

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:) Chapter 11
ARCHDIOCESE OF MILWAUKEE,) Case No. 11-20059-SVK
Debtor,) Honorable Susan V. Kelley

UNDER SEAL/CONFIDENTIAL

VIDEO DEPOSITION OF
DAVID L. ZIMPRICH
Milwaukee, Wisconsin
January 28, 2013
9:49 a.m. to 11:59 a.m.

Kathy A. Halma
Registered Professional Reporter

1 A P P E A R A N C E S

2 JEFF ANDERSON & ASSOCIATES, PA, 366
3 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,
4 by MR. MICHAEL G. FINNEGAN, appeared on behalf of the
5 Certain Personal Injury Claimants.

6 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East
7 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,
8 by MR. FRANCIS H. LOCOCO, appeared on behalf of the
9 Debtor.

10 I N D E X

11 DAVID L. ZIMPRICH
12 By Mr. Finnegan.....3
13 By Mr. LoCoco.....66
14 By Mr. Finnegan.....68

15 E X H I B I T S

16 No. 1 Status Reports re Franklyn Becker:
17 ADOM026555 to 27151.....29
18 No. 2 Rothstein Letter to Becker, 12-14-04;
19 ADOM027181 to 27182.....59

20

21 (The original transcript was sent to Attorney
22 Finnegan.)

23

24

25 (The original exhibits were retained by the court
reporter and attached to the original transcript.
Copies were attached to all ordered copies.)

1 TRANSCRIPT OF PROCEEDINGS

2 MR. LO COCO: I talked with Mr. Finnegan
3 before we started. We're going to mark this
4 entire transcript and the DVD under seal pursuant
5 to the court orders that have been entered.

6 VIDEOTAPE TECHNICIAN: My name is Steve
7 Peters, CLVS, associated with Halma-Jilek
8 Reporting, Milwaukee, Wisconsin. This is the
9 beginning of the video deposition of David L.
10 Zimprich on January 28, 2012; the time 9:49 a.m.
11 This is in re the Archdiocese of Milwaukee,
12 Debtor, pending in the United States Bankruptcy
13 Court for the Eastern District of Wisconsin, Case
14 No. 11-20059-SVK.

15 Will counsel now please state their
16 appearances.

17 MR. FINNEGAN: Mike Finnegan for the
18 Claimants.

19 MR. LO COCO: Frank LoCoco on behalf of
20 the Debtor and the witness.

21 THE COURT: The court reporter, Kathy
22 Halma, will now swear in the witness.

23 DAVID L. ZIMPRICH, called as a witness
24 herein by the Claimants, after having
25 been first duly sworn, was examined and testified

1 as follows:

2 EXAMINATION

3 BY MR. FINNEGAN:

4 Q Deacon, could you state your full name and spell
5 your last name for the record, please.

6 A David Lawrence Zimprich, Z-I-M, as in Mary, P, as
7 in Peter, R-I-C-H.

8 Q Have you had a deposition taken before?

9 A Yes.

10 Q Let me just go over a couple of the ground rules,
11 the basic ones. You may have heard these the
12 last time around, but just so that we are on the
13 same page. You understand that today's
14 deposition is under oath?

15 A Yes.

16 Q And you understand that what we are using here
17 today can be used in a court of law?

18 A Yes.

19 Q One of the things that happens all the time in
20 depositions is that we have a tendency in normal
21 conversation to do three different things that
22 are very troublesome and difficult in a
23 deposition, and particularly for Kathy.

24 The first one is often times we will nod
25 our heads like this (indicating). If you do

1 that, I will say, "Is that a yes, Deacon, is that
2 a no." That's not meant to badger you at all,
3 just so she can get it down on the dep record.

4 The other is we will go um-hum, unh-unh.
5 Again, those are tough for the court reporter to
6 get those down. I will do the same thing.
7 Hopefully I won't do that, if I'm doing my job
8 correctly.

9 Then the last one that all of us have a
10 tendency to do in normal conversation is we talk
11 over each other all the time. So there won't be
12 problems with that, because you will know
13 exactly where I'm going with it, but if you could
14 wait until I'm all the way done with my question,
15 and I will do the same for your answers. Does
16 that make sense?

17 A Yes.

18 Q If there's anything that I ask at all that you
19 don't understand, I want you to stop me and say,
20 "I don't understand that question," and I will
21 rephrase it for you. Make sense?

22 A Yes.

23 Q The other one that might come up during the
24 deposition is Mr. LoCoco may make objections on
25 the record. Most of those generally are legal

1 objections, and he will tell you if he doesn't
2 want you to answer a question, but that may
3 happen. If you need me to ask it again, I can do
4 that.

5 A Okay.

6 Q And then the big one. For your benefit, any
7 breaks that you want to take at any time, no
8 matter if we're five minutes in, ten minutes in,
9 you just tell me and we will take as many as you
10 need no matter what.

11 A Okay.

12 Q Deacon, tell me when were you ordained a deacon.

13 A June 9, 1984.

14 Q Before 1984, June 9, 1984, what was your
15 association or participation in the Archdiocese
16 of Milwaukee, if any?

17 A I was just a Catholic.

18 Q Parishioner here?

19 A Yes. Now I should clarify. I was ordained in
20 '84, but I was in formation starting in '81.

21 Q Yes, I was going to ask you a little bit about
22 that. So your training in the diaconate was here
23 in the Archdiocese of Milwaukee?

24 A Yes.

25 Q And at the time of your ordination as a deacon on

1 June 9, 1984, on that day did you make certain
2 promises to the Archbishop of the Archdiocese of
3 Milwaukee?

4 A Yes.

5 Q Who was the archbishop?

6 A Rembert Weakland.

7 Q What promises did you make?

8 A Promise of obedience to him and his successors.

9 Q Any other promises?

10 A I don't remember what it all was.

11 Q What did the promise of obedience mean to you?

12 A To be obedient to the church, the dogmas of the
13 church. To be obedient to him as far as matters
14 of faith and teaching of faith; what a deacon can
15 or can't do.

16 Q Did the -- Since that time, 1984 to the present,
17 have the Archbishops of Milwaukee been the ones
18 that made all of your assignments?

19 A Yes.

20 Q Have you had any position of leadership here in
21 the Archdiocese of Milwaukee besides being a
22 Deacon?

23 MR. LO COCO: Objection to form. You
24 can answer, if you have an answer. That's for
25 the record.

1 THE WITNESS: Say that again, please.

2 BY MR. FINNEGAN:

3 Q Any positions, anything besides -- I can rephrase
4 it, too, if there's any --

5 Besides being a Deacon, have you been in
6 any other positions in the chancery? We will
7 start with that.

8 A I work -- I work in the Office for Clergy and Lay
9 Ecclesial Ministry, and I'm the Associate
10 Director of Deacon Services.

11 Q What's your position at the Office for Clergy?

12 A That's it.

13 Q That's it?

14 A Yes.

15 Q Your position is the Associate Director for
16 Deacon Services?

17 A Correct.

18 Q How long have you had that position?

19 A Since October 12, 1998.

20 Q Do you have an office in the chancery?

21 MR. LO COCO: Object to the form. I
22 don't think it's technically the chancery where
23 his office is.

24 THE WITNESS: It's not the chancery.

25 BY MR. FINNEGAN:

1 Q Is it connected to the chancery?

2 A No, it's the Clergy Department.

3 Q Where is that?

4 A Physically?

5 Q Yes.

6 A It would be on the south side of the Cousins
7 Center on the first floor about the middle of the
8 complex.

9 Q And there's another area of the Cousins Center
10 that's deemed the chancery?

11 A Yes.

12 Q How long have you had an office within the
13 Cousins Center?

14 A Since being hired.

15 Q Since 1998?

16 A Yes.

17 Q Any other positions that you have held within the
18 Archdiocese of Milwaukee besides being a Deacon
19 and Associate Director of Deacon Services?

20 A I oversee some of the priests of the Archdiocese.

21 Q Tell me more. What do you mean by "oversee
22 priests?"

23 A I oversee priests that have been involved in
24 sexual abuse of children. Also alcoholism.

25 Q Do you have a title for that position?

1 A Not really.

2 Q How long have you been in the position where you
3 have overseen priests such as the ones you have
4 described?

5 A That began in December of 2000.

6 Q How did that come about?

7 A I was approached by Reverend Joseph Hornacek,
8 H-O-R-N-A-C-E-K. He was the Director for Clergy
9 at the time, my immediate supervisor, and he
10 approached me and asked me if I would be willing
11 to take on that position.

12 MR. LO COCO: I forgot to put something
13 on the record when we started. This deposition
14 is being taken under seal like the other
15 depositions in this case subject to the
16 Protective Order, which I know is an issue, but
17 at least for now they are all under seal.

18 BY MR. FINNEGAN:

19 Q Now, obviously, at some point you took Father
20 Hornacek up on his request of you to become
21 involved in overseeing some of the priests?

22 A Yes.

23 Q Did the program exist before you were involved?

24 A Yes.

25 Q Who was in charge of it at the time that you got

1 involved?

2 A Hornacek would have been involved. The person
3 who I replaced was Deacon Tom or Thomas McGuine.

4 Q Is he still alive?

5 A He is alive.

6 Q Is he still a deacon here in the Archdiocese?

7 A No, he's a deacon. He lives in Orange County,
8 California.

9 Q And I understand he's from that area or had been
10 out there previously?

11 A He was a former LAPD detective.

12 Q What are you, just generally in a brief sentence
13 or two, what are your responsibilities as
14 Associate Director of Deacon Services?

15 A I am the primary liaison between the Archbishop
16 and the deacons, the deacons and the Archbishop.
17 I'm involved in their assignments, reassignments,
18 any issues that come up say between them and
19 their pastor, sometimes family issues, their
20 continuing formation.

21 Q In regard to their assignments, is there a
22 separate board like there is for the priests, the
23 Priest Personnel Board, or is that something that
24 it sounds like you are involved with?

25 A There is a Deacon Personnel Board.

1 Q Do you sit on that, as well?

2 A I do.

3 Q Does that board make recommendations to the
4 Archbishop about the placement of deacons?

5 A It does not.

6 Q What does the Deacon Personnel Board do?

7 A They assist me when guy's covenants are coming
8 due or have expired, if there's problem with a
9 specific deacon not living up to his covenant, I
10 might ask -- have a Personnel Board Member get
11 involved. The board does meet four times a year
12 and we review any issues regarding a specific
13 deacon or the deacons or policies affecting
14 deacons.

15 Q Are you also assigned to a parish, particular
16 parish, here in the Archdiocese?

17 A I'm assigned currently to St. Williams in
18 Waukesha and St. John Neumann in Waukesha.

19 Q How does your time break down between the
20 services as a Deacon at those two parishes and
21 being the Associate Director of Deacon Services?

22 A Deacon Services is a full-time position and
23 requires some evenings, some weekend Saturdays.
24 The ministry at the parishes is part time. It's
25 in part based on the hours that I have to put in

1 at work, the days and times, and also family
2 commitments. So -- and it varies. For example,
3 Holy Week I will be at church a lot more than
4 another week. So to give you an actual hours a
5 week, I would maybe say ten hours.

6 Q Earlier you mentioned that you had your
7 deposition taken before. Has it been in the
8 context of clergy sexual abuse?

9 A No.

10 Q What was the general context of it?

11 A It was a lawsuit against myself and a number of
12 other supervisory officers of the Milwaukee
13 Police Department by the then man that was
14 renting the former Uptown Theater in Milwaukee.

15 Q Tell me background wise a little bit about your
16 service on the Milwaukee Police Department.

17 A I started on January 22, 1968. I entered the
18 Police Academy. Upon completing the academy I
19 was assigned to District 5 late shift, which is
20 midnight until 8:00, and that's located at 4th
21 and Locust. So I was on uniform patrol there for
22 approximately eight or nine months and my wife
23 asked me at that time to go to the second shift
24 or early shift, it's called, because she wasn't
25 sleeping.

1 So I requested early shift. I was sent
2 to 5 early and I worked there for several years,
3 and then I was recruited to the Tactical
4 Enforcement Unit. I was on the Tactical Squad --
5 the prior Tactical Squad. I also worked what's
6 called Special out of the district. It's plain
7 clothes. It's like a detective, but you are not
8 a made detective. I was on the Tac Squad for
9 about two years. At that time I was promoted to
10 police sergeant.

11 At a sergeant I was at 5 late, District
12 6 early and then District 7 early. After 21
13 years I finally had enough seniority to go days.
14 I went days as a sergeant to District 3, which
15 was located on Vliet Street. I was there a very
16 short time when I was promoted to lieutenant of
17 police.

18 I went back to District 5 late. I went
19 to the city jail, the late shift commander city
20 jail. From the jail I went -- I'm not sure if I
21 went back to the district or if I went right
22 to -- I think I might have gone back to 5. I'm
23 not positive.

24 Then I was asked by the assistant chief
25 to head the background investigation unit for the

1 department. We did the investigations -- or I
2 oversaw them. We did the investigations of
3 anybody that was going to be hired by the police
4 department, so a clerk, a parking checker or a
5 police aide, a police officer. In fact, the
6 first chief we ever hired out of the city was
7 Philip Areola, and we did his background. So I
8 did that.

9 When I left there I went to District 4
10 on the northwest side of the city on the day
11 shift, and that's where I retired from on
12 January 22, 1999.

13 Q So if my math is right, 31 years?

14 A To the day.

15 Q In your role overseeing priests, what are your
16 general duties and responsibilities?

17 MR. LO COCO: Object to the form, time
18 frame.

19 MR. FINNEGAN: Has it changed?

20 THE WITNESS: I'm not sure what you mean
21 now.

22 BY MR. FINNEGAN:

23 Q We will start at when you first started
24 overseeing priests in December 2000. At that
25 time, what were your duties and responsibilities?

1 A I'm sorry. Yes, it is about the same. I'm
2 liaison basically between the Vicar for Clergy
3 and the priest or vice versa. My contact is meet
4 with them based on a schedule normally
5 established by the Vicar, and I meet with them
6 and at times try to assess their mental state, I
7 guess you would say. And in conversations with
8 them, if anything came up that would lead me to
9 suspect anything that an issue is reoccurring or
10 some other issue I felt that the Vicar should
11 know about, then I would report that to them
12 either -- well, in writing.

13 Q How often, generally, do you meet with the
14 priests that you are overseeing?

15 A Normally about once a month.

16 Q How long are those meetings generally?

17 A About an hour, hour and one-half.

18 Q Usually at a restaurant?

19 A Restaurant, residence and in one case in a
20 parking lot.

21 Q In some of the documents it refers to that
22 program as a monitoring program. Do you consider
23 yourself to be a monitor of the priests that you
24 oversaw?

25 A Initially the term monitor was used. I didn't

1 give it a lot of credence in the beginning.

2 Later on I realized that monitor was probably not
3 the best choice of words, because it gives a
4 false sense of security to people, and so that's
5 when it was changed to oversight.

6 Q Do you know approximately when that change was
7 made?

8 A I'm not sure. Maybe '05 or '06. I don't recall.

9 Q At any point have you had any special training in
10 people that are child sex offenders?

11 A Nothing more than the normal formation on the
12 police department.

13 Q What did that entail?

14 A Oh, I don't even recall at this time. It was
15 different speakers and presentations, but it
16 entailed all sex crimes.

17 Q How much training would you say that that was in
18 the police department focused on child sex
19 offenders?

20 A I don't recall. I don't know that it was a lot
21 focused on just child sex offenders. I think it
22 was sex crimes in general. There's a regular
23 in-service training which covered updates in laws
24 and a number of topics, so it would have been
25 during those, primarily, but I don't recall

1 exactly how many hours. Not exhaustive.

2 Q Did any of that training or anything else in your
3 experience provide you in your mind with the
4 ability to monitor or provide oversight for child
5 sex offenders?

6 A Yes, I had 31 years of law enforcement
7 experience. I investigated not priest sex
8 offenders, but children being offended by, you
9 know, parents, relatives sexually, physically,
10 rapes, homicides. So, I mean, a wide, wide range
11 of investigations into all types of activities.
12 I don't know if I mentioned it -- excuse me --
13 earlier when you asked me, but also when I was
14 lieutenant at one time I was the head of the
15 juvenile division for the police department.
16 There was a captain and myself. My first day
17 there the captain welcomed me. My second day
18 there he retired. So I was in charge of that
19 division for two years. And in that position I
20 oversaw and reviewed just about every report that
21 came in, and a lot of those were with child
22 abuse, physical, sexual, but there's also the
23 vice squad, now sensitive crimes, was the vice
24 squad. They also handled probably the majority
25 of those.

1 Q Is there anything specific that you do in your
2 oversight or when the term was used monitoring of
3 the priests that have been accused of child sex
4 offenses when you were interviewing them to try
5 and find out if they are still reoffending? Were
6 you using any particular techniques?

7 A Just basic interviewing skills, basic
8 interviewing techniques, watching their hands,
9 their eyes, their expressions. If it was in a
10 residence, checking, you know, entering the
11 residence or while I was there looking around the
12 residence to see if there was any like
13 pornography laying around, anything like that,
14 any controlled substances.

15 Q Do you have an expectation going into those
16 meetings that any of these priests, former
17 priests that had been accused of child sex
18 offenses would have any of that stuff around,
19 porn or controlled substances?

20 A I didn't know.

21 Q They knew when the meetings were, right?

22 A They did.

23 Q Had it been your experience before you started
24 the monitoring oversight program that child sex
25 offenders are often dishonest?

1 MR. LO COCO: Can I hear that question
2 back again, please?

3 COURT REPORTER: "Had it been your
4 experience before you started the monitoring
5 oversight program that child sex offenders are
6 often dishonest?"

7 THE WITNESS: I would have to say yes,
8 because most people are dishonest to a point.

9 BY MR. FINNEGAN:

10 Q Are you saying that across the board for all of
11 society or are you talking specifically for child
12 sex offenders or criminals?

13 A No, no, for criminals, sometimes witnesses
14 because they know somebody. They don't always
15 tell the truth.

16 Q Was Franklyn Becker, was he the first person you
17 had in the oversight program?

18 A No.

19 Q I don't want you to tell the name of the person
20 yet, but was there more than one person before
21 Franklyn?

22 A Yes.

23 Q How many people before him?

24 A I met a man prior to Franklyn. I assumed that
25 man, Franklyn, and two others basically at the

1 same time.

2 Q Were any of those people that were prior to
3 Franklyn accused of molesting minors?

4 A Yes.

5 Q Who are they?

6 MR. LO COCO: Let's go -- Can we go off
7 the record?

8 MR. FINNEGAN: Sure.

9 VIDEOTAPE TECHNICIAN: We're going off
10 the record at 10:17 a.m.

11 (A discussion was had off the record.)

12 VIDEOTAPE TECHNICIAN: We're back on the
13 record at 10:20 a.m.

14 BY MR. FINNEGAN:

15 Q Deacon, off the record we just discussed some of
16 the names of the people that you have either met
17 with or seen in the oversight program, and I'm
18 going to read the five names that we have here
19 just for confirmation that you saw these people.
20 The first one Father Ronald Bandle?

21 A Yes.

22 Q Second one Dr. David Hanser?

23 A Yes.

24 Q The third one Father Tom Trepanier?

25 A Yes.

1 Q Fourth, Father Daniel Budzynski?

2 A Yes.

3 Q Fifth, Father John O'Brien?

4 A Yes.

5 Q And then beyond that you said that you would need
6 to see a list of the people that have been
7 accused to remember anymore. I don't want you to
8 say anymore names.

9 A Right. At one time I was seeing about 11 men.

10 Q And all the men that you saw within this program,
11 would you write up status reports, type those up
12 like you did for Franklyn Becker?

13 A Yes.

14 Q What would you do with those after you were done
15 with the report?

16 A I gave the reports to the Vicar for Clergy.

17 Q At the beginning of the program that was Father
18 Joe Hornacek?

19 A Correct.

20 Q Has that changed since 2001?

21 A After Father Hornacek, Father Curt Frederick, and
22 after him and currently Father Pat or Patrick
23 Heppe, H-E-P-P-E.

24 Q As a general practice since you have been
25 involved in the oversight program, besides

1 meeting with the priests that have been accused
2 and doing the status report which is given to the
3 Vicar for Clergy, are there any other portions of
4 that or things that you do responsibility wise
5 with that program?

6 A I'm not sure I know what you mean.

7 Q Probably a poor question. What I was getting at
8 is are there meetings that you have with the
9 Vicar for Clergy a couple times a year, anything
10 like that, that are specific to this program?

11 A Not specific to the program, no.

12 Q You do have discussions about the program with
13 the Vicar for Clergy?

14 A Yes, as needed.

15 Q When is the first time that you met with Father
16 Franklyn Becker, if you remember?

17 A I think you have the report. I believe the first
18 time was January of 2001. It's possible that I
19 met him in December with Tom McGuine. I don't
20 really recall.

21 Q You have a very good memory. I think that's what
22 it says, that at least the first status report
23 was January of 2001, and I think you did meet him
24 once it looked like there in December. What were
25 you told about Franklyn Becker before you started

1 the monitoring program with him?

2 A That he had originally abused kids. Not to
3 believe him, anything that he said, that he was
4 kind of afraid of his own shadow. That he would
5 try to get, you know, use you or get you to do
6 things for him, such as, you know, if he had a
7 question about insurance through the Archdiocese,
8 instead of him calling he'd ask you, you know,
9 would you check and find out about something
10 having to do with insurance or something and use
11 you in that respect. That's about it.

12 Q Who told you those things about Franklyn Becker?

13 A Tom McGuine.

14 Q Did you speak to anyone else about the
15 Archdiocese specific to Franklyn Becker before
16 you started the monitoring program of him?

17 A No.

18 Q At any point when you were monitoring Franklyn
19 Becker did you review any documents related to
20 Franklyn Becker?

21 A Yes.

22 Q When was the first time that you did that?

23 A I don't recall. It wasn't early on.

24 Q Do you remember the circumstances of why you did
25 that or what happened?

1 A I don't. I just remember being shown a piece of
2 paper. I don't even recall exactly what it was.

3 Q Who showed you the piece of paper?

4 A I don't recall. It could have been the Vicar, it
5 could have been the Chancellor.

6 Q Do you know why that person showed you the piece
7 of paper?

8 A No, I don't recall what the circumstances were.

9 Q Do you remember what was on the paper?

10 A I don't. And there was a second time that I, you
11 know, for sure know what was on the paper.

12 Q Tell me about that.

13 A It was when we went and served Father Becker with
14 the papers from Rome indicating or telling him
15 that he had been laicized.

16 Q What papers did you have then?

17 A There was a copy of the official document from
18 Rome in Latin. There was a second copy that had
19 been translated into English. Those were
20 originals. And then there was a copy of each of
21 those documents. I was with father Curt
22 Frederick when we met with Franklyn in his
23 apartment in Mayville. Father Frederick went
24 through the document, gave a copy of the English
25 and the Latin to Father Becker, and then he,

1 using the English copy, went through the entire
2 document, asked if he had any questions. He did.
3 He explained, you know, I forget what they were,
4 but he had a couple questions about could he do
5 this or that, and then ultimately he was asked --
6 Father Becker was asked to sign the document,
7 which he did.

8 Q Any other times that you reviewed any documents
9 relative to Franklyn Becker?

10 A I may have seen something, I don't know. I never
11 saw like an incident report or offense, criminal
12 complaint, anything like that.

13 Q Did you ever see his personnel file?

14 A No.

15 Q As part of the oversight monitoring program do
16 you have access to the personnel files of the
17 alleged perpetrators that you are overseeing?

18 A I do not.

19 Q Have you ever asked to see those?

20 A I have seen some at least partial files, I don't
21 know if I have seen the whole file, and I would
22 actually get that by talking to the Vicar for
23 Clergy.

24 Q Do you know who in the Archdiocese has access to
25 the personnel files?

1 MR. LO COCO: Object to the form. You
2 can answer.

3 THE WITNESS: The Vicar for Clergy
4 copies records. Barbara Anne Cusack, the
5 Chancellor, would have records, and there might
6 be some personnel records in the Human Resources
7 Office. But anything to do with the abuse would
8 not be in that office. That would be strictly
9 hiring and insurance, that type of stuff.

10 BY MR. FINNEGAN:

11 Q Where would the abuse stuff be kept?

12 A That would either be in the Vicar's Office or
13 with Barbara Anne. My understanding is once the
14 bankruptcy started, that everything went to
15 Barbara Anne's office, and subsequently I'd say
16 down here to the court.

17 Q How are you aware of that, that the documents --
18 that everything went to Barbara Anne and then the
19 court?

20 MR. LO COCO: Maybe I'm one question too
21 late. Object to the question to the extent he's
22 asking you to divulge communications you have had
23 with counsel. So if you know in some way other
24 than conversations with either me or somebody
25 else from the firm, you can answer. If that's

1 the only way you know this, you shouldn't answer.

2 THE WITNESS: Well, the Vicar probably
3 had mentioned it at sometime, that the files were
4 with Barbara Anne. I think I had asked about a
5 file at one point in time and was advised Barbara
6 Anne had everything. Then it was just sort of
7 general knowledge, I guess, just from television
8 or newspaper that once everything -- the
9 bankruptcy started, that everything was turned
10 over to the bankruptcy court and put under a
11 seal, that we didn't retain anything.

12 BY MR. FINNEGAN:

13 Q Did anyone in the Archdiocese outside of the
14 attorneys here, any attorneys, tell you that,
15 that the files had been transferred to the
16 bankruptcy court and were under seal?

17 A Barbara Anne Cusack had, you know, at some point
18 said everything had been, you know, taken to the
19 court. As far as under seal, I don't recall if
20 she said it or if it was just television or
21 newspaper.

22 Q Barbara Anne Cusack, she has an office in the
23 Cousins Center, as well?

24 A Yes, she does.

25 Q In the few times you were provided documents on

1 the alleged perpetrators from the Vicar for
2 Clergy, were you given copies of those documents?

3 A For myself?

4 Q Yes.

5 A I may have been given one or two copies of
6 something, but I don't maintain files and stuff
7 other than what you have.

8 MR. LO COCO: Just for the record, you
9 were pointing at copies of his logs?

10 THE WITNESS: The status reports.

11 MR. FINNEGAN: We can make this
12 Exhibit 1. I'm not going to use it yet, but this
13 is the -- I will represent to you, Kathy is going
14 to mark it, we don't have to look at this yet,
15 but these are what appear to be at least the
16 status reports on Franklyn Becker that we were
17 able to pull out of the production on Franklyn
18 Becker.

19 (Exhibit 1 was marked.)

20 BY MR. FINNEGAN:

21 Q So for each of the priests that you have either
22 done oversight or monitoring for, have you
23 maintained status reports like this?

24 A Yes.

25 Q And you said earlier that you give a copy of that

1 status report to the Vicar for Clergy?

2 A Correct.

3 Q Do you also keep a copy for yourself?

4 A I keep it on computer. I don't have a hard copy.

5 Q Is there anyplace where there are files kept
6 pertaining to the monitoring or oversight program
7 in the Archdiocese?

8 A I don't know. I turned this into the Vicar. I
9 don't know if he keeps it. He knows that I have
10 it on computer, so I don't know if he maintains a
11 file or not.

12 Q You told us your conversation with -- or at least
13 with Deacon McGuine had told you about Franklyn
14 Becker. After you met with him and throughout
15 your time being his monitor or person in charge
16 of his oversight, did you share his opinions?

17 A McGuine's opinions?

18 Q Yes, you had said that Becker -- not to trust
19 him?

20 A Did I share them myself internally, I came to
21 that belief, or I shared it with somebody, no.

22 Q Did you agree with his observations?

23 A Yes, yes.

24 Q Do you have any examples or observations about
25 Franklyn Becker and him being untruthful or

1 dishonest that you can remember in your dealings
2 with him?

3 MR. LO COCO: You don't want him looking
4 at his status reports, you are interested in what
5 comes to mind?

6 MR. FINNEGAN: No. Yes, is there
7 anything that comes to mind.

8 THE WITNESS: Dishonest only in that he
9 never admitted abusing anybody. Other than that,
10 I believe he was pretty much honest.

11 BY MR. FINNEGAN:

12 Q Maybe that was the wrong word. Maybe
13 manipulative, something like that where -- Did
14 you ever get a sense where he was trying to use
15 you in that process?

16 A Yes. He would regularly, like I said in the
17 beginning, he would -- it would be a simple
18 matter for him to pick up the telephone and call
19 regarding an insurance issue or a question
20 regarding ministry, but he normally would ask me
21 to do it for him. In some cases I did and in
22 some cases I just said, no, he needed to do it
23 himself.

24 Q When you started the monitoring program of
25 Franklyn Becker in early 2001, who else was told

1 about his background in the communities where he
2 was living or working?

3 A I have no knowledge of anybody.

4 Q At that time did it concern you that he was doing
5 help out work at the parishes?

6 A No, it didn't because that's -- When I first met
7 him I had just started in that position, and that
8 was prior to -- it was '02 with Cardinal Law when
9 everything really came out, so no.

10 Q At any point when you were monitoring or
11 providing oversight for Franklyn Becker, did
12 anyone ever in the Archdiocese ever provide you
13 with his history, the different reports that had
14 been made about him and when those reports were
15 made?

16 A No.

17 Q Did anyone ever tell you that he had been
18 diagnosed as a pedophile?

19 A No.

20 Q You had mentioned before that Franklyn Becker
21 never admitted to abusing any kids. Did you have
22 conversations specific to that where you asked
23 him to admit abusing certain kids or just in
24 general to that?

25 A In general, yes, I had asked him if he abused any

1 kids, and he had brought up a couple of names
2 which are in the reports, you know, and indicated
3 that he didn't abuse them.

4 Q Did you believe him?

5 A No.

6 Q Did he ever discuss with you any conversations
7 that he had or warnings that he was given by any
8 of the Archbishops or people in the hierarchy in
9 the Archdiocese before you became involved?

10 A No.

11 Q Specifically did you have any discussions with
12 him, with Franklyn Becker, where he talked about
13 meeting with Archbishop Cousins about, you know,
14 allegations of sexual abuse or any improprieties?

15 A No, unh-unh.

16 Q Did you have any conversations with him about
17 problems that he had had with any pastors at any
18 parishes where he was located in his history?

19 A He talked about not getting along with a pastor
20 when he was out in California. I think there
21 were several priests inside the rectory besides
22 he and the pastor, but I don't know if it was a
23 total of three or four, but I don't think he and
24 that pastor got along.

25 Q Any other pastors that you remember him

1 discussing in that context?

2 A Not offhand.

3 Q What about Archbishop Weakland? Did Father
4 Becker indicate any previous conversations or
5 warnings that he had received from Archbishop
6 Weakland in regards to child sex abuse?

7 A No.

8 Q Did Father Becker mention any conversation that
9 he had with Joe Janicki pertaining to allegations
10 of child sex abuse?

11 A I believe he talked -- or talked about Janicki --
12 He had come back from a cruise, I think it was,
13 and upon getting back I believe Janicki, and I
14 don't remember who else, possibly Liz Piasecki
15 had called him into interview again, and there
16 were, as I recall, some other men in the room
17 that he thought might be law enforcement. That's
18 all I remember.

19 Q I forgot to ask this earlier. Did you review any
20 documents in preparation for today's deposition?

21 A I did.

22 Q What did you review?

23 A My status reports.

24 Q Did you review them in hard copy or on your
25 computer?

1 A On the computer.

2 Q Did you review anything else?

3 A I kept these, and then there's also a log that I
4 maintained that I went through, also, and looked
5 at. The log was just a very brief notation, you
6 know, date and time where I met him. There might
7 be a sentence or two regarding the meetings.

8 MR. LO COCO: I can give you the Bates
9 range, if that helps.

10 MR. FINNEGAN: I will just ask him
11 generally.

12 BY MR. FINNEGAN:

13 Q Was the log that you kept on the meetings that
14 you had with Franklyn Becker, did you also turn
15 that over to the Vicar for Clergy?

16 A I did not. Well, I'm sorry, I did. The status
17 reports I turned in when I completed them the
18 same day or the next day. The log, I would give
19 him copies of the log when I got several pages.

20 Q Did you type the logs, as well?

21 A Yes, on the computer.

22 Q Did you keep logs on each of the accused priests
23 that you either oversaw or monitored?

24 A It was one general log, but they each had
25 individual status reports.

1 MR. FINNEGAN: Why don't we take a short
2 break here.

3 MR. LO COCO: Sure.

4 VIDEOTAPE TECHNICIAN: We're going off
5 the record at 10:46 a.m.

6 (A recess was taken.)

7 VIDEOTAPE TECHNICIAN: We're back on the
8 record at 10:55 a.m.

9 BY MR. FINNEGAN:

10 Q Deacon, I'd like to switch topics here and then I
11 will get back to some of the specific documents
12 here. The topic that I want to talk about is the
13 call that you had with Detective Jeff Harbridge.
14 Do you remember that?

15 A Yes.

16 Q How many conversations have you had with
17 Detective Harbridge?

18 A One.

19 Q He called you?

20 A No, I called him.

21 Q How did you end up calling him? How did that
22 come about?

23 A Sister Susan Rosenbach had called me down to her
24 office and said she had gotten a call from the
25 detective, and she wasn't real sure what he

1 wanted or if he knew what he wanted. She thought
2 he sounded kind of young and inexperienced, and
3 she just didn't quite understand him or there was
4 something missing in the translation. So she
5 asked me if I would give him a call.

6 Q The conversation that you had with Sister Susan,
7 was that in person or over the phone?

8 A That was in person. I believe that was
9 December 6th.

10 MR. LO COCO: Just for the record, I'm
11 not interrupting this, but I will object to this
12 inquiry. I don't think it's related to the two
13 claims that we are dealing with, but I just want
14 my objection on the record.

15 MR. FINNEGAN: You can have a continuing
16 on this whole line.

17 MR. LO COCO: Thanks.

18 BY MR. FINNEGAN:

19 Q Did Sister Susan tell you what priests or former
20 priests the call from Detective Harbridge
21 involved?

22 A She wasn't sure, because she said she didn't
23 think he knew.

24 Q How long was the conversation that you had with
25 Sister Susan?

1 A Maybe ten minutes, five to ten minutes.

2 Q In her office or yours?

3 A In her office.

4 Q Anyone else present?

5 A No.

6 Q Did Sister Susan, to your knowledge, tell anyone
7 else besides you about the call from the police
8 detective?

9 A Not to my knowledge.

10 Q After speaking with Sister Susan, but before you
11 called Detective Harbridge, did you talk to
12 anybody else about that?

13 A No.

14 Q That conversation with Sister Susan was
15 December 6th?

16 A I believe it was the 6th, and I called Harbridge
17 the next day.

18 Q Tell me about that conversation.

19 A I called him and told him who I was and why I was
20 calling, he had called Sister Susan and asked if
21 there was some way that I could help him. He
22 asked about the procedures, you know, when we got
23 a complaint, and I explained to him what we did.
24 He asked about father -- asked for information
25 about Father Wagner that he was investigating,

1 and I asked him which one, and he said he really
2 wasn't sure. He thought Jerry, but there was
3 also he thought John, and he didn't know if it
4 was the same or different. He then went on to
5 explain that one or two people were complaining,
6 that they had gone back some time. It had
7 occurred when Father Wagner was at St. Jerome's
8 in Oconomowoc.

9 He had gone to the police station there
10 and had learned that a former chief of police,
11 whoever the chief of police was at the time of
12 these incidents, had since retired, had moved
13 somewhere in the Fond du Lac area and had taken
14 reports with him. Apparently those were -- I
15 don't know what all reports he took, but when he
16 left, he took reports. So then he had asked if
17 he could have copies of our reports, the
18 complaints that were made that we were aware of,
19 and I said I didn't have them, that, in fact, no
20 one did, that they had all be turned over to the
21 court, and to my knowledge he would have to
22 contact the court because everything was sealed.

23 Q Who had told you that, that everything had been
24 turned over to the court?

25 A Nobody specific. I think it was just kind of

1 from the papers. We were told, you know, don't
2 get rid of any documents, everything is down at
3 the court, all the originals are at the court and
4 everything is sealed, deposition, whatever. As
5 far as I knew, the court had it and had it under
6 their lock and key.

7 Q So Detective Harbridge told you enough that you
8 knew that there was a police investigation into a
9 Father Wagner?

10 A Yes.

11 Q You knew it involved allegations of child sex
12 abuse?

13 A Yes. He didn't go into details of, you know, any
14 specifics of it.

15 Q And he indicated to you that he wanted to get any
16 documents that the Archdiocese had about reports
17 on Father Wagner?

18 A He asked me if he could have copies of the
19 reports that we had, yes.

20 Q Before Detective Harbridge had contacted you, did
21 you know Father Jerome Wagner?

22 A I contacted Harbridge. He didn't contact me.

23 Q I will rephrase that. Before the conversation
24 with Detective Harbridge.

25 A I have never met Father Wagner, either of the

1 Father Wagners.

2 Q What did you do after the phone conversation with
3 Detective Harbridge developed into this
4 information?

5 A I just told Sister Susan that I had talked to
6 him, that I agreed with her he sounded kind of
7 youngish, maybe a little inexperienced, and I
8 told her that I had advised him that we didn't
9 have the reports, they were all at the court and
10 he'd have to go through the court to get them
11 because, you know, my understanding was they were
12 all sealed. She basically said thank you.

13 Q Did you have that conversation with Sister Susan
14 in person or over the phone?

15 A In person.

16 Q Same day that you talked to Detective Harbridge?

17 A I believe so.

18 Q In her office or yours?

19 A I think her.

20 Q Anyone else present?

21 A No.

22 Q Did you tell anyone else about the conversation
23 that you had with Detective Harbridge?

24 MR. LO COCO: At the time?

25 MR. FINNEGAN: Since.

1 MR. LO COCO: Oh.

2 MR. FINNEGAN: Besides your attorneys.

3 THE WITNESS: Besides, no.

4 BY MR. FINNEGAN:

5 Q Did you tell Barbara Anne Cusack?

6 A Oh, I'm sorry. Yes.

7 MR. LO COCO: Well --

8 MR. FINNEGAN: Do you want a time frame?

9 MR. LO COCO: Let's go off the record
10 for a second.

11 VIDEOTAPE TECHNICIAN: We're going off
12 the record at 11:04 a.m.

13 (A discussion was had off the record.)

14 VIDEOTAPE TECHNICIAN: We're back on the
15 record at 11:05 a.m.

16 BY MR. FINNEGAN:

17 Q Deacon, time frame wise I want to put a time
18 frame on this next question and ask you about the
19 period from the time that you talked to Detective
20 Harbridge until the time that we filed a motion
21 relating to the documents on Wagner. First, are
22 you aware we filed a motion relating to the
23 production of the documents on Wagner?

24 A I am now.

25 Q Did you become aware of that at the time that it

1 was filed, close to it?

2 A After.

3 Q So what I want to do in this next question is ask
4 you about anything that you did or knew before we
5 filed that motion. Does that make sense?

6 A Um-hum.

7 Q Is that a yes?

8 A Oh, I'm sorry. Yes.

9 Q So from the time that you -- from the time you
10 talked to Detective Harbridge until the time we
11 filed the motion related to the documents on
12 Jerome Wagner, did you talk to anyone else about
13 the conversation with Detective Harbridge besides
14 Sister Susan?

15 A No.

16 Q Why not?

17 A I didn't feel there was any need to. She had
18 asked me to call him, I did. I thought I gave
19 him the correct information, and I told her I had
20 contacted him. As far as I was concerned, that
21 that was it.

22 Q During that time period up until the time we
23 filed the motion, did you ever think maybe I
24 should ask Barbara Anne Cusack or the Vicar for
25 Clergy about what should have been done relative

1 to that request by the police?

2 A No.

3 Q Before we filed the motion did you speak to
4 Barbara Anne Cusack at all about Father Wagner?

5 A I don't know when you filed the motion.

6 Q What I want to stay away from -- stay clear from
7 is the --

8 A I would say no.

9 Q Did you ask Sister Susan in either of the
10 conversations with her about what the Archdiocese
11 knew about Father Wagner?

12 A No.

13 Q Did she tell you in those conversations anything
14 that she knew relative to Father Wagner?

15 A No, because, again, she got the impression -- She
16 wasn't sure what Father Wagner he was even
17 talking about.

18 Q You determined after talking to Detective
19 Harbridge that it involved Father Jerome Wagner?

20 A Yes. He used Jerry quite often. When he would
21 mention him, he would say "Jerry." I didn't pull
22 any records to see who was at St. Jerome, if it
23 was a different Wagner.

24 Q After we filed the motion seeking to have some of
25 the documents released on Jerome Wagner, you

1 spoke to Barbara Anne Cusack?

2 MR. LO COCO: Object to the question.

3 It asks him to reveal attorney-client privileged
4 communications, and I would instruct you not to
5 answer that question.

6 BY MR. FINNEGAN:

7 Q Did you speak with anybody at the Archdiocese of
8 Milwaukee in the Chancery Department at any time
9 about the conversation that you had with
10 Detective Harbridge?

11 MR. LO COCO: Same objection, same
12 instruction not to answer.

13 BY MR. FINNEGAN:

14 Q Since the conversation that you had with
15 Dr. Harbridge, have you spoken to Archbishop
16 Listecky about that conversation?

17 MR. LO COCO: You can answer that.

18 THE WITNESS: No, I haven't.

19 BY MR. FINNEGAN:

20 Q Has there been anyone within the Archdiocese of
21 Milwaukee that you have spoken to besides Sister
22 Susan about your conversation with Detective
23 Harbridge that wasn't at the request of Attorney
24 LoCoco or any of the attorneys in this firm?

25 A I'm not sure if I'm supposed to answer that or

1 not. I don't know.

2 MR. LO COCO: Well, I believe it calls
3 for divulging attorney-client privileged
4 communications, or it may. You know, I permitted
5 the Archbishop Listecky question because I knew
6 that I didn't direct that conversation, but there
7 has been -- I told the court this, without
8 revealing or waiving privilege, there was a very
9 quick figuring out, investigation, of what
10 happened here and what went wrong with Sister
11 Susan's office, and I would instruct the witness
12 not to respond regarding any of those festivities
13 or discussions in the last week or so. So, I
14 mean, their motion was filed on December -- on
15 January 17th, I think, so you have already
16 answered regarding Archbishop Listecky, but any
17 other conversations you have had regarding this
18 issue since January 17th I would instruct you not
19 to answer.

20 BY MR. FINNEGAN:

21 Q Have you had any conversations since January 17th
22 with Sister Susan about the conversations that
23 either one of you had with Detective Harbridge?

24 MR. LO COCO: And that's a yes or a no.
25 I think you are entitled to that.

1 THE WITNESS: Yes.

2 BY MR. FINNEGAN:

3 Q How many times?

4 A Once or twice passing in the hall. Just very
5 brief.

6 Q What was said?

7 MR. LO COCO: Object and instruct the
8 witness not to answer because of attorney-client
9 privilege.

10 BY MR. FINNEGAN:

11 Q I just want to make sure that we're completely
12 clear here. From the time that you spoke to
13 Detective Harbridge and found out that there is a
14 police investigation into Father Jerry Wagner up
15 until the time we filed the motion to have some
16 of those records revealed, you didn't talk to
17 anyone in the Archdiocese?

18 A Correct.

19 Q Have you spoke with Detective Harbridge at all
20 since that first conversation?

21 A No.

22 Q Did you take notes of that conversation, the
23 first one, with Detective Harbridge?

24 A I did.

25 Q What did you do with those notes after you took

1 them?

2 A They are in my office.

3 Q Handwritten notes or on the computer?

4 A No, just as I talked to them I took just a couple
5 of written notes.

6 Q Do you still have those today?

7 A I do.

8 Q Did you take any notes at all during any of the
9 conversations with Sister Susan?

10 A No.

11 Q Other than taking notes, did you document the
12 conversation that you had with Detective
13 Harbridge in any other way?

14 A I maintain a daily log, and I'm guessing I put an
15 entry in there to the effect --

16 MR. LO COCO: Well, I don't want you
17 guessing.

18 THE WITNESS: Okay. I would say there's
19 an entry -- I don't know what it actually word
20 for word would be.

21 BY MR. FINNEGAN:

22 Q Let me -- I can probably get that part clear. So
23 you maintain a daily log in your responsibilities
24 as working for the Archdiocese?

25 A Yes.

1 Q And in that daily log generally you keep entries
2 for the various things that happen during your
3 workday?

4 A Yes.

5 Q Have you gone back to look at all to see if on
6 December 6th or December 7th that there's an
7 entry of the conversation that you had with
8 Detective Harbridge?

9 A Yes.

10 Q And is there an entry?

11 A Yes, I am 99 percent sure there's an entry.

12 Q Any other documentation of your call with
13 Detective Harbridge that you are aware of besides
14 the notes that you took during the conversation
15 and most likely an entry in your daily log?

16 A No, there's nothing else.

17 Q Have you since then signed any statement or given
18 an affidavit that you have signed relative to the
19 conversation with Detective Harbridge?

20 A No.

21 Q Have you since then signed any statement or given
22 an affidavit that you have signed relative to the
23 conversation with Detective Harbridge?

24 A No.

25 MR. FINNEGAN: We do request a copy of

1 both those, the entry of the daily log relative
2 to that conversation and the notes that he took
3 of the conversation.

4 MR. LO COCO: I'm going to ask
5 Mr. Zimprich to save those and get me a copy and
6 I will look at them and let you know. If you
7 could just shoot me an email to remind me, I
8 would appreciate it. You don't need to send a
9 letter.

10 BY MR. FINNEGAN:

11 Q At any point from the time that you spoke to
12 Sister Susan and then had the conversation with
13 Detective Harbridge until the time that we filed
14 a motion relative to those documents, did it ever
15 cross your mind that maybe you should check with
16 somebody that deals with those documents more
17 directly on a day-to-day basis?

18 MR. LO COCO: Objection, asked and
19 answered, but you can answer again.

20 THE WITNESS: No.

21 BY MR. FINNEGAN:

22 Q Did you think it was important for other people
23 in the Archdiocese of Milwaukee, anybody that was
24 one of your superiors, to know that there was an
25 ongoing police investigation into one of the

1 Archdiocese's former priests?

2 A No.

3 Q Why not?

4 A Because that was Sister Susan's office. I was
5 just assisting her. I relayed to her what my
6 conversation with the detective was. As far as I
7 was concerned, I was done with it. Anything
8 further would she would be handling or would be
9 her response.

10 Q Do you know if, from the time that the first call
11 came to Sister Susan until we filed a motion
12 relative to those documents, did Sister Susan
13 talk to anybody else in the Archdiocese besides
14 yourself about that?

15 A I don't know.

16 Q Has she told you one way or the other?

17 A Indirectly, yes, yes.

18 Q When did she tell you? Before it what's filed,
19 did you say?

20 A Yes. Oh, no, any conversation we had was after.

21 Q I'm asking just so we are clear. The
22 conversation that you had with Sister Susan was
23 after?

24 A After I talked to Harbridge?

25 Q Yes.

1 A I saw Sister Susan and I told her about the
2 conversation. From that point until when you
3 filed there was no discussion about Harbridge
4 with anybody.

5 Q After that point when you had -- the one or two
6 times that you passed Sister Susan in the hall
7 and discussed it, did Sister Susan mention any
8 conversations that she had with anybody else in
9 the Archdiocese?

10 A Prior to the motion?

11 Q Before the motion was filed.

12 MR. LO COCO: Object and instruct the
13 witness not to answer that. That's a question
14 that would divulge attorney-client
15 communications, and those are privileged.

16 MR. FINNEGAN: My question is asking if
17 Sister Susan mentioned any conversations that she
18 had with other people in the Archdiocese before
19 we filed the motion.

20 MR. LO COCO: As long as you are going
21 to agree that that -- that an answer to that
22 question isn't an attorney-client privilege
23 waiver, I will let him answer that.

24 MR. FINNEGAN: I will.

25 MR. LO COCO: Okay. You can answer

1 that, if you understand it.

2 THE WITNESS: I think the answer is no.

3 MR. FINNEGAN: Okay.

4 THE WITNESS: We didn't talk about
5 anything.

6 BY MR. FINNEGAN:

7 Q Do you know if Sister Susan kept any notes or
8 documented the conversation that she had with
9 Detective Harbridge?

10 A I know as a course of business she keeps notes.
11 I did not see any notes. I can only assume that
12 she did.

13 MR. LO COCO: As long as we're on the
14 record here, I'm going to put on the record that
15 Detective Harbridge is in possession of the
16 records regarding Jerome Wagner. He obtained a
17 full copy last week.

18 MR. FINNEGAN: And is that all documents
19 that were produced to us on Jerome Wagner were
20 also -- he has a copy of those now?

21 MR. LO COCO: Yes. There were a handful
22 of things that were attorney-client privileged,
23 which we advised him of. Same things that are on
24 your log. But otherwise he has gotten
25 everything, to the best of our ability. It's a

1 pretty hefty stack.

2 MR. FINNEGAN: Right. I understand.

3 BY MR. FINNEGAN:

4 Q Deacon, let's take a look at Exhibit 1 here
5 which, to the best of our ability, was the -- The
6 status reports weren't always all together, so we
7 did our best to take them out and put them in
8 chronological order.

9 A Okay.

10 Q Looking at these briefly, Deacon, you don't need
11 to read all of them, but just flipping through
12 them, do these appear to be the status reports
13 that you created during the time that you were a
14 monitor or the oversight person for Franklyn
15 Becker?

16 A Yes.

17 Q If you'd turn to -- The first date, these are in
18 chronological order, the July 2001 status report,
19 and the second page of that has a handwritten
20 note there at the bottom. That page is Bate
21 stamped last numbers -- or 26545. Is that your
22 handwriting there, Deacon?

23 A Yes, it is.

24 Q And it states "Joe." Is that Joe Hornacek?

25 A It is.

1 Q It states, "There is a problem. He continues to
2 be alone. He is always monitoring, or attempting
3 to monitor, other pending cases." What's that
4 word after "cases?"

5 A I'm trying to figure it out, too.

6 MR. LO COCO: Is it both?

7 THE WITNESS: Yes, both here and
8 elsewhere.

9 BY MR. FINNEGAN:

10 Q What did you think was a problem about him
11 monitoring the cases here and elsewhere?

12 A He was always asking about other priest's cases.
13 You can see at the top here Father John O'Brien.
14 He brought him up. He would ask about different
15 people, and Joe at one time had it -- told me or
16 told him or told me to tell him quit worrying
17 about other priests, mind his own business. So I
18 did that, and then here it says continues, you
19 know, to be alone, live alone, and whenever I see
20 him he asks about, you know, this priest or that
21 priest.

22 Q Did it concern you when you said there's a
23 problem here that he might reoffend -- that he
24 might reoffend?

25 A No, no, the problem was that he had been told,

1 you know, not to worry about other priests, you
2 know, he would look up -- I think he went to the
3 library on a computer and he would look up trying
4 to find articles both here and across the country
5 on clergy sexual abuse.

6 Q Did you ask him about the allegations that people
7 had made against him in a general way of people
8 that claim that they were abused as children by
9 Father Becker? I know before you had said that
10 he didn't admit that. Did he deny that?

11 A Yes. It's my recollection, yes.

12 Q Have you maintained any contact with Father
13 Becker at all since the last entry in here, which
14 is approximately February 2005?

15 A I don't know what that entry says. I know I
16 contacted him once at Barbara Anne Cusack's
17 request to follow up on a question on something,
18 that would have been around that time, but
19 otherwise we met with him on I believe it was on
20 or about the 4th of December in 2004, Curt
21 Frederick and I, and that's when we notified him
22 he had been laicized, had him sign the papers.
23 After that I had only minimal contact, once or
24 twice. Again, he would call me, and there was a
25 period of six, eight months or better, and then I

1 think I was asked to call him about something,
2 but that would have been it.

3 Q Have you had any contact with him in the last,
4 say, five years? That would be from 2007 to the
5 present?

6 A No.

7 Q If you can, Deacon, let's look at the June 2002
8 status report.

9 A Um-hum.

10 Q You are welcome to read the whole thing, but I
11 just have a specific question. There's a
12 paragraph -- This is Bates labeled 26522, the one
13 down in the corner, just for the record here.
14 And in the fourth paragraph from the bottom it
15 starts out, "He brought up the guidelines." Do
16 you see that paragraph?

17 A Um-hum.

18 Q It says, "He wondered if any of the other men I
19 am seeing has the instruction stating they are
20 not allowed to speak to the press. He went on
21 saying he thought this had been put into his
22 restrictions because back in 1981 he had given an
23 interview to the press. He didn't think the
24 authorities in the Archdiocese at the time liked
25 this at all."

1 A Um-hum.

2 Q Do you remember the discussion that you had with
3 him about this particular restriction being
4 placed on him?

5 A Not a lot more than what's here. He at some
6 point in time had spoken to the press. My
7 recollection is it probably was Joe Hornacek and
8 maybe Barbara Anne, I don't know, were upset. I
9 just recall people upset that at one point in
10 time he had talked to the press.

11 Q And that is your understanding from Franklyn
12 Becker, that he was instructed by somebody in the
13 Archdiocese not to speak to the press any
14 further?

15 A Yes. Either not to speak or they were unhappy
16 that he did and wished he hadn't.

17 Q Do you have any other information besides what
18 you have told us and what's in this paragraph
19 here about that?

20 A This specific --

21 Q Yes.

22 A No, not that I --

23 MR. FINNEGAN: I'm going to give you
24 another exhibit here.

25 MR. LO COCO: This is 2?

1 MR. FINNEGAN: Yes.

2 (Exhibit 2 was marked.)

3 BY MR. FINNEGAN:

4 Q Having you now looked at Exhibit 2, Deacon, do
5 you remember getting a copy of this?

6 A Yes.

7 Q What was the arrangement, if you are aware,
8 whereby Franklyn Becker received \$10,000 from the
9 Archdiocese of Milwaukee?

10 A In meetings with him he would ask about his case,
11 had anything come back from Rome or did I know
12 anything, and I would tell him no, because at
13 those points nothing had. I wasn't aware of the
14 status of the case either within the Archdiocese
15 or Rome. So he would ask, but he would also
16 bring up financial issues, which he from early on
17 when I started meeting him he complained about
18 lack of income, because he was no longer getting
19 money for continuing formation, other expenses
20 that priests routinely would get. He was still
21 allowed to be a help out early on, and he would
22 get paid for that, but he drove a Lexus at the
23 time and, I mean, I just thought he was living
24 pretty good.

25 But it was a constant complaint about

1 finances and what if he were laicized what would
2 he live off of. He explained at one time, if not
3 more than once, that early on the Archdiocese did
4 not encourage priests to go on Social Security or
5 they couldn't, I don't recall, but at some point
6 in time it was then all right for priests to
7 apply for Social Security. He did not do so for
8 several more years. Then he did apply --
9 register or start paying in to Social Security.

10 His concern was if he were laicized, he
11 would not be old enough or not have enough
12 quarters and not be old enough to get any income,
13 Social Security and Medicare or anything. That
14 was his big concern. I took that back to the
15 Vicar, and I don't know what the discussions were
16 or who had any discussions or who made any
17 decisions. The ultimate was that the Archbishop,
18 Archbishop Dolan at the time, I'm guessing, made
19 the decision that out of --

20 MR. LO COCO: Go ahead. I don't -- You
21 said "guess," and that's always a problem for
22 lawyers, but go ahead and finish your answer.
23 I'm sorry. Kathy, can you remind him where he
24 was? I apologize.

25 COURT REPORTER: "The ultimate was that

1 the Archbishop, Archbishop Dolan at the time, I'm
2 guessing, made the decision that out of justice
3 -- "

4 THE WITNESS: Somebody made a decision
5 that out of charity and justice the church needed
6 to give him a set amount of money, and then he
7 could not come back and ask for any other, which
8 would allow him to pay for his living expenses
9 and I believe to help pay for some insurance, and
10 that amount was \$10,000. To my knowledge, that
11 was based on what he was receiving as sustenance
12 from the Archdiocese, because by that time he had
13 been removed from all ministry and had no outside
14 income that I or that we were aware of.

15 BY MR. FINNEGAN:

16 Q Do you know who made the ultimate decision for
17 him to receive the \$10,000?

18 A No.

19 Q Did you have any role in that decision-making
20 process besides relaying the information that he
21 was making the request for some financial help?

22 A I was in no part -- part of none of those
23 decisions.

24 Q When you indicated to the Vicar for Clergy that
25 Franklyn Becker had asked for some sort of

1 assistance, did you have a specific number in
2 mind that you suggested to the Vicar for Clergy?

3 A I did not.

4 Q Were you aware before this \$10,000 check was
5 given to Franklyn Becker was he given any other
6 lump sum payments similar to this?

7 A Not to my knowledge.

8 Q Did Franklyn Becker have to sign anything
9 relative to getting this \$10,000 check?

10 A He signed the laicization papers.

11 Q Did he have to sign any type of release or
12 settlement agreement with the Archdiocese of
13 Milwaukee?

14 A Not that I'm aware of.

15 Q Were there other priests that you were involved
16 with in the oversight or monitoring program that
17 were also given similar lump sum payments?

18 A I'm not sure. I don't know. Do we need to take
19 a break? I have a question for you.

20 MR. LO COCO: Oh. It's up to you.

21 MR. FINNEGAN: Sure.

22 VIDEOTAPE TECHNICIAN: This ends Disk

23 No. 1 of the video deposition of David L.

24 Zimprich on January 28, 2013; the time 11:40 a.m.

25 (A recess was taken.)

1 VIDEOTAPE TECHNICIAN: This is the
2 beginning of Disk No. 2 of the video deposition
3 David L. Zimprich on January 28, 2013; the time
4 11:44 a.m.

5 BY MR. FINNEGAN:

6 Q Deacon, I will go back to that last question in a
7 second here, but I did realize that there was one
8 other thing that I didn't -- possibly didn't get
9 everything on, and that was the documents that
10 you reviewed for today. You said that you
11 reviewed your monitoring log that you had, is
12 that correct?

13 A Um-hum.

14 Q Is that a yes?

15 A Yes.

16 Q No problem. And you reviewed your status reports
17 relative to Franklyn Becker?

18 A Yes.

19 Q Did you -- We discussed them, but I don't know if
20 you reviewed them or not. Did you review the
21 notes that you had about the conversation with
22 Detective Harbridge?

23 A Yes.

24 Q Did you review your daily log that you keep
25 relative to the Harbridge conversation?

1 A I think so.

2 Q Anything else besides those four things that you
3 reviewed in preparation for today's deposition?

4 A No, sir.

5 Q And then before we took a break we were having a
6 discussion about the \$10,000 that Franklyn Becker
7 received, and I understand that the -- my
8 follow-up question may not have been as precise
9 as it should have been. First I will start out
10 was there anybody else in the Archdiocese -- I
11 will move to the -- I will break it down into the
12 people that petitioned for voluntary laicization
13 and those that didn't petition for voluntary
14 laicization. So let's start with those like
15 Becker who did not petition for voluntary
16 laicization. Are you aware of any other priests
17 in the Archdiocese of Milwaukee that were accused
18 of sexually molesting children that were given a
19 lump sum payment?

20 A I have to go through the guys. No.

21 Q And then the people that voluntarily petitioned
22 for laicization, are you aware of any payments
23 that were made to those individuals?

24 A Yes, but I didn't make them.

25 Q What are you aware of in that regard?

1 A That Father John O'Brien got money, I believe
2 \$10,000, to voluntarily seek laicization with the
3 agreement that when he was laicized he would get
4 a second check or payment of \$10,000, and that
5 would be it.

6 Q Anyone else besides Father John O'Brien that you
7 are aware of that voluntarily petitioned for
8 laicization who had a similar arrangement of a
9 payment before -- at time of petition and when
10 the laicization was granted?

11 A No.

12 Q You are aware John O'Brien was accused and
13 convicted of sexually molesting kids?

14 A I know he had been found guilty of one charge. I
15 don't know what the exact charge was.

16 Q Were you his monitor or oversight person --

17 A Yes.

18 Q -- at the time of the payments?

19 A I guess -- I can't say guess. Yes. Once he was
20 laicized, I stopped seeing him. I didn't
21 personally give him any checks.

22 Q Do you know when the first check was given to him
23 when he first sought laicization?

24 A I do not.

25 Q Do you know who made the decision to give Father

1 John O'Brien the payments?

2 A I do not.

3 Q Do you know if there's any generalized overall
4 policies pertaining to priests that had been
5 accused of sexually molesting kids that have
6 either petitioned for voluntary laicization or
7 requested assistance, if there's any generalized
8 policy in the Archdiocese to give them money?

9 A Not that I'm aware of.

10 MR. FINNEGAN: I don't have anything
11 else.

12 MR. LO COCO: Let's go off the record.

13 VIDEOTAPE TECHNICIAN: We're going off
14 the record at 11:50 a.m.

15 (A recess was taken.)

16 VIDEOTAPE TECHNICIAN: We're back on the
17 record at 11:53 a.m.

18 EXAMINATION

19 BY MR. LO COCO:

20 Q Deacon, I just have a few clarification
21 questions. You were asked earlier a question
22 that led you to say that you maintain a daily
23 log. Do you recall that?

24 A Yes.

25 Q Okay. And so here's my question. Is that one of

1 the things that you are required to do in your
2 role at the Archdiocese, is that your own habit
3 or is it both?

4 A It's my own habit. I'm not required to.

5 Q Old habit from being on the police force?

6 A It's from being on the police department. When a
7 phone call came in, you logged everything.

8 Q Other than Detective Harbridge, that incident
9 which Mr. Finnegan asked you about, have you
10 fielded any other requests by law enforcement
11 where you gave -- well, any other requests by law
12 enforcement for documents regarding any of these
13 known abusers?

14 A No.

15 Q Are you aware of what conversations, if any, took
16 place between me and Sister Susan or Sister Susan
17 and others at my direction about how to handle
18 requests like the one from Detective Harbridge?

19 A No.

20 Q Has it ever been your job to work with or deal
21 with abuse survivors?

22 A No.

23 Q When you met with Franklyn Becker, I think you
24 said it was December of 2004, and gave him the
25 documents regarding his laicization, was his

1 signature required to make the laicization
2 effective or, in other words, did he have to sign
3 the documents?

4 A He did not. He was laicized the moment the Pope
5 signed the documents. We were basically serving
6 him, giving him copies, notifying him that he had
7 been laicized and asked him to sign it showing
8 that he had received copies both in Latin and
9 English. Had he not signed, I would have written
10 refused in the signature block and initialed.

11 MR. LO COCO: That's all I have. Thank
12 you.

13 EXAMINATION

14 BY MR. FINNEGAN:

15 Q What's the general policy within the Archdiocese
16 in your responsibilities with regard to
17 documenting your work throughout the day?

18 A Initially when I started I didn't document. Then
19 I was asked by Joe Hornacek to kind of keep a
20 log. My understanding from that conversation was
21 they weren't real sure what my predecessor did
22 all day, and so I basically had to justify my
23 job.

24 Q What about outside of your job as an overseer or
25 monitor? Are you required to document your other

1 activities, the other things that you are
2 involved with in the Archdiocese?

3 A Other than oversight?

4 Q Yes.

5 A No. I keep my log. No, just the log.

6 Q What do you do with the log after you make
7 entries in it? Do you ever show that to anyone?

8 A Yes, I make entries throughout the week. When I
9 come in on Monday morning I make a Xerox copy for
10 my file. I keep a hard copy. I also leave -- I
11 mean, they are all on the computer. I also make
12 five copies. I give one copy to the Vicar for
13 Clergy, one to the Archbishop's secretary to give
14 to him, one to Bishop Sklba's secretary to give
15 to him. She's the same secretary for Father Bill
16 Kohler, the Moderator of the Curia, so she gets
17 actually two copies, one for him and one for the
18 Bishop, and one to Bishop Hines' secretary to
19 give to him.

20 Q And you do that every week?

21 A I do that every Monday unless I'm off, and then
22 when I would come back, if it was vacation or
23 something, when I get back. The reason I don't
24 do it on Friday when I go home or at the end of
25 the week is because sometimes there's business

1 over the weekend.

2 Q And this log that you are describing, that had an
3 entry in it pertaining to the conversation that
4 you had with Detective Harbridge?

5 A To the best of my recollection, yes.

6 Q After giving that log to each one of the five
7 people that you described, did any of them
8 contact you and ask you about the conversation
9 you had with Detective Harbridge up until the
10 point that we filed the motion?

11 A No.

12 MR. FINNEGAN: Nothing further.

13 MR. LO COCO: I have nothing further.

14 Thanks.

15 VIDEOTAPE TECHNICIAN: This ends the
16 video deposition of David L. Zimprich on
17 January 28, 2013; the time 11:59 a.m.

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CERTIFICATE OF WITNESS

I, DAVID L. ZIMPRICH, have read the foregoing page and the corrections, if any, having been noted. The same is now a true and correct transcript of my testimony.

DAVID L. ZIMPRICH

STATE OF WISCONSIN)
_____) COUNTY)

Subscribed and sworn to before me this ____ day of _____, 2013.

Notary Public

In and for the State of Wisconsin

My commission expires _____, ____.

1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY)

3 I, KATHY A. HALMA, Registered
4 Professional Reporter and Notary Public in and for the
5 State of Wisconsin, do hereby certify that the video
6 deposition of DAVID L. ZIMPRICH, was taken before me at
7 the Law Offices of Whyte, Hirschboeck & Dudek, S.C.,
8 555 East Wells Street, Suite 1900, Milwaukee,
9 Wisconsin, on the 28th day of January, 2013, commencing
10 at 9:48 in the forenoon.

11 That it was taken at the instance of the
12 Debtor upon verbal interrogatories.

13 That said statement was taken to be used
14 in an action now pending in the UNITED STATES DISTRICT
15 COURT FOR THE EASTERN DISTRICT OF WISCONSIN BANKRUPTCY
16 COURT in which the ARCHDIOCESE OF MILWAUKEE is the
17 Debtor.

18 A P P E A R A N C E S

19 JEFF ANDERSON & ASSOCIATES, PA, 366
20 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,
21 by MR. MICHAEL G. FINNEGAN, appeared on behalf of the
Certain Personal Injury Claimants.

22 WHYTE HIRSCHBOECK DUDEK, S.C., 555
23 East Wells Street, Suite 1900, Milwaukee, Wisconsin,
53202, by MR. FRANCIS H. LOCOCO, appeared on behalf of
the Debtor.

24 That said deponent, before examination,
25 was sworn to testify the truth, the whole truth, and

1 nothing but the truth relative to said cause.

2 That the foregoing is a full, true and
3 correct record of all the proceedings had in the matter
4 of the taking of said deposition, as reflected by my
5 original machine shorthand notes taken at said time and
6 place.

7

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Notary Public in and

11

for the State of Wisconsin

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Dated this 31st day of January, 2013,

14

Milwaukee, Wisconsin.

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