not?** 12:09P
20 A. No, it does not. The word "moral"
21 doesn't appear there --
22 **Q. In statement 5?**
23 A. In statement 5 -- oh, I'm sorry, it
24 does at the end. But the first line says: To
25 provide support for men and women.

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1 **Q. Then it goes on -- I'm sorry, go**
2 **ahead.**
3 A. Okay.
4 **Q. Then it goes on to say: Meet the**
5 **needs of membership through moral support,**
6 **information and advocacy; doesn't it?**
7 A. It does.
8 **Q. Is there anything about being -- about**
9 **counseling in there?**
10 A. When we provide support for men and
11 women who have been sexually victimized, raped,
12 sodomized, whatever the crime is, that's
13 counseling.
14 **Q. Is it counseling in a professional**
15 **sense?**
16 MR. JENSEN: Objection to the form of
17 the question.
18 BY MR. WYRSCH:
19 **Q. Would you agree with me that you and**
20 **anyone else that you know of within SNAP does not**
21 **provide any professional counseling services?**
22 MR. JENSEN: Objection. And also
23 vague as to what professional means.
24 BY MR. WYRSCH:
25 **Q. You can answer.**

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1 A. Try the question again please. 12:10P
2 **Q. Will you agree with me that you or**
3 **anyone else in the SNAP organization in 2006 or**
4 **any time provided professional counseling services**
5 **to victims of rape?**
6 MR. JENSEN: Same objection, form of
7 the question. You may answer.
8 A. No, I will not agree with you on that.
9 BY MR. WYRSCH:
10 **Q. You won't agree with that?**
11 A. No, sir.
12 **Q. So you all had licensed counselors**
13 **that you were employing to counsel rape victims;**
14 **is that correct?**
15 MR. JENSEN: Objection, misstates the
16 earlier testimony and object to the form of the
17 question.
18 MS. RANGLES: Join the objection.
19 BY MR. WYRSCH:
20 **Q. You can answer.**
21 A. Have we ever employed licensed
22 counselors, is that the question? Maybe you
23 should just repeat it.
24 **Q. Well, this has already been answered.**
25 **I'm just saying any time did you employ, that is**

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1 **SNAP, any licensed rape counselors that were**
2 **professionals in that area to treat people?**
3 MR. JENSEN: Objection, form of the
4 question.
5 THE WITNESS: I can answer? 12:11P
6 MR. JENSEN: You can answer.
7 A. We have employed and still employ
8 Barbara Blaine who has a Master's degree in social
9 work.
10 BY MR. WYRSCH:
11 **Q. Is she a licensed counselor under**
12 **Illinois law?**
13 MR. JENSEN: Objection, asked and
14 answered.
15 A. I don't know if she is or not.
16 BY MR. WYRSCH:
17 **Q. Okay. What is the definition of a**
18 **rape crisis counseling center under Missouri law?**
19 MS. RANGLES: Objection, calls for a
20 legal conclusion. He's not qualified to answer
21 that.
22 BY MR. WYRSCH:
23 **Q. You can answer.**
24 MR. JENSEN: If you know you can
25 answer.

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1 A. I've seen the statute. I don't know
2 the words. I've seen the statute and I've read
3 the statute.
4 BY MR. WYRSCH:
5 **Q. Well, did you know what the statute**
6 **said in the year 2006?**
7 A. No idea.
8 **Q. Or even aware there was such a statute**
9 **in 2006?**
10 A. I have no idea.
11 **Q. Well, you --** 12:12P
12 A. You understand that, by the way, we're
13 not a Missouri organization, that we operate
14 literally -- you know, we help victims all across
15 the globe. So I'm unaware of state laws and laws
16 in different countries about what constitutes a
17 rape crisis center and what doesn't.
18 **Q. But did you file a statement with the**
19 **Missouri Secretary of State as doing business in**
20 **the State of Missouri?**
21 A. I don't know.
22 **Q. Are you aware whether you do or not?**
23 A. No, I'm not.
24 **Q. Okay. You do business in the State of**
25 **Missouri, do you not, SNAP?**

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1 A. I certainly don't consider what we do
2 a business.
3 **Q. Okay. Well, do you take in -- go**
4 **ahead. I'm sorry.**
5 A. I live in Missouri. I work from my
6 home. I have for SNAP since 2002 on a paid basis.
7 Since 1989 or '90 on a volunteer basis.
8 **Q. Okay. Well, for instance, at your**
9 **house do you have an occupational license or a**
10 **business license to do business out of your house?**
11 A. No. 12:14P
12 MR. JENSEN: Objection, relevance.
13 You can answer the question.
14 A. No, sir.
15 BY MR. WYRSCH:
16 **Q. But so far as you know, you haven't**
17 **filed any report with the Missouri Secretary of**
18 **State concerning SNAP activities in the State of**
19 **Missouri; is that correct?**
20 MR. JENSEN: Objection, asked and
21 answered. Go ahead.
22 A. I don't know.
23 BY MR. WYRSCH:
24 **Q. Okay. Who would know that n the SNAP**
25 **organization?**

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1 A. I suspect Barbara Blaine or [REDACTED]
2 [REDACTED]
3 **Q. Okay. You actually received**
4 **contributions in the State of Missouri, did you**
5 **not, 2006? Without telling me who they are, I**
6 **know you won't tell me who they are, but did you**
7 **receive any contributions to SNAP in the year 2006**
8 **from individuals living in the State of Missouri?**
9 A. I'm sure we have. Or we did.
10 **Q. Did you expend monies, in other words,**
11 **you paid out money for various things that you**
12 **did, SNAP did, in the State of Missouri in 2006?**
13 A. I assume we did. 12:15P
14 **Q. You didn't tell persons in 2006 when**
15 **they came in to talk to you, now listen, it's a**
16 **rape crisis center, anything you tell me is**
17 **privileged? You didn't say anything like that,**
18 **did you?**
19 MR. JENSEN: Object to the form of the
20 question. Object based on the Missouri Rape
21 Crisis Center Statute. Object based on freedom of
22 assembly, freedom of association, freedom of
23 speech, NAACP versus Alabama, Nebraska Press
24 Association versus Stuart, and to relevance.
25 And I'll instruct the witness not to

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1 answer the question.
2 BY MR. WYRSCH:
3 **Q. You have to say --**
4 A. I won't answer.
5 **Q. Okay. Incidentally, Mr. Madden gave**
6 **you some instructions at the beginning, but I want**
7 **to let you know that if I ask a question you don't**
8 **understand, just tell me you don't understand it;**
9 **okay?**
10 A. Will do. 12:16P
11 **Q. And we'll rephrase the question**
12 **then --**
13 A. Thank you.
14 **Q. -- so that you and I will have a**
15 **mutual understanding. Is that okay with you?**
16 A. Yes, sir.
17 (DEFENDANT'S EXHIBIT NO. 14 MARKED FOR
18 IDENTIFICATION)
19 (DISCUSSION WAS HAD OFF THE RECORD)
20 **Q. Let me hand you Exhibit 14 to this**
21 **deposition. Let me ask you to look at this part**
22 **of Exhibit 14 and in the back it says federal**
23 **statements.**
24 A. Okay. 12:18P
25 **Q. And under statement 3 there's**

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1 **organization's primary exempt purpose. And then**
2 **statement 4 is statement of program service**
3 **accomplishments; do you see that?**
4 A. I do.
5 **Q. I asked you these questions about**
6 **Exhibit 13. But basically what is described in**
7 **here is the primary exempt purpose and the program**
8 **service accomplishments is the same thing as the**
9 **year before; is that correct?**
10 A. I'm sure -- I suspect it is. I
11 haven't read every word in it. But if you tell me
12 it's the same I'll accept that.
13 **Q. I think there's a little bit of**
14 **difference because it does say the organization**
15 **established 50 regional chapters throughout the**
16 **country and holds local regular self-help and**
17 **support meetings. But other than that, it appears**
18 **to be the same description of the primary exempt**
19 **purpose and the program service accomplishments;**
20 **is that correct?**
21 A. Okay. 12:19P
22 **Q. Do you agree?**
23 A. Yes.
24 **Q. Okay. If we look up there in**
25 **statement 2 concerning the other expenses, again**

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1 **there's no particular line item in there about**
2 **counseling fees; is that correct?**
3 MR. JENSEN: Objection to the form of
4 the question and lack of foundation unless you're
5 just asking him what this document says, but he
6 hasn't testified that he's ever seen it or is
7 aware of the document.
8 BY MR. WYRSCH:
9 **Q. Well, I guess I can back up. Are you**
10 **aware that SNAP filed a federal tax return for**
11 **2007?**
12 A. I'm sure we filed one every year we've
13 been required to. I don't know if I've ever seen
14 this or not but I'm --
15 **Q. Well, if we look at this document, do**
16 **you see anything in statement 2 under the federal**
17 **statements portion where it lists out separately**
18 **for counseling fees?**
19 A. I don't, although I don't know what
20 the category survivor support involves. But I
21 don't see the word "counseling" if that's what
22 you're asking me.
23 **Q. Well, if we look under survivor** 12:20P
24 **support how much money are we talking about there?**
25 A. \$593.

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1 **Q. Okay. So if that item includes**
2 **counseling fees, the maximum amount of money that**
3 **SNAP expended in the year 2007 for survivor**
4 **support was \$593; is that correct?**
5 MS. RANGLES: Object to the form of
6 the question.
7 MR. JENSEN: Objection to the form of
8 the question.
9 BY MR. WYRSCH:
10 **Q. That's what it says; doesn't it?**
11 MR. JENSEN: Object to the form of the
12 question. You may answer.
13 A. You repeat the question please.
14 BY MR. WYRSCH:
15 **Q. The maximum amount of money that was**
16 **expended by SNAP in the year 2007 for survivor**
17 **support was \$593; isn't that correct?**
18 A. Correct. I also don't know what the
19 miscellaneous category involves either.
20 (DISCUSSION WAS HAD OFF THE RECORD)
21 (DEFENDANT'S EXHIBIT NO. 15 MARKED FOR
22 IDENTIFICATION)
23 **Q. Let me hand you what's been marked for**
24 **identification in this deposition as Exhibit 15.**
25 A. Thank you. 12:22P

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1 (WHEREUPON, A LUNCHEON RECESS WAS
2 TAKEN AT THIS POINT)
3 (VIDEOTAPE NUMBER 3) 12:24P
4 CONTINUED QUESTIONS BY MR. WYRSCH: 1:14P
5 **Q. Mr. Clohessy, the Exhibit 6 and 7 are**
6 **the privileged logs. Did you review any other**
7 **documents other than the ones that are on the**
8 **privileged log and the ones you produced today in**
9 **preparation for your deposition?**
10 A. Sure. We went through -- we spent
11 roughly 300 man hours going through every document
12 on my hard drive, in my e-mails and in my hard
13 copy.
14 **Q. So were there documents you didn't**
15 **produce because you felt like they were not**
16 **pertinent to the case or to the subpoena issued**
17 **for documents?**
18 A. Yes, we used the search terms -- I
19 mean if I have a document about -- that doesn't
20 repressed memory, that doesn't mention Kansas City
21 priest, that doesn't mention the diocese, that
22 doesn't mention, you know, any of those terms in
23 the subpoena, I have those documents.
24 **Q. Okay. What were the search terms** 1:16P
25 **you --**

1 A. The names of every Kansas City priest,
2 living or dead apparently, accused or not. You
3 know, there were some -- more than 20 of those
4 names. What else? St. Joseph, Kansas City
5 diocese. Repressed memory. I mean if you've got
6 the exhibit I'll look at them again if you want
7 but we went over that.
8 **Q. You just went down the list of**
9 **categories that are listed on the subpoena?**
10 A. Yes.
11 **Q. Okay. I notice that Father Cronin**
12 **lives in Nevada. Did you look for documents**
13 **pertaining to him?**
14 A. Sure.
15 **Q. Okay. Other than your attorneys, did**
16 **you speak with anyone else about this deposition**
17 **in preparation for the deposition?**
18 A. I'm not sure --
19 **Q. I'm not interested in, you know, you**
20 **mentioned casually you're coming over here or**
21 **anything like that. But anything of substance?**
22 A. Give me a second. 1:17P
23 (DISCUSSION WAS HAD OFF THE RECORD)
24 A. In preparation for today's deposition
25 I talked to my attorneys.

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1 **Q. I'm not interested in what you talked**
2 **to your attorneys about. Anyone else other than**
3 **your attorneys?**
4 A. All right. I did talk to a small
5 number of other SNAP members and staff.
6 **Q. All right. Who did you talk to?**
7 MR. JENSEN: Objection,
8 attorney-client privilege. And work product.
9 MR. WYRSCH: Instruct the witness not
10 to answer?
11 MR. JENSEN: Instruct the witness not
12 to answer.
13 A. I'll not answer.
14 BY MR. WYRSCH:
15 **Q. What was the date that you went to**
16 **work full time for SNAP?** 1:18P
17 A. Roughly June of 2002.
18 **Q. Can you just briefly tell me your work**
19 **history from college on up to 2002?**
20 A. Almost all in the non-profit world. I
21 spent five years working for a political
22 consulting firm. I worked for five years for a
23 school district. I worked for -- as a community
24 organizer for roughly eight or nine years. I
25 worked briefly as a union organizer. What else?

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1 That's probably basically -- I worked on some
2 political campaigns.
3 **Q. Okay. Exhibit 15 is in front of you.**
4 **Just a couple of questions about Exhibit 15. I**
5 **mean as you look at it, it's the 2008 return, tax**
6 **return for SNAP; is it not?** 1:19P
7 A. That's what it looks like, uh-huh.
8 **Q. Again looking back at page 1 where it**
9 **says federal statements; do you see that?**
10 A. I do.
11 **Q. And again there's a list of other**
12 **expenses there and I've asked you about it before,**
13 **but at least as you look at that schedule there,**
14 **is there anything specifically that sets out that**
15 **there were expenses for counseling?**
16 A. I've said this before and I'll say it
17 again, you know, the overwhelming majority of the
18 work that's done by SNAP is done by volunteers all
19 across the country and the world. The
20 overwhelming majority of our staff time is spent
21 counseling victims.
22 I just thought about, you know,
23 travel, \$92,000. I suspect that the lion's share
24 of that money was to travel to cities where we
25 have a support group and we work to strengthen

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1 that support group and help train that support
2 group leader that volunteers or travel to cities
3 and states where we don't have a support group and
4 start a support group or do a public media event
5 to bring forward victims who can start a support
6 group.
7 So I can't -- I mean I can't stress
8 this enough, you know, that you all see the public
9 face of SNAP and the media and the advocacy stuff.
10 But the biggest percentage of stuff that we do
11 involves counseling, listening to, offering advice
12 to, offering consolation to, you know, tens of
13 thousands or maybe hundreds of thousands of people
14 who were sexually violated.
15 I don't see the word -- in answer to
16 your question, I don't see the word counseling on
17 this page. 1:21P
18 **Q. That was my question actually. At the**
19 **bottom of the page, statement 4, and on the next**
20 **page, statement 5, that's a statement of the**
21 **primary purpose of the organization. And then the**
22 **next page, statement 5, statement of program**
23 **service accomplishments; is that correct?**
24 A. Yes, sir.
25 (DEFENDANT'S EXHIBIT NO. 16 MARKED FOR

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1 IDENTIFICATION)
2 **Q. Let me hand you what's been marked for**
3 **identification as Exhibit 16. Let me see the**
4 **document. It should have a sticker on it. And**
5 **this is a 2009 tax return for SNAP; is that**
6 **correct?** 1:22P
7 A. Looks like it, uh-huh.
8 **Q. On the second page there's a**
9 **description of program services, service**
10 **accomplishments, and a statement of the -- what**
11 **appears to be the primary purpose; do you see**
12 **there?**
13 A. I do.
14 **Q. And those are accurate to the best of**
15 **your knowledge and belief?**
16 A. I do not -- not inclusive. It's a
17 pretty short space there. But as much as we can
18 fit on the first few lines, you know. Our mission
19 is to provide support for men and women who have
20 been sexually victimized.
21 You know, honestly, it's increasingly
22 in recent years more and more of our mission has
23 shifted to prevention which isn't reflected here
24 in as much specificity as I'd like, you know, we
25 prevent abuse by exposing proven, admitted,

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1 credibly accused child molesters, so the parents
 2 and the public and prospective employers are
 3 warned about them and so that other victims of
 4 theirs might be encouraged to contact the police
 5 so those child sex offenders can be prosecuted and
 6 jailed and kept away from kids.
 7 **Q. You mentioned that what, publicized** 1:23P
 8 **proven sex offenders; was that right?**
 9 A. Proven, admitted and credibly accused.
 10 **Q. How do you define the word "credibly**
 11 **accused?"**
 12 A. You know, there's all kinds of
 13 criteria. Do you want to get into this? Like in
 14 some instances, you know, there are multiple,
 15 multiple accusers. In some instances, you know,
 16 there's hard evidence. There are e-mails from
 17 child molesters to their victims. Letters of
 18 apology from child molesters to their victims
 19 later. In some instances there are -- you know,
 20 there's pending criminal charges even though they
 21 may not be, you know, resolved. There's multiple,
 22 multiple civil lawsuits. There's oftentimes --
 23 you know, I could just go on and on. There's a
 24 lot of different, you know, --
 25 **Q. If there's a lawsuit filed are you** 1:25P
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1 **saying that that's a credibly -- that's credible**
 2 **information that you can have a press conference**
 3 **and accuse someone of being a predator?**
 4 A. It depends.
 5 **Q. What about an event that occurred some**
 6 **40 to 50 years ago and never was reported,**
 7 **somebody remembered it in 2010 and there's no**
 8 **witnesses; is that credible in your opinion?**
 9 A. Under some circumstances. I mean
 10 if, -- you know, Father John Gagin (phonetic) in
 11 Boston, right, molested more than 100 kids. If
 12 somebody comes forward in 2011 and says I remember
 13 now being molested by Father Gagin, I would tend
 14 to give that some degree of credibility.
 15 **Q. Okay. Other than that can you give me**
 16 **another example?**
 17 MR. JENSEN: Object to the form of the
 18 question, it calls for speculation. But subject
 19 to that you can answer.
 20 A. I mean all the other things I was
 21 saying before. If you look, you know, --
 22 BY MR. WYRSCH:
 23 **Q. Now this rape crisis center, you**
 24 **understood that in order to qualify you would be**
 25 **counseling people that had been raped or in**
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1 **crisis; isn't that correct?**
 2 MR. JENSEN: Object to the form of the 1:26P
 3 question. I'm not sure I understand the question.
 4 Could you restate it?
 5 BY MR. WYRSCH:
 6 **Q. Well, you say you're a rape crisis**
 7 **center; right? You assert that SNAP is a rape**
 8 **crisis center?**
 9 MR. JENSEN: Objection, calls for a
 10 legal conclusion.
 11 BY MR. WYRSCH:
 12 **Q. Well, let me just state, you don't**
 13 **know what a rape crisis center is; do you?**
 14 MR. JENSEN: Objection, calls for a
 15 legal conclusion. You can answer the question.
 16 A. I don't know under the Missouri
 17 statutes exactly what constitutes a rape crisis
 18 center.
 19 BY MR. WYRSCH:
 20 **Q. Did you ever get a written legal**
 21 **opinion about what it was?**
 22 MR. JENSEN: Objection, calls for
 23 attorney-client information, work product,
 24 violation of the Rape Crisis Center Statute, NAACP
 25 versus Alabama, freedom of speech, freedom of
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1 association, freedom of assembly, Nebraska Press
 2 Association versus Stuart. Object to the form of
 3 the question. Object to relevance.
 4 MR. WYRSCH: Instruct the witness not
 5 to answer?
 6 MR. JENSEN: Instruct the witness not 1:27P
 7 to answer.
 8 BY MR. WYRSCH:
 9 **Q. You're not going to answer?**
 10 A. No.
 11 **Q. Let's see. You have Exhibit 16 in**
 12 **front of you, do you not?**
 13 A. Yes, sir.
 14 **Q. On the first page there's a**
 15 **description of the primary purpose of the**
 16 **organization; is that correct?**
 17 A. There is.
 18 **Q. And then we asked you about the second**
 19 **page, a description of the -- you made some**
 20 **explanation about that, right; is that correct?**
 21 A. Is what correct?
 22 **Q. I asked you about the second page of**
 23 **Exhibit 16, you've already given us some statement**
 24 **about what you consider the purpose to be; is that**
 25 **correct?**
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1 A. Yes, yes, I have.
2 **Q. If you look back on federal statements**
3 **in the back, again taking your explanation of what**
4 **your organization does, will you agree with me at**
5 **least on this particular statement of other**
6 **expenses there's no separate line item for**
7 **counseling? Now I understand you've given me an**
8 **explanation which I'm going to take in connection**
9 **with this answer. But is there any separate line**
10 **item for counseling?**
11 A. 2009 apparently Form 990 on the IRS on 1:28P
12 page 1 under federal statements I do not see a
13 specific line item that says the word
14 "counseling."
15 (DEFENDANT'S EXHIBIT NO. 17 MARKED FOR
16 IDENTIFICATION)
17 **Q. Let me hand you what's been marked for**
18 **identification as Deposition Exhibit 17.**
19 A. Page 2.
20 MR. MADDEN: Jim, I believe this is
21 marked as Exhibit 1 already.
22 MR. WYRSCH: That's correct. You
23 asked questions about that already. Sorry. I
24 remember now.
25 (DEFENDANT'S EXHIBIT NO. 18 MARKED FOR
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1 IDENTIFICATION)
2 **Q. Exhibit 18. Mr. Clohessy, can you**
3 **identify Exhibit -- what is that I've got there,**
4 **18?**
5 A. 18 it looks like to me. 1:31P
6 MR. JENSEN: We didn't use 17 because
7 that was a repeat of 1.
8 MR. WYRSCH: Well, let's go ahead. It
9 should be 18. Is there 18 on the front of it? I
10 recognize there's a duplicate here but rather
11 than --
12 MR. JENSEN: Got it, yes.
13 EXAMINATION
14 BY MR. WYRSCH:
15 **Q. Can You identify that Exhibit for me?**
16 A. It looks like it's a SNAP media
17 advisory printed off from our website apparently.
18 **Q. Okay. And is this a press release**
19 **that was issued by SNAP?**
20 A. Again, we call these media advisories.
21 But yes, this looks to be one that we issued.
22 **Q. And how many different organizations**
23 **got this? Is it media advisory, is that how you**
24 **want me to refer to it?**
25 A. Doesn't matter. Let's just agree that
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1 we'll use press release, news release, media
2 advisory, they're all --
3 **Q. All right, press release, okay. How**
4 **many different media, if I can use that term, or**
5 **members of the press received this document?**
6 A. Oh, I'm going to -- should I guess? I
7 mean I don't know.
8 **Q. I don't think anybody wants you to** 1:32P
9 **guess. Have you got a reasonable estimate?**
10 A. Yes, reasonable estimate, somewhere
11 between 15 and 30.
12 **Q. Okay. And would some of that press be**
13 **in Jackson County, Missouri, the Kansas City area?**
14 A. Yes, sir.
15 **Q. Now as I -- we look at this document,**
16 **it says you're going to hold a -- what appears to**
17 **be a press conference at October 25 at 11 A.M.; is**
18 **that correct?**
19 A. Yes, sir.
20 **Q. Was that press conference held?**
21 A. Was it held?
22 **Q. Yes.**
23 A. I assume that it was.
24 **Q. All right. And it says it's going to**
25 **be outside the Kansas City Diocesan headquarters,**
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1 **20 West 9th Street at Baltimore, Kansas City,**
2 **Missouri; is that correct?**
3 A. Yes, sir.
4 **Q. Now did you, in fact, appear there?**
5 A. I honestly don't --
6 **Q. For a press conference?**
7 A. I don't know if I did. I'm sure
8 someone from SNAP did. It might have been me or
9 it might have been ██████████ Usually
10 there's several of us.
11 **Q. And did you notify what you considered**
12 **to be victims to be present at this particular**
13 **press conference?**
14 A. We sometimes invite victims to come. 1:33P
15 **Q. If you look at the top of page 2 of**
16 **Exhibit 18 it says "Who" at the bottom of the**
17 **first page. And then it says "three child sex**
18 **abuse victims that belong to SNAP;" isn't that**
19 **correct?**
20 A. Right.
21 MR. JENSEN: Objection to the -- the
22 document speaks for itself. So objection to the
23 form of the question unless there's a foundation
24 established that Mr. Clohessy has knowledge of
25 this particular press conference. Subject to that
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1 you can answer the question.
2 BY MR. WYRSCH:
3 **Q. Did you know who appeared with you?**
4 A. No -- I don't even know that I was
5 there.
6 MR. JENSEN: Objection.
7 BY MR. WYRSCH:
8 **Q. Can you say you weren't there or you**
9 **just don't remember?**
10 A. I don't remember. I mean we do --
11 **Q. This is October of 2011; right?**
12 A. Right. We do hundreds of these. So,
13 you know, best estimate is that [REDACTED] was
14 there or I was there.
15 **Q. And it says the press conference to be**
16 **at 11:00; right?**
17 A. You already asked that and I already 1 : 34 P
18 answered. But yes, it says right here --
19 **Q. Just wanted to make sure that the**
20 **record is clear. If you look on the second page**
21 **it talks about, quote: A new legal filing that**
22 **has happened in another clergy case. Do you see**
23 **that?**
24 A. I do.
25 **Q. It describes what that legal filing is**

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1 **and what the facts are concerning that legal**
2 **filing; isn't that correct?**
3 A. Looks like it.
4 **Q. Now where did you get that**
5 **information --**
6 MR. JENSEN: Objection.
7 MR. WYRSCH: Wait a minute. I know
8 you're going to object. Hold on.
9 BY MR. WYRSCH:
10 **Q. Where did you get the information that**
11 **is contained in this document is Exhibit 18 about**
12 **another -- a new legal filing; where did you get**
13 **that information?**
14 MR. JENSEN: Objection, calls for an
15 answer that would be a violation of the Missouri
16 Rape Crisis Statute. Violates SNAP's First
17 Amendment rights to freedom of speech and freedom
18 of association, freedom of assembly, NAACP versus
19 Alabama, Nebraska Press Association versus Stuart.
20 Object to the form of the question and to the
21 relevance.
22 And I'll instruct the witness not to
23 answer the question.
24 A. I'm not going to answer. 1 : 36 P
25 BY MR. WYRSCH:

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1 **Q. Not going to answer the question,**
2 **okay. Did you know that this legal filing was in**
3 **a case called Jane Doe, I.P. versus Father Francis**
4 **McGlynn in the Diocese of Kansas City-St. Joseph?**
5 A. Did I know that this was --
6 **Q. This legal filing occurred in a case**
7 **called John Doe -- Jane Doe, I.P. versus Father**
8 **Francis McGlynn in the Diocese of Kansas City-St.**
9 **Joseph?**
10 MR. JENSEN: Object to the form of the
11 question. Object to lack of foundation. It
12 hasn't been established that he was aware of this
13 press release. Subject to that you can answer the
14 question.
15 A. I don't know.
16 BY MR. WYRSCH:
17 **Q. Have you ever spoken with Jane Doe,**
18 **I.P.?**
19 MR. JENSEN: Objection. Answering the
20 question would be a violation of the Missouri Rape
21 Crisis Center Statute. Objection based on First
22 Amendment rights, freedom of assembly, freedom of
23 association, freedom of speech. Objection based
24 on NAACP versus Alabama. Objection based on
25 Nebraska Press Association versus Stuart.

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1 Object to the form of the question and
2 object to relevance. And I instruct the witness
3 not to answer the question.
4 MR. WYRSCH: Just for the record, and 1 : 37 P
5 Rebecca, correct me if I'm wrong, in a public
6 filing I believe she has stated that SNAP never
7 spoke to Jane Doe, I.P. So I don't see where
8 there's any privilege when the attorney for Jane
9 Doe, I.P. said you never spoke to her.
10 MR. JENSEN: Is that -- you're asking
11 the witness about whether --
12 MR. WYRSCH: Well, I'm asking you to
13 reconsider your objection.
14 MR. JENSEN: I'm not aware of there
15 being a written waiver on behalf of this Jane Doe
16 allowing SNAP to the speak in violation --
17 otherwise it would be a violation of the Rape
18 Crisis Center Statute.
19 MR. WYRSCH: Just for the record, if
20 he never spoke to her, SNAP never spoke to her,
21 there is no privilege.
22 BY MR. WYRSCH:
23 **Q. But I understand you're asserting a**
24 **privilege and won't answer the question; is that**
25 **correct?**

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1 BY MR. WYRSCH:
2 **Q. Let's see. 20 is the next one, right?**
3 A. I believe so.
4 **Q. Mr. Clohessy -- how do you pronounce**
5 **it?**
6 A. CLAUS-SEE.
7 **Q. CLAUS-SEE. Exhibit 20 has been marked**
8 **for identification.**
9 A. Uh-huh.
10 **Q. I'm handing you that exhibit. Mr.**
11 **Clohessy, have you ever looked -- sorry -- prior**
12 **to this deposition ever seen Exhibit 20?**
13 A. Don't know. 1:47P
14 **Q. So you don't ever remember seeing**
15 **anything about it?**
16 A. I don't know.
17 **Q. Okay. There's a reference there to a**
18 **Jane Doe, I.P. Now we have an understanding here**
19 **we will not refer to the name of the person that**
20 **is stated to be the plaintiff in Exhibit 20.**
21 **But -- I know I'm repeating myself -- but did you**
22 **ever talk to Jane Doe, I.P.?**
23 MR. JENSEN: Objection. To answer the
24 question would violate Missouri Rape Crisis Center
25 Statute, violate the First Amendment right to free

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1 speech and freedom of association, violate NAACP
2 versus Alabama, would violate National Press
3 Association versus Stuart.
4 Object to the form of the question.
5 Object to relevance. And instruct the witness not
6 to answer the question.
7 MR. WYRSCH: Okay. Just for the 1:48P
8 record, if he never talked to her I cannot see
9 that there's a privilege. But I understand
10 there's been an assertion and he's refused to
11 answer. We'll take that up with the court.
12 MR. JENSEN: Same objection.
13 (DEFENDANT'S EXHIBIT NO. 21 MARKED FOR
14 IDENTIFICATION)
15 BY MR. WYRSCH:
16 **Q. Exhibit 21 I'm handing to the witness. 1:50P**
17 **Let me see that a minute. Make sure I've got the**
18 **right one. Have you had an opportunity to review**
19 **this document?**
20 A. I've just skimmed it down to the 1:51P
21 middle of page 2.
22 **Q. Yes, go ahead and read it if you**
23 **would.**
24 A. I've skimmed it. You want me to -- 1:53P
25 **Q. Have you had a chance to read it?**

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1 A. Pretty hastily but sure.
2 **Q. In this Exhibit it's from a newspaper**
3 **article?**
4 A. Yes, sir.
5 **Q. And I believe it's the Registered**
6 **Journal in Reno, Nevada. And let me read it.**
7 **You're quoted as saying, quote:**
8 **The minute Reno's Bishop knew of the**
9 **lawsuit, he should have publicly disclosed**
10 **it, suspended Cronin, and begged anyone**
11 **with information to step forward, Clohessy**
12 **said. It's proof yet again that bishops**
13 **are concealing child abuse allegations.**
14 **From our view. This is a continued and**
15 **disturbing deliberate cover-up. If the**
16 **media had not called, I seriously doubt**
17 **that the Reno Catholics would know about**
18 **it, unquote.**
19 **Did you make that statement to this**
20 **newspaper?**
21 A. I'm sure I did.
22 **Q. What was the factual basis for you to**
23 **say that Father Cronin should be suspended from**
24 **his priesthood? Or acting as a priest?**
25 A. Two reasons. Number one, Catholic 1:55P

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1 bishops have promised to promptly suspend accused
2 priests.
3 And, secondly, we believe that the
4 lawsuit constitutes a credible allegation. And
5 that when forced to make a choice, bishops should
6 honor their own promises and common sense and
7 safety and err on the side of temporarily
8 suspending credibly accused priests from their
9 positions while an investigation happens. In much
10 the same way that police departments, when there's
11 an allegation of a police officer misusing a
12 weapon, the officers are temporarily suspended
13 while an allegation happens.
14 Our view, our view is that -- is that
15 employers have to err on the side of the safety of
16 potentially dozens of innocent and vulnerable
17 children versus the reputation of one powerful
18 adult. It takes seconds, I don't mean to get
19 graphic, but it takes literally seconds for a
20 child molester to shove his tongue down a child's
21 throat or to shove his hand in a child's pants.
22 And if the Bishop of Reno, the minute
23 he knew about the lawsuit he should have said, I'm
24 going to do what I promised, I'm going to put the
25 safety of kids first, I'm putting this priest on

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1 suspension. I also made promises of openness and
2 transparency as every Catholic bishop in America
3 has. I'm going to honor those promises. And I'm
4 going to tell the public and parishioners that
5 there's been a civil lawsuit filed against Father
6 Cronin. And we don't know the truth or falsity of
7 the allegations, but for the sake of the safety of
8 children, we're going to suspend him from his
9 ministry until this is resolved.

10 **Q. So it was your understanding when you** 1:57P
11 **made that statement that the person that was**
12 **accusing Father Cronin was a child, isn't that**
13 **correct, or at least when the events happened the**
14 **person was a child; is that correct?**

15 A. Don't know. You know, I think
16 honestly our -- I shouldn't speculate.

17 **Q. I think my -- did you know whether or**
18 **not the person that is named as the plaintiff when**
19 **they said that these things occurred was a child**
20 **when you made this statement to the newspaper in**
21 **Reno?**

22 A. Don't know.

23 **Q. Okay. So when you made the statement**
24 **you didn't know whether this was a child or not,**
25 **right?**

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1 A. No. I'm telling you today I don't
2 know what I knew then. You know, we hear the
3 names --

4 **Q. Well, in this deposition you can't**
5 **tell us what your memory of the age of the**
6 **so-called -- or not so-called -- but the person**
7 **that sued Father Cronin, you can't tell us what**
8 **the age of the person was when they say that the**
9 **abuse occurred?**

10 A. Today I cannot. 1:58P
11 **Q. Did you know back then?**

12 A. I most likely knew, sure.

13 **Q. Okay. And it's your view that if just**
14 **a lawsuit is filed that a priest should be**
15 **suspended; is that correct?**

16 MR. JENSEN: Objection, that misstates
17 the earlier testimony. Subject to that you can
18 answer the question.

19 A. We think that bishops should err on
20 the side of public safety.

21 BY MR. WYRSCH:

22 **Q. Therefore, if the lawsuit -- I didn't**
23 **mean to interrupt you.**

24 A. Well, I mean, you know, it's hard to
25 make -- these are individual cases. It's hard to

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1 make, you know, hard and fast generalizations.

2 **Q. What investigation did you do of this**
3 **case before you made this statement to the Reno**
4 **paper, you yourself?**

5 MR. JENSEN: Objection. That gets to
6 a violation of the Missouri Rape Crisis Center
7 Statute, violation of the First Amendment rights
8 to free speech, freedom of association and freedom
9 of assembly, violation of NAACP versus Alabama and
10 violation of Nebraska Press Association versus
11 Stuart.

12 Object to the form of the question.
13 Object to the relevance and instruct the witness
14 not to answer the question.

15 BY MR. WYRSCH: 1:59P

16 **Q. Mr. Clohessy, are you refusing to**
17 **answer the question?**

18 A. Yes, I'm refusing.

19 (DEFENDANT'S EXHIBIT NO. 22 MARKED FOR
20 IDENTIFICATION)

21 **Q. Handing you what's been marked for**
22 **identification as Exhibit 22.**

23 A. You want me to read the whole thing
24 or --
25 **Q. Yes, if you would please.**

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1 A. Okay. I've read it.

2 **Q. Have you had a chance to read it?** 2:02P
3 A. I have, sir.

4 **Q. You agree with me that you made the**
5 **following statement in this Exhibit, quote:**
6 **It is especially heinous when two predators**
7 **under the guise of religion sexually**
8 **assault a teenager.**
9 **Do you see that?**

10 A. I do.

11 **Q. What facts did you have when you made**
12 **that statement?**

13 A. Boy, where to start. You know, Father
14 Tulipana --

15 **Q. Let me -- I understand about Father**
16 **Tulipana. Father Cronin, what information did you**
17 **have about Father Cronin to say he was a predator?**

18 A. I'm not --

19 MR. JENSEN: The same objections I've
20 made all along, violation of Missouri Rape Crisis
21 Center Statute, First Amendment rights to freedom
22 of speech and freedom of association and freedom
23 of assembly, NAACP versus Alabama, Nebraska Press
24 Association versus Stuart.
25 Object to the form of the question.

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1 Object to relevance. And instruct the witness not
2 to answer the question.
3 BY MR. WYRSCH: 2:04P
4 **Q. You're refusing to answer that**
5 **question?**
6 A. I am.
7 **Q. This is a press release; is it not?**
8 A. It is.
9 **Q. How many different media got this**
10 **press release?**
11 A. I'm not sure. Best estimate, you
12 know, however many there are in Reno. So I'm
13 going to estimate fewer than 10.
14 **Q. There's a statement from [REDACTED]**
15 **[REDACTED] about Father Cronin in this release; do you**
16 **see that?**
17 A. At the bottom, I do.
18 **Q. What facts did [REDACTED] have**
19 **when she made that statement to these 15 or 20**
20 **members of the press?**
21 MR. WYRSCH: Same objection?
22 MR. JENSEN: Same objection, instruct
23 the witness not to answer the question.
24 BY MR. WYRSCH:
25 **Q. Are you going to refuse to answer that**

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1 **question?**
2 A. I said 10 media. You said 15 or 20.
3 **Q. I misstated. I'm sorry, I didn't mean**
4 **to. Ten media?**
5 A. Estimate. That's an estimate. 2:05P
6 **Q. I thought before you -- maybe I picked**
7 **up from the previous -- one of the previous press**
8 **releases. Didn't you say before you normally send**
9 **it out to 15 or 20?**
10 A. Different press releases. Different
11 towns. Different size of media markets.
12 Different number of media outlets.
13 **Q. So this one you think is about 10?**
14 A. Yes.
15 **Q. How many in Jackson County?**
16 A. I think I said 15 to 30 I believe.
17 Although that -- yes, that doesn't -- that's not
18 media outlets. That's total number of --
19 estimate, total number of journalists in the
20 Kansas City area that get one of our typical
21 Kansas City press releases.
22 **Q. I'm sorry, how many?**
23 A. I'm guessing 15 to 30 in Jackson
24 County.
25 **Q. Do you know whether this was sent to**

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1 **15 or 30 members of the media in --**
2 A. No, this would -- I'm almost certain
3 this went to Reno.
4 **Q. So this was not ever sent to anybody**
5 **in Jackson County?**
6 A. This was not, no. Not that I know of,
7 not that I know of.
8 **Q. Did you receive any information from**
9 **Rebecca Randles with respect to this Exhibit or**
10 **the information that's contained in this Exhibit?**
11 MR. JENSEN: Same objection. Instruct 2:06P
12 the witness not to answer the question.
13 A. I won't answer.
14 **Q. It does have Rebecca Randles's name**
15 **and phone number on this exhibit; does it not?**
16 A. It does.
17 **Q. On the previous press release that**
18 **went out to the -- that I asked you about that**
19 **went out to the Registered Journal in Reno --**
20 A. Exhibit 21?
21 **Q. Exhibit 21 --**
22 A. Right, that's not a press release.
23 That's a news article if I'm not mistaken.
24 **Q. Okay. Did you give an interview**
25 **though to the Reno paper?**

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1 A. I assume that I did. I assume that
2 they called me and I talked to them, yes. Usually
3 if it's something that we've written, a reporter
4 says SNAP says this in a prepared statement. So
5 since it says Clohessy said, I'm assuming that
6 they talked to me on the phone.
7 (DEFENDANT'S EXHIBIT NO. 23 MARKED FOR 2:07P
8 IDENTIFICATION)
9 **Q. Handing you what's been marked for**
10 **identification Exhibit 23. Have you had a chance**
11 **to look at Exhibit 23?**
12 A. I've just glanced at it. Looks like a 2:08P
13 lawsuit.
14 **Q. There's a reference to the plaintiff**
15 **as Jane Doe, W.R.?**
16 A. I see that.
17 **Q. Do you know who Jane Doe, W.R. is?**
18 MR. JENSEN: Objection, same
19 objections. Instruct the witness not to answer
20 the question based on Missouri Rape Crisis Center
21 Statute, First Amendment rights to freedom of
22 speech and freedom of association, NAACP versus
23 Alabama, Nebraska Press Association versus Stuart.
24 Object to the form of the question.
25 Object to relevance. And instruct the witness not

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1 to answer the question.
2 A. I won't answer.
3 BY MR. WYRSCH:
4 **Q. Have you ever spoken to Jane Doe,**
5 **W.R.? Now if you have the same objection, same**
6 **objection and same instruction?**
7 MR. JENSEN: Same objection, same
8 instruction.
9 BY MR. WYRSCH:
10 **Q. And you refuse to answer?**
11 A. Correct.
12 **Q. Did you review this document before**
13 **you made any public statements through the media?**
14 MR. JENSEN: Object to lack of
15 foundation. Sorry. I didn't mean to interrupt. 2:09P
16 THE WITNESS: I can answer?
17 MR. JENSEN: Uh-huh.
18 A. I don't know.
19 BY MR. WYRSCH:
20 **Q. You say you don't know. Would you**
21 **have known at one point but just don't remember**
22 **now?**
23 A. Yes, that's likely the case. The
24 question is did I look at this lawsuit before we
25 issued a press release of some sort?

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1 **Q. Right.**
2 A. I don't know. I don't know.
3 **Q. Would you have received -- I didn't**
4 **mean to interrupt you.**
5 A. Well, no, that's fine. I'm sorry,
6 would I what?
7 **Q. Would you have received this document**
8 **from Rebecca Randles?**
9 A. I don't know.
10 **Q. The previous lawsuit against Father**
11 **McGlynn, did you ever receive that from Rebecca**
12 **Randles?**
13 A. I don't know.
14 **Q. Has SNAP ever been sued?** 2:10P
15 A. We have, uh-huh.
16 **Q. Have you ever been sued?**
17 A. I don't believe I have.
18 **Q. Okay. If SNAP got sued would that be**
19 **a reason to suspend operations, because they had**
20 **been sued?**
21 A. I would -- I would certainly hope not.
22 We've been sued four times, by the way,
23 unsuccessfully each time, by priests who claimed
24 that we slandered or libeled them and they lost.
25 **Q. But under your criteria if you've been**

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1 **sued shouldn't you be suspended from operation?**
2 MR. JENSEN: Object to the form of the
3 question.
4 A. We don't molest children. We don't
5 cover up child sex crimes. It's a little
6 different.
7 MS. RANGLES: And I object to the form
8 of the question.
9 (DEFENDANT'S EXHIBIT NO. 24 MARKED FOR
10 IDENTIFICATION)
11 BY MR. WYRSCH:
12 **Q. Exhibit 24?**
13 A. I should take a break if you don't
14 mind. That's really offensive. 2:14P
15 (AT THIS POINT A BRIEF RECESS WAS
16 TAKEN)
17 (VIDEOTAPE NUMBER 4)
18 BY MR. WYRSCH: 2:18P
19 **Q. Exhibit 24, are you aware of that**
20 **order that was issued by Judge Del Muro on**
21 **December 12, 2011?**
22 A. I don't believe so. I don't think
23 I've seen this before.
24 **Q. Do you have any objection to reading**
25 **it so that you understand what it says?**

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1 A. No.
2 **Q. Pardon?**
3 A. No objection. I'll read it.
4 Okay. 2:19P
5 MR. JENSEN: Just a second.
6 BY MR. WYRSCH:
7 **Q. You read and understood that Exhibit**
8 **24?**
9 MR. JENSEN: Just a second.
10 A. Have I read it, yes. Do I understand
11 it? I'm not a lawyer and don't purport to be but
12 I think I get the gist of it.
13 BY MR. WYRSCH:
14 **Q. Okay. September of 2003 did Forbes**
15 **magazine do an article on the contributors to**
16 **SNAP?**
17 A. Forbes has written an article about
18 SNAP but that sounds like about the right time. I
19 don't have that article in front of me.
20 **Q. Did Forbes report at that time or in**
21 **that Forbes article that Lawrence Drivon I believe**
22 **who was a leading victims attorney was the largest**
23 **contributor to SNAP in 2002?**
24 MR. JENSEN: Object to the form of the
25 question. But subject to the question (sic) you

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1 may answer it.
2 MS. RANGLES: Yes, I object that that
3 has absolutely no relevance that Lawrence Drivon
4 may have provided -- contributed money to SNAP.
5 BY MR. WYRSCH: 2:20P
6 **Q. You can answer the question.**
7 A. Are we done with this?
8 **Q. Yes.**
9 A. The question again? I'm sorry.
10 **Q. Did Forbes magazine report in 2003 in**
11 **September that Lawrence Drivon, D-R-I-V-O-N, who**
12 **was a leading attorney in the suits against the**
13 **Catholic Church was the largest contributor in**
14 **2002?**
15 MR. JENSEN: Same objection.
16 A. So I can answer? I believe so. I
17 believe that's what --
18 BY MR. WYRSCH:
19 **Q. Did you agree or disagree with what he**
20 **had to say?**
21 A. I believe that's what Forbes magazine
22 reported.
23 **Q. Is that accurate?**
24 A. Don't know.
25 **Q. Did Jeff Anderson, the attorney for**

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1 **many of these plaintiffs that sued the Catholic**
2 **Church and priests, contribute -- or according to**
3 **Forbes magazine contribute 10,000 in 2002 and then**
4 **offered 50,000 in 2003?**
5 MS. RANGLES: The same objection.
6 MR. JENSEN: Same objection. 2:21P
7 A. Don't know.
8 BY MR. WYRSCH:
9 **Q. Do you recall that being reported?**
10 A. No, I remember that the Forbes
11 magazine mentioned Drivon and mentioned Anderson.
12 **Q. Mentioned Anderson?**
13 A. I do recall that.
14 **Q. Was that accurate as far as you know,**
15 **what they reported?**
16 A. Don't know.
17 **Q. In 2006 did you make a public**
18 **statement that approximately 18 percent of the**
19 **budget, annual budget of SNAP, came from lawyers'**
20 **donations?**
21 A. Don't know. If you've got --
22 MR. JENSEN: Object to the form of the
23 question. Object to relevance. Subject to that
24 you may answer the question.
25 A. Don't know.

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1 BY MR. WYRSCH:
2 **Q. you don't know if you made that**
3 **statement?**
4 A. You know, if I make -- in what year?
5 MR. JENSEN: Just answer the question.
6 BY MR. WYRSCH:
7 **Q. Did you make that statement in 2006?**
8 A. I suspect I did, 18 percent of the
9 donations to SNAP were from --
10 **Q. Lawyers?** 2:22P
11 A. I suspect I said that, yes.
12 **Q. That was accurate?**
13 A. Well, I -- yes, I'll -- yes.
14 **Q. Final question --**
15 A. Wouldn't swear to it, you know, might
16 be 19. It wasn't a ballpark guess.
17 **Q. Final question. Is part of the**
18 **purpose of your organization is to publicize**
19 **lawsuits that are filed against the Catholic --**
20 **various Catholic dioceses and various Catholic**
21 **priests?**
22 MR. JENSEN: Objection, asked and
23 answered
24 MS. RANGLES: Join.
25 BY MR. WYRSCH:

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1 **Q. You can answer.**
2 A. A key part of our function is to
3 protect children and warn the public about
4 dangerous child molesters, Catholic and otherwise.
5 And we will do that, you know, in whatever legal,
6 responsible way that we can, including publicizing
7 when accused predator priests are suspended by
8 their own bishops, when accused predator priests
9 are suspended by or defrocked by Rome, when
10 accused predator priests are arrested by criminal
11 authorities, when accused predator priests and
12 other child molesters are criminally charged by
13 prosecutors, when they're found guilty by juries,
14 when they serve their prison time and come back
15 out on the street where they can molest again. I
16 don't know how to make it any clearer to you.
17 **Q. All right. Let me ask the question** 2:24P
18 **again. And I don't think you answered my**
19 **question. Is part of what you do, SNAP, is to**
20 **publicize lawsuits --**
21 A. Yes.
22 **Q. -- against Catholic dioceses and**
23 **Catholic priests?**
24 A. Yes.
25 **Q. Okay.**

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1 MR. WYRSCH: That's all I have.
2 EXAMINATION
3 QUESTIONS BY MS. COHARA:
4 **Q. Mr. Clohessy, my name is Mara Cohara.**
5 **I represent the Diocese. I'll just ask you a few**
6 **questions, a few follow-up questions on the**
7 **corporate form of SNAP. Do you know if SNAP is a**
8 **member or non-member not-for-profit; do you have**
9 **any idea?**
10 A. A member or non-member not-for-profit, 2:25P
11 I have no idea
12 **Q. Who would know?**
13 A. I assume Barbara Blaine would know.
14 **Q. So would you have any knowledge**
15 **regarding SNAP's compliance with filing**
16 **requirements of Missouri or other states that SNAP**
17 **files in with respect to the incorporation? Or**
18 **would that be Barbara?**
19 A. It certainly wouldn't be me.
20 **Q. Okay.**
21 A. I'm sorry. I don't mean to be flip
22 about it. I expect Barbara would know.
23 **Q. Would you have any knowledge whether**
24 **SNAP remains in good standing as a 501-C3 or would**
25 **that be Barbara?**

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1 A. That would be Barbara but I certainly
2 assume we do or we are.
3 **Q. How are members of the board selected**
4 **for SNAP?**
5 THE WITNESS: Can we talk?
6 MR. JENSEN: Sure. Need a break.
7 MS. COHARA: Okay.
8 (DISCUSSION WAS HAD OFF THE RECORD)
9 MR. JENSEN: Objection based on the 2:26P
10 Rape Crisis Center Statute, SNAP's First Amendment
11 rights for freedom of speech, freedom of
12 association, freedom of assembly, NAACP versus
13 Alabama, Nebraska Press Association versus Stuart.
14 Object to the form of the question.
15 Object to relevance and instruct the witness not
16 to answer the question.
17 A. I'm not going to answer.
18 BY MS. COHARA:
19 **Q. Upon dissolution of SNAP where would**
20 **the assets go, do you have any idea?**
21 A. I've no idea.
22 **Q. Who would know that?**
23 A. My best answer -- I bet no one knows
24 but I certainly don't know.
25 (DISCUSSION WAS HAD OFF THE RECORD)

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1 **Q. Is there an internal organization**
2 **chart that's been produced based on all involved**
3 **in SNAP? Have you seen an organizational chart**
4 **for SNAP?**
5 A. I've not. 2:27P
6 **Q. Have you heard about one existing? I**
7 **mean is there an organizational chart that gives**
8 **sort of the breakdown of the SNAP organization?**
9 A. I've not, no.
10 **Q. Does that mean there isn't one or you**
11 **just don't know?**
12 A. I don't know, I don't know.
13 **Q. Do you know whether SNAP maintains**
14 **personnel records for SNAP employees?**
15 A. I don't.
16 **Q. Who would know whether personnel**
17 **records are kept for SNAP employees?**
18 A. Don't know.
19 **Q. Do you know if you have a personnel**
20 **file as an employee of SNAP?**
21 A. I don't. I don't know if I have one 2:28P
22 or not.
23 **Q. Okay. Who hired you to be the**
24 **executive director of SNAP?**
25 A. The SNAP board.

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1 **Q. Okay. Now Mr. Wyrsh quickly asked**
2 **you about lawsuits that SNAP is involved with.**
3 **What role does SNAP have in the criminal case**
4 **against the Vatican officials that was filed some**
5 **time ago?**
6 MS. RANGLES: Object to relevance.
7 MR. JENSEN: Object to relevance.
8 Object to the form of the question. Are you
9 asking what role do they have publicly or what
10 role --
11 MS. COHARA: What role does SNAP have
12 in a lawsuit. 2:29P
13 MR. JENSEN: Object to relevance.
14 Object based on the Rape Crisis Center Statute,
15 the First Amendment rights we've discussed, NAACP
16 versus Alabama, Nebraska Press Association versus
17 Stuart. And instruct the witness not to answer
18 the question.
19 BY MS. COHARA:
20 **Q. Are you going to refuse to answer?**
21 A. Yes. It's not a lawsuit by the way
22 but.
23 **Q. It's not a lawsuit what, could you**
24 **tell me what it is?**
25 A. Yes, it's a formal filing with the

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1 International Criminal Court. I'm sorry, I
2 shouldn't -- I shouldn't -- you know, to me
3 lawsuits are civil matters. My understanding is
4 that that's not a civil matter.

5 **Q. We discussed a little bit the**
6 **methodology at SNAP when someone calls in. And**
7 **I'm not asking about any specific individuals or**
8 **for names or anything. But when a victim first**
9 **calls or e-mails, are they directed to a certain**
10 **person? I mean who takes that first call or**
11 **e-mail?**

12 MR. JENSEN: Objection, that's 2:30P
13 information precluded from being released under
14 the Missouri Rape Crisis Center Statute.
15 BY MS. COHARA:

16 **Q. Does the person, whoever the person --**
17 **are you going to refuse to answer?**

18 A. I refuse to answer.

19 **Q. Does the person who takes the call, is**
20 **there sort of a standard list of topics that's**
21 **discussed with someone when they call in?**

22 MR. JENSEN: Same objection as it
23 relates to -- directly related to the advocacy
24 services provided by SNAP.
25 BY MS. COHARA:

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1 **Q. Does SNAP inform potential new members**
2 **of websites such as bishopaccountability.org?**

3 MR. JENSEN: Same objection.
4 BY MS. COHARA:

5 **Q. Are you going to refuse to answer?**

6 A. Not going to answer.

7 **Q. What other organizations is SNAP**
8 **affiliated with?**

9 A. Affiliated with, none. 2:31P
10 **Q. Is SNAP affiliated with M [REDACTED]**
11 [REDACTED]

12 MR. JENSEN: Objection to the vague
13 nature of the question without explaining to the
14 witness what you mean by "affiliated." Subject to
15 that you can answer the question.

16 A. Are we affiliated with [REDACTED]
17 [REDACTED]

18 BY MS. COHARA:

19 **Q. Yes, that's my question.**

20 A. I mean I know some of the people in [REDACTED]
21 [REDACTED] We've helped them. I know a number
22 of people in [REDACTED] You know,
23 we're separate organizations.

24 **Q. When you say you've helped them, what**
25 **type of help have you provided to [REDACTED]?**

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1 A. Helping to teach them how to respond
2 to survivors who call in pain.

3 **Q. And who have you worked with at [REDACTED]**
4 [REDACTED]

5 THE WITNESS: Should I name names? 2:32P
6 I mean -- sorry.
7 (DISCUSSION WAS HAD OFF THE RECORD)
8 MR. JENSEN: We need to take a break.
9 (AT THIS POINT A BRIEF RECESS WAS
10 TAKEN)

11 BY MS. COHARA: 2:34P
12 **Q. Do you need the question read back to**
13 **you?**

14 A. Sure.
15 MS. COHARA: Do you mind reading the
16 last question please?
17 (REPORTER READ FROM THE RECORD AS
18 FOLLOWS:
19 QUESTION: And who have you worked
20 with at [REDACTED]?)
21 MR. JENSEN: Same objections based on 2:35P
22 the Missouri Rape Crisis Center Statute and then
23 the series of First Amendment objections we've
24 been making which I'd like to just refer to as the
25 First Amendment objections if that's okay.

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1 Referring here on out to First Amendment right to
2 free speech, free association, freedom of
3 assembly, NAACP versus Alabama, National Press
4 Association versus Stuart. And again I'll just
5 refer to those as the First Amendment objections.
6 Object to the form of the question,
7 object to relevance and instruct the witness not
8 to answer the question.

9 A. Not going to answer.
10 BY MS. COHARA:

11 **Q. I suspect I'll get the same objection.**
12 **But how about who have you worked with at [REDACTED]**
13 [REDACTED]

14 MR. JENSEN: Same objection. Same
15 instruction.
16 BY MS. COHARA:

17 **Q. Does SNAP share meetings with any**
18 **other groups? When you have your group meetings**
19 **are they with other groups like [REDACTED]**
20 [REDACTED]

21 A. Our support group meetings are always
22 just us.
23 **Q. Just SNAP?**
24 A. Victims and their loved ones and
25 spouses. I'm sure -- well, let me -- I'm sure

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1 that at some point during our 23 year history at
2 one or more of our support group meetings
3 somewhere a guest speaker may have been brought in
4 who might be with another organization. But for
5 the most part our support group meetings are for
6 healing and they're confidential and they're open
7 to only victims and their loved ones.
8 The goal is obviously to find a safe 2:37P
9 place for people who can share their pain and
10 their experiences with other people who understand
11 and can offer consolation and guidance.
12 **Q. I understand SNAP has an annual**
13 **conference every year?**
14 A. Uh-huh.
15 **Q. Are other organizations invited to**
16 **that conference?**
17 A. Sure.
18 **Q. And I believe I saw somewhere it costs**
19 **about \$75 for the weekend to come to the**
20 **conference. How are -- are the costs of the**
21 **tickets or membership or however you pay to come**
22 **to the conference, is that subsidized or where do**
23 **you get the cost of the annual conference of about**
24 **\$75 or is that incorrect?**
25 A. Some of the cost varies from year to

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1 year location to location. Some of it, we do
2 subsidize and waive the fee for some of our
3 members who come.
4 **Q. And is that -- when it's subsidized** 2:38P
5 **does that money come from SNAP?**
6 A. Yes.
7 **Q. So who attends or who generally comes**
8 **to the conferences?**
9 A. For the most part victims.
10 **Q. Besides --**
11 A. Their family members. Their loved
12 ones. Sometimes, you know, concerned Catholics
13 come. Guest speakers. Current and former
14 whistle-blowers who have been fired or demoted or
15 ostracized or otherwise, you know, experienced
16 retribution for having reported known and
17 suspected child sex crimes and cover-ups.
18 **Q. Have they --**
19 A. Therapists.
20 **Q. Sorry.**
21 A. Sorry.
22 **Q. No, go ahead.**
23 A. I'm just, you know - it's a variety.
24 Police. Prosecutors. Judges.
25 **Q. Do attorneys attend?**

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1 A. Some do. 2:39P
2 **Q. In their capacity as attorneys rather**
3 **than members of SNAP?**
4 A. I don't know how to answer that
5 question.
6 **Q. Have any attorneys been guest speakers**
7 **at any of the annual conferences?**
8 A. I'm sure. Barbara Blaine is an
9 attorney, she speaks at every one. Other
10 attorneys I'm sure have spoken as well.
11 **Q. Do you recall any other attorneys that**
12 **have spoken at the conference?**
13 A. Sure. [REDACTED]
14 who is an attorney for the Diocese of
15 Galveston-Houston. Who was ostracized and
16 retaliated against when he reported his own abuse
17 to church officials. I'm sure Jeff Anderson has
18 spoken. Let me think. Who else. You know, the
19 programs for these are on our website. Probably
20 not every single one but the programs for many of
21 them. And --
22 **Q. When you talked about the purpose of**
23 **SNAP, and I understand according to the website**
24 **and what you've talked about today, it's victim**
25 **assistance. Is SNAP also organized with respect**

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1 **to lobbying efforts with respect to statutes of**
2 **limitation?**
3 A. Let me take a step back. You know, 2:40P
4 protecting the vulnerable and healing the victims.
5 It's a dual -- you know. So it's not just about
6 healing. It's not just about prevention. But
7 both. And your question was do we do what?
8 Sorry.
9 **Q. Involved in organizing lobbying**
10 **efforts before state legislatures?**
11 A. A little bit. A little bit. Not
12 much.
13 **Q. When you do organize to go before**
14 **state legislatures with the lobbying efforts on**
15 **statute of limitations, do you bring victims or**
16 **members of SNAP with you to testify at the state**
17 **legislatures?**
18 A. I mean they're all adults. They
19 come, -- you know, we spread the word that the
20 legislative committee is considering this or
21 legislative body considering this and we invite
22 victims and their loved ones to come, sure.
23 **Q. So they've attended -- victims have** 2:41P
24 **attended the state -- certain state legislature**
25 **lobbying efforts with SNAP?**

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1 A. Sure.
2 **Q. Does SNAP register lobbyists?**
3 A. I think we -- I'm not sure. I'm not
4 sure.
5 **Q. Who would know the answer to that?**
6 A. Barbara Blaine.
7 **Q. Has SNAP ever reimbursed anyone for**
8 **travel expenses to attend or testify before state**
9 **legislatures?**
10 A. I don't know.
11 **Q. Who would know?**
12 A. It's probably Barbara.
13 **Q. What percentage of your time is spent**
14 **on lobbying efforts?**
15 A. Minuscule. I mean -- well, I don't
16 know how to answer that question. We've been
17 around for 23 years. Some years we do -- most
18 years we don't do anything that's construed as
19 lobbying. A few years we did. We do less now.
20 **Q. And my question is you specifically?** 2:42P
21 A. Right, okay. Up until 2002, zero.
22 Roughly since 2008, near zero. In the middle of
23 those, 5 percent, maybe.
24 **Q. Would you have knowledge of the**
25 **percent of SNAP income that's spent on lobbying**

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1 **efforts? Who would have that knowledge?**
2 A. I suspect Barbara. But I keep harping
3 on this, you know, the overwhelming majority of
4 work that's done by and through SNAP are all --
5 it's volunteer. It's men and women who give up
6 their day jobs and who give up their off hours to
7 go and advocate for wounded victims and for
8 innocent kids and to try to make it easier to
9 expose predators and keep them away from children.
10 And it's wonderful people who don't get paid a
11 nickel. And don't for the most part get their gas
12 mileage reimbursed. And don't for the most part
13 get their lunch paid. I'm sorry, it's just --
14 **Q. Do you know or have you -- well, have** 2:44P
15 **you ever spoke with a woman by the name of**
16 **██████████**
17 MR. JENSEN: Object to lack of
18 foundation. I'd ask that -- well, object to lack
19 of foundation.
20 MS. RANGLES: Jeff, we need to step
21 out for a second.
22 (AT THIS POINT A BRIEF RECESS WAS
23 TAKEN)
24 MR. JENSEN: Read back the question. 2:51P
25 I forgot where we left off.

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1 (REPORTER READ FROM THE RECORD AS
2 FOLLOWS:
3 QUESTION: Do you know or have you --
4 well, have you ever spoke with a woman
5 by the name of ██████████)
6 MR. JENSEN: Objection based on the
7 Missouri Rape Crisis Center Statute as it deals
8 with advocacy efforts.
9 BY MS. COHARA:
10 **Q. I'm going to ask you a few more names.**
11 ██████████?
12 (DISCUSSION WAS HAD OFF THE RECORD)
13 MR. JENSEN: Same objection.
14 BY MS. COHARA:
15 **Q. ██████████**
16 (DISCUSSION WAS HAD OFF THE RECORD)
17 A. Yes, I don't know who it is.
18 **Q. You don't know who it is, okay.**
19 A. ██████████ --
20 **Q. ██████████?**
21 (DISCUSSION WAS HAD OFF THE RECORD)
22 MR. JENSEN: Same objection at least
23 without a foundation. 2:52P
24 BY MS. COHARA:
25 **Q. ██████████**

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1 MR. JENSEN: Same objection. I'd add
2 the First Amendment objections as well. Relevance
3 and form of question and lack of foundation.
4 BY MS. COHARA:
5 **Q. And I don't know if it's been clear in**
6 **this deposition. So I'm going to ask again. I'm**
7 **sorry if it's been asked. But as far as does SNAP**
8 **refer victims or potential victims to lawyers when**
9 **they come to seek help from SNAP?**
10 (DISCUSSION WAS HAD OFF THE RECORD)
11 MR. JENSEN: Same objections.
12 BY MS. COHARA:
13 **Q. Has SNAP ever encouraged any person**
14 **that's contacted SNAP to locate potential**
15 **claimants against a priest or a diocese?**
16 A. Have we ever --
17 MS. COHARA: Can you read that back?
18 I don't think I can ask it as well the second
19 time.
20 (REPORTER READ FROM THE RECORD AS
21 FOLLOWS:
22 QUESTION: Has SNAP ever encouraged
23 any person that's contacted SNAP to
24 locate potential claimants against a
25 priest or a diocese?)

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1 (DISCUSSION WAS HAD OFF THE RECORD) 2 : 53 P
2 A. No. We --
3 MR. JENSEN: Just answer the question.
4 BY MS. COHARA:
5 **Q. You answered no to the question I just**
6 **asked about SNAP encouraging persons to locate**
7 **potential claimants against a diocese or priests.**
8 **And your answer to that was no. What does SNAP**
9 **do -- do they do anything to encourage others to**
10 **reach out to victims that maybe haven't come to**
11 **SNAP specifically?**
12 A. We -- since day one we've always 2 : 54 P
13 encouraged anybody who saw, suspected or suffered
14 or sees, suspects or suffers a child sex crime by
15 clergy or others, we always have and always will
16 encourage them to break their silence, reach out,
17 get help, contact law enforcement, expose
18 predators, protect kids, start healing. Always
19 have done that. Always will do that.
20 **Q. Does SNAP have an attorney-client**
21 **privilege with plaintiff's counsel in the cases**
22 **that you all do press releases for or media**
23 **statements, is there an attorney-client privilege**
24 **with that particular victim's attorney and SNAP?**
25 MR. JENSEN: Objection, calls for a

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1 legal conclusion as to what's attorney-client
2 privileged, lack of foundation. Subject to that
3 you can answer the question.
4 MS. RANGLES: I further object that
5 SNAP isn't just David Clohessy. And to the extent
6 you're asking if individual SNAP members have
7 attorney-client relationships, the answer is yes.
8 And I'm not going to answer any further because
9 that in and of itself would violate their
10 privilege of confidentiality with me.
11 MS. COHARA: I'm asking about the SNAP 2 : 56 P
12 organization generally.
13 MS. RANGLES: If you mean SNAP
14 national as opposed to SNAP local --
15 MS. COHARA: Because he's the
16 executive director of SNAP. So I'm asking about
17 SNAP national.
18 MR. JENSEN: Can you read the question
19 back again?
20 (REPORTER READ FROM THE RECORD AS
21 FOLLOWS:
22 QUESTION: Does SNAP have an
23 attorney-client privilege with
24 plaintiff's counsel in the cases that
25 you all do press releases for or media

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1 statements, is there an
2 attorney-client privilege with that
3 particular victim's attorney and
4 SNAP?)
5 MR. JENSEN: Objection, the same
6 series of First Amendment objections. Also
7 attorney-client privilege. Rape Crisis Center
8 Statute objection.
9 And object to the form, object to the
10 lack of foundation and object to relevance.
11 Direct the witness not to answer the question.
12 BY MS. COHARA:
13 **Q. If someone called you and asked to**
14 **have an attorney recommended to them because they**
15 **wanted to file a lawsuit, do you have a list of**
16 **attorneys that you refer people to?**
17 MR. JENSEN: Same objection. Instruct 2 : 57 P
18 the witness not to answer the question.
19 BY MS. COHARA:
20 **Q. Does SNAP have any contracts with**
21 **lawyers throughout the United States with respect**
22 **to the representation of folks that call in to**
23 **SNAP and are seeking representation?**
24 MR. JENSEN: Same objection. Same
25 instruction.

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1 BY MS. COHARA: 2 : 58 P
2 **Q. Has Marcy Hamilton, Father Thomas**
3 **Doyle or Dr. Richard Sipe ever spoke at any of**
4 **your annual conferences?**
5 A. Marcy Hamilton, Tom Doyle, Richard
6 Sipe?
7 **Q. Correct.**
8 A. Yes, they have.
9 **Q. And have they received speaker fees**
10 **when they have spoken at the conferences?**
11 A. No.
12 **Q. Is that no speaker fees from SNAP or**
13 **they've not received speaker fees at all?**
14 A. They haven't received speaker's fees
15 from us. I can't imagine that somebody else would
16 pay them to -- no, no -- to the best of my
17 knowledge we haven't paid speaker's fees for --
18 (DISCUSSION WAS HAD OFF THE RECORD) 2 : 59 P
19 A. Don't know that for certain but to the
20 best of my knowledge.
21 **Q. Who would know that for certain?**
22 A. Probably Barbara Blaine.
23 **Q. Okay. Who is in charge of SNAP's**
24 **website? Is there a specific company or is it**
25 **done in-house?**

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1 A. Don't know.
 2 **Q. Who would know that?**
 3 A. Probably Barbara Blaine.
 4 **Q. Is there a specific person at SNAP in**
 5 **charge of press releases or media statements?**
 6 A. To the degree that there's anybody
 7 it's probably me.
 8 **Q. Okay. Did any organizations like SNAP** 3:00P
 9 **to your knowledge exist in the 1960s?**
 10 MR. JENSEN: Object, relevance.
 11 Subject to the objection you can answer the
 12 question.
 13 A. I don't know.
 14 BY MS. COHARA:
 15 **Q. How about the '70s?**
 16 MR. JENSEN: Same objection.
 17 A. Don't know.
 18 BY MS. COHARA:
 19 **Q. Do you agree with me that semblance of**
 20 **truth is the proper standard for determining**
 21 **whether a priest who has been accused may continue**
 22 **in ministry?**
 23 MS. RANDES: I'm sorry?
 24 MR. JENSEN: Can you repeat that 3:02P
 25 question?

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1 MS. COHARA: Yes, can you repeat that?
 2 (REPORTER READ FROM THE RECORD AS
 3 FOLLOWS:
 4 QUESTION: Do you agree with me that
 5 semblance of truth is the proper
 6 standard for determining whether a
 7 priest who has been accused may
 8 continue in ministry?)
 9 MR. JENSEN: Objection in that it's
 10 been asked and answered and we've discussed at
 11 length the standard. But subject to that you can
 12 answer the question.
 13 A. Do I agree that semblance of truth
 14 should be the standard?
 15 BY MS. COHARA:
 16 **Q. Is the proper standard?**
 17 A. I think that the safety of children
 18 should be the standard.
 19 **Q. And how is that different -- well, how**
 20 **about so do you disagree that semblance of truth**
 21 **is a proper standard?**
 22 A. I mean it depends on who is setting
 23 and then determining the standard, right? I mean
 24 if --
 25 MS. RANDES: I object to the form of

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1 the question because it's vague.
 2 BY MS. COHARA:
 3 **Q. You asked for what. For determining**
 4 **whether a priest who has been accused may continue**
 5 **in ministry?**
 6 MS. RANDES: So you're asking -- the
 7 question then, just so I understand it, is you're
 8 asking if there's a semblance of truth to the
 9 allegations, then the --
 10 BY MS. COHARA: 3:03P
 11 **Q. My question is does he then -- then do**
 12 **you believe semblance of truth is not a proper**
 13 **standard for determining whether a priest who has**
 14 **been accused may continue in ministry?**
 15 MS. RANDES: Objection.
 16 MR. JENSEN: Objection to the form of
 17 the question. And asked and answered several
 18 times.
 19 MS. COHARA: It's not been answered.
 20 I asked if he agreed and he didn't, he gave
 21 another standard. So then I'm asking if he is now
 22 saying he doesn't agree.
 23 MR. JENSEN: Objection, form of the
 24 question, asked and answered. Subject to that you
 25 can answer the question.

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1 A. It depends who is defining what a
 2 semblance of truth is and then who is making the
 3 determination.
 4 BY MS. COHARA:
 5 **Q. Who would have to be --**
 6 A. Father Tierney wouldn't -- sorry to
 7 interrupt.
 8 **Q. Who would have to be defining what the**
 9 **semblance of truth is for you to agree that that's**
 10 **the standard?**
 11 MR. JENSEN: Objection, form of the
 12 question. Asked and answered. Subject to that.
 13 BY MS. COHARA:
 14 **Q. You answered it would depend on who**
 15 **was giving the standard?** 3:04P
 16 A. I'm having a real hard time
 17 understanding your question.
 18 **Q. I'm having a hard time with your**
 19 **answer. So my question is you said it would**
 20 **depend on who -- I can't remember what his answer**
 21 **was exactly. I think you said it depended on who**
 22 **was giving the semblance of truth. And I think,**
 23 **are you talking about, is that either a diocese or**
 24 **a victim?**
 25 MS. RANDES: Object to the form of

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1 the question.
2 MR. JENSEN: Objection.
3 MS. COHARA: I asked -- the answer --
4 if you could read back his answer to my first
5 original question. That will help me make it more
6 clear. My apologies. It's getting late in the
7 day.
8 (REPORTER READ FROM THE RECORD AS 3:05P
9 FOLLOWS:
10 ANSWER: It depends who is defining
11 what a semblance of truth is and then
12 who is making the determination.)
13 (DISCUSSION WAS HAD OFF THE RECORD)
14 MS. COHARA: Well, I think they're not
15 listening so --
16 MR. JENSEN: Go ahead. I thought you
17 were reading back for yourself.
18 MS. COHARA: No, it's so you guys
19 understand my question.
20 REPORTER: (rereading answer) It
21 depends who is defining what a
22 semblance of truth is and then who is
23 making the determination.
24 BY MS. COHARA:
25 **Q. So who would it have to be that is**

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1 **defining the semblance of truth that you would**
2 **agree that semblance of truth is the proper**
3 **standard?**
4 MS. RANGLES: Object to the form of
5 the question. It's vague and confusing.
6 MR. JENSEN: Object to the form of the
7 question. Asked and answered. Subject to that if
8 you can answer the question, answer it.
9 A. I don't feel like I can answer the
10 question. Can you try one more time please? I'm
11 sorry.
12 BY MS. COHARA:
13 **Q. You said it depended on who was**
14 **defining the semblance of truth; is that correct?**
15 A. The semblance of truth of an
16 allegation of sexual abuse against a priest?
17 **Q. Correct. And your answer was it**
18 **depended on who was defining it. The answer was**
19 **read back. Was that your answer?**
20 A. In our experience we don't have a lot
21 of faith in when church officials are making the
22 call about whether an accused priest should be
23 removed. You know, in our experience of 22 years
24 it seems that many church officials, no matter
25 what the standard is, one strike and you're out,

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1 semblance of truth, preponderance of evidence, it
2 doesn't matter what those words are. In practice
3 in our experience with SNAP many, many, many times
4 bishops keep in ministry priests who we believe
5 are credibly accused child molesters.
6 So what matters to us is -- I don't
7 know if this helps -- but what matters to us -- I don't
8 matters to us much less what the formal written
9 policies are of a diocese. Because in essence
10 every bishop is lord of his own kingdom and in
11 practice oftentimes ignores whatever promises are
12 written on paper, whatever the terms are, whatever
13 the phrases are, whatever the standard allegedly
14 is. And bishops cling desperately to priests and
15 keep them in ministry even after they've been
16 accused of -- and that's one reason why hundreds
17 of thousands of kids have been sexually violated
18 by priests, nuns, bishops, seminarians.
19 **Q. Does SNAP monitor regularly the** 3:08P
20 **activities of the United States Conference of**
21 **Catholic Bishops?**
22 A. Do we monitor the activities of the
23 United States Conference of Catholic Bishops --
24 MS. RANGLES: Object to the form of
25 the question. It's vague and confusing.

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1 BY MS. COHARA:
2 **Q. Have you studied the Dallas Charter --**
3 A. Oh, sure.
4 **Q. -- for the protection of children and**
5 **young people --**
6 A. Sure.
7 **Q. -- adopted by the USCCB?**
8 A. Sure.
9 **Q. Are you familiar -- so you are**
10 **familiar with the Dallas Charter?**
11 A. Somewhat, yes.
12 **Q. So are you familiar with the portion** 3:09P
13 **that -- the obligation of every bishop in the**
14 **country to reach out and try to assist anyone who**
15 **has complained of being abused as a minor by a**
16 **member of the Roman Catholic clergy?**
17 A. I've read that.
18 **Q. How about whether the obligation of**
19 **every bishop to report suspected child abuse to**
20 **the local police and comply with all applicable**
21 **civil laws?**
22 A. I've certainly read that.
23 **Q. The obligation to create a review**
24 **board composed of a majority of lay people to**
25 **advise the bishop in his assessment of allegations**

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1 **of sexual abuse against a minor by a priest in**
2 **determining a cleric's suitability for ministry?**
3 A. I've read that.
4 **Q. A bishop is to investigate if there's**
5 **a semblance of truth which we just discussed?**
6 A. That's what the promise is, yes. The
7 reality differs.
8 **Q. The obligation of each diocese to**
9 **create a safe environment program with training**
10 **programs and recognize child abuse --**
11 A. That's the promise.
12 **Q. -- among teachers, parents, volunteers**
13 **and employees, et cetera?**
14 A. That's what the promise is.
15 **Q. That each Catholic diocese in the**
16 **United States submit to independent audit**
17 **periodically.**
18 A. That's the promise. 3:10P
19 **Q. Then finally that the USCCB has**
20 **created and staffed its own office of child and**
21 **youth protection; have you read that?**
22 A. That's the promise.
23 **Q. Are you aware of any other major**
24 **Christian denomination that has developed such a**
25 **comprehensive policy to prevent child abuse?**

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1 Presbyterian church has done better. The Lutheran
2 church has done better. The Episcopalian church
3 has done better. Every denomination, every
4 institution can and should do a better job of
5 protecting kids. No institution is perfect. In
6 our experience, sadly, the Catholic hierarchy has
7 had far and away the worst track record and
8 continues to.
9 **Q. Would you agree that the Charter is a**
10 **positive step towards rooting out past child abuse**
11 **in the Roman Catholic church?**
12 MR. JENSEN: Object to the form of the
13 question.
14 BY MS. COHARA:
15 **Q. And for preventing child abuse in the**
16 **future?**
17 MR. JENSEN: Object to the form of the
18 question. Object to any relevance to this case.
19 Subject to that you can answer the question.
20 A. Could you repeat the question please?
21 BY MS. COHARA:
22 **Q. Would you agree with me that the**
23 **Charter is a positive step towards rooting out**
24 **past child abuse in the Roman Catholic Church in**
25 **America and preventing child abuse in the future?**

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1 MR. JENSEN: Object to the form of the
2 question. Object to lack of foundation. Subject
3 to that you can answer the question.
4 A. Policies don't protect children.
5 Action protects children. Words on paper by
6 Catholic officials, sadly, those promises have
7 been violated time and time again and continue to
8 be violated time and time again. Bishops are lord
9 of their own kingdom. They make their own
10 decisions. They ignore their own rules. They put
11 kids at risk and they continue to do so.
12 BY MS. COHARA:
13 **Q. And that's actually not an answer.**
14 **That doesn't answer my question. My question was**
15 **are you aware of any other major Christian**
16 **denomination that's developed such a comprehensive**
17 **policy to prevent child abuse?**
18 A. I'm disputing the last few words of
19 your question. Other denominations have adopted
20 policies as well as the Catholic church. I'm sure
21 some are better. I'm sure some are worse.
22 **Q. Can you -- which ones are better?**
23 A. You know, we judge policies based on 3:11P
24 how they're implemented. So in our experience the
25 Methodist church has done better.

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1 A. I would submit that it's a belated, 3:12P
2 begrudging and small step forward that remains
3 largely not implemented in any meaningful way.
4 And that it serves as an extraordinary public
5 relations tool for church officials.
6 And it was adopted only in response to
7 tremendous pressure from parishioners and police
8 and prosecutors and the public and parents and
9 victims and their advocates after years, after
10 decades and decades and decades of recklessness
11 and callousness and deceit that has led to
12 thousands and thousands of innocent lives being
13 shattered.
14 **Q. Has SNAP ever issued a single press**
15 **release commending the USCCB or any diocese or**
16 **archdiocese for taking even a single positive**
17 **step?**
18 MR. JENSEN: Objection. 3:13P
19 A. Yes.
20 MR. JENSEN: Objection as to
21 relevance. Subject to the objection you can
22 answer.
23 A. Yes, we have.
24 BY MS. COHARA:
25 **Q. Can you give me examples of when SNAP**

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1 **has?**
2 A. Let's see. Where to start. We
3 praised the diocese of Metuchen, New Jersey, a
4 bishop there I want to say in 2003. We often
5 include the phrase: We are grateful that the
6 bishop has suspended Father X or Father Y. We
7 often say we are glad that the Vatican has
8 defrocked Father X or Father Y.
9 We praised a bishop in the case of
10 Father Henry Willenborg in Wisconsin who refused
11 to do the hair-splitting and excuse-making and do
12 nothing when Father Willenborg was credibly
13 accused of molesting a child and sexually
14 exploiting an adult vulnerable Catholic
15 parishioner and impregnating her and then ignoring
16 her child and refusing to support the child. That
17 bishop removed Father Willenborg from parish
18 ministry just two and a half years ago, even
19 though he could have done what so many of his
20 brother bishops did, he could have claimed well,
21 he's a religious order priest and I'm a bishop and
22 I don't have any control over him.
23 We've praised Bishop Wilton Gregory of
24 Belleville, formerly of Atlanta, several times,
25 any number of times frankly.

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1 I could go on and on.
2 **Q. Okay.** 3:15P
3 A. As --
4 **Q. Would you agree that based on the**
5 **Dallas Charter and what many of the dioceses are**
6 **doing, that it does help the Church to curb child**
7 **abuse?**
8 MR. JENSEN: Object to relevance.
9 Object to form of the question. Subject to that
10 you can answer it.
11 A. I'm sure it helps somewhat.
12 BY MS. COHARA:
13 **Q. Establish state of the art safe**
14 **environment programs, would you agree that that's**
15 **what it does as well, or has done?**
16 A. I'm -- it's a little hard to
17 acknowledge that these are state of the art
18 programs. But, you know, --
19 **Q. So yes, it has created safe environ --**
20 **we can take out the "state of the art." but how**
21 **about just safe environment programs?**
22 A. Have dioceses created those, yes, they
23 have.
24 (DISCUSSION WAS HAD OFF THE RECORD)
25 THE WITNESS: I'm going to need a

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1 break. We can either do it now or -- if you're at
2 a --
3 MS. COHARA: Yes, you can take a
4 break. I think I'm done.
5 (AT THIS POINT A BRIEF RECESS WAS
6 TAKEN)
7 (VIDEOTAPE NUMBER 5) 3:23P
8 **Q. Mr. Clohessy, have you established any**
9 **electronic or social media profiles in the name of**
10 **Bishop Robert Finn?**
11 A. No. I'm sorry. I'm barely -- you
12 know, I can sharpen -- use an electric pencil
13 sharpener. That's kind of the extent of it.
14 **Q. Have you incited others to establish**
15 **profiles under the name of Bishop Robert Finn?**
16 A. No. And I resent the question. We
17 don't incite people. We don't encourage people to
18 be deceitful or deceptive in any way, shape or
19 form.
20 **Q. Do you know [REDACTED]?**
21 A. No.
22 MS. COHARA: That's all I have.
23 (DISCUSSION WAS HAD OFF THE RECORD)
24 A. I don't think I know [REDACTED]
25 EXAMINATION

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1 QUESTIONS BY MR. MEYERS:
2 **Q. Mr. Clohessy, my name is Marty Meyers.**
3 **And I represent Father Mark Honhart. Sir, do I**
4 **understand correctly that if you are provided a**
5 **release from Ms. Randles whereby the plaintiffs**
6 **who have accused my client of sexual abuse waive**
7 **any confidentiality requirements under the Rape**
8 **Crisis Center Statute, that you have no objection**
9 **to providing us with whatever communications you**
10 **may have had with those individuals?** 3:25P
11 A. I -- you know, I --
12 (DISCUSSION WAS HAD OFF THE RECORD)
13 MS. RANGLES: Let me say on the record
14 that one of our concerns is that --
15 (DISCUSSION WAS HAD OFF THE RECORD)
16 A. Yes, I'm obviously not a lawyer.
17 MR. JENSEN: By the way, let me object
18 to the extent it calls for a legal opinion and to
19 the form of the question. Subject to that answer
20 the question.
21 A. You know, our default position is that
22 we protect the privacy, confidentiality of
23 victims, witnesses, whistle-blowers, concerned
24 Catholics, current and former church employees, on
25 and on and on, police and prosecutors, on and on

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1 and on.
2 So if somebody says -- you know, gives
3 us a written authorization that we can talk about
4 or share information, I don't know that we've
5 faced that before and my immediate reaction is
6 there may be other people who are affected, there
7 may be other principles involved. So I can't tell
8 you what we would do if that happened.
9 BY MR. MEYERS: 3:26P
10 **Q. Okay. But I do correctly understand,**
11 **do I not, that in the absence of such a release**
12 **you're not going to disclose the content of those**
13 **communications?**
14 A. Right, we're not. And even if there
15 were a release I don't -- I can't sit here and
16 promise you that we would. You know, there's two
17 things that matter, reality and perception. And I
18 worry deeply, I mean people who contact us for
19 help, you know, have been seriously violated,
20 first by a powerful individual, and second,
21 oftentimes by that cleric or coach or scout
22 leader's colleagues and supervisors, okay.
23 So the people who we help are
24 incredibly -- many of them are incredibly
25 frightened, incredibly mistrustful, incredibly

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1 skeptical of authority figures. And so we have to
2 worry not just about that one individual in that
3 one instance, but how others who are certainly
4 involved, I mean other victims of the same
5 predator or in the same diocese and even beyond
6 that. So I mean we have always held a bright,
7 clear, serious, strong inviolable principle that,
8 you know, we don't disclose who talks to us, who
9 we talk to, who we don't talk to, you know.
10 **Q. Let me just ask this question** 3:27P
11 **directly, have you had any communication with John**
12 **Doe, J.D. about whatever interactions he may have**
13 **had with Father Mark Honhart?**
14 MR. JENSEN: Objection based on the
15 Missouri Rape Crisis Center Statute, the same
16 First Amendment objections that I've been making
17 all along if I could just incorporate by reference
18 please.
19 MR. MEYERS: You may.
20 MR. JENSEN: The form of the question.
21 Relevance. And I'll direct the witness not to
22 answer the question.
23 MS. RANGLES: And I join the
24 objection.
25 BY MR. MEYERS:

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1 **Q. Are you refusing to answer my**
2 **question, sir?**
3 A. Yes.
4 **Q. Have you had any communications with**
5 **John Doe, M.F. related to his interactions, if**
6 **any, with Father Mark Honhart?**
7 MR. JENSEN: Same objection and same
8 instruction.
9 BY MR. MEYERS:
10 **Q. Same response?**
11 A. Same response.
12 **Q. All right. Have you had any**
13 **communication with [REDACTED] regarding his**
14 **interactions, if any, with Father Mark Honhart?**
15 MR. JENSEN: Same objections, same
16 instruction.
17 A. Same result.
18 BY MR. MEYERS:
19 **Q. You're following your lawyer's advice**
20 **on all three questions?**
21 A. Correct. 3:28P
22 **Q. Okay. I understand that you were**
23 **given a list of search criteria to search**
24 **documents responsive to the subpoena; correct?**
25 A. Yes.

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1 **Q. Was Father Mark Honhart's name among**
2 **the names of the priests that you searched for**
3 **communication?**
4 A. Yes, sir.
5 **Q. Did you find any communications that**
6 **discussed Father Mark Honhart?**
7 A. I don't know. I suspect we did. I
8 don't know.
9 **Q. Who would know that?**
10 A. Communications?
11 **Q. Yes, e-mails, letters, notes?**
12 A. I don't know. I don't know.
13 **Q. Don't know one way or the other?**
14 A. No, I'm sorry. I do -- yes, we had
15 them grouped according to priest names and I do
16 remember seeing Honhart's name with some pages
17 attached.
18 **Q. Okay. So those documents would be in**
19 **the possession of your lawyer that are being**
20 **withheld in a claim of privilege?**
21 A. I think I have them, right? I have
22 the ones that we're withholding based on privilege
23 are in my possession; is that right?
24 MR. JENSEN: You have to answer the 3:29P
25 question.

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1 A. I'm sorry. My understanding is that
2 our lawyers have the documents that were produced
3 today and that are not privileged. And that a
4 copy was given here and that they are retaining a
5 copy. The documents that we believe are
6 privileged are in my possession.
7 BY MR. MEYERS:
8 **Q. Okay. Will you maintain custody of**
9 **those documents until we get this matter resolved**
10 **by the court?**
11 A. Yes, sir.
12 **Q. Thank you. We sometimes make**
13 **assumptions that people understand it and they**
14 **don't realize oh, gee, I didn't understand. I**
15 **just wanted to make sure you understood it.**
16 A. I appreciate that. I'm sorry.
17 **Q. Okay. I want to be clear on who is**
18 **considered a member of SNAP. I'm not trying to**
19 **find out the identity of any member. But if I**
20 **were to contact you or another person associated**
21 **with staff about a personal situation, would SNAP**
22 **consider me a member?**
23 THE WITNESS: Can we talk?
24 MR. JENSEN: Sure. 3:31P
25 (DISCUSSION WAS HAD OFF THE RECORD)

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1 BY MR. MEYERS: 3:33P
2 **Q. Mr. Clohessy, do you have the last**
3 **question?**
4 A. If I could hear it again please.
5 (REPORTER READ FROM THE RECORD AS
6 FOLLOWS:
7 QUESTION: I want to be clear on who
8 is considered a member of SNAP. I'm
9 not trying to find out the identity of
10 any member. But if I were to contact
11 you or another person associated with
12 staff about a personal situation,
13 would SNAP consider me a member?)
14 MR. JENSEN: Object to the form of the
15 question and vague as to what's a personal
16 situation. But subject to that you can answer the
17 question.
18 A. Yes.
19 BY MR. MEYERS:
20 **Q. Okay. That's what I thought but I**
21 **wanted to be clear about that.**
22 A. And when you say if I would contact
23 you, you mean hypothetically, not you as a defense
24 lawyer?
25 **Q. Correct. I wouldn't contact you as a**

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1 **defense lawyer. I mean if I were an individual**
2 **who had a personal situation --**
3 A. Understood. Understood.
4 **Q. Sir, when was the first time that you**
5 **recall knowing or believing that the activities**
6 **that you personally perform on behalf of SNAP are**
7 **governed or controlled by the Rape Crisis Center**
8 **Statute?**
9 MR. JENSEN: Objection, calls for a 3:34P
10 legal conclusion. Object to the form of the
11 question. Object to relevance. Subject to that
12 you can answer the question.
13 A. No idea.
14 BY MR. MEYERS:
15 **Q. You just don't remember?**
16 A. I don't know.
17 **Q. Do you understand my question?**
18 A. Your question was when did I first
19 realize or understand that what I was doing was
20 under the rubric of the Rape Crisis Statute in
21 Missouri?
22 **Q. Yes.**
23 MR. JENSEN: I'll also object to --
24 I'm sorry, I left one out -- on the basis of asked
25 and answered with respect to the earlier answers

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1 about various state laws. Subject to that you can
2 answer the question.
3 A. Yes, I don't know.
4 BY MR. MEYERS:
5 **Q. But you believe that today?**
6 MR. JENSEN: Same objections. As well
7 as attorney-client privilege.
8 BY MR. MEYERS:
9 **Q. Yes?**
10 A. Yes --
11 THE WITNESS: I'm sorry. Don't
12 answer?
13 MR. JENSEN: Can you read back the 3:35P
14 question? I was talking, not listening.
15 (REPORTER READ FROM THE RECORD AS
16 FOLLOWS: QUESTION:
17 When was the first time that you
18 recall knowing or believing that the
19 activities that you personally perform
20 on behalf of SNAP are governed or
21 controlled by the Rape Crisis Center
22 Statute?)
23 THE WITNESS: Don't answer?
24 BY MR. MEYERS:
25 **Q. That wasn't my last question. The**

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1 **last question was do you believe today that your**
2 **activities are governed by that. Am I correct in**
3 **understanding that?**
4 MR. JENSEN: Again, the same series of
5 objections. It calls for a legal conclusion.
6 Object to the form of the question. Subject to
7 that you can answer the question.
8 A. I mean I believe today, as I have
9 since day one, that the work that I do and other
10 people at SNAP do, staff and volunteers, are
11 afforded all kinds of privacy and First Amendment
12 freedom of association, on and on and on, and the
13 Rape Crisis Center, I honestly believe that with
14 all my heart and soul. I'm not a lawyer so, you
15 know, but that's absolutely right. And we have --
16 okay, fine.
17 MR. MEYERS: That's all I have. Thank
18 you, sir.
19 THE WITNESS: Okay.
20 MR. MEYERS: Pass the witness. 3:36P
21 EXAMINATION
22 QUESTIONS BY MR. MCGONAGLE:
23 **Q. Mr. Clohessy, my name is Gerry**
24 **McGonagle and I represent Monsignor Thomas J**
25 **O'Brien. I'm going to try to be as brief as**

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1 **possible because I've got a plane to catch.**
2 **You indicated earlier that a lot of**
3 **the services that you provide are over the**
4 **telephone, is that correct, a lot of the**
5 **counseling services you provide?**
6 A. Yes, sir.
7 **Q. One of the questions I forgot to ask** 3:37P
8 **you, you've indicated to me that your background**
9 **is you've got a philosophy degree and a political**
10 **science degree; is that correct, sir?**
11 A. Yes.
12 **Q. Did you have any classes at all in**
13 **counseling sexual abuse victims?**
14 A. Any formal classes?
15 **Q. Yes.**
16 A. No, sir.
17 **Q. Been to any seminars dealing with**
18 **counseling of sexual abuse victims?**
19 A. Other than sessions at our national
20 conference.
21 **Q. When you say your national conference,**
22 **that would be sessions that's put on by SNAP; is**
23 **that fair to say?**
24 A. Some of them were put on by therapists
25 and counselors and psychologists and some not.

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1 **Q. But other than that you've no**
2 **formal -- you don't have any diploma?**
3 A. Correct.
4 **Q. You don't have any certificate**
5 **indicating that you've completed a particular**
6 **class?**
7 A. Correct. I have a diploma from, you
8 know, just Bachelor's degree. But no formal
9 certificate with training in counseling.
10 **Q. Okay.**
11 A. Correct.
12 **Q. Other than SNAP --**
13 A. Other than SNAP -- sorry to harp on 3:38P
14 this but, you know, I'm not SNAP, right.
15 **Q. I understand.**
16 A. We have 80 or 90 individuals listed on
17 our website as local support group leaders all
18 around the country and increasingly overseas, you
19 know. In each of our chapters I'm sure we have
20 licensed clinical social workers, MSWs. We have,
21 you know, psychologists. We have psychiatrists,
22 you know.
23 **Q. Sure, I understand.**
24 A. We have medical doctors.
25 **Q. So if someone called you -- this is a**

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1 **hypothetical -- and they had an issue that was a**
2 **mental issue of quite importance and quite**
3 **urgency, and you were talking to them on the**
4 **telephone, would you refer them to someone?**
5 A. Absolutely, we do it all the time.
6 MR. JENSEN: Object to the form of the
7 question. Object to the vague nature of the
8 question. Subject to that you can answer the
9 question.
10 A. We're crystal clear with people that,
11 you know, I say it once I say it 15 times a day,
12 I'm not a professional licensed therapist. And
13 we -- I shouldn't make sweeping statements, but to
14 almost every person who calls us who is a victim,
15 a spouse of a victim, a relative of a victim, we
16 encourage them to get professional therapy.
17 BY MR. MCGONAGLE: 3:40P
18 **Q. Are there particular therapists that**
19 **you would refer people to?**
20 A. Not really. I mean, you know, again
21 much of my work --
22 (DISCUSSION WAS HAD OFF THE RECORD)
23 A. Yes, good point, yes. We don't just
24 say I'm not a shrink, call somebody else, right.
25 We spend hours and hours listening and consoling,

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1 counseling people as well. But your question was
2 when people have a serious -- and frankly even
3 when they don't have a serious, you know, we never
4 want to be the sole point of contact for somebody
5 who has been sexually violated. And we encourage
6 them, if they won't go to therapy, we encourage
7 them to tell their spouse. If they won't tell
8 their spouse, we encourage them to tell their best
9 friend. Tell their parents, tell somebody. And
10 including therapists.
11 **Q. So --**
12 A. I mean I know you're in a hurry. But
13 the overwhelming majority of the work that I do
14 isn't in any one geographic area. So when
15 somebody calls me from Tampa, Florida and says
16 they were sodomized by a Marionist brother,
17 whether they bring up therapy or not, I will bring
18 up professional therapy. And I don't have a list
19 in Tampa, Florida of therapists who I send people
20 to. But if we have a support group there, I say
21 please contact our local support group, he or she
22 may have other people who are more trained who can
23 help you.
24 **Q. Would that support group, do they have**
25 **certain therapists that they would use on a**

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1 **regular basis?**
2 A. It varies wildly -- well, not I 3:41P
3 mean -- the word use --
4 **Q. Refer?**
5 A. They likely would have some or would
6 know where to -- they would say if you go to the
7 United Way of Tampa website, you click on
8 counseling services, you know, the third column
9 down is counselors who deal with sexual abuse, you
10 know, go to that category and start there and pick
11 somebody.
12 **Q. What about in Kansas City, Missouri,**
13 **Jackson County specifically, are you aware of any**
14 **therapists that members of your organization**
15 **would, if need be, refer victims to?**
16 A. I've certainly heard of names of
17 therapists there. I would typically, because we
18 have a wonderful support group there, I would say
19 if you're looking for a counselor in Jackson
20 County, you know, you should call him and he will
21 know names.
22 And we stress to people that the most
23 important factor is their own comfort level with a
24 therapist, because no matter how many degrees he
25 or she has on a wall, if a victim doesn't feel

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1 comfortable, if the chemistry isn't there, then
2 therapy is not going to work. And we tell them
3 that experience helps, that they should look for a
4 therapist who has dealt with these kinds of issues
5 before, whether it's sexual abuse directly,
6 whether it's substance abuse, whether it's eating
7 disorders, whether it's suicide.
8 **Q. And who would that individual be in** 3:43P
9 **Jackson County that would have that information?**
10 MR. JENSEN: Objection to the extent
11 that gets to the advocacy services of SNAP that
12 are protected by the Rape Crisis Center Statute.
13 And I'll direct the witness not to answer the
14 question.
15 THE WITNESS: Can I make a general
16 answer or no?
17 MR. JENSEN: I don't want you to
18 identify a person.
19 THE WITNESS: No, I won't.
20 A. Just like we don't want to be -- I
21 don't want to be -- nobody in SNAP wants to be the
22 sole contact for somebody who's suffering. Ditto
23 with any referrals. We would never say to some --
24 we work hard to make sure that we don't say to
25 somebody, oh, you live in Butte, Montana, there's

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1 a great therapist in Butte, Montana, here's the
2 woman you have to call. We always want people to
3 have multiple options.
4 BY MS. MCGONAGLE:
5 **Q. So when it comes to answering my**
6 **question about who the individual in Jackson**
7 **County, Missouri is, you're going to take your**
8 **lawyer's advice and not answer my question?**
9 A. Yes, absolutely, yes.
10 **Q. Walk me through the process -- and**
11 **this is hypothetical -- if I called your agency,**
12 **your organization, asking for help, what would the**
13 **first thing be that would happen?**
14 MR. JENSEN: Same objection as it gets 3:44P
15 to the advocacy efforts of SNAP that are protected
16 by the Rape Crisis Center Statute and I'll direct
17 the witness not to answer the question.
18 BY MR. MCGONAGLE:
19 **Q. Are you going to take your lawyer's**
20 **advice and not answer my question?**
21 A. I am.
22 **Q. When these calls are made do you keep**
23 **a telephone log of these telephone calls?**
24 MR. JENSEN: Same objection, same
25 instruction.

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1 A. Same result.
2 BY MR. MCGONAGLE:
3 **Q. So you're going to take your lawyer's**
4 **advice and not answer my question?**
5 A. I am.
6 **Q. Any of these telephone calls ever**
7 **taped, are there transcripts, anything of that**
8 **nature?**
9 A. They're never taped.
10 **Q.** [REDACTED]
11 [REDACTED]
12 MR. JENSEN: [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 A. [REDACTED]
17 BY MR. MCGONAGLE:
18 **Q.** [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 MR. JENSEN: Same objection, same 3:45P
24 instruction.
25 BY MR. MCGONAGLE:

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1 **Q. Take your lawyer's advice?**
2 A. Yes.
3 **Q. Do you keep files on individual**
4 **priests when people call in to your organization**
5 **to make individual complaints about being abused?**
6 MR. JENSEN: Same objection, same
7 instruction.
8 A. Same result. I'm taking his advice.
9 BY MR. MCGONAGLE:
10 **Q. Taking his advice, okay.**
11 A. If I don't take his advice I'll holler
12 loud and clear.
13 **Q.** [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 MR. JENSEN: Same objection. Same
17 instruction.
18 A. I'll follow his advice.
19 MR. JENSEN: And actually if you don't
20 mind I'd like to add -- rather than have to go
21 back through all those last few questions and
22 answers, add to the Rape Crisis Center objection
23 in addition the First Amendment objections that
24 I've been making all along.
25 MR. MCGONAGLE: Sure. Fine.

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1 MR. JENSEN: Thank you. And
2 relevance.
3 BY MR. MCGONAGLE: 3:46P
4 **Q. Does your organization have a file**
5 **regarding my client, Monsignor Thomas J. O'Brien?**
6 MR. JENSEN: Same objection, same
7 instruction.
8 A. I'm going to follow his advice.
9 BY MR. MCGONAGLE:
10 **Q. Have you been contacted by individuals**
11 **regarding alleged abuse at the hands of my client,**
12 **Monsignor Thomas J. O'Brien?**
13 MR. JENSEN: Same objections, same
14 instruction.
15 A. I'm following --
16 BY MR. MCGONAGLE:
17 **Q. You're taking your attorney's advice.**
18 **If these victims were to provide you releases, if**
19 **their attorney was to provide you a release**
20 **regarding the content of your conversations,**
21 **regarding any documents that you have in your**
22 **possession, would you provide those documents to**
23 **me?**
24 MR. JENSEN: Objection to the extent
25 it's been asked and answered as to the impact of a

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1 release would have given other protections might
2 still exist.
3 BY MR. MCGONAGLE:
4 **Q. Are you going to --**
5 MR. JENSEN: Subject to that you can 3:47P
6 answer the question.
7 A. You know, I thought about it a minute
8 ago for the first time. And the more I think
9 about it I don't know.
10 BY MR. MCGONAGLE:
11 **Q. You don't know?**
12 A. Correct.
13 **Q. The information that you receive, do**
14 **you -- and any documentation that you have, do you**
15 **regard that documentation to be the documentation**
16 **of SNAP or do you regard it to be the**
17 **documentation of a particular victim?**
18 MR. JENSEN: Objection to the extent
19 it calls for a legal conclusion and relevance.
20 But you can answer the question.
21 A. And it assumes that I have
22 documentation.
23 BY MR. MCGONAGLE:
24 **Q. Well, since you didn't answer my**
25 **question I don't know so.**

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1 A. Fair enough.
2 THE WITNESS: Did you advise me not to
3 answer or you said I could answer?
4 MR. JENSEN: No, you can answer.
5 A. Who would I consider the documentation
6 to belong to, me or the victim?
7 BY MR. MCGONAGLE:
8 **Q. Yes.**
9 A. Both. 3:48P
10 **Q. So if a victim asked you --**
11 **hypothetical question -- I want any documentation**
12 **you have regarding me in your possession, you**
13 **would be unwilling to give it to them?**
14 A. To them?
15 **Q. Yes, to the victim.**
16 A. I've never thought this through.
17 Don't know --
18 MR. JENSEN: Object that it calls for
19 speculation. But you can answer the question.
20 A. Never faced that situation that I can
21 recall. Never had time to think it through. So
22 the best answer is to say I don't know but I -- if
23 a victim said I have a letter that I wrote to the
24 Bishop saying -- describing my abuse, remember I
25 sent you a copy, Clohessy, and if I said yes, got

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1 it, and they said I want it back, sure, I'd give
2 it back to them.
3 BY MR. MCGONAGLE:
4 **Q. Do victims ever send you letters**
5 **describing their abuse?**
6 A. Sometimes.
7 **Q. Any of the -- have you ever received**
8 **letters from alleged victims regarding my client,**
9 **Monsignor Thomas J. O'Brien?**
10 MR. JENSEN: Same objections as before 3:49P
11 with respect to the Rape Crisis Center Statute,
12 the First Amendment objections, and relevance and
13 I'll direct the witness not the answer the
14 question.
15 A. I'm taking his advice.
16 BY MR. MCGONAGLE:
17 **Q. Other than SNAP do you volunteer for**
18 **any other organizations?**
19 A. Not really -- over the course of my
20 life, sure, I have. Over the course of the
21 last -- you know, SNAP is a pretty -- I put in
22 much more than a 40-hour week. I don't routinely
23 volunteer for any other organizations at this
24 point.
25 **Q. Well, you indicated that you'd been**

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1 **working for SNAP for the last 20 something odd**
2 **years, is that --**
3 A. Part as a -- most as a volunteer.
4 Part of it as a paid employee, yes.
5 **Q. During the time that you were -- I'm**
6 **going to use the term involved with SNAP either as**
7 **a volunteer or as a paid employee, were you ever a**
8 **volunteer on any other organizations?**
9 MR. JENSEN: Objection to relevance 3:50P
10 but subject to that you can answer the question.
11 A. Sure.
12 BY MR. MCGONAGLE:
13 **Q. Can you tell me what they were?**
14 A. I mean I've volunteered at my
15 children's school. I volunteered at my wife's
16 church. I volunteered, you know, for arts
17 organizations, for scout organizations, I mean,
18 you know.
19 **Q. Any other non-profit organizations?**
20 A. I've only volunteered for non-profits
21 that I can think of.
22 **Q. Have you ever been on the board of**
23 **directors of any other organization other than**
24 **SNAP?**
25 A. Not that I can recall.

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1 **Q. Does that mean you may have been, you**
2 **just can't remember right now?**
3 A. Yes. It's been a long day. Been a 3:51P
4 long few weeks. Been on the board -- not -- again
5 not that I can recall.
6 **Q. You indicated when Ms. Cohara asked**
7 **you questions that you were I guess the media**
8 **person or the press officer for SNAP; is that fair**
9 **to say?**
10 MR. JENSEN: I'm sorry. I was reading
11 and not listening. Could you read back that
12 question?
13 (REPORTER READ FROM THE RECORD AS
14 FOLLOWS: QUESTION:
15 You indicated when Ms. Cohara asked
16 you questions that you were I guess
17 the media person or the press officer
18 for SNAP is that fair to say?)
19 MR. JENSEN: Objection, that misstates
20 the earlier testimony. Also object to relevance.
21 Object to the form of the question. Subject to
22 that you can answer the question.
23 A. I do more press work than others at
24 SNAP, yes.
25 BY MR. MCGONAGLE:

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1 **Q. And when you do the press work do you**
2 **have any type of protocols or is there any type of**
3 **roadmap that you use when dealing with the press**
4 **regarding allegations of sexual abuse against a**
5 **member of the clergy?**
6 A. Yes. Tell the truth. Treat reporters 3:53P
7 fairly. Try to give -- you know, try to -- yes,
8 try to give out information that's helpful to
9 them. That's concise.
10 (DEFENDANT'S EXHIBIT NO. 25 MARKED FOR
11 IDENTIFICATION)
12 **Q. Let me show you Defendant's Exhibit**
13 **No. 25. Sorry, counselor, I don't have copies.**
14 A. You want me to read this?
15 **Q. Yes. I mean do you recognize that**
16 **document?**
17 A. Looks like a media advisory that is
18 from our website.
19 **Q. Okay. Is that a document that you**
20 **generated, you produced?**
21 A. I probably either generated it or 3:54P
22 helped with it.
23 **Q. The fact that on the second page of**
24 **that there is a -- is that your e-mail?**
25 A. My e-mail is at the very bottom, yes,

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1 sir.
2 **Q. Okay.**
3 A. A little hard to read but.
4 **Q. Yes, I apologize.**
5 A. That's all right.
6 **Q. And this document regards -- is in**
7 **regard to a young man regarding -- by the name of**
8 **██████████ is that correct?**
9 A. Yes, sir.
10 **Q. Okay. And specifically regarding a**
11 **wrongful death action that's been brought by his**
12 **parents; is that correct?**
13 A. Didn't look at it very closely but
14 that seems to be the case.
15 **Q. That's going to help refresh your**
16 **recollection?**
17 A. Yes, it looks like that's what it's
18 about, new civil lawsuit accusing Monsignor
19 O'Brien of causing their son's death.
20 **Q. Did you get any type of release from** 3:55P
21 **Mr. and Mrs. ██████████ prior to providing this**
22 **information to the media?**
23 MR. JENSEN: Objection based on the
24 Rape Crisis Center Statute, the same First
25 Amendment objections that I've been making all

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1 along. Relevance. And I'll direct the witness
2 not to answer the question.
3 A. I'll take the advice.
4 BY MR. MCGONAGLE:
5 **Q. Did you talk to Mr. and Mrs. ██████████**
6 **prior to generating the press release?**
7 MR. JENSEN: Same objection, same
8 instructions.
9 A. I'll take his advice.
10 BY MR. MCGONAGLE:
11 **Q. Did you independently verify any of**
12 **the facts that you allege in your press release?**
13 MR. JENSEN: Same objection, same
14 instruction.
15 A. I'll take his advice.
16 BY MR. MCGONAGLE:
17 **Q. Take your lawyer's advice. And the**
18 **press release provides details of what the actual**
19 **sexual abuse was; correct?**
20 A. Right, allegations that O'Brien would
21 make boys perform oral sex and mutual masturbation
22 on each other, require them to perform those acts
23 on him, following the sexual encounters he would
24 require them to change into their robes, prepare
25 Communion, serve Mass. Yes, that's in here.

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1 BY MR. MCGONAGLE: 3:56P
2 **Q. And what did you do to independently**
3 **verify that that actually happened?**
4 MR. JENSEN: Same objections, same
5 instruction.
6 A. I'll follow his advice.
7 BY MR. MCGONAGLE:
8 **Q. Did you talk to anybody other than the**
9 **██████████ regarding this?**
10 MR. JENSEN: Same objections, same
11 instruction.
12 A. I'll take his advice.
13 BY MR. MCGONAGLE:
14 **Q. So just for the record, any questions**
15 **I ask you about Monsignor O'Brien or about any of**
16 **the alleged victims, you're going to refuse to**
17 **answer my questions; is that fair to say?**
18 A. No.
19 **Q. Well, let me ask you this --**
20 A. I can't, I can't speculate about what
21 other questions you might ask me about Father --
22 Monsignor O'Brien. If you want to ask me do I
23 think that he's a dangerous serial predator, I'll
24 answer that question, I'll say yes.
25 **Q. I'm going to -- we can strike that. I**

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1 **mean I didn't ask a question.**
2 A. I'm not going to reveal the privacy of
3 victims, of their loved ones. I'm not going to do
4 that.
5 **Q. You can't reveal the privacy of**
6 **victims?**
7 A. Right.
8 **Q. Just a few more. Let me check here.** 3:57P
9 **Who is [REDACTED]?**
10 **(DISCUSSION WAS HAD OFF THE RECORD)**
11 A. He's our local SNAP volunteer leader
12 in Kansas City. He's on our website which is why
13 I can use his name. He was sexually violated as a
14 child by a Kansas City priest who went on to
15 become a bishop and went on to molest other
16 children.
17 **Q. Who is [REDACTED] -- [REDACTED]?**
18 **(DISCUSSION WAS HAD OFF THE RECORD)**
19 MR. JENSEN: Same objection based on
20 the Rape Crisis Center Statute, the First
21 Amendment objections and to relevance. And I'll
22 instruct the witness not to answer that question.
23 A. I'll take his advice. 3:58P
24 BY MR. MCGONAGLE:
25 **Q. Did you understand all the questions I**

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1 **asked you?**
2 A. I think so.
3 **Q. Did you answer my questions as**
4 **completely and accurately as you could?**
5 A. Yes, sir.
6 **Q. Subject to the advice of your learned**
7 **counsel next to you?**
8 A. Yes, sir.
9 **Q. All right.**
10 MR. MCGONAGLE: I have no further
11 questions.
12 MR. JENSEN: I've got a couple
13 questions.
14 EXAMINATION
15 QUESTIONS BY MR. JENSEN:
16 **Q. In case it hasn't been asked so far,**
17 **have you or anyone at SNAP to your knowledge ever**
18 **had contact with John Doe, B.P.?**
19 A. No, sir.
20 **Q. Okay. When you say that SNAP counsels**
21 **people, approximately how many people does SNAP**
22 **provide counseling to to the best of your**
23 **estimate?**
24 A. Over the 23 years or whatever?
25 **Q. Annually, any number?**

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1 A. I couldn't say annually. Over the
2 years it's got to be well over 100,000.
3 MR. JENSEN: I don't have any further
4 questions.
5 MS. RANGLES: E-tran, a copy and a 3:59P
6 mini.
7 MR. JENSEN: Just an e-tran and that's
8 it.
9 MR. MADDEN: E-tran and exhibits.
10 MS. COHARA: E-tran and exhibits.
11 (Whereupon, the deposition was 4:00P
12 concluded at 4:00 P.M.)
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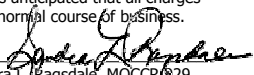
Page 212

1 SIGNATURE PAGE
2
3 I have read the foregoing pages 1
4 through 212 of my deposition taken on January 2,
5 2012 and the statements contained therein, subject
6 to corrections, additions and deletions contained
7 in the addendum annexed hereto, if any, are true
8 and correct to the best of my knowledge.
9
10
11
12 _____
13 DAVID CLOHESSY
14
15
16 SUBSCRIBED AND SWORN to before me this
17 _____ day of _____
18 2012.
19
20 My Commission expires:
21
22 _____
23 Notary Public
24
25

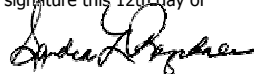
Page 213

1 COURT MEMO
2 IN THE CIRCUIT COURT OF JACKSON COUNTY
3 STATE OF MISSOURI
4 CASE NO. 1016CV29995
5 JOHN DOE, B. P.
6 Plaintiff
7 v.
8 FATHER MICHAEL TIERNEY, et al.
9 Defendants
10 CERTIFICATE OF OFFICER AND
11 STATEMENT OF DEPOSITION CHARGES
12 (Rule 57.03 (g)(2)(a) and Section 492.590 RSMo
13 1985)
14 DEPOSITION OF DAVID CLOHESSY
15 TAKEN ON BEHALF OF DEFENDANTS
16 JANUARY 2, 2012
17 Name and address of person or firm having custody
18 of original transcript:
19 Wagstaff & Cartmell, LLP
20 4740 Grand Avenue, Suite 300
21 Kansas City, Missouri 64112
22 TAXED IN FAVOR OF:
23 Plaintiffs.....\$
24 Defendant Father Tierney.....\$
25 Defendant Diocese.....\$
 Defendants Fathers Cronin and McGlynn...\$
 Witness (represented by Mr. Jensen).....\$

 Upon delivery of transcripts the above charges had
 not been paid. It is anticipated that all charges
 will be paid in the normal course of business.

 
 Sandra L. Ragsdale, MOCCR 929

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1 REPORTER'S CERTIFICATE
2
3 I, Sandra L. Ragsdale, a Missouri
4 Certified Court Reporter, do hereby certify that I
5 was personally present at the deposition of
6 DAVID CLOHESSY
7 and that the testimony was stenotyped by me at the
8 time and place and for the purpose in the caption
9 stated; that the witness was duly sworn to tell
10 the truth, the whole truth, and nothing but the
11 truth; that the deposition was transcribed by me
12 personally or under my direction; that the
13 foregoing transcript is a full, true and correct
14 transcript of the said deposition so given; that
15 the witness reserved signature; and that the
16 appearances were as stated in the caption.
17 I further certify that I am neither of
18 counsel nor of kin to any of the parties to this
19 action, and am in no way interested in the outcome
20 of said action.
21 Witness my signature this 12th day of
22 January, 2012.
23 
24 Sandra L. Ragsdale, CCR No. 929
25

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